

From: Larry Smith
To: [PTABNPR2018](#)
Subject: Support of Proposed Changes by USPTO
Date: Sunday, July 1, 2018 10:38:51 AM

This is Larry J. Smith an inventor and member of the Inventors Council of Central Florida in Orlando FL. Our group is a member of the umbrella group IGA (Inventors Groups Of America) which supports stronger patent rights.

I am writing in support of proposed changes by the USPTO to the claim construction standard for interpreting claims in trial proceedings before the patent trial and appeal board. We need to change this soon.

It is critical to Apply the Phillips standard of claim construction used in Article III courts. Applying BRI (broadest reasonable interpretation), as is now the case, to an issued patent is incorrect and harmful because that is the same standard used during the examination. Inspection prior to issuance necessarily must be stricter than inspection after issuance. Please act now to correct this.

Also, we must Defer to prior constructions, absent clear error. Often an accused infringer will seek a broad construction for purposes of invalidating a patent and a narrow construction for purposes of arguing non-infringement. This is not right or fair and causes a major burden on investors. If a court or the PTAB has previously adopted a construction of the same term in the context of the same or essentially the same specification, this construction must be adopted by the PTAB.

Please help every patent holder in the country by implementing a fair and balanced approach, while providing greater predictability and certainty in the patent system. Thank you for your consideration, Larry j. Smith 540 Daytona Ave. Holly Hill, Fl. 32117 (386) 846-6000