

From: Lois Walters
To: [PTABNPR2018](#)
Subject: PTAB Proposed rulemaking support
Date: Monday, July 9, 2018 2:00:32 AM

July 8, 2018

The Honorable Andrei Iancu
Director of the U.S. Patent and Trademark Office
Attn: Vice Chief Administrative Patent Judges
Michael Tierney and Jacqueline Wright Bonilla

Dear Sirs and Madam,

Broadest Reasonable Interpretation (BRI) of claim constructions used by the PTAB has created an imbalance which has weakened and eroded confidence in our once-great, patent system. BRI has contributed to the high rates of IPR invalidity outcomes which impacts not only patent licensing and enforcement but also casts a pall on patent ownership itself. Adoption of the Phillips rule as used in Federal District Courts and by the International Trade Commission would help alleviate existing inconsistencies and confusion. Therefore, I strongly support and urge replacing the Broadest Reasonable Interpretation with the Phillips claim construction for issued patents.

I also urge and support that the Office will consider any prior claim construction determination concerning a term of the involved claim in a civil action, or an ITC proceeding, that is timely made of record in an IPR, PGR, or CBM proceeding.

Sincerely,

Lois E. Walters