From:	King-Tim Mak
To:	PTABNPR2018
Subject:	Change to Claim Construction Standard
Date:	Wednesday, June 27, 2018 2:35:06 PM

Dear Sir:

I am writing to strongly support the Director's proposed changes in Patent Claim Construction Standard, as stated here:

https://www.federalregister.gov/documents/2018/05/09/2018-09821/changes-to-the-claim-construction-standard-for-interpreting-claims-in-trial-proceedings-before-the

Except for the "Infringement Lobby", which includes some of the biggest tech companies and the lawyers and politicians they control, anyone with their eyes open know that the existing patent system is destroying the future of this great nation.

We are ranked 12-th in the world, when we should be number one. And we must protect our inventors with reliable patent protection this nation should have the innovation and technology for the future.

We urgently need to change the current claim construction standard from BRI to Phillips. No other civilized nation uses a standard as ridiculous as BRI, the existence of which is solely for helping the infringing companies to steal inventions.

I totally agree with the following points made by IP-Watchdog:

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 same standard used during examination. Inspection prior to issuance necessarily must be stricter than inspection after issuance. This is a basic premise of quality control (6 sigma, TQM, lean, etc.). If the original examination is not done to a tighter standard than what is desired for the final product, then the final product is doomed to a high failure rate. More importantly, a patent claim can only be permitted to have a single scope, regardless of the adjudication venue. The patent owner, the public, and any accused infringer must all have notice and be able to rely on fixed metes and bounds in order for the patent to serve any useful purpose.

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 fair. 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.

Yours Sincerely,
King-Tim Mak
Concerned Citizen
Former Business School Professor