From:	karl schreiber
To:	PTABNPR2018
Subject:	docket # (PTO-P-2018-0036): comment Changes to the Claims Construction Standard for Interpreting Claims in Trial Proceedings Before the PTAB
Date:	Sunday, June 10, 2018 5:59:03 PM

Sir/Madam:

Yes, please adopt the proposed rule change, "Changes to the Claims Construction Standard for Interpreting Claims in Trial Proceedings Before the PTAB", which is the subject of your 9 May 2018 notice and is identified as docket # (PTO-P-2018-0036)

However, you should not stop there.

Patents give the patent holder the right to sue an infringer. This often leads to years of ligation. Since the adoption of AIA rules, the patent holder now has to also **defend the validity** of his issued patent at the Patent Office against seemingly all comers, who are using IPRs to attempt to invalidate the issued patents. Many of these IPRs seem to be brought by powerful corporations looking to steal the patent, hedge funds and others looking for a monetary settlement to make them go away. The AIA was supposedly put in place to address, what the Efficient Infringer Lobby **(i.e. pirates)** called Patent Trolls, Non Practicing Entities, and to get rid of bad patents, but instead seems to have created a whole new set of bad actors, who seem to be intent on enriching themselves at the expense of the inventor/patent holder.

So what should be done to correct this mess, all in my humble opinion:

1-First, don't issue a patent until the patent office is ready to defend that patent. An inventors application for a patent should initially be examined by a patent examiner as is done now, but that should just be the start of the process. Phillips claims construction should be the standard for the whole process.

2-This preliminary patent from the examiner should then be published in a relevant registry. A strict time limit should be allowed for anyone to comment and produce supporting evidence as to the invalidity of this preliminary patent.

3-The preliminary patent and any comments should then go before a committee (think FDA advisory like committee). The committee should be made up individuals from the relevant industry and schooled in the arts. Their recommendation should lead to the final issuance, or rejection of the patent. **Validity is now established once an for all.** No validity do overs by a court either. Courts should only address infringement disputes.

4-The whole process should be limited to a reasonable time period, maybe three years max.,

from initial application for a patent to the final issuance of the patent. Technology is such now days that this whole process does not need to drag on for the many years that the courts and AIA processes have now caused. Streamline the whole process by eliminating the Courts from the process of **validating** the patent and do away entirely with the AIA as it is not doing what it was intended to do. You really need to bring this whole process in to 21st century.

5-Since you, the United States Patent and Trademark Office is the issuing agency, any further legal processes should include you as a **liable defender of the issued patent**. Your defending the validity of the patent should give confidence to the patent holder to invest the necessary funds to market the patented idea without having to spend more funds on defending the validity of his patent again and again and again.

Let's make America great again by making our patent system the best and fairest in the world.

Regards,

Karl Schreiber