

# PUBLIC SUBMISSION

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**Docket:** PTO-P-2018-0036

Changes to the Claim Construction Standard for Interpreting Claims in Trial Proceedings Before the Patent Trial and Appeal Board

**Comment On:** PTO-P-2018-0036-0001

Changes to the Claim Construction Standard for Interpreting Claims in Trial Proceedings Before the Patent Trial and Appeal Board

**Document:** PTO-P-2018-0036-DRAFT-0010

Comment on FR Doc # 2018-09821

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## Submitter Information

**Name:** Nader Asghari-Kamrani

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## General Comment

To: Director Iancu

Regarding: COMMENTS ON PROPOSED CHANGES TO THE CLAIM CONSTRUCTION STANDARD, Docket number (PTO-P-2018-0036),

As an Inventor, I strongly support the proposed changes to the claim construction standard. This change should be implemented immediately because the current use of broadest reasonable interpretation (BRI) standard during post-grant proceedings is undermining confidence in the US patent system overall.

The claims of a patent define the metes and bounds of an invention. Thus, an accurate interpretation of the claims is imperative. The PTAB, a part of the USPTO created by the America Invents Act (AIA) uses the broadest reasonable interpretation (BRI) standard during post-grant proceedings for patents such as inter partes reviews (IPRs). In contrast to the PTAB, district courts apply the ordinary and customary meaning standard when interpreting claims during patent litigation. The disparity between the standards introduces ambiguity and creates uncertain outcomes for investors, inventors, patent owners, and practitioners. And most importantly, it multiplies the costs and increases the overall amount of litigation in the courts.

I strongly agree that the proposed reform by the USPTO introduces a fair claim construction standard, removes ambiguity, and increases the reliability and predictability of the patent system.

Sincerely,  
Nader Asghari-Kamrani