

New MPEP Subsection: 1504.04(I)(C)

Considerations Under 35 USC 112 & 35 USC 112(a) and (b) & Written Description

- The “vast majority” of line-type changes will comply with the WD requirement, but in **“limited situations”** additional consideration is needed.
- In practice:
 - Token burden on Examiner
 - Examiner need only identify a difference in line type. Not required to say *why* the difference makes the claimed design unsupported in the original disclosure.
 - Big burden on Applicant
 - Must positively show compliance with § 112. MPEP envisions “amendments, arguments, and any evidence ... such as affidavits or declarations.”

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