3510-16-P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No.: PTO-P-2026-0133]

Supplemental Guidance for Examination of Design Patent Applications Related to Computer-Generated Interfaces and Icons

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Examination guidance.

SUMMARY: The United States Patent and Trademark Office (USPTO) has recently received feedback that previously-issued guidance may unnecessarily limit flexibility for design applicants in the field of computer-generated interfaces and icons. Upon review, the USPTO has decided to update its guidance for determining whether a design claim including a computer-generated electronic image constitutes statutory subject matter. The USPTO is issuing this updated supplemental guidance to provide design patent applicants with more flexibility in choosing how to present a new, original, and ornamental design for a computer-generated interface or icon when filing a design patent application with the USPTO.

DATES: This supplemental guidance for examination of design patent applications related to computer-generated interfaces and icons is effective on **[INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]** and applies to all design patent applications or proceedings under Chapter 30, 31 or 32 filed before, on or after **[INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

Comment Deadline Date: Comments must be received by **[INSERT DATE 60 DAYS AFTER PUBLICATION IN THE *FEDERAL REGISTER*]** to ensure consideration.

ADDRESSES: Written comments must be submitted through the Federal eRulemaking Portal at www.regulations.gov. To submit comments via the portal, enter docket number PTO-P-2026-0133 on the homepage and select the "Search" Button. The site will provide a search results page listing all documents associated with this docket. Commenters can find a reference to this document and select the "Comment" button, complete the required fields, and enter or attach your comments. Attachments to electronic comments will be accepted in Adobe® portable document format or Microsoft Word® format. Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

Visit the Federal eRulemaking Portal for additional instructions on providing comments via the portal. If electronic submission of comments is not feasible due to a lack of access to a computer and/or the internet, please contact the USPTO using the contact information in the FOR FURTHER INFORMATION CONTACT section of this notice for special instructions.

FOR FURTHER INFORMATION CONTACT: Erin Harriman, Senior Legal Advisor, Office of Patent Legal Administration at (571) 272-7747 or Parikha Solanki, Senior Legal Advisor, Office of Patent Legal Administration, at (571) 272-3248.

SUPPLEMENTARY INFORMATION:

With this supplemental guidance, the USPTO (1) removes the requirement in Manual of Patent Examining Procedure (MPEP) (9th Edition, Rev. 01.2024, November 2024) 1504.01(a) that the drawing depict the article of manufacture (*e.g.*, computer or a portion thereof) in either solid or broken lines for design patent applications drawn to computer-generated interfaces or icons where both the title and claim properly identify an article of manufacture; (2) clarifies that a design of a computer-generated interface or icon for a computer, computer display, or computer system is more than a mere transient or

disembodied picture or three-dimensional image and is patent-eligible subject matter when disclosed and claimed in accordance with the pertinent rules and statutory requirements; (3) clarifies that claim and title language that indicates that an icon or interface is "for" a computer, computer system, or computer display panel adequately describes a design for an article of manufacture under 35 U.S.C. 171 and examiners will no longer be instructed to object to such claims and titles under 37 CFR 1.153 or 37 CFR 1.1067; (4) highlights additional types of patent eligible designs based on the USPTO's expanded understanding of design patent protection in light of new design formats resulting from the continued modernization of technology; and (5) provides guidance for examiners and applicants relating to these updates. These highlighted types of eligible designs include computer-generated interfaces or icons, *e.g.*, projections and holograms, for computers, computer displays, and computer systems where the appearance of the interfaces and icons is separate from the claimed computer, computer display, or computer system that generates it.

I. *Background*

On December 21, 2020, the USPTO published a request for information seeking public input on "whether its interpretation of the article of manufacture requirement in the United States Code should be revised to protect digital designs that encompass new and emerging technologies." *See The Article of Manufacture Requirement*, 85 FR 83063. In response to the request for information, a diverse range of stakeholders, including legal associations, companies, practitioners, academics, and individuals, submitted 19 comments, which set forth a wide variety of views. The 19 comments received in response to request for information can be found at https://www.regulations.gov/document/PTO-C-2020-0068-0001/comment. Twelve of the

commenters advocated that designs for projections, holograms, and virtual and augmented reality (PHVAR) should be eligible for design patent protection.

On November 17, 2023, the USPTO published supplemental guidance to be used to determine whether a design claim including a computer-generated electronic image constitutes statutory subject matter under 35 U.S.C. 171. *See Supplemental Guidance for Examination of Design Patent Applications Related to Computer-Generated Electronic Images, Including Computer-Generated Icons and Graphical User Interfaces,* 88 FR 80277 (November 17, 2023) and its corrected notice, 89 FR 5506 (January 29, 2024) (collectively, 2023 Supplemental Guidance). The 2023 Supplemental Guidance has been incorporated into section 1504.01(a), subsection (I) of the MPEP. The 2023 Supplemental Guidance did not provide guidance concerning designs involving PHVAR. The USPTO received 7 comments in response to the 2023 Supplemental Guidance, which can be found at https://www.regulations.gov/docket/PTO-P-2023-0047/comments. Several commenters suggested that the USPTO should not require that the drawings depict a display panel in solid or broken lines in order to comply with the article of manufacture requirement under 35 U.S.C. 171 when the design is directed to a computer icon or graphical user interface (GUI) on a display panel. Other commenters indicated that it would be helpful for the USPTO to provide additional guidance for designs involving PHVAR because computer-generated interfaces have advanced beyond their display on traditional computer display screens or monitors. Many commenters suggested changes in the drawing requirements, and other commenters provided other solutions for providing additional flexibility to applicants. Additionally, the USPTO has continued to receive feedback from stakeholders that its guidance on 35 U.S.C. 171 needed to be updated as other intellectual property offices have done in response to the continued modernization of technology. Accordingly, the USPTO is updating its policies, as discussed above, with this supplemental guidance.

This guidance does not constitute substantive rulemaking and hence does not have the force and effect of law. It has been developed as a matter of internal USPTO management and is not intended to create any right or benefit, substantive or procedural, enforceable by any party against the USPTO. Rejections will continue to be based upon the substantive law, and those rejections are appealable. Consequently, any failure by USPTO personnel to follow the guidance is neither appealable nor petitionable. If any earlier guidance from the USPTO, including any section of the current MPEP, is inconsistent with the guidance set forth herein regarding whether a design meets the requirements under 35 U.S.C. 171, USPTO personnel, including the Patent Trial and Appeal Board, are to follow this guidance. This guidance will be incorporated into the MPEP in due course.

II. *Supplemental Guidance for Examination of Design Patent Applications Related to Computer-Generated Interfaces and Icons*

The following supplemental guidance has been developed to assist USPTO personnel in determining whether design patent applications for a computer, computer display, or computer system with computer-generated interfaces, including GUIs, and icons comply with the article of manufacture requirement of 35 U.S.C. 171.

A. *General Principles Governing Compliance with the Article of Manufacture Requirement*

Historically, a picture standing alone is not patent eligible under 35 U.S.C. 171. *In re Schnell*, 46 F.2d 203, 209 (CCPA 1931) ("[T]he design must be shown not to be the mere invention of a picture, irrespective of its manner of use..."). The factor that distinguishes statutory design subject matter from such a transient or disembodied picture or ornamentation has been the requirement that a claimed design be for, *e.g.*, applied to or embodied in, an article of manufacture. *See Ex parte Strijland*, 26 USPQ 2d 1259, 1263 (Bd. Pat. App. & Int. 1992) (holding that computer-generated icons are patent eligible

and afforded protection under 35 U.S.C. 171 so long as the specification demonstrates, including specifically through drawings, the design applied to an article as required by 35 U.S.C. 171 and by 37 CFR 1.152.); *Schnell*, 46 F.2d at 209. The term "transient," as used in this supplemental guidance, means that the design is not a visual characteristic of the article of manufacture. Subsequent to *Strijland*, 37 CFR 1.152(a) was changed to require only the design to be depicted in the drawings. *See Changes to Patent Practice and Procedure*, 62 FR 53132, 53164 (Oct. 10, 1997) (final rule) ("The term 'article' of § 1.152(a) is replaced by the term 'design' as 35 U.S.C. 171 requires that the claim be directed to the 'design for an article' not the article, per se."). Accordingly, when a computer-generated interface or icon is disclosed and claimed in accordance with the pertinent rules and statutory requirements and in a manner that is consistent with this supplemental guidance, the USPTO considers such a computer-generated interface or icon to be patent eligible subject matter under 35 U.S.C. 171 because the design of the interface or icon is for a computer, computer display, or computer system and is more than a transient or disembodied picture or three-dimensional image.

B. *Removal of the requirement in MPEP 1504.01(a) that the drawing depict a display panel, or a portion thereof, in either solid or broken lines for patent applications directed to computer-generated interfaces or icons where the title and claim properly identify an article of manufacture*.

Currently, MPEP 1504.01(a) instructs examiners that, when examining design patent applications related to computer-generated images, the claimed design should be rejected under 35 U.S.C. 171 for failing to comply with the article of manufacture requirement if the drawing does not depict a display panel or a portion thereof in either solid or broken lines. According to this supplemental guidance, the depiction of a display screen or a portion thereof is no longer required when both the title and claim properly identify the article of manufacture, *e.g.*, a computer, a computer system, or a computer

display panel. If the article of manufacture is properly identified in both the title and claim but not shown in the drawings, the claim will be considered compliant with the article of manufacture requirement of 35 U.S.C. 171 provided that the designs are properly disclosed and claimed in accordance with the pertinent rules and statutory requirements and in a manner that is consistent with this supplemental guidance. Alternatively, applicants may continue to depict the display panel or portions thereof in the drawings, such as with a broken line display region surrounding a computer-generated icon or interface.

Applicants will need to remain mindful of all patentability requirements including 35 U.S.C. 102, 103, and 112 when drafting their applications. For example, under this supplemental guidance applicants must still comply with the clarity and enablement requirements and provide a sufficient number of views to constitute a complete disclosure of the appearance of the design (*see* 37 CFR 1.152), to the extent that a skilled artisan would be on reasonable notice as to the metes and bounds of the claimed design.

C. *Guidance related to computer-generated interfaces or icons the appearance of which are separate from the computer, e.g., projected or holographic interfaces or icons*

The USPTO has historically treated designs of two-dimensional (2D) interfaces and icons on a display panel as surface ornamentation under 35 U.S.C. 171 when they are properly claimed. The USPTO continues to treat these 2D interfaces and icons as surface ornamentation consistent with the supplemental guidance provided in the prior subsection.

Designs of computer-generated interfaces and icons now exist beyond designs used on a display panel. The dependence of a design of a computer-generated interface or icon on a central processing unit and computer program for its existence is not itself a reason for holding that the design is not for an article of manufacture. MPEP §

1504.01(a)(I)(A). "We do not see that the dependence of the existence of a design on something outside itself is a reason for holding it is not a design 'for an article of manufacture.'" *See In re Hruby*, 373 F.2d 997, 1001, 153 USPQ 61, 66 (CCPA 1967) (design of water fountain held to be patent eligible under 35 U.S.C. 171 as a design for an article of manufacture). The Supreme Court has recognized that the "article of manufacture" requirement as used in the statutory provisions regarding design patents is broad. *See Samsung Elects. Co. v. Apple Inc*., 580 U.S. 53, 60 (2016) ("'Article of manufacture' has a broad meaning. An 'article' is just 'a particular thing' . . . [a]nd 'manufacture' means 'the conversion of raw materials by the hand, or by machinery, into articles suitable for the use of man' and 'the articles so made'. . . [a]n article of manufacture, then, is simply a thing made by hand or machine.").

Just as the design for a water fountain was patent eligible in *Hruby*, analogous digital designs—*e.g.*, projections, holograms or other virtual and augmented reality designs of interfaces or icons for computer systems that are not necessarily displayed on a conventional display screen—are also protectable, provided the designs are properly disclosed and claimed in accordance with the pertinent rules and statutory requirements and in a manner that is consistent with this supplemental guidance. Such a computer system is an integrated combination of hardware and software and includes various types of computer systems such as personal computers, handheld devices, servers, mainframes, and supercomputers. As mentioned previously, the USPTO has identified additional types of patent eligible designs that may provide design patent protection for computer-generated interfaces and icons, *e.g.*, projections and holograms, when a) the appearance of the interface or icon is separate from the computer, computer display, or computer system that generates it and b) the interface or icon is for a computer, computer display, or computer system such that the interface or icon is more than a transient or disembodied picture or three-dimensional image. Providing updated guidance concerning

these additional types of patent eligible designs is necessary as technology advances and in order to provide design patent protection for computer-generated interfaces and icons that involve PHVAR.

D. *Procedures for Evaluating Whether Design Patent Applications Directed to Computer-Generated Interfaces and Icons Comply with the Article of Manufacture Requirement*

USPTO personnel shall adhere to the following procedures when reviewing design patent applications drawn to computer-generated interfaces and icons for compliance with the article of manufacture requirement of 35 U.S.C. 171.

The complete disclosure must be considered when evaluating a design claim directed to a computer-generated interface or icon. More specifically, USPTO personnel must read the disclosure to determine what is claimed as the design and whether the design is for an article of manufacture under 35 U.S.C. 171. USPTO personnel must:

(1) Review the title and claim language to determine whether both the title and claim adequately describe a design for an article of manufacture under 35 U.S.C. 171. USPTO personnel must also consider the following and, where appropriate, make the noted objections and rejections.

(a) Statutory design subject matter differs from a transient or disembodied picture or three-dimensional image in that the design is for, *e.g.*, applied to or embodied in, an article of manufacture. *See Ex parte Strijland*, 26 USPQ 2d 1259, 1263 (Bd. Pat. App. & Int. 1992); *In re Schnell*, 46 F.2d 203, 209 (CCPA 1931). In addition to the guidance provided in MPEP 1504, per this supplemental guidance, a claim that reads, for example, “icon for display panel,” “projected interface for computer,” or “interface for computer system” also meets the requirements of 35 U.S.C. 171 since the term “for” indicates that the claim is not for an interface or icon per se but a design for an article of manufacture, *i.e.*, “a

thing made by hand or machine." *See Samsung*, 580 U.S. at 60. Accordingly, examiners will no longer be instructed that these examples of claim language and titles do not adequately describe a design for an article of manufacture under 35 U.S.C. 171. Providing applicants with this additional flexibility in choosing claim and title language is in accord with USPTO's expanded understanding of design patent protection that accounts for advances in technology. Applicants continue to also have the option of claiming the article according to prior guidance, *e.g.*, by reciting "a display panel with computer icon."

(b) A computer-generated electronic image that is not a design of an interface or icon for a computer, computer display, or computer system and that is not more than a transient or disembodied picture or three-dimensional image will not satisfy the article of manufacture requirement under this supplemental guidance, and such a claim should be rejected under 35 U.S.C. 171 for failing to comply with the article of manufacture requirement.

(c) An "icon," as used in this supplemental guidance, refers to a computer icon and is a visual symbol or image that represents a computer program, file, application, or function and allows users to quickly access and interact with various items on their computer display. Likewise, an "interface," as used in this supplemental guidance, refers to a computer interface and is the space where interactions between users and computers, computer displays, and computer systems occur and encompasses the visual and interactive elements that users engage with such as pages, screens, buttons, forms, and other visual components. Accordingly, when a design claim and title are to a computer-generated interface or icon for an article of manufacture, *e.g.*, a computer display screen, a computer system, or a computer, the USPTO considers the terms "icon," "computer icon," "interface," "computer interface," "graphical user interface" "projected interface"

"virtual reality interface," or "augmented reality interface" in the title and the claim to be indicating that the image is not merely a displayed transient or disembodied picture or three-dimensional image because the interface or icon is for a computer display screen, a computer system, or a computer. Therefore, a claim and title directed to such terms, *e.g.*, "computer with projected interface," adequately describes a design for an article of manufacture under 35 U.S.C. 171. Note that while the underlying article of manufacture for an icon or interface has functional properties, the design of the icon or interface itself is not functional, and thus this subsection is not in tension with, nor does it contradict, the functionality doctrine, which requires that design patent protection extend only to the "ornamental design" of an article of manufacture. *See* 35 U.S.C. 171(a); MPEP 1504.01(c), subsection I.

(d) The following are examples of claim language and titles that adequately describe a design for an article of manufacture under 35 U.S.C. 171: "computer screen with an icon," "display panel with GUI," "display screen or portion thereof with icon," "portion of a computer screen with an icon," "portion of a display panel with an icon," "portion of a monitor displayed with an icon," "icon for display screen," "GUI for display panel," "projected interface for a computer," "virtual reality interface for a computer," "augmented reality interface for a computer" and "computer icon." This list of examples is not exhaustive.

(e) If it is determined that the claim language and title do not adequately describe an article of manufacture, the claim and title should be objected to pursuant to 37 CFR 1.153(a) or 37 CFR 1.1067(a) for failing to designate a particular article of manufacture, and the objection should be maintained until the title and the claim language are appropriately amended. *See* MPEP § 707.07(e). If the application fails to provide written description support for a computer-

generated interface or icon, the applicant will not be able to overcome a rejection under 35 U.S.C. 171.

(2) Review the specification to determine whether a characteristic feature statement is present. If a characteristic feature statement is present, determine whether it describes the claimed subject matter as a computer-generated interface or icon embodied in a display panel, or portion thereof. *See McGrady v. Aspenglas Corp*., 487 F.2d 859, 208 USPQ 242 (S.D.N.Y. 1980) (descriptive statement in design patent application narrows claim scope).

(3) Review the drawing to determine whether a design for an article of manufacture is shown in sufficient views to fully disclose the design. *See Changes to Patent Practice and Procedure*, 62 FR 53132, 53164 (October 10, 1997). Since the claim must be in formal terms to the design "as shown, or as shown and described," the drawing provides the best description of the claim. 37 CFR 1.153 or 1.1025; *see Egyptian Goddess v. Swisa, Inc.*¸543 F.3d 665, 679 (Fed. Cir. 2008) ("As the Supreme Court has recognized, a design is better represented by an illustration 'than it could be by any description and a description would probably not be intelligible without the illustration.'" (quoting *Dobson v. Dornan*, 118 U.S. 10, 14 (1886)). Note that the nature of the design (*e.g.*, whether it is 2D or 3D) may impact what is considered to be a sufficient number of views to fully disclose the design. *See In re Maatita*, 900 F.3d 1369 (Fed. Cir. 2018). *See supra* section 1.d. for examples of claim language and titles that do adequately describe a design for an article of manufacture under 35 U.S.C. 171. USPTO personnel must also consider whether the disclosure as a whole does or does not suggest or describe a design for an article of manufacture and, where appropriate, make the noted rejections. If the disclosure as a whole does not suggest or describe a design for an article of manufacture, then indicate that:

(a) The claim is rejected under 35 U.S.C. 171, along with a corresponding explanation of why the current disclosure does not adequately describe a design for an article of manufacture; and

(b) Any subsequent amendments to the written description, including the title, drawings and/or claim attempting to overcome the above-noted 35 U.S.C. 171 rejection will ordinarily be entered. However, any new matter will be required to be canceled from the written description, drawings and/or claim. If new matter is later added that affects the claim, the claim should then be rejected under 35 U.S.C. 112(a).

(4) Indicate all objections to the disclosure for failure to comply with the requirements of the Rules of Practice in Patent Cases. *See*, *e.g.*, 37 CFR 1.71, 1.81-1.85, and 1.152-1.154. Where possible, suggest amendments that would bring the disclosure into compliance with the requirements of the Rules of Practice in Patent Cases.

(5) Upon reply by applicant:

(a) Enter any appropriate amendments; and

(b) Review all arguments and the entire record, including any amendments, to determine whether the written description, including the title, drawings, and/or claim clearly disclose a computer-generated interface or icon.

(6) After a review of all arguments and the entire record including amendments, if, by a preponderance of evidence, the applicant has adequately established that the design is directed to a computer-generated interface or icon for a computer, computer display, or computer system, withdraw any outstanding rejection under 35 U.S.C. 171 based on failure to comply with the article of manufacture requirement (*see In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992)) ("After evidence or argument is submitted by the applicant in response, patentability is

determined on the totality of the record, by a preponderance of evidence with due consideration to persuasiveness of argument.”).

III. *Examples*

The following examples illustrate the application of this guidance for the purposes of 35 U.S.C. 171 and do not address all patentability requirements, including 35 U.S.C. 102, 103, and 112. The following examples are provided to assist USPTO personnel in determining whether design patent applications for computer-generated interfaces and icons comply with the article of manufacture requirement of 35 U.S.C. 171 and whether other objections are appropriate. Examples 1-4 and 6–10 comply with 35 U.S.C. 171. Example 5, 11, and 12 do not comply with 35 U.S.C. 171. Note that per this supplemental guidance, section 1504.01(a), subsection I(C) of the MPEP will be updated to indicate that example 4 as shown here complies with 35 U.S.C. 171, 37 CFR 1.152, and 37 CFR 1.153 (or 37 CFR 1.1067(a) for international design applications) because the term “for” with an article of manufacture (*e.g.*, computer display screen) indicates that the claim is not for a transient or disembodied image but for a design for an article of manufacture. This change in position is made by the USPTO in an effort to expand the understanding of design protection in light of advancements in technology, such as computer-generated interfaces and icons that have advanced beyond their display on traditional computer display screens or monitors.

Example 1 (Complies with 35 U.S.C. 171)

Title: Computer display screen with icon

Description: The figure is a front view of a computer display screen with icon, showing the new design. The broken lines showing a portion of the computer display screen form no part of the claimed design.

Claim: The ornamental design for a computer display screen with icon as shown and described.

As presented, the claimed design in this example complies with 35 U.S.C. 171 for each of the following reasons:

- the title, claim, and description recite a "computer display screen," which is an article of manufacture;
- the title, claim, and description recite a "computer display screen with icon," which indicates that the image is not merely a transient or disembodied picture or three-dimensional image, but an icon for a computer, computer display, or computer system; and
- the drawing depicts the design embodied in a computer display screen in broken lines.

In addition, the drawing complies with 37 CFR 1.152 as the drawing contains a sufficient number of views to constitute a complete disclosure of the appearance of the design, and the title and claim comply with 37 CFR 1.153(a) (or 37 CFR 1.1067(a) for international design applications) because the title and claim adequately designate an article of manufacture.

Example 2 (Complies with 35 U.S.C. 171)

Title: Icon for a computer display screen

Description: The figure is a front view of an icon for a computer display screen, showing the new design. The broken lines showing a portion of the computer display screen form no part of the claimed design.

Claim: The ornamental design for an icon for a computer display screen as shown and described.

As presented, the claimed design in this example complies with 35 U.S.C. 171 for the following reasons:

- the title, claim, and description recite a "computer display screen," which is an article of manufacture, and the term "for" with "computer display screen" indicates that the claim is not for an icon per se;
- the title, claim, and description recite an "icon for a computer display screen," which indicates that the icon is not merely a transient or disembodied picture or three-dimensional image but an icon for a computer, computer display, or computer system; and
- the drawing depicts the design embodied in a computer display screen in broken lines.

In addition, the drawing complies with 37 CFR 1.152 as the drawing contains a sufficient number of views to constitute a complete disclosure of the appearance of the design, and the title and claim comply with 37 CFR 1.153(a) (or 37 CFR 1.1067(a) for

international design applications) because the title and claim adequately designate an article of manufacture.

Example 3 (Complies with 35 U.S.C. 171, but not 37 CFR 1.153(a) or 37 CFR 1.1067(a) as initially drafted)

Title: Paper stack icon

Description: The figure is a front view of a computer display screen with a paper stack icon showing the new design. The broken lines showing a portion of the computer display screen form no part of the claimed design.

Claim: The ornamental design for a paper stack icon as shown and described.

As presented, the claimed design in this example complies with 35 U.S.C. 171 because, based on a review of the complete disclosure, the description recites a "computer display screen," which is an article of manufacture, and the icon is for a computer, computer display, or computer system, such that it is more than a transient or disembodied picture or three-dimensional image.

However, the title and claim do not comply with 37 CFR 1.153(a) (or 37 CFR 1.1067(a) for international design applications) because the title and claim do not identify an article of manufacture.

Because the original disclosure provides support for a computer display screen as the article of manufacture, the application could be amended to read as follows:

Title: Paper stack icon for computer display screen

Description: The figure is a front view of a computer display screen with a paper stack icon showing the new design. The broken lines showing a portion of the computer display screen form no part of the claimed design.

Claim: The ornamental design for a paper stack icon for a computer display screen as shown and described.

Example 4 (Complies with 35 U.S.C. 171)

Title: Paper stack icon for a computer display screen

Description: The figure is a front view of a paper stack icon for a computer display screen showing the new design.

Claim: The ornamental design for a paper stack icon for a computer display screen as shown and described.

As presented, the claimed design in this example complies with 35 U.S.C. 171 for the following reasons:

- the title, claim, and description recite a “computer display screen” which is an article of manufacture and

- the term “for” with “computer display screen” indicates that the claim is not for an icon per se;
- the title, claim, and description recite an “icon for a computer display screen,” which indicates that the icon is not merely a transient or disembodied picture or three-dimensional image, but an icon for a computer, computer display, or computer system.

In addition, the drawing complies with 37 CFR 1.152 as the drawing contains a sufficient number of views to constitute a complete disclosure of the appearance of the design as embodied in the disclosed article and the title and claim comply with 37 CFR 1.153(a) (or 37 CFR 1.1067(a) for international design applications) because the title and claim adequately designate an article of manufacture.

Applicants are advised that the scope of the claim will be limited to the overall appearance shown in the figures. Applicants should also be mindful that a design shown and described in the manner illustrated by this example must still comply with the enablement and clarity requirements of 35 U.S.C. 112.

Example 5 (Does not comply with 35 U.S.C. 171)

Title: Paper stack icon

Description: The figure is a front view of a paper stack icon showing the new design.

Claim: The ornamental design for a paper stack icon as shown and described.

As presented, the claimed design in this example does not comply with 35 U.S.C. 171 for the following reasons:

- none of the title, claim, and description recite an article of manufacture; and

- the drawing also does not depict an article of manufacture.

Because no article of manufacture is disclosed in the application, the claim should be rejected under 35 U.S.C. 171, as set forth in subsection I.B above.

In addition, the title and claim should be objected to pursuant to 37 CFR 1.153(a) (or 37 CFR 1.1067(a) for international design applications) for failing to designate a particular article of manufacture.

Example 6 (Complies with 35 U.S.C. 171)

Title: Projected paper stack icon for a computer

Description: The figure is a front view of a projected paper stack icon for a computer showing the new design.

Claim: The ornamental design for a projected paper stack icon for a computer as shown and described.

As presented, the claimed design in this example complies with 35 U.S.C. 171 for the following reasons:

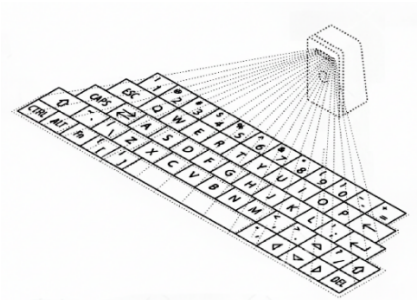
- the title, claim, and description recite a “computer,” which is an article of manufacture upon which the design relies for its existence;
- the term “for” with “computer” indicates that the claim is not for a transient or disembodied image per se; and
- the title, claim, and description recite an “icon for a computer,” which indicates that the icon is not merely a transient or disembodied picture or three-dimensional image but an icon for a computer, computer display, or computer system.

For purposes of this example regarding whether the design satisfies the requirements of 35 U.S.C. 171, it is assumed that the figure provides a complete disclosure of the appearance of the design as required by 37 CFR 1.152. Applicants should remain mindful to provide a sufficient number of views to constitute a complete disclosure of the appearance of the design as required by 37 CFR 1.152.

In addition, the title and claim adequately designate an article of manufacture.

Applicants are advised that the scope of the claim will be limited to the overall appearance shown in the figures. For example, the scope of the claim may not protect the appearance of the projected icon on a curved or irregular surface. Applicants should also be mindful that a design shown and described in the manner illustrated by this example must still comply with the enablement and clarity requirements of 35 U.S.C. 112.

Example 7 (Complies with 35 U.S.C. 171)



Title: Projected keyboard interface for a computer

Description: The figure is a perspective view of a projected keyboard interface for a computer showing the new design. The broken lines showing the computer form no part of the claimed design. The projected broken lines form no part of the claimed design.

Claim: The ornamental design for a projected keyboard interface for a computer as shown and described.

As presented, the claimed design in this example complies with 35 U.S.C. 171 for the following reasons:

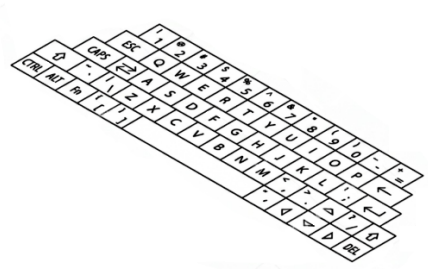
- the title, claim, and description recite a “computer,” which is an article of manufacture upon which the design relies for its existence, and the term “for” with “computer” indicates that the claim is not for a transient or disembodied image per se; and
- the title, claim, and description recite a keyboard “interface for a computer,” which by definition is not merely a transient or disembodied picture or three-dimensional image but an interface for a computer, computer display, or computer system; and
- the drawing depicts the computer (shown in broken lines) that projects the design.

For the purposes of this example regarding whether the design satisfies the requirements of 35 U.S.C. 171, it is assumed that the figure provides a complete disclosure of the appearance of the design as required by 37 CFR 1.152. Applicants should remain mindful to provide a sufficient number of views to constitute a complete disclosure of the appearance of the design as required by 37 CFR 1.152.

In addition, the title and claim comply with 37 CFR 1.153(a) (or 37 CFR 1.1067(a) for international design applications) because the title and claim adequately designate an article of manufacture.

Applicants are advised that the scope of the claim will be limited to the overall appearance shown in the figures. For example, the scope of the claim may not protect the appearance of the projected interface on a curved or irregular surface. Applicants should also keep in mind that a design shown and described in the manner illustrated by this example must still comply with the enablement and clarity requirements of 35 U.S.C. 112.

Example 8 (Complies with 35 U.S.C. 171)



Title: Projected interface for a computer system

Description: The figure is a perspective view of a projected interface for a computer system showing the new design.

Claim: The ornamental design for a projected interface for a computer system as shown and described.

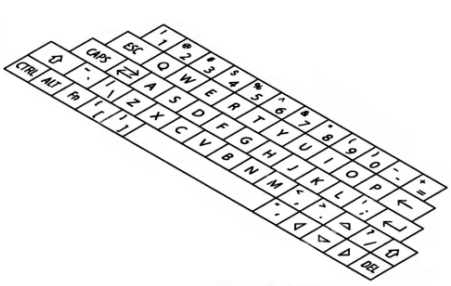
As presented, the claimed design in this example complies with 35 U.S.C. 171 for the following reasons:

- the title, claim, and description recite a "computer system," which is an article of manufacture on which the design relies upon for its existence, and the term "for" with "computer system" indicates that the claim is not for a transient or disembodied image per se; and
- the title, claim, and description recite an "interface for a computer system," which by definition is not merely a transient or disembodied picture or three-dimensional image but an interface for a computer, computer display, or computer system.

For purposes of this example regarding whether the design satisfies the requirements of 35 U.S.C. 171, it is assumed that the figure provides a complete disclosure of the appearance of the design as required by 37 CFR 1.152. Applicants should remain mindful to provide a sufficient number of views to constitute a complete disclosure of the appearance of the design as required by 37 CFR 1.152.

Applicants are advised that the scope of the claim will be limited to the overall appearance shown in the figures. For example, the scope of the claim may not protect the appearance of the projected interface on a curved or irregular surface. Applicants should also keep in mind that a design shown and described in the manner illustrated by this example must still comply with the enablement and clarity requirements of 35 U.S.C. 112.

Example 9 (Complies with 35 U.S.C. 171)



Title: Graphical User Interface for a computer

Description: The figure is a front view of a graphical user interface for a computer showing the new design.

Claim: The ornamental design for a graphical user interface for a computer as shown and described.

As presented, the claimed design in this example complies with 35 U.S.C. 171 for the following reasons:

- the title, claim, and description recite a "graphical user interface for a computer" which, by definition, is not merely a transient or disembodied picture or three-dimensional image but an interface for a computer, computer display, or computer system.

For purposes of this example regarding whether the design satisfies the requirements of 35 U.S.C. 171, it is assumed that the figure provides a complete disclosure of the appearance of the design as required by 37 CFR 1.152. Applicants

should remain mindful to provide a sufficient number of views to constitute a complete disclosure of the appearance of the design as required by 37 CFR 1.152.

In addition, the title and claim comply with 37 CFR 1.153(a) (or 37 CFR 1.1067(a) for international design applications) because the title and claim adequately designate an article of manufacture upon which the design relies for its existence through reference to the “graphical user interface for a computer”.

Applicants are advised that the scope of the claim will be limited to the overall appearance shown in the figures. For example, the scope of the claim may not protect the appearance of the graphical user interface on a curved or irregular surface. Applicants should also keep in mind that a design shown and described in the manner illustrated by this example must still comply with the enablement and clarity requirements of 35 U.S.C. 112.

Example 10 (Complies with 35 U.S.C. 171)

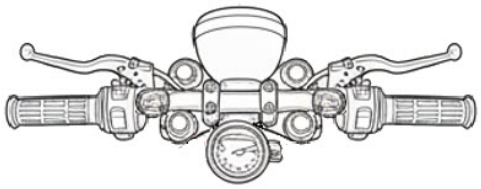


Fig. 1

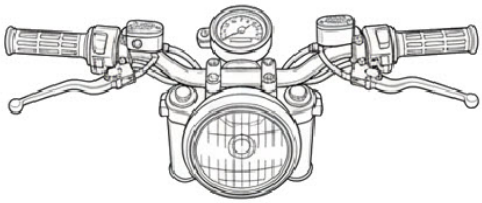


Fig. 2

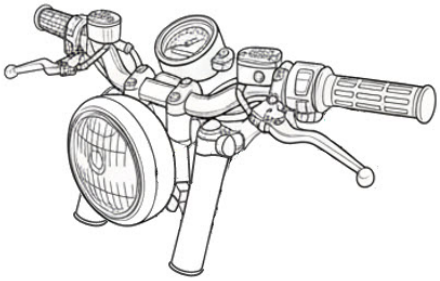


Fig. 3

Title: Virtual reality motorcycle interface for a computer

Description: Fig. 1 is a top-down view of a virtual reality motorcycle interface for a computer showing the new design; Fig. 2 is a front view thereof; Fig. 3 is a perspective view thereof. Figures 1 – 3 disclose the complete 3-dimensional virtual appearance of the design claimed.

Claim: The ornamental design for a virtual reality motorcycle interface for a computer as shown and described.

For purposes of this example, it is assumed that Figs. 1-3 provide a sufficient number of views to constitute a complete disclosure of the appearance of the design as required by 37 CFR 1.152. But, as explained herein, the applicant must ensure that a sufficient disclosure is present for a design in the application as filed.

As presented, the claimed design in this example complies with 35 U.S.C. 171 for the following reasons:

- the title, claim, and description recite a “a computer” and a computer is an article of manufacture on which the design relies upon for its existence; the term “for” with “computer” indicates that the claim is not for a transient or disembodied image per se; and
- the title, claim, and description recite a “virtual reality motorcycle interface for a computer,” which by definition is not merely a transient or disembodied picture or

three-dimensional image but an interface for a computer, computer display, or computer system.

For purposes of this example regarding whether the design satisfies the requirements of 35 U.S.C. 171, it is assumed that Figs. 1-3 provide a sufficient number of views to constitute a complete disclosure of the appearance of the design as required by 37 CFR 1.152. Applicants should remain mindful to provide a sufficient number of views to constitute a complete disclosure of the appearance of the design as required by 37 CFR 1.152.

In addition, the title and claim comply with 37 CFR 1.153(a) (or 37 CFR 1.1067(a) for international design applications) because the title and claim adequately designate an article of manufacture through reference to "a computer".

Example 11 (Does not comply with 35 U.S.C. 171)

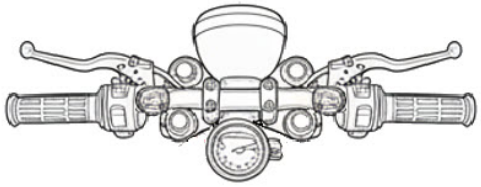


Fig. 1

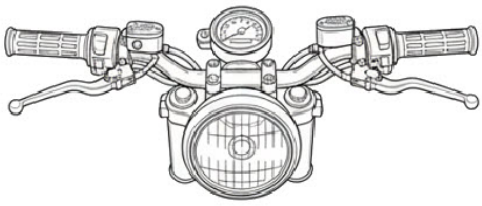


Fig. 2

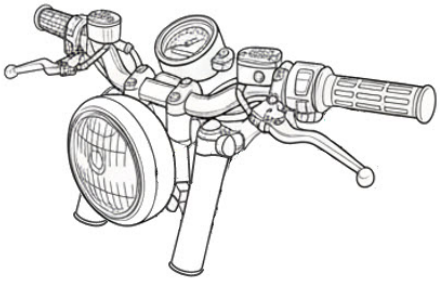


Fig. 3

Title: Virtual Reality Motorcycle Interface

Description: Fig. 1 is a top-down view of a virtual reality motorcycle interface showing the new design; Fig. 2 is a front view thereof; Fig. 3 is a perspective view thereof.

Claim: The ornamental design for a virtual reality motorcycle interface as shown and described.

As presented, the claimed design in this example does not comply with 35 U.S.C. 171 for the following reasons:

- none of the title, claim, and description recite an article of manufacture; and
- the drawings also do not depict an article of manufacture.

Therefore, no article of manufacture is disclosed in the application.

In addition, the title and claim do not comply with 37 CFR 1.153(a) (or 37 CFR 1.1067(a) for international design applications) because the title and claim do not identify an article of manufacture.

Example 12 (Does not comply with 35 U.S.C. 171)

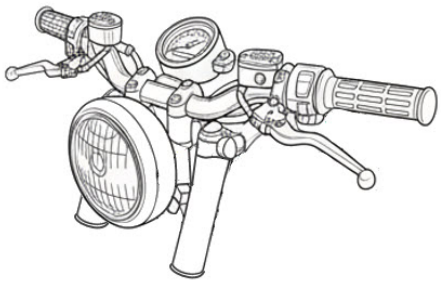


Fig. 1

Title: Digital motorcycle picture

Description: Fig. 1 is a perspective view a digital motorcycle picture showing the new design.

Claim: The ornamental design for a motorcycle picture as shown and described.

Analysis: The claimed design does not comply with 35 U.S.C. 171 for the following reasons:

- none of the title, claim, and description recite an article of manufacture;
- the drawing, when read in light of the title, claim and description, also does not depict an article of manufacture; and
- the picture appears to be a transient or disembodied image.

Therefore, no article of manufacture is disclosed in the application.

In addition, the title and claim do not comply with 37 CFR 1.153(a) (or 37 CFR 1.1067(a) for international design applications) because the title and claim do not identify an article of manufacture.

John A. Squires,
Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.
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