

Annex D

Claim Correspondence

All claims on file, as originally filed or as amended, for examination under the PPH must sufficiently correspond to one or more of those claims indicated as allowable in the OEE. Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format, the claims in the OLE are of the same or similar scope as the claims in the OEE, or the claims in the OLE are narrower in scope than the claims in the OEE.

In this regard, a claim that is narrower in scope occurs when an OEE claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims).

A claim in the OLE which introduces a new/different category of claims to those claims indicated as allowable in the OEE is not considered to sufficiently correspond. For example, where the OEE claims only contain claims to a process of manufacturing a product, then the claims in the OLE are not considered to sufficiently correspond if the OLE claims introduce product claims that are dependent on the corresponding process claims.

(In practice, however, a certain degree of flexibility regarding 'sufficiently correspond' may be provided at the discretion of the OLE.)