

Design Patent ProGuide – Broken Line Statements

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1. Introduction and Theory

The theory underlying broken line practice in design patent prosecution is relatively simple. Broken lines typically show portions of an article that form no part of the claimed design, unclaimed environment to the article, or boundaries of the claimed design. Broken lines also can represent stitching and fold lines. Despite these relatively simple concepts, numerous objections and rejections continue to issue over broken line statements in design patent applications. These objections and rejections often result from misunderstandings by design patent applicants and the confusion over broken line principles.

Limitations of This ProGuide - This ProGuide addresses the proper form, common rejections, and recommended language for broken line statements (BLS) in U.S. design patent applications. It is intended as a reference for preparing and evaluating BLS language based on USPTO practice, MPEP guidance, and prosecution history examples. It does not evaluate or analyze the actual drawing figures of a design application.

Because the ProGuide does not review drawings, it cannot:

1. Detect whether the drawings contain broken lines that are not described in the BLS.
2. Identify whether multiple types of broken lines (e.g., dash–dash, dash–dot, thick vs. thin) appear in the drawings without being addressed in the BLS
3. Determine whether the visual style, length, spacing, or weight of broken lines in the drawings matches the descriptions in the BLS.
4. Identify whether broken lines merge into solid lines in the drawings, creating ambiguity.
5. Detect improper use of broken lines to show hidden planes, shading, or internal parts.
6. Confirm whether claimed stitching or fold lines are depicted correctly in solid lines or broken lines.

The ProGuide also cannot detect:

1. Whether the article title used in the BLS exactly matches the application’s official title in the specification.
2. Whether the BLS omits environmental subject matter that is present in the drawings.
3. Whether a BLS description conflicts with examiner preferences or idiosyncratic USPTO practices in a particular art unit.

4. Whether broken line usage complies with special rules for computer-generated icons, GUIs, or multiple-article claims.

Accordingly, this ProGuide should be used together with a careful manual review of the actual drawing figures, the specification, and any applicable examiner guidance. It is a tool for identifying likely issues in BLS wording, not for confirming complete compliance with USPTO requirements.

This ProGuide also does not cover every possible broken line statement scenario that may arise. It is updated periodically to address new or less common BLS issues as they are identified in practice.

2. Principles and Rules

A. Note on Grammar, Brevity, and Word Choice

A typical broken line statement begins with a subject noun phrase (The broken lines), a transitive verb (show), a direct object (portions), and a prepositional phrase (of the [title]) that modifies the direct object. This portion of the sentence identifies what is represented by the broken lines. The statement then typically includes a restrictive clause (that form no part of the claimed design) that begins with a relative pronoun (that). Alternatively, the statement can include language that begins with a conjunction (and). This portion of the sentence defines the relationship of the broken lines to the claimed design.

Many broken line statements contain verbs other than “show.” For example, the verbs “illustrate, depict, represent, indicate, and denote” often are used. Any of these verbs are acceptable. Some advantages of using the verb “show” are that it is a short, simple word and is similar to the word “shown,” as used in the claim statements “as shown,” or “as shown and described.”

Broken line statements often include the prepositional phrase “in the drawings,” or “in the drawing figures” after the subject noun phrase “the broken lines.” This phrase is unnecessary unless needed to identify a broken line in a particular drawing figure, such as “the broken lines in Fig. 2 show environment to the [title] and form no part of the claimed design.”

The relative pronoun “that” is sometimes replaced with the relative pronoun “which.” This is usually improper because the clause “that form no part of the claimed design” is a restrictive clause that is essential to the meaning of the broken line statement. The use of “which” indicates that the clause is nonrestrictive, or nonessential to the meaning of the statement.

The conjunction “and” is sometimes used instead of the relative pronoun “that” in a statement where the broken lines show portions of the [title]. That is improper. When “and” is used, the statement can be interpreted that only the broken lines form no part of the claimed design and not that the portions of the [title] shown by the broken lines form no part of the claimed design. By using the relative pronoun “that,” it is clear that the portions of the [title] shown by the broken lines form no part of the claimed design.

B. Note on Word Order

The selection and order of words used in a broken line statement are important. Although there is some flexibility in the language that can be chosen, the necessary precision of a broken line statement requires that the language and its sequencing convey a certain meaning. When words are not placed in the proper order, the meaning of the broken line statement can change. For example, a proper broken line statement would be “the broken lines show portions of the [title] that form no part of the claimed design. When the word order is changed to “[p]ortions of the [title] shown in broken lines form no part of the claimed design,” the statement could be interpreted as meaning that only portions of the broken line subject matter, rather than all of the broken lines, are not claimed. Therefore, some of the broken lines could be claimed according to this improper description.

C. Foreign-Origin Caution Note

Broken line statement language from foreign filings often does not comply with USPTO requirements. Common examples include the terms “phantom lines,” “for illustrative purposes only,” “illustrative of,” or “environmental structure” without reference to the article title. Some foreign-origin BLSS also omit the required “that form no part of the claimed design” language or describe unclaimed features as “not part of the invention.” Any such language should be revised to meet USPTO standards under 37 CFR 1.154 and MPEP § 1503.02(III).

D. Clarity of Claim Scope

The broken line statement exists to clearly distinguish claimed from unclaimed subject matter so that the scope of the design is definite to the public, the examiner, and the courts.

E. Consistency Between Drawings and Statement

The meaning assigned to each type of broken line must be consistent across all figures and match the written statement exactly.

F. Single Purpose per Broken Line Type

Each type of broken line (style, weight, or pattern) should have only one meaning in the application to prevent claim interpretation problems. In certain circumstances, broken lines may depict claimed stitching or fold lines, while other broken lines in the same drawings depict unclaimed subject matter or environment. In such cases, the broken line statement must clearly and separately identify each type and purpose of broken line, referencing the article title, location, or figure as needed, so the scope of the claim is definite.

G. Prohibition on Claim Expansion

The broken line statement cannot be used to reserve rights to unclaimed subject matter; it may only disclaim subject matter or explain the purpose of broken lines.

H. Alignment with Title

The broken line statement should always reference the article exactly as titled in the application to maintain consistency in classification, search, and claim interpretation.

I. Completeness Without Extraneous Detail

Every broken line use must be addressed in the statement, but the statement should not describe features not depicted in the drawings.

3. Recommended Form

At a minimum, a broken line statement must identify what is represented by the broken lines and define the relationship to the claimed design. Examples of recommended forms for common broken line statements are shown below.

A. When broken lines show portions of the [title] that form no part of the claimed design: The broken lines show portions of the [title] that form no part of the claimed design.

B. When broken lines show environment to the article and form no part of the claimed design: The broken lines show environment to the [title] and form no part of the claimed design.

C. When the broken lines represent boundaries to the claim: The broken lines show boundaries to the claim and form no part of the claimed design.

D. When equal-length broken lines show unclaimed portions and a specific figure shows environment: The equal-length broken lines depict portions of the [title] that form no part of the claimed design. In Fig. [X], the equal-length broken lines depict [describe environment, e.g., a leg and foot] that form no part of the claimed design. All broken lines form no part of the claim.

4. Most Common Rejections

Many rejections to broken line statements are common and typically result from language choice that fails to satisfy the two basic requirements of precisely identifying what is represented by the broken lines and defining their relationship to the claimed design. For an explanation of the two basic requirements, click [here](#). Ten common rejections and recommended forms to overcome the rejections are set forth below. The reasons underlying the rejections and recommended forms are explained in later posts in this series.

Rejection 1. Using the phrase “for illustrative purposes only.” For example, “the broken lines are for illustrative purposes only and form no part of the claimed design.”

Recommended form: “The broken lines show portions of the [title] that form no part of the claimed design.”

Rejection 2. Using the term “environmental” without further description. For example, “the broken lines shown are environmental only and form no part of the claimed design.”

Recommended form: “The broken lines show portions of the [title] that form no part of the claimed design.”

OR

Recommended form: “The broken lines show environment to the [title] and form no part of the claimed design.”

Rejection 3. Failure to include different types of broken lines with appropriate descriptions. For example: “The broken lines show environmental structure and boundaries and form no part of the claimed design.”

Recommended form: “The dash-dash broken lines show portions of the [title] that form no part of the claimed design. The dash-dot broken lines show boundaries and form no part of the claimed design.”

Rejection 4. Failure to state that the broken lines form no part of the claimed design. For example: “The dash-dot-dash broken lines in the drawings depict the boundaries of the claimed design.”

Recommended form: “The dash-dot-dash broken lines in the drawings depict boundaries of the claimed design and form no part of the claimed design.”

Rejection 5: Failure to name the article of manufacture. For example: “The broken lines form no part of the claimed design” or “The broken lines show portions of the article that form no part of the claimed design.”

Recommended form: “The broken lines show portions of the [title] that form no part of the claimed design.”

Rejection 6: Failure to describe the purpose of all broken lines in the drawings. For example, when there are two earphones shown: “The broken lines in the drawings depict portions of the earphone with charging case that form no part of the claimed design.”

Recommended form: “The broken lines on the earphone and charging case depict portions of the earphone with charging case that form no part of the claimed design. In [figure], the broken lines showing an additional earphone depict environment to the earphone with charging case and form no part of the claimed design.”

Rejection 7: Using the phrase “illustrate unclaimed features.” For example: “The broken lines illustrate unclaimed features that form no part of the claimed design.”

Recommended form: “The broken lines show portions of the [title] that form no part of the claimed design.”

Rejection 8: Describing multiple meanings to broken lines without specifying which meaning is correct. For example: “The broken lines show unclaimed portions of a [title], which are included for the purpose of illustrating unclaimed environment only, and form no part of the claimed design.”

Recommended form: “The broken lines show portions of the [title] that form no part of the claimed design.”

Rejection 9: Describing broken lines as being both portions of the article and environment. For Example: “The broken lines show portions of the article in which the claimed design is embodied and/or for environment purposes only, but which form no part of the claimed design.”

Recommended form: “The broken lines show portions of the [title] that form no part of the claimed design.”

OR

“The broken lines show environment to the [title] and form no part of the claimed design.”

OR

“The dash-dash broken lines show portions of the [title] that form no part of the claimed design. The dash-dot broken lines show environment to the [title of article] and form no part of the claimed design.”

Rejection 10: Failing to expressly identify what is represented by the broken lines and failing to define their relationship to the claimed design For Example: “The broken lines show structure and environment.”

Recommended form: “The broken lines show portions of the [title] that form no part of the claimed design.”

OR

“The broken lines show environment to the [title] and form no part of the claimed design.”

OR

“The dash-dash broken lines show portions of the [title of article] that form no part of the claimed design. The dash-dot broken lines show environment to the [title] and form no part of the claimed design.”

5. Prosecution History Rejections and Responses

1. Improperly including a broken line statement when no broken lines exist in the drawing figures.

If the drawing figures have no broken lines, then a broken line statement should not be included. This sometime happens when drawing figures containing broken lines are cancelled during prosecution and the original broken line statement is not removed. *See* 29/719,100.

2. Improperly failing to include a broken line statement when there are broken lines in the drawing figures.

If the drawing figures contain broken lines, then a broken line statement must be included that defines their use such as, portions of the article that form no part of the claimed design, environment to the article, boundaries, stitching, folds lines, etc. *See* 29/694,984.

3. Failing to properly place the broken line statement between the figure descriptions and the claim.

Broken line statements are feature descriptions. According to 37 CFR 1.154, feature descriptions, such as broken line statements, should be placed after the figure descriptions and before the claim statement. *See* 29/683,551.

4. Failing to expressly identify what is represented by the broken lines and failing to define their relationship to the claimed design.

The two key requirements of a proper broken line statement are expressly identifying what the broken lines represent and defining the relationship to the claimed design. Express identification means, for example, stating that the broken lines represent portions of the [title of article], environment to the [title of article], boundaries of the claim, stitching, fold lines, etc. Defining the relationship to the claimed design means stating that the identified broken lines form no part of the claimed design. These requirements are the reason it is improper to identify broken lines simply as “environment” or as “unclaimed subject matter.” *See* 29/722,879.

5. Assigning multiple meanings to a single broken line type.

The broken line statement cannot identify a single broken line style as having multiple meanings such as portions of the [title] that form no part of the claimed design and unclaimed boundaries and/or environment. 29/738,155. For example, the statement “[t]he broken lines in the drawing views represent unclaimed portions of a [title], which are included for the purpose of illustrating unclaimed environment only, and forms no part of the claimed design” was improper because it describes “the entirety of the broken line disclosure as having multiple meanings, without

specifying which elements of the drawings depict ‘environment’ or ‘portions’ that form no part of the claimed design.” *Id.* This was considered “contradictory because a single defined broken line type cannot have more than one meaning” and “[s]uch indefinite disclosure confuses the scope and appearance of the claim.” *Id.*

6. Stating that the claimed design is shown in solid lines.

Since it is inferred that the claimed design is shown in solid lines, it is not necessary to state so in a feature statement. *See* 29/638,654.

7. Using redundant language in the broken line statement.

For example, in the statement “[t]he broken line showing is included for the purpose of illustrating unclaimed subject matter and forms no part of the claimed design,” the term “unclaimed” and the phrase “and forms no part of the claimed design” are redundant. Statement was corrected to “[t]he broken lines illustrate portions of the golf bag that form part of the claimed design.” *See* 29/705,715.

8. Improperly not including the title of the article in the broken line statement.

Some examiners will issue an objection or rejection if the generic term “article” is used instead of the exact title of the article. *See* 29/731,713. For example, “[t]he broken lines show portions of the article that form no part of the claimed design” corrected to “[t]he broken lines show portions of the [title] that form no part of the claimed design.”

9. Improper use of the phrase “in which the design is embodied.”

The statement “[t]he broken lines shown in the drawings depict portions of the [title of article] in which the design is embodied that form no part of the claimed design” rejected because it can be interpreted that the design is embodied in broken line features. Statement corrected to “[t]he broken lines depict portions of the [title of article] that form no part of the claimed design.” *See* 29/767,986.

10. Not following conventional use of dash-dash broken lines and dash-dot broken lines.

Although applicants are granted flexibility in the type of broken lines used and the language used to describe them, some examiners remind applicants that even dashed broken lines normally represent unclaimed subject matter and dashed-dot lines normally show boundary lines of the claimed design. *See* 29/795,070.

11. Listing the wrong article title in the broken line statement.

The broken line statement must contain the correct title to the article. *See* 29/715,708.

12. Improperly stating that broken lines form no part of the claimed design rather than stating that broken lines show portions of the [title] that form no part of the claimed design.

The original statement “[t]he broken lines in FIGS. 1-7 illustrating certain portions of the scooter form no part of the claimed design” amended to “[t]he broken lines are for the purpose of illustrating portions of the [title] that form no part of the claimed design.” *See* 29/711,117.

13. Using broken lines to show internal parts.

Broken lines may not be used to show internal parts of an article. *See* MPEP 1503.02 (III) (“Broken lines may not be used to show hidden planes and surfaces which cannot be seen through opaque materials.”).

14. Using both thin and thick broken lines without distinguishing between the two in the broken line statement.

If both thin and thick broken lines are used, then the broken line statement must distinguish between them. *See* 29/652,387.

15. Improperly referring to broken lines as phantom lines.

The term “phantom lines” has no meaning in current United States design practice or in the MPEP. *See* 35/510,164. Using the term “phantom” confusingly suggests they represent something that is not there. *See* 29/743,001.

16. Improperly adding unnecessary language.

Adding unnecessary language can be improper. For example, the phrase “[i]n the current numbered figures” was considered unnecessary. *See* 29/763,702. The phrase “[i]n the drawings” was considered unnecessary. *See* 29/750,730. The statement “[t]he bounds of the claimed design are defined with dot-dashed boundary lines when the boundary does not exist in reality in the article embodying the design” amended to “[t]he dot-dashed broken lines represent boundary lines and do not form part of the claimed design.” *See* 29/722,879.

17. Improperly stating that broken lines show portions of the article not claimed.

The statement “[t]he broken lines show portions of the article not claimed and form no part of the claimed design” could be interpreted to mean that only portions of the broken line subject matter, rather than all the broken lines, are not claimed. Therefore, some of the broken lines could be claimed according to this improper description. *See* 29/730,401.

18. Improperly and unnecessarily referring to the article twice

The statement “[t]he broken lines in the drawings of the automobile wheel are for the showing portions of the article and form no part of the claimed design” unnecessarily contains both the terms automobile wheel and article. Proper form is “[t]he broken lines in the drawings illustrate portions of the automobile wheel that form no part of the claimed design.” *See* 29/767,132.

19. Improperly referring to the entire article rather than portions of an article.

The statement “[t]he broken lines in the drawings of the automobile wheel are for showing portions of the article and form no part of the claimed design” suggests that the entire wheel is shown in broken lines. A suggested proper form is “[t]he broken lines in the drawings illustrate portions of the automobile wheel that form no part of the claimed design.” *See* 29/767,132.

20. Improperly including the phrase “portions of the [title] shown in broken lines.”

The statement “[p]ortions of the [title] shown in broken lines form no part of the claimed design” could be interpreted as meaning that only portions of the broken line subject matter, rather than all of the broken lines, are not claimed. Therefore, some of the broken lines could be claimed according to this improper description. *See* 29/750,386.

21. Referring to Enlarged Portions

Proper form: The dot-dash broken lines represent the boundaries of the enlarged portions and form no part of the claimed design. *See* 29/791,249.

22. Improperly describing what is not shown in the drawings as forming no part of the claimed design.

The statement “[a]ny surfaces of the design not shown, including interior surfaces and any surfaces shown in broken lines, form no part of the claimed invention,” is both unnecessary and improper. It is not necessary to describe what is not shown in the drawings as forming no part of the claim. Further, there are no apparent interior surfaces or surfaces of the design that are shown in broken line in the drawings. Therefore, the statement suggests that claimed portions of the design are intended to be unclaimed subject matter, which is impermissible in a design patent application. MPEP § 1503.01(b)(1). *See* 29/774,360.

23. Improperly describing the broken lines as being “unclaimed portions” or “unclaimed subject matter.”

The statement “[t]he broken lines shown in the drawings represent visible environmental structure or unclaimed portions of the structure of the adjustable crank arm, and form no part of the claimed design” was considered improper because it misrepresents the nature of a design claim. “The design is what is claimed, and everything outside of that pertains to portions of the article of manufacture or environment which are excluded from being part of the claimed design. The design is a unitary thing and all of its portions are material, thus there can be no ‘unclaimed’ or ‘disclaimed’ parts of the claimed design.” 29/704,052.

The statement “[t]he dash-dot lines indicate unclaimed portions of the article and form no part of the claimed design” was considered improper. “In a design patent, the claim is directed to the “design for” an article of manufacture. A design doesn’t have any claimed or unclaimed portions; an article does not have any claimed or unclaimed portions. What is shown in broken lines is excluded from the claim, or “forms no part of the claimed design.” 29/753,786.

Suggested proper form: The broken lines show portions of the Adjustable Crank Arm that form no part of the claimed design.

24. Improperly including a statement that the broken lines are not to indicate the relative importance of parts of a design.

Since broken lines are not permitted to be used to indicate the relative importance of parts of the design per MPEP 1503.02 (III), including language in the statement regarding broken lines not indicating relative importance is unnecessary and must be canceled. *See* 29/715,940.

25. Improperly identifying broken lines as representing unclaimed subject matter.

The statement “[t]he broken lines shown represent unclaimed subject matter and form no part of the claimed design” does not explicitly state what the broken lines represent in the drawings. A suggested proper form is the broken lines show portions of the [title of article] that form no part of the claimed design.

26. Improperly describing the broken line portions as being used to “illustrate unclaimed environment.”

“The drawings are the illustration of the claim, in essence, the entire drawing disclosure is for illustrative purposes, as it illustrates the claim. Therefore, a description of a discrete portion – in this case, broken line subject matter – of that drawing as being for illustrative purposes does not clearly describe or clarify the meaning of that portion. 37 CFR 1.152 and MPEP § 1503.02, subsection III.” 29/779,701.

27. Improperly using the term “and” instead of “that.”

The statement “[t]he broken lines are included for the purpose of illustrating environment and form no part of the claimed design” amended to “the broken lines are included for the purpose of illustrating portions of the [title of article] that form no part of the claimed design.” In the amendment, the identification of the broken lines was clarified and the word “and” was changed to “that.” When “and” is used, the statement can be interpreted that only the broken lines form no part of the claimed design and not that the portions of the [title of article] shown by the broken lines form no part of the claimed design. By the using the word “that,” it is clear that the portions of the [title of article] shown by the broken lines form no part of the claimed design. *See* 29/762,616; *see also* 29/753,786.

28. Improperly using the term “which” instead of “that.”

The statement “[t]he broken lines represent stitching lines which form part of the claimed design” amended to “the broken lines represent stitching lines that form part of the claimed design.” Since broken line descriptions should expressly identify the purpose of the broken lines in addition to defining their relationship to the claimed design, the nonrestrictive clause “which” should be amended to the restrictive clause “that” for grammatical clarity. A restrictive

clause modifies the noun that precedes it in an essential way, whereas a nonrestrictive clause describes a noun in a nonessential way. Since the phrases “form part of the claimed design” and “form no part of the claimed design” are essential to the meaning of a broken line statement, the relative pronoun “that” should be used to begin the clause. *See* 29/752,343.

29. Improperly describing boundary lines as portions of the [title] that do not form part of the claimed design

When the broken lines surround the claimed subject matter and the area outside the broken lines is not claimed, the broken lines typically represent unclaimed boundaries and should not be described as showing portions of the [title] that do not form part of the claimed design. *See* 29/741,917.

30. Improperly using vague or open-ended terms such as “elements” to describe broken line features in a graphical user interface (GUI) application.

For computer-generated icon and GUI design applications, broken line statements must clearly identify the article of manufacture (“display screen or portion thereof”) and separately describe each category of broken line subject matter. The term “elements of the graphical user interface” is considered overly broad because it can include features not depicted in the drawings and creates ambiguity as to what is excluded from the claim. The broken line statement should avoid vague descriptors such as “elements,” “features,” or “components” unless each is specifically shown and described.

Original improper statement:

“The outer broken line perimeter showing the display screen and the broken lines within showing text and elements of the graphical user interface form no part of the claimed design.”

Proper form:

“The outer broken line perimeter showing the display screen forms no part of the claimed design. The remaining broken lines, which make up portions of the graphical user interface, form no part of the claimed design.”

See MPEP § 1504.01(a) (Computer-Generated Icons), MPEP § 1503.02(III).

31. Improperly using “dots” to depict unclaimed portions of the article

Using “dots” (or stippling points) instead of standard broken lines to indicate unclaimed subject matter is improper because it is atypical and may render the claim indefinite. “Dots” do not clearly distinguish claimed from unclaimed portions and can obscure claim boundaries.

Recommended form: Convert “dots” to equal-length broken lines and, if necessary, add broken-line boundaries to clearly surround unclaimed regions. Each broken-line style must be mapped to a single purpose in the broken line statement. *See* 29/881,717.

32. Failure to identify environmental subject matter in broken lines.

When environmental subject matter (e.g., a person, background object, support stand) is shown in broken lines, it must be expressly identified as such in the broken line statement. The statement should use clear language such as “The broken lines illustrating [environmental subject matter] represent unclaimed environmental subject matter.” This avoids ambiguity and ensures the scope of the claim is definite. *See* 29/962,439.

6. Prosecution History Case Examples and/or Cases

A. 29/898134

Original:

The outer broken line perimeter showing the display screen and the broken lines within showing text and elements of the graphical user interface form no part of the claimed design.

Rejection:

The broken line statement is objectionable. As the broken line statement is currently written, the language creates confusion and misunderstanding for a designer of ordinary skill in the art. The broken lines of the figures show portions of the graphical user interface which are excluded from the claim, as well as serving to illustrate a display screen or portion thereof, which is the article of manufacture in which the design is embodied, and which should be identified in the drawings per the requirements of the class of designs known as Computer-Generated Icons, and should also be described clearly within the statement. *See* MPEP § 1504.01(a). Applicant describes some of the broken lines as being "elements" of the graphical user interface. This statement is incredibly broadening and leads to further confusion on what the design disclosure is.

To conform to the requirements for broken lines set forth in MPEP § 1503.02(111), it is recommended that the broken line statement be changed to the following:

-- The outer broken line perimeter showing the display screen forms no part of the claimed design. The remaining broken lines, which make up portions of the graphical user interface, form no part of the claimed design. --

B. 29/881717

Original:

The dashed lines and the dots in the drawings illustrate the portions of the conical-shaped leg dressing that form no part of the claimed design.

Rejection:

The broken line statement is objectionable. “Dots” are not a conventional or accepted form of broken lines for showing unclaimed portions of an article and may cause indefiniteness by failing to clearly distinguish claimed from unclaimed matter. In addition, the statement fails to identify the meaning of each broken-line style with specificity. The examiner advised that “dots” should be replaced with equal-length broken lines, and that the statement should map each broken-line style to a single purpose. If any figure shows environment, that figure should be expressly identified and described in the broken line statement.

To conform to the requirements for broken lines set forth in MPEP § 1503.02(III), it is recommended that the broken line statement be changed to the following:

— The equal-length broken lines depict portions of the conical-shaped leg dressing that form no part of the claimed design. In Fig. [X], the equal-length broken lines depict [describe environment, e.g., a leg and foot] that form no part of the claimed design. All broken lines form no part of the claim. —

C. 29/962,439

Original:

The broken lines in the figures depict portions of the upper garment with shoe feature that form no part of the claimed design. The remaining broken lines depict stitching, and do form part of the claimed design.

Rejection:

Additionally, the broken line statement does not accurately describe all broken lines in the drawings. Specifically, the person modeling the claimed design is not described. The broken line statement must clearly indicate the purpose of the broken lines in the drawing (MPEP 1503.01, subsection II (A)(3)). Therefore, the broken line description should be amended to clarify which broken lines in the drawings represent unclaimed portions of the design, which represent stitching, and which are unclaimed environmental subject matter. The following changes are recommended:

-- The broken lines immediately adjacent to unshaded regions in the figures depict portions of the upper garment with shoe feature that form no part of the claimed design. The remaining broken lines on the surface of the article depict stitching, and do form part of the claimed design. The broken lines illustrating a person are represent unclaimed environmental subject matter. --

Amended:

--The broken lines immediately adjacent to unshaded regions in the figures depict portions of the upper garment with shoe feature that form no part of the claimed design. The remaining broken lines on the surface of the article depict stitching, and do form part of the claimed design. The broken lines illustrating a person represent unclaimed environmental subject matter.--

7. Questions and Answers

1. Do drawing figures contain broken lines? Then a broken line statement should be included.

2. Do drawing figures not contain broken lines? Then a broken line statement should not be included.

3. Does the broken line statement (BLS) expressly identify what is represented by each type of broken line? That is required.

4. Does the BLS define the relationship between what is represented by the broken lines and the claimed design? That is required.

5. Does the BLS contain the phrase “for illustrative purposes only”? Consider eliminating it and rewriting the statement.

6. Does the BLS identify the broken lines as environment with no further description? Consider further describing the broken lines as environment to the [title].

7. Is one type of broken line identified as having multiple identities? That is improper. Each type of broken line must have only one identity, e.g., portions of the article that form no part of the claimed design, environment to the article, boundaries of the claim.

8. Does the BLS correctly name the title of the article instead of just the generic term “article”? That is required by many examiners.

9. Does the BLS include the phrase “illustrate unclaimed features”? Consider removing it.

10. Do the broken lines in the BLS represent (1) portions of an article that form no part of the claimed design, (2) environment to the article, (3) boundary lines, (4) stitch lines, (5) fold lines, (6) perforations, or (7) other surface indicia? That is permitted.

11. Do the broken lines in the BLS (1) indicate the relative importance of design portions, (2) show hidden planes and surfaces that cannot be seen through opaque surfaces, or (3) show alternative positions of a design? That is not permitted.

12. Have either solid or broken lines been completely removed from the drawing figures in response to a rejection? That is generally not permitted and is considered new matter.

13. Have shade lines been removed from unclaimed surfaces shown in broken lines? That is required.

14. Is it clear whether areas adjacent to broken line boundaries are claimed or not claimed by using shade lines or description in the BLS? That is required.

15. If broken lines are used to show the boundaries of enlarged areas, are the identity and relationship of the broken lines properly described and is the boundary box or circle in broken lines?

16. If broken lines are used to show sectional views, is the sectional view necessary to show or clarify the exact contour or configuration of the exterior surface of a claimed design and are the identity and relationship of the broken hatch lines and arrows properly described?

17. Does the BLS include the statement that solid lines represent the claimed design? If so, consider removing it as it is inferred that solid lines represent the claimed design.

18. Are broken lines used for shading in the drawing figures? If so, consider removing it as broken lines should not be used for shading to illustrate the three-dimensional configuration of claimed portions of the design.

19. Does the BLS contain a broadening statement to the effect that “[a]ny combination or sub-combinations of features, whether in solid lines or in broken lines, is within the scope of the designs.” If so, consider removing it as broadening statements are not permitted.

20. Is the BLS placed between the figure descriptions and the claim? That is the proper place for it.

21. Does the BLS contain redundant language such as the phrase “unclaimed subject matter” and “that forms no part of the claimed design”? Consider removing the phrase “unclaimed subject matter as that is redundant.

22. Does the BLS contain the phrase “in which the design is embodied”? Consider removing it because it can be interpreted that the design is embodied in broken line features.

23. Does the BLS follow the conventional use of dash-dash broken lines for portions of the [title] that form no part of the claimed design or unclaimed environment to the [title] and dash-dot broken lines for unclaimed boundaries? Some examiners prefer following the conventions.

24. Does the BLS state that broken lines form no part of the claimed design rather than stating that broken lines show portions of the [title] that form no part of the claimed design? Consider putting in the phrase “show portions of the [title] that.”

25. Do the drawing figures use different style of broken lines (such as thick and thin)? If so, then the BLS should distinguish between them.

26. Does the BLS use the term “phantom lines”? Consider removing it as “phantom lines” has no meaning in current United States design practice or in the MPEP.

27. Does the BLS contain language such as “in the current drawing figures” or “in the drawings”? Consider removing the language as it may be unnecessary.

28. Does the BLS describe what is not shown in the drawings as forming no part of the claimed design? Consider removing such a statement as it is unnecessary and improper.

29. Does the BLS describe the broken lines as being “unclaimed portions” or “unclaimed subject matter?” Consider removing this language since a design does not have any claimed or unclaimed portions. What is shown in broken lines is excluded from the claim, or “forms no part of the claimed design.”

30. Does the BLS use the terms “and” or “which” instead of “that” regarding portions of the [title] that form no part of the claimed design? Consider changing the term to “that” as the clause is restrictive and essential to the meaning of the BLS.

In the Drawings Figures

31. Are the broken lines in the drawing figures short, light (but not too light), and even in length, thickness, and spacing? If not, consider revising the drawing figures.

32. Do any of the broken lines merge into solid lines such that confusion is created as to which lines are broken and which lines are solid? If so, consider revising the drawing figures.

33. Are all the different styles of broken lines shown consistently in all the drawing figures? If not, consider revising the drawing figures for consistency.

34. Is shading included within broken lines in the drawing figures? If so, consider removing it as surface shading should not be used on unclaimed subject matter shown in broken lines to avoid confusion as to the scope of the claim.

35. Are broken lines used to show the relationship between two parts of the claimed design? If so, consider removing it as broken lines may not be used to show the relationship between two parts of the claimed design.

36. Are legends and arrows used to identify claimed and unclaimed portions of the design? If so, consider removing them as it is improper to use legends and arrows used to identify claimed and unclaimed portions of the design.

8. Checklist

Broken Line Statement (BLS) Evaluation Checklist

1. Presence and Placement

- ☐ Do the drawings contain broken lines? If yes, a BLS is included. If no, no BLS is included.
- ☐ Is the BLS placed between the figure descriptions and the claim per 37 CFR 1.154?

2. Required Core Elements

- ☐ Does the BLS expressly identify what is represented by each type of broken line (e.g., portions of [title], environment to [title], boundaries, stitching, fold lines, etc.)?
- ☐ Does the BLS define the relationship to the claimed design using the phrase “that form no part of the claimed design”?
- ☐ If multiple styles of broken lines are used (dash-dash, dash-dot, thick, thin), does the BLS distinguish between them?
- ☐ Is the exact title of the article used instead of “article” or a generic term?

3. Language Rules

- ☐ No use of the phrase “for illustrative purposes only.”
- ☐ No use of “environmental” without “environment to the [title].”
- ☐ No use of “unclaimed portions” or “unclaimed subject matter.”
- ☐ No use of “phantom lines.”
- ☐ No use of “in which the design is embodied.”
- ☐ No unnecessary phrases like “in the drawings” or “in the current figures” unless essential for clarity.
- ☐ Uses “that” instead of “which” or “and” when describing portions that form no part of the claimed design.
- ☐ Avoids redundant phrases such as “unclaimed subject matter” plus “that form no part of the claimed design.”

4. Content Accuracy

- ☐ No broken line type is assigned multiple meanings (e.g., both environment and boundary).
- ☐ No reference to internal parts of an article in broken lines.
- ☐ No implication that only portions of the broken line features are unclaimed (must be all of them).
- ☐ No description of what is not shown in the drawings as forming no part of the claimed design.
- ☐ For enlarged areas, does the BLS clearly identify the boundaries as such?
- ☐ For boundary lines, is the description accurate (not described as “portions of the [title]”)?

5. Drawing Cross-Check

- ☐ Every style of broken line in the drawings is accounted for in the BLS.
- ☐ The visual use of each broken line style matches the stated purpose.
- ☐ Broken lines are consistent in length, thickness, and spacing throughout all figures.
- ☐ Broken lines do not merge with solid lines.
- ☐ No shading is used within unclaimed surfaces shown in broken lines.
- ☐ No legends, arrows, or indicators are used to identify claimed vs. unclaimed portions.

- ☐ Broken lines are not used to show relationships between two parts of the claimed design.
- ☐ No “dots” are used to indicate unclaimed matter. If present, convert to equal-length broken lines.
- ☐ If a boundary is intended, confirm a broken-line boundary appears in the drawings and is identified in the broken line statement.
- ☐ Broken lines are not heavier or more prominent than solid lines.

9. MPEP, CFR, and Statutory References

A. 1503.01(II) Description

No description of the design in the specification beyond a brief description of the drawing is generally necessary, since as a rule the illustration in the drawing views is its own best description. *In re Freeman*, 23 App. D.C. 226 (App. D.C. 1904). While not required, such a description is not prohibited and may be incorporated, at applicant’s option, into the specification or may be provided in a separate paper. *Ex parte Spiegel*, 1919 C.D. 112, 268 O.G. 741 (Comm’r Pat. 1919). Descriptions of the figures are not required to be written in any particular format, however, if they do not describe the views of the drawing clearly and accurately, the examiner should object to the unclear and/or inaccurate descriptions and suggest language which is more clearly descriptive of the views.

(A) In addition to the figure descriptions, the following types of statements are permissible in the specification:

(3) Statement indicating the purpose of broken lines in the drawing, for example, environmental structure or boundaries that form no part of the design to be patented.

B. 1503.01 (III) Design Claim

Full lines in the drawing show the claimed design. Broken lines are used for numerous purposes. Under some circumstances, broken lines are used to illustrate the claimed design (i.e., stitching and fold lines). Broken lines are not permitted for the purpose of identifying portions of the claimed design which are immaterial or unimportant. See *In re Blum*, 374 F.2d 904, 907, 153 USPQ 177, 180 (CCPA 1967) (there are “no portions of a design which are ‘immaterial’ or ‘not important.’ A design is a unitary thing and all of its portions are material in that they contribute to the appearance which constitutes the design.”). See also MPEP § 1503.02, subsection III.

C. 1503.02 Drawing

37 C.F.R. 1.152 Design drawings. The design must be represented by a drawing that complies with the requirements of § 1.84 and must contain a sufficient number of views to constitute a complete disclosure of the appearance of the design. Appropriate and adequate surface shading should be used to show the character or contour of the surfaces represented. Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Broken lines may be used to show visible environmental structure, but

may not be used to show hidden planes and surfaces that cannot be seen through opaque materials. Alternate positions of a design component, illustrated by full and broken lines in the same view are not permitted in a design drawing. Photographs and ink drawings are not permitted to be combined as formal drawings in one application. Photographs submitted in lieu of ink drawings in design patent applications must not disclose environmental structure but must be limited to the design claimed for the article.

D. 1504.01(a) Computer-Generated Electronic Images

The complete disclosure must be considered when evaluating a design claim that includes a computer-generated electronic image. More specifically, USPTO personnel must read the disclosure to determine what is claimed as the design and whether the design is embodied in an article of manufacture. USPTO personnel must:

(C) Review the drawing to determine whether a display panel, or a portion thereof, is shown in sufficient views to fully disclose the design as embodied in the article.

(1) If the drawing does not depict a computer icon or a GUI embodied in a display panel, or a portion thereof, in either solid or broken lines, reject the claimed design under 35 U.S.C. 171 for failing to comply with the article of manufacture requirement.

E. 1504.01(b) Design Comprising Multiple Articles or Multiple Parts Embodied in a Single Article

While the claimed design must be embodied in an article of manufacture as required by 35 U.S.C. 171, it may encompass multiple articles or multiple parts within that article. See *Ex parte Gibson*, 20 USPQ 249 (Bd. App. 1933). When the design involves multiple articles, the title must identify a single entity of manufacture made up by the parts (e.g., set, pair, combination, unit, assembly). A descriptive statement should be included in the specification making it clear that the claim is directed to the collective appearance of the articles shown. If the separate parts are shown in a single view, the parts must be shown embraced by a bracket "}". The claim may also involve multiple parts of a single article, where the article is shown in broken lines and various parts are shown in solid lines. In this case, no bracket is needed. See MPEP § 1503.01.

F. 1509 Reissue of a Design Patent

If a drawing view includes both a cancelled and amended version, and the change in the amended version is for the purpose of converting certain solid lines to broken lines, the reissue specification must include a statement indicating the purpose of the broken lines.

10. Tables and Miscellaneous Notes

A. Table of Original and Amended Broken Line Statements

App. No.	Type	Statement
29984651	Original	None
	Amended	The dash-dot-dot broken lines represent stitching on Backpack Inner Compartment and are included in the claimed design. The dash-dash broken lines show environment and form no part of the claimed design.
	Problem	No original broken line statement; missing distinction between claimed and unclaimed portions.
	Solution	Added clear statement identifying which broken lines are claimed stitching and which are environmental.
29919177	Original	The dash-dash-dash lines are included for the purpose of illustrating portions of the insulating container that form no part of the claimed design. The dash-dot-dash broken line is included for the purpose of illustrating a boundary line and forms no part of the claimed design.
	Amended	The broken lines in the figures illustrate portions of the insulating container that form no part of the claimed design. The dot-dash broken lines of Figs. 9-11 and (Insert New Figure Numbers here) are included to show partially enlarged views only and form no part of the claimed design.
	Problem	Ambiguous treatment of broken lines; unclear on enlarged views vs environment.
	Solution	Clarified boundary lines vs enlarged views; fully identified all broken lines as unclaimed.
29896993	Original	The broken line rectangle showing the display screen and the broken lines showing the graphical user interface illustrate portions of the display screen with graphical user interface that form no part of the claimed design.
	Amended	The broken line rectangle showing the display screen illustrates portions of the display screen with graphical user interface that form no part of the claimed design.
	Problem	Overly complicated GUI and display screen reference; confusing structure.
	Solution	Simplified description; referred only to display screen.
29894356	Original	The broken lines shown in the Figures show portions of the Toy that form no part of the claimed design.
	Amended	The broken lines immediately adjacent to the shaded areas depict the bounds of the claimed design, while all other broken lines show portions of the Toy that form no part of the claimed design. The broken lines form no part of the claimed design.
	Problem	Lacked boundary-defining language.
	Solution	Added clear distinction between boundary-defining broken lines and environmental broken lines.
29877742	Original	The broken lines are for illustrative purposes only and form no part of the claimed design.
	Amended	In the drawings, the broken lines depict portions of the article that form no part of the claimed design.
	Problem	Non-standard phrasing (illustrative purposes only).
	Solution	Revised to standard USPTO language.
29876153	Original	The broken lines shown in the drawings illustrate portions of the Game Controller Stand that form no part of the claimed design.
	Amended	The broken lines immediately adjacent to the shaded surfaces depict the bounds of the claimed design, whereas all other broken lines shown in the drawings illustrate portions of the game controller stand that form no part of the claimed design.
	Problem	Lacked boundary distinction.
	Solution	Added standard language distinguishing boundary lines from other broken lines.
29843654	Original	The broken lines of even length showing of elements, including text, on the display screen illustrates portions of the display screen and forms no part of the claimed design.
	Amended	The outermost broken lines of even length showing the display screen form no part of the claimed design. The remaining broken lines showing the graphical user interface, such as text, form no part of the claimed design.
	Problem	Did not distinguish screen border from GUI.
	Solution	Split outer display screen vs GUI elements.
29839423	Original	The portions of the ANIMATED GRAPHICAL USER INTERFACE shown in broken lines are included for the purpose of illustrating unclaimed portions of the ANIMATED GRAPHICAL USER INTERFACE and form no part of the claimed design.

	Amended	The broken lines illustrate portions of the display screen and portions of the graphical user interface that form no part of the claimed design.
	Problem	Needed clearer division between GUI and display screen.
	Solution	Specified unclaimed portions more directly.
29981635	Original	The broken lines showing FOLDABLE ROLLATOR WALKERS are for the purposes of illustrating environment and forms no part of the claimed design. The dot-dash broken lines represent boundaries of the enlarged portions and form no part of the claimed design.
	Amended	The broken lines show portions of the Foldable Rollator Walker that form no part of the claimed design. The dot-dash broken lines represent boundaries of the enlarged portions and form no part of the claimed design.
	Problem	Awkward environmental phrasing.
	Solution	Simplified and standardized broken line language while retaining enlarged view clarifications.
29762031	Original	The ornamental design which is claimed is shown in solid lines in the drawings. The broken lines in the drawings are for illustrative purposes only and form no part of the claimed design. Broken lines formed by equal length dashes show unclaimed subject matter. Broken lines formed by unequal length dashes (i.e., dash-dot) define bounds of the claimed design.
	Amended	In the drawings, the equal-length broken lines depict portions of the sample collection device of the analyte detection system that form no part of the claimed design. The dash-dot-dash broken lines define the boundaries of the claim. All broken lines form no part of the claim.
	Problem	Unclear language describing broken line types and their function.
	Solution	Standardized language; specified which broken lines are boundary lines.
29878530	Original	None
	Amended	The broken lines in the figures illustrate the portions of the food packaging container that form no part of the claimed design.
	Problem	No broken line statement included.
	Solution	Added basic broken line statement using standard USPTO phrasing.
29814804	Original	None
	Amended	The broken lines depict portions of the Connector that form no part of the claimed design.
	Problem	No broken line statement included.
	Solution	Added standard broken line exclusion language.
29905557	Original	Broken lines, if present, form no part of the claimed design and are used for illustrative purposes to show an environment of the claimed design in a condition of use.
	Amended	Portions of the Valve Assembly shown in broken lines form no part of the claimed design.
	Problem	Used vague 'if present' language.
	Solution	Replaced with clear statement directly identifying unclaimed portions.
29854633	Original	Broken lines form no part of the claimed design.
	Amended	Broken lines depict portions of the wolf footprint treat for legged robot and form no part of the claimed design.
	Problem	Lacked article-specific identification.
	Solution	Added article-specific language while retaining exclusion statement.
29878490	Original	The top or the top and the bottom of the golf ball bottle shown in broken lines illustrate environmental structure only and form no part of the claimed design.
	Amended	The short dash broken lines shown in the drawings depict portions of the GOLF BALL BOTTLE that form no part of the claimed design. The long dash broken lines depict the designation of enlargement views of the GOLF BALL BOTTLE and form no part of the claimed design.
	Problem	Confusing reference to environmental structure; lacked clarity on line types.
	Solution	Clarified which broken lines show unclaimed subject matter vs enlarged view boundaries.
29973642	Original	The broken lines shown in the figures illustrate environmental or other features that form no part of the claimed design.

	Amended	The broken lines shown in the figures illustrate portions of the projection lamp that form no part of the claimed design.
	Problem	Overly generic 'environmental or other features' language.
	Solution	Replaced with specific reference to article.
35518915	Original	The broken lines in the figures illustrate the portions of the Advertising Boards for illustrative purposes that form no part of the claimed design.
	Amended	The broken line portion of the figure drawings is included to show portions of the article that form no part of the claimed design.
	Problem	Non-standard 'illustrative purposes' language.
	Solution	Revised to standard USPTO accepted phrasing.
29872477	Original	The broken lines depict portions of the ELECTRICAL CONNECTOR that forms no part of the claimed design.
	Amended	The broken lines depict portions of the ELECTRICAL CONNECTOR that form no part of the claimed design.
	Problem	Minor grammatical error (verb tense agreement).
	Solution	Corrected grammatical issue; otherwise no substantive change.
29883462	Original	Any portion of the COCKTAIL COOLER shown in broken lines is for purpose of illustrating environmental structure and forms no part of the claimed design.
	Amended	The broken lines in the figures illustrate portions of the [TITLE] that form no part of the claimed design.
	Problem	Used overly complicated 'environmental structure' language.
	Solution	Simplified to standard broken line language while using article placeholder.
29913792	Original	The broken lines shown on the drawings form no part of the claimed design.
	Amended	The short dash-dash broken lines show portions of the golf club head and form no part of the claimed design. The long dash-dash broken lines depict the bounds of the enlarged views and form no part of the claimed design.
	Problem	Original statement failed to identify what the broken lines represent, did not reference the article by its exact title, and did not distinguish between different broken-line styles used in the drawings.
	Solution	Amended statement specifies the article title ("golf club head"), identifies the meaning of each broken-line style, and clarifies that both types form no part of the claimed design.