

Design Patent ProGuide – Figure Descriptions

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MPEP sections, rules, statutes, Board decisions and design application file histories cited in this guide link to the documents in ProSearch. A free Design Patent Pro account is all that is needed to open them.

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Quick Reference Guide

DO

Ensure every drawing figure has a corresponding, accurate figure description

Use precise and standardized view terminology (e.g., front elevational, bottom plan)
Keep figure descriptions limited to identifying the view shown
Maintain strict consistency between figure descriptions and the drawings
Clearly identify enlarged, reference, exploded, and position-of-use views
Separately identify figures for different embodiments where applicable
Use “The figure is ...” for a single view, which is not numbered and not labeled “FIG.”
Confirm figure descriptions do not contradict solid- or broken-line treatment
Assume figure descriptions will be scrutinized under §112(b) for clarity and public notice

DON'T

Don't use vague or informal terms such as “state” or “similar to”
Don't describe scale ambiguously or inconsistently across figures
Don't refer to the “invention” instead of the design or claimed design
Don't use embodiment language implying undisclosed alternatives
Don't attempt to disclaim subject matter through figure descriptions
Don't combine descriptive statements with figure descriptions
Don't introduce new matter or interpretation not shown in the drawings

1. Introduction and Theory

In a U.S. design patent application, figure descriptions play a critical but often underestimated role. Although the drawings constitute the entire visual disclosure of the claimed design, figure descriptions serve as the procedural framework that anchors those drawings to a clear, intelligible record. Inaccurate, vague, or inconsistent figure descriptions can undermine the clarity of the disclosure, create ambiguity as to claim scope, and trigger objections or rejections under [35 U.S.C. §112\(b\)](#).

The USPTO does not require figure descriptions to follow a rigid format. The MPEP states that descriptions of the figures are not required to be written in any particular format, but that if they do not describe the views of the drawing clearly and accurately, the examiner should object and suggest language that is more clearly descriptive of the views ([MPEP § 1503.01](#), subsection II). The specification must include a description of the figure or figures of the drawing ([37 C.F.R. § 1.154\(b\)\(4\)](#)). Because design patents rely almost entirely on visual disclosure, figure descriptions function as an organizational framework or navigational tool that ensures the public, the examiner, and later courts understand which views are presented and how they relate to one another.

Figure descriptions are not an opportunity to explain the design, characterize its novelty, or limit or expand claim scope. Their role is narrow but exacting: to identify each figure view with sufficient precision that the drawings can be read as a coherent, internally consistent disclosure. Errors in figure descriptions are typically treated as formal objections, but where such errors obscure the scope or configuration of the claimed design, they may support indefiniteness rejections.

This ProGuide addresses figure description requirements as they arise during U.S. design patent prosecution. It focuses on examiner practice, common objections, and recurring pitfalls observed in prosecution histories. The emphasis is on procedural sufficiency, clarity, and consistency, not on stylistic preference.

Note: This ProGuide is subject to certain limitations, which are set forth in [Appendix 3](#) of this document.

2. Recommended Form

2.1 View Terminology

Use conventional view terminology, including “front elevational view,” “rear elevational view,” “left side elevational view,” “right side elevational view,” “top plan view,” “bottom plan view,” and “perspective view.” The USPTO does not publish a required list of view names, and examiners’ own suggested language sometimes uses short forms such as “front view” and “back view” (Application [35/519,052](#)). The full terms remain the safer choice.

2.2 Perspective Views

Identify perspective views clearly and avoid combining multiple orientations into a single description.

2.3 Enlarged and Reference Views

Reference views are auxiliary views that depict the design in a context or condition not shown in the primary views. Describe what the view depicts (for example, “a perspective view of the [article] shown in an environment of use”). A “reference view” label may be retained where it accurately identifies an auxiliary view, particularly in a Hague filing (the examiner’s own suggested descriptions in Application 35/519,052 ended “Figure 1.8 is a reference view thereof”), but it should not substitute for an informative description. Where a reference view includes environmental structure or context that is not claimed, coordinate the description with the broken-line statement, and do not use the figure description to say what forms no part of the claimed design (see Section [2.5](#) and Example [4.4](#)). [MPEP § 1503.01](#), subsection II.

2.4 Scale Language

If figures are shown at different scales, the figure descriptions must clearly identify the scale relationship between the views (e.g., “enlarged view of portion A shown in FIG. 1”). Ambiguous phrases such as “reduced scale thereof” should be avoided, as they often fail to clarify what is reduced relative to what and may create confusion regarding the relationship between views. In Application [29/936,959](#), the examiner objected to “of the reduced scale thereof” in several descriptions; the applicant cured the objection by describing the first reduced view as “shown in a reduced scale” and the following views as views “thereof” at the same scale (Example [4.6](#)).

2.5 Environmental Structure

Where environmental structure is shown, figure descriptions may identify such context in a neutral, descriptive manner. Figure descriptions must not contain disclaimer or claim-scope language stating that environmental features “do not form part of the claimed design.” Any disclaimer of unclaimed subject matter must appear in a separate broken-line statement and be consistent with the line treatment shown in the drawings.

2.6 Embodiment Grouping

Group figure descriptions by embodiment where applicable, using clear headings or sequencing.

2.7 Special View Types

Certain designs require specialized views to fully convey appearance. When such views are included, figure descriptions must accurately and neutrally identify the nature of the view without implying functional purpose or claim scope. For computer-generated icons or graphical user interfaces, figure descriptions should identify the article of manufacture on which the design is displayed (e.g., “display screen”) and describe the view accordingly (e.g., “front elevational view of a display screen with a graphical user interface showing the claimed design”), without characterizing functionality or use.

2.8 Exploded Views

Exploded views should be expressly identified as such (e.g., “exploded perspective view”) and limited to describing the relative positioning of components as shown. Figure descriptions should not characterize assembly, function, or relationships beyond what is visually depicted. Exploded views, with the separated parts embraced by a bracket, are permitted by [37 C.F.R. § 1.84\(h\)\(1\)](#).

2.9 Cross-Sectional and Cut-Away Views

Cross-sectional or cut-away views must be clearly identified, including the section line reference where applicable (e.g., “cross-sectional view taken along line A–A of FIG. 1”). Figure descriptions should avoid suggesting internal structure or function beyond the exterior contour shown. Where a sectional view is described, the plane of the section (e.g., line A–A) should ordinarily be indicated on the view from which the section is cut, consistently with 37 C.F.R. § 1.84(h)(3). The MPEP directs examiners to object to sectional views presented solely to show internal construction or functional or mechanical features and to require their cancellation, but sectional views may be used where the exact contour or configuration of an exterior surface is not clear from the other views ([MPEP § 1503.02](#)).

2.10 Fragmentary Views

Fragmentary views showing only a portion of the design should be identified as such (e.g., “fragmentary front elevational view showing portion A”). Figure descriptions must not imply that unshown portions are claimed or unclaimed except as supported by line treatment.

2.11 Sequential or Positional Views

Where figures depict the design in different positions (e.g., open and closed, extended and retracted), figure descriptions must clearly and consistently identify each position without implying separate embodiments unless intended.

3. Rules for Figure Descriptions

Each rule below is labeled by how firmly it applies. MANDATORY rules come from a statute or regulation. ESTABLISHED PRACTICE rules reflect MPEP guidance or consistent examiner practice. VARIABLE PRACTICE rules reflect requirements that some examiners have imposed and others have not; the cited file histories show what one examiner required, not what every examiner will require.

3.1 Correspondence Between Figures and Descriptions

ESTABLISHED PRACTICE Each drawing view included in a design patent application must have a corresponding figure description that expressly identifies that view. Omission of a figure description for any drawing view creates ambiguity in the disclosure and is objectionable. The specification should include a description of the figure or figures of the drawing ([37 C.F.R. §](#)

1.154(b)(4)), and the examiner should object to descriptions that do not describe the views clearly and accurately ([MPEP § 1503.01](#), subsection II). Neither source prescribes a separate sentence for each view, but accounting for every view is the practice that avoids the objection.

3.2 Accurate Identification of View Orientation

ESTABLISHED PRACTICE Figure descriptions must accurately identify the orientation and nature of each view using accepted USPTO terminology (e.g., front elevational view, right side elevational view, top plan view). Inaccurate, incomplete, or informal identification of views is objectionable. While the use of the term “perspective view” alone is sometimes accepted in practice where the orientation is otherwise clear from the drawings, specifying the orientation (e.g., front or rear perspective view) is preferred and reduces the likelihood of objection. Where sectional, cut-away, or fragmentary views are presented, the figure descriptions must accurately identify the nature of the view using standard terminology and any referenced section lines.

3.3 Exact Consistency With Figure Numbering

MANDATORY Figure descriptions must correspond exactly to the figure numbers and labels shown in the drawings. Misnumbering, skipped figures, or inconsistent references between the drawings and the descriptions are improper. Views must be numbered consecutively, starting with 1 ([37 C.F.R. § 1.84\(u\)\(1\)](#)).

3.4 Prohibition on Superfluous or Interpretive Language

ESTABLISHED PRACTICE Figure descriptions should be limited to identifying the view shown. Descriptive commentary, functional explanations, comparative statements, or interpretive language are improper and may create ambiguity regarding claim scope (e.g., “showing the novel configuration,” “depicting the ornamental features”). The customary closing phrase in the first description, “showing my new design” (or “our new design”), is not interpretive; examiners use it in their own suggested language (Applications [29/834,348](#) and [35/519,052](#)).

3.5 No Introduction of New Matter Through Description

ESTABLISHED PRACTICE Figure descriptions may describe only what is visually shown in the drawings. They must not characterize features, relationships, configurations, or design intent that are not evident from the visual disclosure itself.

3.6 Clear Identification of Scale and Enlargement

ESTABLISHED PRACTICE Where a view is enlarged or shown at a different scale, the figure description must clearly identify that fact. Scale identification must not imply functional significance or structural differences not shown in the drawings. Terminology varies among examiners. Examiners have themselves suggested “enlarged detail view” (Application 29/858,471) and “magnified view” (Application 29/729,538), while another examiner objected to “detail” (Application 29/936,959). “Enlarged view of portion [X] in FIG. [Y]” is the safest form.

3.7 Express Identification of Position-of-Use Views

VARIABLE PRACTICE If a figure depicts the design in a position of use, the figure description should state that the view shows the design in a position of use or in an environment. Failure to do so may render the description inaccurate. See Example 4.8.

3.8 Separation of Multiple Embodiments

ESTABLISHED PRACTICE Where multiple embodiments are illustrated, figure descriptions must clearly differentiate which figures correspond to each embodiment. Ambiguous grouping or conflation of embodiments is improper.

3.9 Consistency With Claimed and Unclaimed Subject Matter

ESTABLISHED PRACTICE Figure descriptions must be consistent with the treatment of claimed and unclaimed subject matter in the drawings. Figure descriptions may not disclaim subject matter shown in solid lines, and any reference to unclaimed subject matter must align with broken-line treatment and corresponding statements in the specification.

3.10 Careful Treatment of Single-Figure Applications

MANDATORY Where only a single drawing figure is presented, figure descriptions must avoid language implying the existence of additional figures, views, or embodiments. Where only a single view is used, it must not be numbered and the abbreviation “FIG.” must not appear (37 C.F.R. § 1.84(u)(1)). The regulation governs how the view is numbered and labeled, not the wording of the description; a description such as “The figure is a perspective view of a [article] showing my new design” is consistent with it. Sequential or comparative language (e.g., “first embodiment,” “another view,” or “FIG. 1 of 2”) or sheet numbering suggesting multiple figures should also be avoided.

3.11 Identification of Identical or Mirror-Image Views

ESTABLISHED PRACTICE Where opposing sides or portions of a design are identical or mirror images of one another, the figure descriptions may state that relationship. If a view is omitted because it is identical or a mirror image of another view, the figure descriptions must clearly indicate that fact to avoid ambiguity as to the completeness of the disclosure. Views that merely duplicate other views may be omitted “if the specification makes this explicitly clear,” for example by a statement in the drawing description that the other side is identical or a mirror image (MPEP § 1503.02).

3.12 Figure Descriptions Must Be Updated to Reflect Amended Drawings

ESTABLISHED PRACTICE When drawings are amended during prosecution, the figure descriptions must be reviewed and amended as necessary to remain consistent with the revised drawings. Failure to update figure descriptions to reflect changes in line treatment, scale, configuration, or claimed versus unclaimed subject matter may render the disclosure inaccurate or indefinite.

3.13 Omitted Views and Explanatory Statements

ESTABLISHED PRACTICE Where a drawing view is omitted because the corresponding surface is flat and unornamented, the specification must include an explanatory statement identifying the omission. When such a statement is required, the figure descriptions must remain consistent with that explanation and must not imply the existence of an omitted view without clarification. The term “unornamented” should not be used for visible surfaces that include structure that is clearly not flat (MPEP § 1503.02, citing *Philco Corp. v. Admiral Corp.*, 199 F. Supp. 797 (D. Del. 1961)).

3.14 Accurate Use of “Thereof” and Antecedent Basis

VARIABLE PRACTICE Figure descriptions should use “thereof” only where it is accurate and clarifying. Where a figure description already identifies the antecedent figure (e.g., “of FIG. 1”), adding “thereof” may be redundant. More importantly, “thereof” should not be used where the relationship is not truly “the same view/article as immediately preceding,” such as where the later figure is an exploded view but the referenced view is not, or where the later figure depicts only a portion rather than the full article.

Source: Application 29/906,024 – examiner objected that “thereof” was inaccurate/redundant in multiple figure descriptions and provided substitute wording.

3.15 Title Consistency and “Shown Separately for Ease of Illustration” When a Figure Depicts Only a Portion

VARIABLE PRACTICE If a figure depicts only a portion of the article (e.g., one component of a multi-component title), the figure description should (i) remain consistent with the application title, and (ii) make clear that the portion is shown separately, rather than implying the title/article has changed. One examiner suggested the wording “shown separately for ease of illustration”; it is an example, not required language.

Source: Application 29/906,024 – examiner objected where the title was inconsistent with what the view actually showed and recommended revised wording describing the portion “shown separately for ease of illustration.”

3.16 Separate Figure Label and Description Required When a “Complete View” and an Environmental/Use View Are Combined

ESTABLISHED PRACTICE A single figure label should not encompass both (i) a complete view of the design and (ii) a use/environment depiction (or other auxiliary depiction) within the same labeled figure. Where an environmental/use depiction is present, it should be given its own figure number and its own figure description. In Application [29/868,137](#) the examiner treated this as a drawing objection, citing 37 C.F.R. § 1.84(h)(2).

Source: Application 29/868,137 – the examiner objected to the drawings, required the environmental view to be given its own figure number and figure description, and the applicant added a description of the new figure.

3.17 No Duplicate Figure-Description Listings; Use a Single, Consistent Figure Labeling Convention

VARIABLE PRACTICE Each figure description should appear only once in the specification, and the label used in the description should be consistent with the figure labeling used in the disclosure (e.g., do not describe “Photograph 1” where the disclosure labels the image as “FIG.”). In the cited application, the examiner objected to duplicate listings and inconsistent labeling as unclear.

Source: Application [29/800,498](#) – examiner required cancellation of duplicate figure-description listings and replacement of “photograph” with “FIG/Figure.”

3.18 Clarify When Multiple Figures Show the Same Design With a Different Broken-Line Context (Not Separate Embodiments)

VARIABLE PRACTICE Where multiple figures show the same claimed design but with a different broken-line context, the figure descriptions should clarify that the later figure shows the same design “in a differing broken-line context,” rather than characterizing the figures as different embodiments.

Source: Application 29/816,282 – after a restriction requirement grouped two figures as one design, the examiner required the figure descriptions to stop calling them separate embodiments and suggested wording showing the second figure as the same design “in a differing broken-line context.”

4. Application of Rules to Objections and Rejections

This section provides representative examples of how figure-description objections and rejections arise in practice and how they are typically cured during prosecution. Each example is drawn from actual prosecution histories and is presented in the same form used throughout this ProGuide.

4.1 Improper Embodiment Terminology Creating Ambiguity

In Application No. 29/895,976, the descriptions of FIGS. 9-16 described the second configuration of the article as “another state” of the article shown in FIGS. 1-8. The Examiner objected, noting that descriptions of the figures “should describe the views of the drawings in a language that is meaningful to the public” (MPEP § 1503.01, subsection II), stated that the Examiner understood FIGS. 1-8 and 9-16 to show “alternate configurations of the same article,” and, “[f]or clarity and consistency,” recommended replacing “state” with “configuration.”

The Applicant amended the descriptions of FIGS. 9-15 to replace “state” with “configuration.” Because the description of FIG. 16 still referred to “another state,” the Examiner made the same change by examiner’s amendment in the Notice of Allowability. Rule 3.4, Rule 3.8

Comment (the guide’s observation, not the examiner’s stated reason): In practice, movable designs are typically described using configuration-based language (e.g., “folded configuration” and “unfolded configuration”) because it identifies a structural arrangement.

4.2 Unclear Identification of Enlarged and Cross-Sectional Views

In Application No. 29/858,471, the Examiner objected to the figure descriptions because the enlarged views and cross-sectional views were not clearly and accurately identified. The original descriptions read “FIG. 8 is an enlarged view of the encircled portion in FIG. 1; and FIG. 9 is a

cross-sectional view thereof taken through line 9-9 in FIG. 2.” The Examiner stated that the descriptions must describe the views “clearly and accurately” (MPEP § 1503.01, subsection II) and suggested “FIG. 8 is an enlarged detail view of encircled portion 8 in FIG. 1; and FIG. 9 is an enlarged detail cross-sectional view taken along line 9-9 in FIG. 2.”

To correct the objection, the Applicant amended FIGS. 8 and 9 to the suggested descriptions, adding only “the” before “encircled portion 8.” The amended descriptions identify the enlarged portion by its reference number and identify FIG. 9 as an enlarged cross-sectional view taken along an identified section line. Rule 3.2, Rule 3.6

4.3 Non-Specific Perspective View Descriptions

In Application No. 29/834,348, the Examiner objected because the figure descriptions used the phrase “another perspective view,” which failed to identify the orientation of the view and did not clearly distinguish between front and rear perspectives. “For greater clarity,” the Examiner suggested “Fig. 1 is a front perspective view of a HALLUX VALGUS CORRECTOR, showing my new design; Fig. 2 is a rear perspective view thereof.”

The Applicant amended FIG. 1 to identify a front perspective view and FIG. 2 to identify a rear perspective view, adopting the orientation changes. The filed FIG. 2 description (“Fig. 2 is rear perspective view thereof”) omitted the article “a” from the Examiner’s suggested wording. Rule 3.2, Rule 3.4

4.4 Improper Use of Descriptive Statement Formatting in Figure Descriptions

In Application No. 35/519,052, the Examiner objected because the figure description section was drafted in the form of a descriptive statement rather than concise figure descriptions. The Examiner further objected because the figure descriptions included claim-scope language stating that a view “does not form part of the claimed design,” which is improper within the figure description section.

The Applicant amended the descriptions to the Examiner’s suggested form, ending “Figure 1.8 is a reference view thereof,” and placed the statement about environmental structure in a separate paragraph: “The additional elements shown in Figure 1.8 are for the purposes of illustrating environmental structure, which form no part of the claimed design.” The Examiner’s next action stated that the response “did overcome the objection to the specification.” Rule 3.4, Rule 3.9

4.5 Terminology for Enlarged Views Varies

Examiners do not agree on a single term for enlarged views. In Application No. 29/729,538, the Examiner's own suggested descriptions read "Figure 8 is a magnified cross sectional view taken along line 8-8 in Figure 4" and "Figure 9 is a magnified view of area 9 circled in FIG. 7." In Application No. 29/858,471, the Examiner suggested "enlarged detail view" (Example 4.2). In Application No. 29/936,959, a different Examiner objected to the term "detail" (Example 4.6).

The regulation itself refers to a portion of a view "enlarged for magnification purposes" (37 C.F.R. § 1.84(h)(2)), and neither the regulation nor the MPEP prohibits "magnified" or "detail." The safest description identifies the view as enlarged and names the portion and the figure it comes from (e.g., "an enlarged view of portion 9 in FIG. 1"). Rule 3.6

4.6 Improper Scale and "Detail" Terminology

In Application No. 29/936,959, the Examiner objected because repeated references to "reduced scale thereof" created confusion regarding scale and the relationship between views. The Examiner also objected to the term "detail" in the descriptions of the enlarged views, noting that the dash-dot-dash broken lines in the base figures show portions of the article, and suggested descriptions such as "Figure 9 is an enlarged view of portion 9 in Figure 1."

The Examiner stated that the Examiner understood FIG. 3 to be a front elevational view shown in a reduced scale and FIGS. 4-8 to be views shown in the same scale as FIG. 3. "[F]or proper form," the Examiner suggested amended descriptions beginning "Figure 3 is a front elevational view of a ceiling fan with light shown in a reduced scale." To overcome the objections, the Applicant amended the descriptions to read "Figure 3 is a front elevational view of the Ceiling Fan with Light, shown in a reduced scale; Figure 4 is a rear elevational view thereof; ..." and replaced "detail" with "portion" ("Figure 9 is an enlarged view of portion 9 in Figure 1"). Rule 3.4, Rule 3.6

4.7 Improper "Thereof" Usage in Exploded and Portion Views

In Application No. 29/906,024, the Examiner objected because "thereof" was used redundantly where the description already referenced an antecedent figure and was used inaccurately where the later figure was an exploded view or portion view that did not correspond to the antecedent view. The Examiner treated the misuse of "thereof" as improper because it created ambiguity regarding what the figure actually depicted.

To overcome the objection, the Applicant amended the figure descriptions to remove inaccurate and redundant "thereof" usage and rewrote the descriptions to accurately describe the relationship between the views. For example, rather than stating that an exploded view was "thereof," the

description was revised to state that the exploded view showed the article of the referenced figure with components separated. The same action also objected that the article “the” was missing before the title in the descriptions. Rule [3.14](#)

4.8 Improper Combination of Complete and Environmental Views Under a Single Figure Label

In Application No. [29/868,137](#), the Examiner objected to the drawings because an environmental or position-of-use depiction was included within the same labeled figure as a complete view of the design. The Examiner required that the environmental or use depiction be presented as a separately numbered figure with its own corresponding figure description, rather than being combined under a single figure designation.

To correct the objection, the Applicant amended the drawings and figure descriptions to provide the environmental or use depiction as a separately numbered figure and added a corresponding figure description: “FIG. 9 is an illustration of the claim in a use of environment of the Folding Drying Rack of FIG. 1.” Rule [3.7](#), Rule [3.16](#)

4.9 Inconsistent Orientation Terminology Treated as a Typographical Error

In Application No. [29/939,674](#), the Examiner objected because certain figure descriptions were inconsistent with the drawings and treated the discrepancy as an apparent typographical error, such as describing a figure as a “top plan view” when the drawings showed a bottom plan view, or describing a view as “front” when it appeared to be “rear.”

To overcome the objection, the Applicant amended the figure descriptions to correct the orientation terminology so that the descriptions accurately matched the drawings. Rule [3.2](#)

4.10 Duplicate Figure Descriptions and Improper “Photograph” Terminology

In Application No. [29/800,498](#), the Examiner objected because the specification listed the figure descriptions twice and described the figures as “photographs” even though the disclosure labeled them as “FIG.” Citing MPEP § 1503.01, subsection II, the Examiner stated that “[f]or clarity and consistency, ‘photograph’ should be cancelled from each figure description and replaced with ‘FIG’, ‘Figure’, or similar, and each figure description should be listed only once in the specification.” The same action identified additional descriptions of individual figures elsewhere in the specification.

The Applicant amended the specification. In the later action, the Examiner stated that the amendments to the specification, which reorder the specification, clarify the figure descriptions, remove descriptive statements, and remove the embedded photographs, overcame the objection.

The record does not identify the figure-description changes alone as the basis for withdrawing the objection. Rule [3.17](#)

4.11 Same Design Shown With Different Broken-Line Context Is Not a Separate Embodiment

In Application No. [29/816,282](#), a restriction requirement grouped two figures as the same design. After the election, the Examiner required the figure descriptions to remove the reference to the two figures as separate embodiments, because the second figure showed the same design in a different broken-line context. The Examiner treated the embodiment language as improper because it created ambiguity as to whether multiple distinct designs were disclosed.

To overcome the objection, the Applicant amended the figure descriptions to clarify that the later figure showed the same design in a differing broken-line context, rather than characterizing the figure as a separate embodiment. Rule [3.8](#), Rule [3.18](#)

5. Practice and Enforcement Notes

5.1 Figure Descriptions Are Reviewed at Multiple Stages of Prosecution

Figure descriptions are not reviewed only at filing. Examiners assess figure descriptions in conjunction with the drawings at each stage of prosecution, including after any amendment to the drawings or specification. Practitioners should treat figure descriptions as a living part of the application record that must be affirmatively reconciled with the drawings whenever either is amended. See Rule [3.12](#).

5.2 Objections to Figure Descriptions Are Formal but Can Have Substantive Consequences

Objections to figure descriptions are typically made as objections to the specification, with the examiner suggesting clearer language ([MPEP § 1503.01](#), subsection II), rather than as rejections under [35 U.S.C. §112](#). However, where a figure description is sufficiently vague, inaccurate, or inconsistent with the drawings, an examiner may treat the deficiency as supporting an indefiniteness rejection. Practitioners should not assume that a figure description deficiency is harmless because it is characterized as a formal objection.

5.3 Amendments to Figure Descriptions Must Be Supported by the Original Disclosure

When amending figure descriptions during prosecution, practitioners must ensure that the amended language does not introduce new matter under [35 U.S.C. §132](#). An amendment that characterizes a view in a manner not supported by the original drawings or specification may be objected to on new matter grounds under 35 U.S.C. §132(a) and, in appropriate cases, rejected under 35 U.S.C. §112(a) for failure to satisfy the written description requirement, even where the amendment is intended solely to correct a formal deficiency. The safest amendments are those that clarify or correct the identification of a view using neutral, standardized terminology consistent with what the drawings have always shown.

5.4 Examiner-Suggested Language Should Be Reviewed, Not Adopted Blindly

Examiners routinely suggest substitute figure description language when issuing objections. While such suggestions often provide a practical and efficient path to resolution, practitioners should review examiner-suggested language carefully before adopting it. Suggested language that inaccurately characterizes a view, introduces unintended interpretive content, or is inconsistent with the drawings or broken-line treatment should be modified or declined. Adoption of inaccurate examiner-suggested language does not insulate the application from later challenge.

5.5 Consistency Across the Application Record

Figure descriptions do not operate in isolation. They must be read in conjunction with the drawings, the title, the broken-line statement, and any descriptive statement included in the specification. A figure description that is internally consistent but conflicts with another portion of the specification creates ambiguity that may be exploited in post-grant proceedings or litigation. Practitioners should conduct a final consistency review of the complete application record, including the title, figure descriptions, broken-line statement, and drawings, before filing and before submitting any amendment.

5.6 Strategic Considerations in Multi-Embodiment Applications

Where a design patent application includes multiple embodiments, figure descriptions take on additional strategic significance. Ambiguous grouping of figures, inconsistent embodiment labeling, or conflation of embodiments through figure descriptions can create uncertainty as to the scope and number of distinct designs disclosed. In multi-embodiment applications, practitioners should confirm that the figure descriptions unambiguously associate each figure with the correct embodiment and that no figure description inadvertently implies the existence of an additional, undisclosed embodiment.

Appendix 1 (Checklist)

- ☐ Every figure has a corresponding description
- ☐ A single view is not numbered and not labeled “FIG.” (“The figure is ...”)
- ☐ View terminology is accurate and standardized
- ☐ No interpretive or functional language used
- ☐ Enlarged and reference views clearly identified
- ☐ Scale relationships between views accurately stated
- ☐ Position-of-use identified where applicable
- ☐ No contradiction with drawing line treatment
- ☐ No embodiment ambiguity
- ☐ If an identical or mirror-image view is omitted, the omission is explained in the specification
- ☐ Figure descriptions reviewed and updated to reflect any amended drawings
- ☐ "Thereof" used only where accurate and non-redundant
- ☐ Title consistency confirmed where a figure depicts only a portion of the article
- ☐ Environmental or use depictions given separate figure numbers and descriptions
- ☐ No duplicate figure-description listings; consistent figure-labeling convention used throughout
- ☐ Figures showing the same design in a differing broken-line context not characterized as separate embodiments

Appendix 2 (Questions and Answers)

Q1: Can a figure description say “front view” instead of “front elevational view”?

A: While “front elevational view” is preferred and avoids objections, “front view” is sometimes accepted where the orientation is clear from the drawings; however, use of the full descriptive term is recommended to minimize risk. Examiners’ own suggested language has used “front view” (Application [35/519,052](#)).

Q2: Should broken-line disclaimers appear in figure descriptions?

A: No; they belong in the broken-line statement.

Q3: Can figure descriptions refer to the invention?

A: Avoid “invention”; refer to the design or claimed design.

Q4: How should I describe a view that shows the design from an angle that's not purely front, side, or top?

A: Use "perspective view" or, if the orientation is predominantly one direction, specify it (e.g., "front perspective view"). Avoid inventing non-standard terminology.

Q5: Must examiner-suggested figure description language be adopted verbatim?

A: No. Examiner-suggested language provides a practical starting point, but practitioners are not required to adopt it verbatim. Where suggested language inaccurately characterizes a view, conflicts with the drawings, or is inconsistent with the broken-line treatment, it should be modified accordingly. Adopting inaccurate language solely for the purpose of expediting allowance does not insulate the application from later challenge.

Q6: If figure descriptions are amended during prosecution, is there a risk of introducing new matter?

A: Yes. Amendments to figure descriptions must be supported by the original disclosure. An amendment that characterizes a view in a manner not evident from the original drawings may be objected to on new matter grounds regardless of whether the amendment was intended to cure a formal deficiency. The safest amendments use neutral, standardized terminology to clarify or correct the identification of a view consistent with what the drawings have always shown. See [Section 5.3](#).

Appendix 3 (Limitations)

This ProGuide addresses figure description requirements as they arise during U.S. design patent prosecution and is intended to reflect common examiner practice, procedural standards, and recurring issues observed in prosecution histories. It is not intended to provide exhaustive coverage of all potential figure-description scenarios or to substitute for professional judgment in individual cases.

Figure description requirements are inherently procedural and context-dependent. Examiner practice may vary based on the complexity of the design, the number and type of views presented, the presence of multiple embodiments, and the interaction between the figure descriptions,

drawings, and other portions of the specification. As a result, compliance with the rules and guidance set forth in this ProGuide does not guarantee that an examiner will not raise objections or rejections in a particular application.

This ProGuide focuses on the accuracy, clarity, and internal consistency of figure descriptions. It does not address broader issues relating to drawing quality, broken-line practice, claim language, or substantive claim scope, except to the extent those issues directly intersect with figure description accuracy. Practitioners should evaluate figure descriptions in conjunction with the complete application record, including the drawings, broken-line statements, and any amendments made during prosecution.

The examples and representative examiner objections included in this ProGuide are illustrative rather than comprehensive. They reflect common patterns but do not preclude alternative examiner reasoning or outcomes based on different facts. Changes to USPTO examination practice, updates to the MPEP, or future judicial decisions may alter how figure description issues are evaluated.

Nothing in this ProGuide should be construed as legal advice, a guarantee of allowance, or a definitive statement of USPTO policy. Practitioners remain responsible for exercising independent professional judgment and for tailoring figure descriptions to the specific disclosure, prosecution posture, and strategic objectives of each design patent application.

Appendix 4 (Selected Authorities)

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. [MPEP § 1503.01](#), subsection II.

View numbers must be preceded by the abbreviation “FIG.” Where only a single view is used in an application to illustrate the claimed invention, it must not be numbered and the abbreviation “FIG.” must not appear. [37 C.F.R. § 1.84\(u\)\(1\)](#).

Views that are merely duplicative of other views of the design or that are flat and include no surface ornamentation may be omitted from the drawing if the specification makes this explicitly clear. For example, if the left and right sides of a design are identical or a mirror image, a view should be provided of one side and a statement made in the drawing description that the other side is identical or a mirror image. [MPEP § 1503.02](#).