

(1) Currently amended claims: All claims being currently amended in an amendment paper shall be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The changes in any amended claim shall be shown by strike-through (for deleted matter) or underlining (for added matter). Only claims of status "currently amended" shall include markings.

(2) Original, previously amended, or previously added claims: The text of pending claims not being currently amended shall be presented in each amendment document in clean version, *i.e.*, without any markings in the presentation of clean text. The presentation of clean text in any claim will constitute an assertion that it has not been changed relative to the immediate prior version. The text of canceled and withdrawn claims shall not be presented, but must be indicated by only claim number and status.

(3) Canceled and new (added) claims: A claim is canceled by providing an instruction to cancel the claim by claim number. No markup shall be presented. Listing a claim as canceled will constitute an instruction to cancel the claim. Any claims added by amendment must be indicated as (new), and shall not be underlined.

(4) When one or more claims are amended or added in an amendment document, all of the claims shall be presented in a listing in ascending numerical order. Consecutive canceled or withdrawn claims may be aggregated into one statement (*e.g.*, Claims 1–5 (canceled)). The text of the claims shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(5) A claim canceled by amendment (deleted in its entirety) may be reinstated only by a subsequent amendment presenting the claim as a new claim with a new claim number.

(d) *Drawings.* Application drawings are amended in the following manner: Any changes to the application drawings must be in compliance with § 1.84 and must be submitted as replacement sheets as an attachment to the amendment document. Any replacement sheets shall include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is amended. Applicant shall explain in detail the changes made beginning on a separate sheet in the drawing amendments or remarks section of the amendment paper.

(1) The applicant may include a marked-up copy of one or more of the figures being amended indicating the changes being made.

(2) The applicant shall include a marked-up copy of any figure that has been amended indicating the changes being made when required by the examiner.

(e) *Disclosure consistency.* The disclosure must be amended, when required by the Office, to correct inaccuracies of description and definition, and to secure substantial correspondence between the claims, the remainder of the specification, and the drawings.

(f) *No new matter.* No amendment may introduce new matter into the disclosure of an application.

(g) *Exception for examiner's amendments.* Changes to the specification, including the claims, of an application made by the Office in an examiner's amendment may be made by specific instructions to insert or delete subject matter set forth in the examiner's amendment by identifying the precise point in the specification or the claim(s) where the insertion or deletion is to be made. Compliance with paragraphs (b)(1), (b)(2), (c) or (c)(1) to (c)(5) is not required.

(h) *Amendment sections.* Each section of an amendment document must begin on a separate sheet.

(i) *Amendments in reissue applications.* Any amendment to the description and claims in reissue applications must be made in accordance with § 1.173.

(j) *Amendments in reexamination proceedings.* Any proposed amendment to the description and claims in patents involved in reexamination proceedings must be made in accordance with § 1.530.

(k) *Amendments in provisional applications.* Amendments in provisional applications are not normally made. If an amendment is made to a provisional application, however, it must comply with the provisions of this section. Any amendments to a provisional application shall be placed in the provisional application file but may not be entered.

16. Section 1.125 is proposed to be amended by revising paragraphs (b) and (c) to read as follows:

§ 1.125 Substitute specification.

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(b) Subject to § 1.312, a substitute specification, excluding the claims, may be filed at any point up to payment of the issue fee if it is accompanied by a

statement that the substitute specification includes no new matter.

(c) A substitute specification submitted under this section must be submitted with markings showing all the changes (underlining to indicate subject matter being added and strike-through indicating subject matter being deleted) relative to the immediate prior version of the specification of record. An accompanying clean version (without markings) must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown pursuant to this paragraph.

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17. Section 1.823 is proposed to be amended by revising paragraph (a)(1) to read as follows:

§ 1.823 Requirements for nucleotide and/or amino acid sequences as part of the application.

(a)(1) If the "Sequence Listing" required by § 1.821(c) is submitted on paper: The "Sequence Listing," setting forth the nucleotide and/or amino acid sequence and associated information in accordance with paragraph (b) of this section, must begin on a new page and must be titled "Sequence Listing." The pages of the "Sequence Listing" preferably should be numbered independently of the numbering of the remainder of the application. Each page of the "Sequence Listing" shall contain no more than 66 lines and each line shall contain no more than 72 characters. The sheet or sheets presenting a sequence listing may not include other parts of the application. A fixed-width font should be used exclusively throughout the "Sequence Listing."

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Dated: March 19, 2003.

James E. Rogan,

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

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[SIP No. UT–001–0048, UT–001–0049; FRL–7472–4]

Approval and Promulgation of Air Quality Implementation Plans; Utah; SIP Renumbering

AGENCY: Environmental Protection Agency (EPA).