

obvious the subject matter of the claim, and

(B) The claim to be designated as not corresponding to the count does not interfere within the meaning of § 41.203(a) with any claim of an opponent's involved patent or application.

(6) *Changing the accorded benefit.* A party moving:

(i) *To be accorded the benefit* of another constructive reduction to practice date must show that the application for which benefit is sought provided a constructive reduction to

practice of an embodiment within the scope of the count.

(ii) *To attack the accorded benefit* of a constructive reduction to practice date accorded to an opponent must show that the application for which benefit has been accorded does not provide a constructive reduction to practice of an embodiment within the scope of the count or that the disclosure of the embodiment has not been continuous.

(7) *Other requirements.* The Board may specify additional requirements for a motion.

(d) *Claim charts.* Claim charts must be used in support of any paper requiring

the comparison of a claim to something else, such as another claim, prior art, or a specification. Claim charts must accompany the paper as an appendix. Claim charts are not a substitute for appropriate argument and explanation in the paper.

Dated: November 12, 2003.

**Jon W. Dudas,**

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

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