

refers back to previously introduced elements or limitations or refers to the inherent properties (not required to be recited for antecedent purpose; for example, “the surface of said element” when “surface” is not defined earlier). Inferential claiming where interconnectivity of elements is not certain does not tell if the element is part of combination or not.

### **2.5.4 Narrowing of Claim**

Narrowed by adding an element or limitation to a previously recited element; narrow claim can be dependent or independent. Adding a step narrows method claims. Adding an element to a closed (such as Markush Group) claim broadens, not narrows the claim.

### **2.5.5 Dependent Claims (§112 ¶3 ¶4)**

- Claim can be dependent or independent; a dependent claim incorporates by reference all the limitations of the claims to which it refers and is always narrower; it must depend on a preceding claim and not on a following claim (numbering of claims is readjusted during prosecution).
- “Further comprising” or “further including” are used to narrow a claim by adding another element or step.
- Claims are narrowed by further defining an element or the relationship between elements. Transitional element “wherein” is used to add limitation. Narrowing can be both adding an element and further defining its relationship.
- Defining a step further narrows a method claim.

### **2.5.6 Multiple Dependent Claims (§112 ¶5)**

- A claim referring to more than one previously set forth claim, but only in the alternative (“or”) narrows the claim on which it depends.
- Cannot serve as a basis for another multiple dependent claim; may refer to other dependent claims, and a dependent claim may depend on a multiple dependent claims.
- Incorporates by reference all the limitations of the particular claim in relationship to which it is being considered (individually and not collectively).
- It takes the place of writing several dependent claims—in its spirit.
- A flat special fee is charged at the time of filing application if multiple dependent claim or claims are included.

### **2.5.7 Dominant-Subservient Claims**

Dominant claims involve subcombination or genus, while combination means subservient species. Two members (species) are needed to have genus, which is illustrated by the selection of species; genus is an inherent commonality among embodiments (species).