arguments on which appellant will rely to maintain the appeal. Any arguments or authorities not included in the brief will be refused consideration by the Board of Patent Appeals and Interferences, unless good cause is shown.

(b) On failure of a party to file the brief, accompanied by the requisite fee, within the time allowed, the appeal shall stand dismissed with respect to the claims appealed by that party.

(c) The brief shall contain the following items under appropriate headings and in the order indicated below unless the brief is filed by a party who is not represented by a registered practitioner:

(1) Real Party in Interest. A statement identifying the real party in interest, if the party named in the caption of the brief is not the real party in interest.

- (2) Related Appeals and Interferences. A statement identifying by number and filing date all other appeals or interferences known to the appellant, the appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.
- (3) Status of Claims. A statement of the status of all the claims, pending or cancelled, and identifying the claims appealed.
- (4) Status of Amendments. A statement of the status of any amendment filed subsequent to final rejection.
- (5) Summary of Invention. A concise explanation of the invention or subject matter defined in the claims involved in the appeal, which shall refer the specification by column and line number, and to the drawing(s), if any, by reference characters.
- (6) *Issues.* A concise statement of the issues presented for review.
- (7) Grouping of Claims. For each ground of rejection, or, in the case where the appeal is by a third party requester, each determination of patentability or determination of inapplicability of a proposed rejection, which appellant contests and which applies to a group of two or more claims, the Board shall select a single claim from the group and shall decide the appeal as to the ground of rejection on the basis of that claim alone unless a statement is included that the claims of the group do not stand or fall together and, in the argument under paragraph (c)(8) of this section, appellant explains why the claims of this group are believed to be separately patentable or unpatentable. Merely pointing out differences in what the claims cover is

not an argument as to why the claims are separately patentable.

(8) Argument. The contentions of appellant with respect to each of the issues presented for review in paragraph (c)(6) of this section, and the basis therefor, with citations of the authorities, statues, and parts of the record relief on. Each issue should be treated under a separate heading.

(i) For each rejection or, in the case where the appeal is by a third party requester, any other determination under 35 U.S.C. 112, first paragraph, the argument shall specify the errors in the rejection or other determination and how the first paragraph of 35 U.S.C. 112 is or is not complied with, including, as appropriate, how the specification and drawings, if any,

(A) describe or fail to describe the subject matter defined by each of the

appealed claims, and

(B) enable or fail to enable any person skilled in the art to make and use the subject matter defined by each of the

appealed claims, and

(ii) For each rejection, or in the case where the appeal is filed by a third party requester, any determination, under 35 U.S.C. 112, second paragraph, the argument shall specify the errors in the rejection or other determination and how the claims do or do not particularly point out and distinctly claim the subject matter which appellant regards as the invention.

(iii) For each rejection or, in the case where the appeal is by a third party requester, each determination of patentability, under 35 U.S.C. 102, the argument shall specify the errors in the rejection or determination and why the appealed claims are or are not patentable under 35 U.S.C. 102, including any specific limitations in the appealed claims which are not described in the prior art.

(iv) For each rejection or, in the case where the appeal is by a third party requester, each determination of patentability under 35 U.S.C. 103, the argument shall specify the errors in the rejection or determination and, if appropriate, the specific limitations in the appealed claims which are or are not described in the prior art, and shall explain how such limitations render the claimed subject matter obvious or unobvious over the prior art. If the rejection or determination is based upon a combination of references, the argument shall explain why the references, taken as a whole, do or do not suggest the claimed subject matter, and shall include, as may be appropriate, an explanation of why features disclosed in one reference may or may not properly be combined with

features disclosed in another reference. A general argument that all the limitations are or are not described in a single reference does not satisfy the requirements of this paragraph.

(v) For any rejection or, in the case where the appeal is by a third party requester, any determination of patentability, other than those referred to in paragraphs (c)(8)(i) to (iv) of this section, the argument shall specify the errors in the rejection or other determination and the specific limitations in the appealed claims, if appropriate, or other reasons, which cause the rejection or other determination to be in error.

(9) Appendix. An appendix containing a copy of the claims involved

in the appeal.

(d) If a brief is filed which does not comply with all the requirements of paragraph (c) of this section, appellant will be notified of the reasons for noncompliance and provided with a period of one month within which to file an amended brief. If the appellant does not file an amended brief during the onemonth period, or files an amended brief which does not overcome all the reasons for non-compliance stated in the notification, the appeal will stand dismissed as to that party.

## §1.967 Respondent brief.

(a) The brief(s) if the respondent(s) specified in § 1.963 must be filed in triplicate, served on all other parties in accordance with § 1.903 and be accompanied by the requisite fee set forth in § 1.17(f). Any arguments or authorities not included in the brief will be refused consideration by the Board of Patent Appeals and Interferences, unless good cause is shown. The respondent brief shall be limited to issues raised in the appellant brief to which the respondent brief is directed.

(b) The respondent brief shall contain the following items under appropriate headings and in the order here indicated, and may include an appendix containing portions of the record on

which reliance is made:

(1) Real party in Interest. A statement identifying the real party in interest, if the party named as the respondent in the brief is not the real party in interest.

(2) Related Appeals and Interferences. A statement identifying by number and filing date all other appeals or interferences known to the respondent, the respondent's legal representative, or assignee (if any) which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of claims. A statement accepting or disputing appellant's