
COMPARATIVE STUDY OF MULTIPLE DEPENDENT CLAIMS UNDER USPTO, EPO, AND IPO

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ABSTRACT

Patent systems worldwide face the challenge of balancing comprehensive protection with administrative efficiency, particularly when handling multiple dependent claims. The comparative study of multiple dependent claims under the USPTO (United States Patent and Trademark Office), EPO (European Patent Office), and IPO (Indian Patent Office) reveals striking differences in approach, cost structures, and examination procedures. While the USPTO imposes strict formatting requirements and significant financial penalties through multiplier effects, the EPO offers greater structural flexibility balanced by rigorous clarity standards. The IPO aligns closely with USPTO restrictions while implementing cost-effective fee structures and early claim thresholds. This analysis examines how these jurisdictional differences impact patent strategy, prosecution costs, and the scope of intellectual property protection. Using doctrinal methodology and comparative legal analysis, the research evaluates whether varying approaches to multiple dependent claims reflect genuine policy differences or create unnecessary barriers to patent protection. The findings reveal that while multiple dependent claims offer strategic advantages for protecting invention variations, their implementation requires careful consideration of each jurisdiction's specific requirements to optimize both protection scope and prosecution costs.

Keywords: patent claims, multiple dependent claims, USPTO, EPO, IPO, intellectual property, patent prosecution, comparative law

I. INTRODUCTION

Patent claims are formal statements defining an invention's scope of legal protection. Think of them as property boundaries for intellectual property, they clearly establish what belongs to the patent owner/inventor and what remains public.¹ Each claim must describe unique features distinguishing the invention from existing technology and must be composed as a single sentence.

Structure of Patent Claims

Patent claims follow a specific three-part structure:²

1. Preamble: Introduces the invention and sets context (e.g., "A method for...", "An apparatus comprising...")
2. Transitional Phrase: Connects the preamble to detailed description (typically "comprising," "consisting of," or "consisting essentially of")
3. Body: Details specific elements or steps making the invention unique, including limiting features that narrow the claim's scope

Categories of Claims

Independent Claims stand alone, defining core invention elements without referencing other claims. They provide the broadest protection by encompassing main features distinguishing the invention from prior art.³

Dependent Claims refer to previous claims and add specific details that narrow the invention's scope. They offer additional protection layers by describing particular embodiments while relying on foundational independent claims.⁴

Multiple Dependent Claims help cover all possible versions of the invention without drafting a separate claim, referring to multiple previous claims within a single claim.⁵ This allows

¹ 35 U.S.C. 112(b).

² World Intellectual Property Organization, Patent Claim Format and Types of Claims, at 3, https://www.wipo.int/edocs/mdocs/aspac/en/wipo_ip_phl_16/wipo_ip_phl_16_t5.pdf (last visited Aug. 12, 2025).

³ *Id.*

⁴ *Id.*

⁵ Patent Cooperation Treaty, Rule 6.4(a), June 19, 1970, 1160 U.N.T.S. 231, WIPO, <https://www.wipo.int/pct/en/texts/rules/r6.htm> (last visited Aug. 11, 2025).

inventors to incorporate features from several earlier claims efficiently, providing flexible coverage without numerous individual dependent claims.

II. MULTIPLE DEPENDENT CLAIMS: CHARACTERISTICS AND STRATEGIC VALUE

Multiple dependent claims offer several strategic advantages. They provide flexible coverage, protecting multiple invention variations efficiently while addressing different materials, configurations, or features without excessive claim proliferation. This approach minimizes rejection risk, if one variation lacks novelty, another dependent claim may remain patentable. Additionally, they simplify claim structure by reducing redundancy.

Illustrative Example: Three-Legged Stool

Consider this practical example demonstrating how multiple dependent claims function:

Claim 1 (Independent): A stool comprising: a circular seat, three legs extending downward from the seat at equal intervals, and a stabilizing ring connecting the three legs.

Claim 2 (Dependent): The stool of claim 1, wherein the seat includes a cushioned surface.

Claim 3 (Multiple Dependent): The stool of claim 1 or 2, wherein the legs are made of wood.

Claim 4 (Acceptable Single Dependent on Multiple Dependent): The stool of claim 3, wherein each leg includes a rubber foot pad.

Claim 5 (Unacceptable Multiple Dependent on Multiple Dependent): The stool of any one of claims 1 to 3, wherein the stabilizing ring is positioned at the midpoint of the legs. (*Rejected in USPTO and IPO systems*)⁶

This example shows how multiple dependent claims efficiently cover variations: Claim 3 protects both wooden-legged stools with basic seats (via claim 1) and wooden-legged stools with cushioned seats (via claim 2) in a single claim.

III. UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

Fee Structure and Financial Implications

The USPTO imposes significant financial consequences for multiple dependent claims through

⁶ Essenes Obhan, Best Practices for Drafting Dependent Claims in India, LEXOLOGY (July 6, 2020), <https://www.lexology.com/library/detail.aspx?g=e8b02043-8a36-4825-a8da-59dec3aceede> (last visited Aug. 11, 2025).

a unique fee structure. Beyond standard excess claim fees, applications with properly formatted multiple dependent claims incur a specific fee: \$925 for large entities, \$370 for small entities, and \$185 for micro entities.⁷

More importantly, the USPTO employs a "multiplier effect" that can dramatically increase costs. A multiple dependent claim counts as the number of claims it references for fee calculation purposes. Furthermore, any claim depending from a multiple dependent claim inherits this multiplier.⁸ For example, if Claim 3 refers to Claims 1 and 2, it counts as two claims. If Claim 5 then depends on Claim 3, it also counts as two claims, creating a compounding fee effect that can make complex claim structures financially prohibitive.

Permissibility and Formatting Requirements

The USPTO permits multiple dependent claims only under strict formatting rules outlined in MPEP 608.01(n).⁹ Key requirements include:

Alternative-Only References: Multiple dependent claims must refer "in the alternative only" to previous claims. Acceptable language includes "according to claims 3 or 4" or "according to any one of the preceding claims."

Prohibition on Multi-Multi Dependencies: A multiple dependent claim cannot serve as basis for another multiple dependent claim.¹⁰ This prevents exponential complexity from nested dependencies.

Table 1: Examples of Acceptable Multiple Dependent Claims¹¹

Claim	Acceptable Language Example
Claim 5	A gadget as claimed in claims 3 or 4, further comprising...
Claim 5	A gadget as claimed in any one of the preceding claims, in which...
Claim 3	A gadget as claimed in either claim 1 or claim 2, comprising...

⁷ U.S. Patent & Trademark Office, USPTO Fee Schedule – Current, https://www.uspto.gov/sites/default/files/documents/USPTO-fee-schedule_current.pdf (last visited Aug. 5, 2025).

⁸ 37 C.F.R. § 1.75(c) (2025); U.S. Patent & Trademark Off., Manual of Patent Examining Procedure § 608.01(n) (9th ed. Rev. 07.2022, Feb. 2023).

⁹ U.S. Patent & Trademark Office, Manual of Patent Examining Procedure § 608.01(n) (8th ed. Rev. 08.2012).

¹⁰ U.S. Patent & Trademark Office, Manual of Patent Examining Procedure § 608.01(i) (8th ed. Rev. 08.2012).

¹¹ *Supra*. Note 9

Table 2: Examples of Unacceptable Multiple Dependent Claims

Claim	Improper Language Example
Claim 9	A gadget according to claims 1-3, in which...
Claim 6	A gadget as in claims 1, 2, 3, 4 and/or 5, in which...
Claim 6	A gadget as in the preceding claims in which...

Legal Precedent: Nested Bean Case

The landmark case *Nested Bean, Inc. v. Big Beings USA Pty Ltd.* clarified multiple dependent claim analysis during inter partes review.¹² The USPTO Director held that multiple dependent claims shall be treated as separate claims, with each dependency's patentability considered independently. If a multiple dependent claim refers to Claims 1 and 2, and only Claim 2 proves unpatentable, the multiple dependent claim remains valid through its dependency on Claim 1.

The Director emphasized that "a multiple dependent claim shall be construed to incorporate by reference all the limitations of the particular claim in relation to which it is being considered," reinforcing separate evaluation of each alternative dependency.¹³

Examination Procedures

USPTO examiners employ "compact prosecution" principles, reviewing claims for all statutory requirements during initial examination.¹⁴ Improperly formatted multiple dependent claims receive objections under 37 CFR 1.75(c)¹⁵ before substantive examination occurs, creating a procedural bottleneck until formal defects are corrected.

IV. EUROPEAN PATENT OFFICE (EPO)

Fee Structure: Predictable and Streamlined

The EPO employs a markedly different approach to multiple dependent claim fees. It charges no special fee for multiple dependent claims; instead, it applies a flat fee of €265 for each claim

¹² *Nested Bean, Inc. v. Big Beings US Pty. Ltd.*, IPR2020-01234 (P.T.O. Dir. Feb. 24, 2023) (Vidal, Dir.).

¹³ *Id.*

¹⁴ U.S. Patent & Trademark Office, 2103 Patent Examination Process, <https://www.uspto.gov/web/offices/pac/mpep/s2103.html> (last visited Aug. 5, 2025).

¹⁵ 37 C.F.R. § 1.75(c) (2024).

beyond the 15th and €660 for each claim beyond the 50th under Rule 45(1) EPC.¹⁶ Notably, there are no separate fees for independent claims, making the EPO system generally more cost-effective for comprehensive claiming strategies. Unlike the USPTO, which imposes special charges for multiple dependent claims, the EPO has no such fee at all. While determining the total claim number for the calculation of excess fees, each dependency is not considered a separate claim, but rather the multiple dependent claim counts as just one claim. This means there are no official fees tied specifically to multiple dependent claims under the European Patent Office.

Permissibility

The EPO demonstrates significantly more structural flexibility. Most notably, the EPO permits “unlimited multiple dependent claims”, i.e. multiple dependent claims can depend on different multiple dependent claims, provided the overall arrangement maintains clarity.¹⁷

However, this flexibility requires stringent clarity standards. Under Article 84 EPC, claims must be clear individually and collectively.¹⁸ EPO Guidelines emphasize that multiple dependent claims are acceptable only if their arrangement doesn't create obscurity in defining protected subject matter. According to Section 3.4 of EPO Guidelines on claim arrangement, multiple dependent claims must maintain clear relationships and logical dependencies.¹⁹ The EPO may seek informal clarification before proceeding with international search if claim structures create uncertainty.

While GL/ISPE Appendix A5.16[2]²⁰ permits multiple dependent claims to refer to other claims either alternatively or cumulatively, the EPO allows such structures under Rule 43(4) EPC²¹, provided they comply with Article 84 EPC²² clarity requirements. The office requires

¹⁶ Eur. Patent Office, Official Fees Increase as of April 2024, at 1 (GLP S.r.l. 2024), <https://glp.eu/update/news/att/2024/GLPEPOOfficialFeesIncrease2024.pdf> (last visited Aug. 5, 2025).

¹⁷ Eur. Patent Office, Guidelines for Examination, pt. F-IV, § 3.4, “Independent and Dependent Claims,” XEPC, https://xepc.eu/node/f_iv_3_4 (last visited Aug. 5, 2025).

¹⁸ Eur. Patent Office, Guidelines for Examination, pt. F-IV, § 4.1 (Mar. 2025), https://www.epo.org/en/legal/guidelines-epc/2025/f_iv_4_1.html (last visited Aug. 5, 2025).

¹⁹ Eur. Patent Office, Guidelines for Examination, pt. F-IV, § 3.4 (Mar. 2023), <https://www.epo.org/en/legal/guidelines> (last visited Aug. 5, 2025).

²⁰ World Intellectual Property Organization, *PCT International Search and Preliminary Examination Guidelines*, app. to ch. 5, A5.16[2] (2022), <https://www.wipo.int/pct/en/texts/gdlines.html> (last visited Aug. 5, 2025).

²¹ European Patent Convention r. 43(4), Oct. 5, 1973, as amended, <https://www.epo.org/en/legal/epc/2020/r43.html> (last visited Aug. 5, 2025).

²² European Patent Convention art. 84, Oct. 5, 1973, as amended, <https://www.epo.org/en/legal/epc/2020/a84.html> (last visited Aug. 5, 2025).

every dependent claim maintain clarity with clearly defined references, keeping cumulative references or overly complex nested dependencies unacceptable despite theoretical flexibility.

Examination Focus: Unity and Consistency

A significant aspect of EPO examination involves the enforcement of Rule 43(2) EPC, which generally restricts applications to one independent claim per category.²³ When applications violate this limitation, the EPO issues a communication under Rule 62a(1) EPC, requiring applicants to declare within two months which group of claims should be searched.²⁴ Failure to respond or untimely replies result in the EPO searching only the first independent claim in each respective category, with unsearched claims becoming unavailable for subsequent patent limitation or defense under Rule 137(5) EPC.²⁵ This procedural mechanism compels applicants to either streamline their claim sets or accept the consequences of restricted search scope.

Additionally, Article 82 EPC enforces the "unity of invention" principle, mandating that European patent applications contain only a single invention or group of inventions connected by a common inventive concept.²⁶ When the EPO's search report identifies multiple independent and unrelated inventions, the office may issue a communication under Rule 64(1) EPC, inviting applicants to pay additional search fees to cover all identified inventions.²⁷ Applicants retain the right to object to the unity assessment and may seek fee refunds during subsequent examination procedures.

V. INDIAN PATENT OFFICE (IPO)

Fee Structure: Early Threshold, Cost-Effective Approach

The IPO fee structure does not explicitly have a separate surcharge for multiple dependencies like the USPTO does, but excess claim fees are calculated for each claim in excess of ten, regardless of whether the claim is independent, dependent or multiple dependent. All such

²³ European Patent Convention (EPC), R. 43(2), Oct. 5, 1973, as amended, <https://www.epo.org/en/legal/epc/2020/r43.html> (last visited Aug. 12, 2025); see also EPO, Guidelines for Examination, F-V, 3.2.1, "Plurality of independent claims in the same category,"

²⁴ EPC, R. 62a(1), Oct. 5, 1973, as amended, <https://www.epo.org/en/legal/epc/2020/r62a.html> (last visited Aug. 12, 2025)

²⁵ EPO, Guidelines for Examination, H-IV, 4.1 (Rule 137(5) — amendments relating to unsearched matter), https://www.epo.org/en/legal/guidelines-epc/2024/h_iv_4_1.html (last visited Aug. 12, 2025).

²⁶ EPC, Art. 82, Oct. 5, 1973, as amended, <https://www.epo.org/en/legal/epc/2020/a82.html> (last visited Aug. 12, 2025)

²⁷ European Patent Convention (EPC), R. 64(1), Oct. 5, 1973, as amended, <https://www.epo.org/en/legal/epc/2020/r64.html> (last visited Aug. 12, 2025); see also EPC, R. 64(2)

claims are counted toward total claims for fee purposes.

For each claim above 10, the fees are ₹320 for individuals/startups/small entities and ₹1600 for large entities.²⁸ This early threshold encourages concise claim sets from the outset, making multiple dependent claims a cost-effective strategy for covering alternatives within the low-cost threshold.

Permissibility: Aligned with USPTO Restrictions

The IPO aligns closely with USPTO restrictions regarding multiple dependent claim structures. Indian practice only allows multiple dependent claims if they are expressed alternatively (i.e., “claim 1” OR “claim 2”)²⁹ and if a dependent claim is composed as a multi-dependent claim (i.e. a multi-dependent claim on a multi-dependent claim) then it would be unacceptable.³⁰ Although not specifically about in *Press Metal Corporation Limited v. Noshir Sorabji Pochkhanawalla*,³¹ the Bombay High Court delivered a crucial ruling on patent clarity requirements. The court denied the patent application, finding that the patent description was written in vague and confusing terms. The judges emphasized a fundamental principle that patent holders must clearly and precisely define what they are claiming as their invention, including its exact boundaries and limitations. This decision reinforces the legal obligation that patent applications cannot hide behind unclear language. Inventors must spell out their claims in plain, unambiguous terms that leave no room for confusion about what is actually being protected.

This prohibition reflects concerns about creating "intricate variations in claim scopes" that could complicate examination and enforcement.²¹ The IPO Manual emphasizes each claim should be "complete" and context-defining, suggesting nested multi-dependencies would cause undue confusion. Section 10(5) of the Indian Patents Act requires claims to be "clear and succinct" and "fairly based on the matter disclosed in the specification."³² This standard

²⁸ *Schedule of Fees*, Manual of Patent Office Practice and Procedure, Office of the Controller General of Patents, Designs & Trade Marks (India), https://ipindia.gov.in/writereaddata/Portal/ev/schedules/Schedule_1.pdf (last visited Aug. 11, 2025).

²⁹ Patent Cooperation Treaty r. 6.4(a), June 19, 1970, 1160 U.N.T.S. 231; Office of the Controller General of Patents, Designs & Trade Marks, Manual of Patent Office Practice and Procedure ch. 05, § 05.03.19 (2019) (India).

³⁰ Bouddhik Aagman, *Understanding of Claims*, ¶ on multiple dependent claims (M.C. Rao Human Resource Dev. Inst. of Tel., 2025), <https://mcrhrdi.gov.in/2025/itpepd/week3/Understanding%20of%20claims%20cs.pdf> (last visited Aug. 5, 2025).

³¹ *Press Metal Corp. Ltd. v. Noshir Sorabji Pochkhanawalla*, A.I.R. 1983 Bom. 144 (India).

³² The Patents Act, No. 39 of 1970, § 10(5) (India).

prevents overly complex or unsupported claims while ensuring claim scope remains directly traceable to detailed disclosure.

Examination Procedures: No Substantive Review for Non-Compliant Claims

The IPO employs particularly strong enforcement mechanisms. If “multi-multi” dependent claims are presented, the patent examiner will raise an objection. The applicant will then be required to amend the claims to conform to the proper structure. Until the claims are amended, they will not be substantively examined for novelty and inventiveness..³³ This creates higher-stakes consequences than mere objection, as such claims are effectively dead on arrival for patentability consideration.

VI. CONCLUSION

Multiple dependent claims represent sophisticated tools for comprehensive patent protection, but their treatment varies significantly across major patent offices. The USPTO operates as the strictest system, imposing rigid formatting requirements and punitive multiplier fees that can dramatically increase prosecution costs. This approach prioritizes administrative simplicity but creates significant financial barriers for complex inventions. The EPO offers the most flexibility, permitting multi-multi dependencies while demanding exceptional clarity standards. This balanced approach allows sophisticated claim structures but requires meticulous drafting to meet stringent consistency requirements. The IPO combines structural restrictions similar to the USPTO with more accessible fee structures and early claim thresholds, encouraging concise drafting while maintaining affordability.

While multiple dependent claims can provide efficient, flexible coverage for inventions with multiple embodiments, their strategic implementation must account for each jurisdiction's specific requirements, fee structures, and examination procedures to optimize both protection scope and prosecution costs.

³³ Office of the Controller General of Patents, Designs & Trade Marks, Manual of Patent Office Practice and Procedure § 09.04 (2019).