

MACRAE & CO.

CANADIAN PATENT APPLICATION FILING REQUIREMENTS

January, 2006

1. FILING REGULAR APPLICATIONS

PLEASE NOTE:

We require the following material and information:

- (a) The name and address of each applicant and each inventor.
- (b) The serial number and filing date of each convention application. A certified copy thereof is not required.
- (c) A Petition for Grant of a Patent. We typically prepare and execute the form on behalf of the applicant.
- (d) A plain copy of an assignment, if appropriate, for submission with the application.
- (e) Whether the applicant is a small entity: i.e. a university or an entity employing no more than 50 people and not under an obligation to assign or license rights to an entity that does not meet these criteria. If so, we will need an executed Small Entity Verification Form, available at our website: www.macrae.ca.
- (f) Whether an examination request is to be made at the time of filing.
- (g) A complete copy of the specification and drawings.

(A) The assignment should be submitted no later than twelve (12) months from the date of filing.

(B) Formal drawings need not be on Bristol board.

(C) There are no claims surcharges.

(D) Maintenance fees are payable annually, the first being due by the second anniversary of the Canadian filing date.

(E) Under our modified absolute novelty system the effective Canadian filing date (convention or actual) must be prior to the date the invention became available to the public anywhere in the world. Where the public disclosure is by or is derived from the applicant the actual Canadian filing date must be within one year of such disclosure.

(F) If a copy of the specification and drawings suitable for electronic scanning and meeting the physical requirements of the Canadian Patent Office is not submitted on filing, then such a copy should be provided or within 15 months of the priority date. If not timely submitted the Office will requisition the papers within 3 months and impose a \$200.00 fine.

2. NATIONAL ENTRY UNDER PCT

We require the following material and information:

- (a) The name and address of each applicant and each inventor.
- (b) The serial number and filing date of each convention application as well as the serial number and filing date of the international application.
- (c) A Request for National Entry form. We usually prepare and execute the form on behalf of the applicant.
- (d) A plain copy of an assignment, if appropriate, for submission with the application.
- (e) Whether the applicant is a small entity. (See above). If so, we need an executed Small Entity Verification Form, available at our website: www.macrae.ca.
- (f) Whether an examination request is to be made at the time of filing.
- (g) A copy of the published application for our file along with a copy of any amendments made under Article 19 and/or 34.
- (h) A translation of the specification and any amendments into English (or French), if not originally in either official language of Canada.

PLEASE NOTE:

(A) The assignment should be submitted no later than twelve (12) months from the date of national entry.

(B) Canada gives 12 months from the national entry due date for the reinstatement of an international application abandoned through failure to timely enter the national phase. A reinstatement fee of \$200.00 applies.

(C) Canada now allows 30 months for national entry under PCT Chapter I in accordance with amended PCT Regulations.

(D) Maintenance fees are payable annually, the first being due by the second anniversary of the international filing date. We recommend that the first maintenance fee for a Chapter II national entry be paid at the time of national entry.

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