

PPH – A Canadian Experience

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Pre -PPH

- De facto, Canada accepted results in other countries because
 - Limited resources
 - Deferred examination
- Low perceived value for Canadian patents
- 90% granted to foreign applicants

Current Status

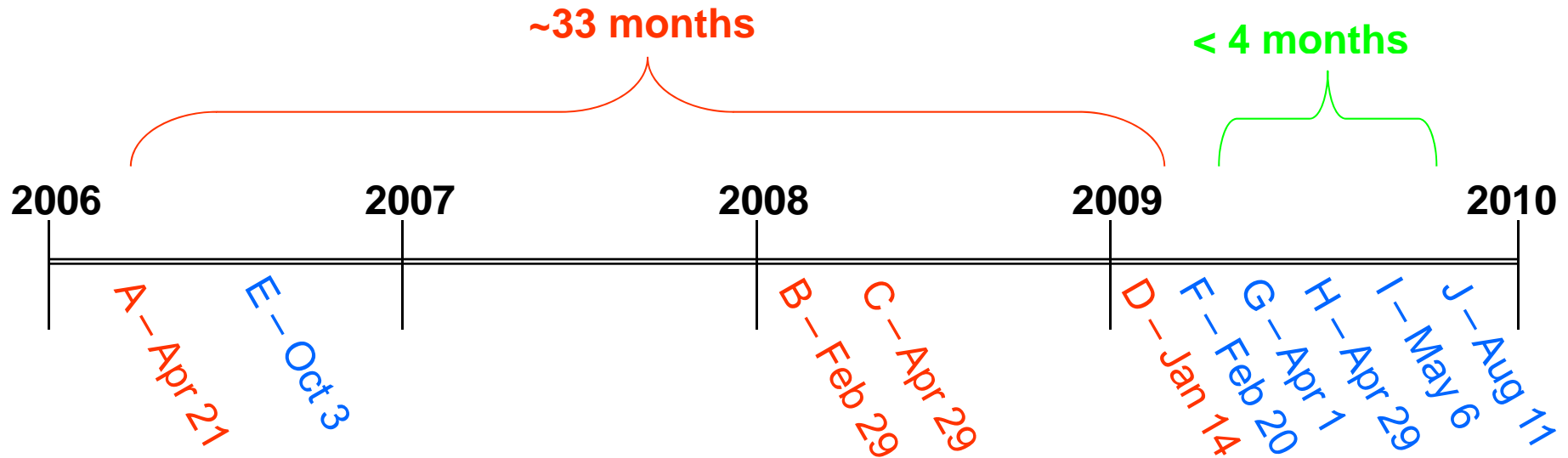
- Canada has a pilot project with USPTO
- Commenced January 28 2008 for one year
- Extended by 2 years until January 2011

Canadian Attributes for PPH

- No national filing requirement
 - Can first file in any country
- Easy access to Accelerated Prosecution
 - Modest fee (\$500) and request.

Application A

- OFF = CIPO Status = Granted
- OSF = USPTO Status = Issued

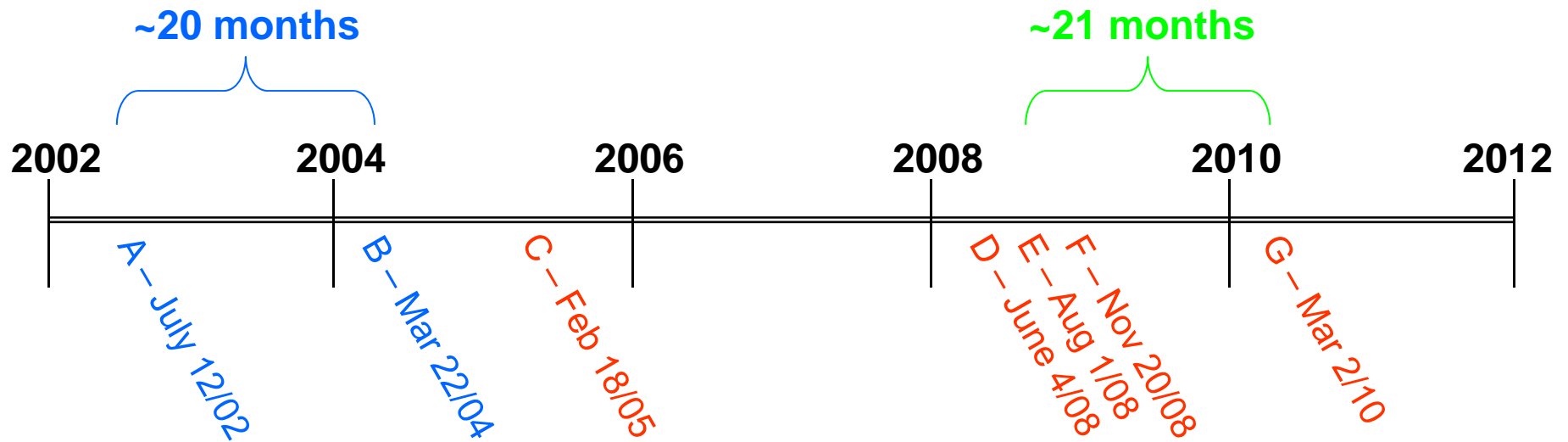


- A. Canadian Filing Date – Apr 21, 2006
- B. Request for Advanced Examination – Feb 29, 2008
- C. 1st Office Action – Apr 29, 2008
- D. Canadian Allowance Date – Jan 14, 2009

- E. US Filing Date – Oct 3, 2006
- F. PPH Filing Date – Feb 20, 2009
- G. PPH Granted – Apr 1, 2009
- H. Examiner Interview – Apr 29, 2009
- I. US Allowance Date – May 6, 2009
- J. US Issue Date – Aug 11, 2009

Application B

- OFF = USPTO Status = Granted
- OSF = CIPO Status = Allowed

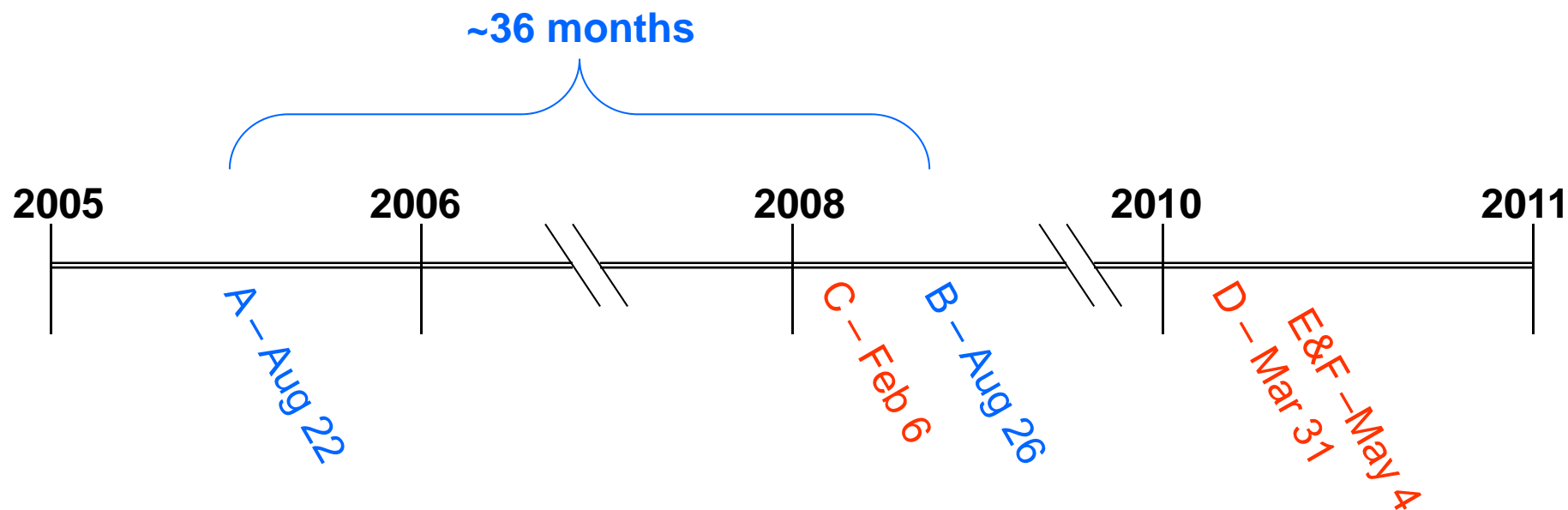


A. US Filing Date – July 12, 2002
B. USPTO Allowance Date – Mar 22, 2004

C. Enter National Phase – Feb 18, 2005
D. Request for Examination Date – June 4, 2008
E. PPH Filing Date – Aug 1, 2008
F. PPH Granted & 1st Office Action – Nov 20, 2008
G. CIPO Allowance Date – Mar 2, 2010

Application C

- OFF = USPTO Status = Granted
- OSF = CIPO Status = Pending



A. US Filing Date – Aug 22, 2005
B. US Issue Date – Aug 26, 2008

C. Request for Examination Date – Feb 6, 2008
D. PPH Filing Date – Mar 31, 2010
E. PPH Granted – May 4, 2010
F. Date of 1st Office Action – May 4, 2010

Theoretical Strategy

- File in Canada
- Request publication, examination and accelerated consideration
- Application allowed
- Request PPH in USPTO

BUT

Stumbling Block

- Most Canadians file in US first !
 - Provisional application
 - Major market
 - Earlier normal consideration
 - Investor bias
- Different Unity Requirements
 - US restricts method and apparatus
 - Canada has strict double patenting
 - Claims in Canada may necessarily differ to those allowed in US.

Summary

- PPH valuable because of ability to accelerate Canadian application and then US
- Easier access to US accelerated process would diminish use of PPH from Canada