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Patent Prosecution Highway.

The Canadian Intellectual Property Office (CIPO) and United States Patent and Trademark Office (USPTO) have entered into a Patent Prosecution Highway Pilot Program, for a one-year period beginning January 28, 2008. This program is similar to a permanent program already established between the USPTO and the Japanese patent office.

For Canadian applicants, an applicant receiving a ruling from CIPO that at least one claim in an application is patentable may request the USPTO to fast track the examination of corresponding claims in corresponding applications. The request for accelerated examination in the USPTO can only be made after there has been an indication of allowable subject matter in Canada.

In order to qualify, the US patent application must claim priority from a Canadian patent application or be a national entry of a PCT international patent application filed with the Canadian PCT Receiving Office.

The program provides reciprocal privileges to US applicants who have filed Canadian patent applications claiming priority from US patent applications.

If you wish to discuss these matters, please contact: Stephen Perry at 416.920.8170 x107 (perry@perry-currier.com) or Andrew Currier at 416.920.8170 x109 (currier@perry-currier.com).

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