

Form equivalent to Form 3

(Subsection 27 (2) of the Patent Act)

Petition for Grant of a Patent

1. The applicant, _____, whose complete address is _____, requests the grant of a patent for an invention, entitled _____, which is described and claimed in the accompanying specification.

2. This application is a division of application number _____, filed in Canada on _____.

3. (1) The applicant is the sole inventor.

(2) The applicant is entitled to apply for and be granted a patent by virtue of the following:

(i) _____ (name) of _____ (complete address) is the inventor of the subject matter for which protection is sought by way of this application,

(ii) _____ (name) [is] [was] entitled as employer of the inventor, _____ (inventor's name),

(iii) an agreement between _____ (name) and _____ (name), dated _____,

(iv) an assignment from _____ (name) to _____ (name), dated _____,

(v) consent from _____ (name) in favour of _____ (name), dated _____,

(vi) a court order issued by _____ (name of court), effecting a transfer from _____ (name) to _____ (name), dated _____,

(vii) transfer of entitlement from _____ (name) to _____ (name) by way of _____ (specify kind of transfer), dated _____,

(viii) the applicant's name changed from _____ (name) to _____ (name) on _____ (date).

4. The applicant requests priority in respect of the application on the basis of the following previously regularly filed application:

Country of filing

Application number

Filing date

5. The applicant appoints _____, whose complete address in Canada is _____, as the applicant's representative in Canada, pursuant to section 29 of the Patent Act.

6. The applicant appoints _____, whose complete address is _____, as the applicant's patent agent.

7. The applicant believes that in accordance with subsection 3.01(2) of the *Patent Rules*, the applicant is entitled to pay the fees at the small entity level in respect of this application.
See instructions.

8. The applicant requests that Figure No. _____ of the drawings accompany the abstract when it is open to public inspection under section 10 of the Patent Act or published.

Instructions

In section 1, subsection 3(2) and sections 5 and 6, names and addresses must be presented in the following order with a clearly visible separation between the various elements: family name (in capital letters), given name(s), initials, or firm name, street name and number, city, province or state, postal code, telephone number, fax number and country.

In sections 5 and 6, appointment of representatives and appointment of patent agents may also be done in a separate document.

The applicant shall include in the petition or submit as a separate document a declaration in accordance with either subsection 3(1) or (2). If the subsection 3(2) declaration is included or submitted, it must be worded as above, with such inclusion, omission, repetition and re-ordering of the matters listed as items 3(2)(i) to (viii) as is necessary to explain the applicant's entitlement. Item numbers need not be included. This declaration is applicable only to those events that have occurred before the filing date. The possible kinds of transfer of entitlement in item 3(2)(vii) include merger, acquisition, inheritance, donation and so forth. If there has been a succession of transfers from the inventor, the order in which transfers are listed should follow the actual succession of transfers, and items may be included more than once, as necessary to explain the applicant's entitlement.

Requests for priority may be done in section 4 of the petition or in a separate document.

Small entity declarations may be done in section 7 of the petition or in a separate document. In accordance with 3.01(1)(e), the declaration, whether provided in the petition or in a separate document, must be signed by the applicant or patentee or by a patent agent appointed by the applicant or patentee.

SOR/2007-90, s. 28, and 29.