

## Annex 10

**Your reference**  
**Our reference**

(Date)

Dear Sirs

**Patents Act 1977: Patents Rules 2007**  
**Patent No XXXXXXXXXX**

1. I refer to your application for re-instatement of the above patent.
  2. I have investigated the circumstances in which your patent lapsed and have identified an error in Office procedure in that xxxxxxxxxxxx. Because of this error you did not receive our renewal reminder letter in time for you to renew your patent.
  3. Please accept my sincere apologies for this error. However, I am pleased to advise you that the comptroller is prepared, to exercise discretion under rule 107 of the Patents Rules 2007 and will reinstate the patent subject to the following.
  4. The patent was advertised as ceased, in the Patents Journal (PJ) on xxxxxxxxxx, consequently the terms set out below are considered necessary.
    - (i) If between xxxxxxxxxx (i.e. the date on which the patent was announced as ceased in the PJ) and xxxxxxxxxx (i.e. the date on which an application for restoration was announced in the PJ, a person-
      - (a) began in good faith to do an act which would constitute an infringement of the patent if it had not been treated as ceased by virtue of Section 25(3) of the Act, or.
      - (b) made in good faith effective and serious preparations to do such an act.
- he shall have the right to continue to do the act or, as the case may be, to do the act, notwithstanding the re-instatement of the patents; but this does not extend to granting a licence to another person to do the act.
- (ii) If the act was done, or the preparations were made, in the course of a business, the person entitled to the right conferred by sub-paragraph (i) above may –
    - (a) authorise the doing of that act by any partners of his for the time being in that business, and
    - (b) assign that right, or transmit it on death (or in the case of a body corporate on its dissolution), to any person who acquires that part of the

business in the course of which the act was done or the preparations made.

- (iii) Where a product is disposed of to another in the exercise of the right conferred by sub-paragraph (i) or (ii) above, that other and any other person claiming through him may deal with the product in the same way as if it had been disposed of by the registered proprietor of the patent.
- (iv) The above provisions apply in relation to the use of a patent for the services of the Crown as they apply in relation to the infringement of the patent.
- 5. If you accept the terms, you should inform us in writing within **two months of the date of this letter, that is by (DATE)**.
- 6. If you do not accept the terms, you should request a hearing. This gives you the chance to explain your case in person to one of our senior officers known as a "hearing officer". The hearing officer is independent and will look at all sides of the argument before making the final decision about the case.
- 7. **You also need to pay the outstanding renewal fee of £XXX for the X<sup>th</sup> year.** Please note that it is now also possible to pay the X<sup>th</sup> year renewal fee of £XXX which is due on xxxxxxxxxxxx. I have enclosed two copies of a Form 12 with this letter should you wish to make both payments at this time.
- 8. If you would like to discuss any of the points in this letter, please contact me.

Yours faithfully

(NAME)  
Restorations Manager