

ANNEX 12

Your reference:

Our reference

(Date)

Dear Sirs

Patents Act 1977: Patents Rules 2007

Patent No XXXXXXXXXX

1. Thank you for your letter of xxxxxx confirming you have accepted the terms for re-instatement of the patent set out in my earlier letter of xxxxxx. These terms are set out again below:
2. As the patent was advertised as *ceased*, in the Patents Journal (PJ) on xxxxxx, consequently the terms set out below are considered necessary.
 - (i) If between xxxxxx (i.e. the date on which the patent was announced as ceased in the PJ) and xxxxxx (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.
- 3. I will now arrange for the patent to be reinstated on the Register of Patents and the Xth and Xth year annuities to be processed.
- 4. If you would like to discuss any of the points in this letter, please contact me.

Yours faithfully

(NAME)
Restorations Manager