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Your file Votre référence

Our file Notre référence

October 16, 1981

Mitches & Co.
Box 98
London, Ontario
N6A 4V3

Gentlemen:

Application No: 323,510
Applicant : JLG Industries, Inc.
Title: Scissors Linkage Workman's Platform

As you requested in your letter of September 1, 1981, I have reviewed the prosecution of this application.

I do not find anything in the Patent Act specifying or indicating that the Patent Office is located in Ottawa, as you have contended.

However, I do note that Rule 10, to which you did not refer, mentions "the Office in Ottawa", and in Rule 2(h), "Office" is defined as meaning the Patent Office. Rule 5 indicates that mail is to be addressed to The Commissioner of Patents, Ottawa (though it does not state that the Office itself is in Ottawa).

On the strength of Rule 10, there may consequently be some basis for your contention that the Interpretation Act, Sec. 28, and Sec. 81(2) of the Patent Act justify the Patent Office treating August 3, 1981, as a dies non for patent responses.

I am therefore directing that the final fee received on August 4 be accepted. Whether this interpretation is legally correct or might adversely affect the validity of any patent granted, is a responsibility which you and the applicant must assume.

A notice explaining our position about the August holiday will appear in the Patent Office Record.

Yours respectfully,

J.H.A. Gariépy
Commissioner of Patents

Canada

Commissioner of Patents
Ottawa – Hull
K1A 0E1

Commissaire des brevets
Ottawa – Hull
K1A 0E1