

Important Notice

Special Requirements of United States Patent Law

Duty of Candour

In the United States, inventors and everyone else involved in the preparation and prosecution of a patent application have a "duty of candour" to the Patent Office. This means that all information that is "material" to examination of the application must be disclosed to the Patent Office. Information is material where a substantial likelihood exists that a reasonable patent examiner would consider the information to be important in deciding whether to grant a patent for the invention.

Information relating to public use, offers for sale or published descriptions of the invention (particularly those occurring more than one year before the filing date of the application) may well be material.

If you are aware of any information that may be material, or if you become aware of additional information that may be material, please provide us with details of that information. Please note that the duty of candour is an ongoing obligation that applies throughout the period up to issuance of a United States patent, and that failure to comply with it may lead to any such patent being held to be unenforceable.

It is therefore critically important that you bring to our attention any and all information of which you are aware that may be considered to be material to the patentability of your invention, so that we can in turn arrange for that information to be submitted to the United States Patent and Trademark Office.

Please note that it is better to err on the side of disclosing too much information than to disclose too little information, and that this duty continues throughout the prosecution of the patent application

Entity Status

In some circumstances, applicants for patents in the United States may qualify for reduced official fees. This is the case if the applicant is a "small entity", which essentially means if the applicant **and every other party that holds any rights to the invention** falls into one of the following classes:

- private individuals
- companies with fewer than 500 employees (including the employees of all associated companies)
- universities
- not-for-profit organisations

Please note that even if the applicant itself qualifies as a small entity, small entity status may not be claimed if any rights to the invention are granted to an organisation that does not qualify as a small entity. If small entity status is claimed at the time of filing an application for a United States patent, the entitlement to that status must therefore be kept under continuous review.

If small entity status has been claimed on your application, but there has been any change in circumstances that could remove the entitlement to small entity status (eg if you have entered into any form of agreement with a third party that is not a small entity), it is crucial that you advise us of that change so that appropriate action can be taken.

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