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Carlson, Gaskey & Olds
SPECIAL BULLETIN

**REMINDER – NEW PCT FORMS SHOULD BE USED AS
OF APRIL 1, 2007**

As a reminder, a block of PCT rule changes go into effect April 1, 2007. You should begin using at least the new Request form. The electronic filing program (PCT-SAFE) will automatically update the form via a patch to be sent from WIPO; however, if you do not use PCT-SAFE, you should obtain the updated form from the following link:

<http://www.wipo.int/pct/en/forms/april2007/index.htm>

The new form is necessary to implement two rule changes. Hopefully, none of you will need to investigate or learn more about these rules in detail. The first rule change allows incorporation by reference of the priority document in the event that portions of the PCT application are inadvertently not filed. As an example, if a drawing or a few pages from the specification are not filed, this omission can be corrected. Essentially, you are incorporating the priority document by reference, and thus can claim that the missing portions were actually filed. One requirement for such corrections is that a statement incorporating the priority document by reference is made in the Request form. The new form has such an incorporation by reference statement. Thus, it is important to begin using the new form.

The other major change is a dramatic departure from the patent law to date. You now have the opportunity to request restoration of the right of priority to an earlier priority document, even if the international application was not filed within a year of that priority date. The maximum extension is two months, and there must be a statement of the reasons for failing to comply. Again, the new Request form has been modified to allow for such a request.

For both of these changes, a number of important countries have objected as both receiving offices and designated offices. Thus, it is unclear how valuable these

correction procedures will ultimately become. Still, if you are faced with either issue, you will want to have the opportunity to cure the problem.

Again, hopefully none of you will ever have to investigate these issues further, but it is important to begin using the new Request form so that these corrective options are available to you in the event one of these issues arise.

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Carlson, Gaskey & Olds	Todd Barrett	988.8721	William Gottschalk	988.8685
400 West Maple Road	Karin Butchko	988.8688	Matthew Koziarz	988.8695
Suite 350	John Carlson	988.8681	Kerrie Laba	988.8691
Birmingham, MI 48009	Anthony Cho	988.8687	Theodore Olds	988.8692
248.988.8360	Benjamin Coon	988.8686	John Siragusa	988.8689
248.988.8363 (fax)	David Gaskey	988.8690	David Wisz	988.8684
