

SMALL ENTITY VERIFICATION FORM

(PCT Application with International Filing Date Before October 1, 1996 and National Entry Date After October 1, 1996)

Owner: _____
Application/Patent/PCT No. _____
International Filing Date: _____ (Pre-October 1, 1996)
Date of National Entry: _____ (Post-October 1, 1996)
Title: _____

We hereby declare that we have read and understood the Definitions of a Small Entity as set out below. We hereby confirm that as of the International Filing Date and the Date of National Entry, we were a small entity in accordance with the respective definition. We verily believe, therefore, that we are qualified as a small entity under Canadian practice as defined in Section 2 of the Patent Rules.

EXECUTED

at _____ this _____ day
(place)
of _____, 20____.

By: _____
(signature)

(name)

(title/position)

PRE-OCTOBER 1, 1996 DEFINITION OF SMALL ENTITY

"small entity" means an 'independent inventor' or a 'small business concern';

"independent inventor", in relation to an invention, means an individual, but does not include:

- (a) an individual who has assigned, or is under a contractual or other legal obligation to assign, any right in the invention to a person who is neither an individual nor a small business concern, or
- (b) an individual who has assigned, or is under a contractual or other legal obligation to assign, any right in the invention to another individual or a small business concern if the individual has knowledge of any subsequent assignment of, or of any subsisting contractual or other legal obligation to assign, any right in the invention to a person described in paragraph (a).

"small business concern", in relation to an invention, means a person who is not an individual and whose gross annual revenue is not more than two million dollars (in this definition referred to as a "business concern"), but does not include a business concern that

- (a) is engaged in manufacturing and employs more than 100 employees,
- (b) is engaged in other than manufacturing and employs more than 50 persons,
- (c) has assigned, or is under a contractual or other legal obligation to assign, any right in the invention to a person who is neither an individual nor a person who qualifies as a small

business concern under the portion of this definition that precedes this paragraph, or (d) has assigned, or is under a contractual or other legal obligation to assign, any right in the invention to an individual or to a person who qualifies as a small business concern under the portion of this definition that precedes paragraph (c) if the business concern has knowledge of any subsequent assignment of, or of any subsisting contractual or other legal obligation to assign, any right in the invention to a person who is neither an individual nor a person who qualifies as described in this paragraph.

POST-OCTOBER 1, 1996 DEFINITION OF SMALL ENTITY

"**small entity**" in respect of an invention, means an entity that employs 50 or fewer employees or that is a university, but does not include an entity that:

(a) has transferred or licensed, or is under a contractual or other legal obligation to transfer or license, any right in the invention to an entity, other than a university, that employs more than 50 employees; or

(b) has transferred or licensed, or is under a contractual or other legal obligation to transfer or license, any right in the invention to an entity that employs 50 or fewer employees or that is a university, and has knowledge of any subsequent transfer or license of, or of any subsisting contractual or other legal obligation to transfer or license, any right in the invention to an entity, other than a university, that employs more than 50 employees.

Please note that the onus of correctly determining small entity status is ultimately the responsibility of the owner. An incorrect claim to small entity status, regardless of whether it was inadvertent or intended, will result in an invalid and unenforceable patent.