

## Mgbojikwe, Bijou

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**From:** James Anglehart <james.anglehart@anglehart.et-al.ca>  
**Sent:** Thursday, January 31, 2013 10:54 PM  
**To:** IP Policy  
**Subject:** Comments on Grace Period

**Sensitivity:** Confidential

I believe that a fully unrestricted grace period on disclosures made directly or indirectly by the inventor within 18 months prior to PG-Pub should be provided.

Thus, to enjoy the grace period, applicants must request early PG-pub to ensure that the public has access to the PG-pub within 18-months of the disclosure, just as if we were in an absolute novelty world. With this in place, there is no prejudice to third parties by giving applicants their fair grace, and little reason for non-grace period countries to object to providing grace.

A declaration of what activity is to be graced should not be required under any circumstances. Such declarations can be seriously harmful to the applicant's interests.

By treaty, the grace period should be 18 months prior to PG-pub or 16.5 months prior to applicants request for PG-pub, whichever is earlier. In today's electronic world, any office should be able to publish the PG-pub within 6 weeks. Perhaps 17 months (leaving one month for PG-pub) is enough.

With this kind of grace period, full applications will be published sooner and be available as prior art for novelty and obviousness. However, I believe that the content of earlier-filed, unpublished applications should be citable for novelty only. When an earlier-filed application has a filing date after an applicant's public disclosure date, the ability to show derivation or that the claims are supported by the public disclosure can provide a complete solution to grace period pitfalls.

I hope this comment is received as being useful.

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