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FOX ON THE CANADIAN LAW OF PATENTS, FIFTH EDITION

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Fox on the Canadian Law of Patents, Fifth Edition is the pre-eminent text for patent lawyers and agents in Canada. The fourth edition was repeatedly cited by courts including the Supreme Court of Canada. However, since its publication in 1969, there have been significant changes in Canadian patent law, including major statutory revisions in 1989 and 1996. The new edition brings the statement of the law up to date while retaining the jurisprudence as compiled by Dr. Fox to the extent that it remains relevant. Topics covered in this edition include: Invention, Subject Matter of Patents, Obviousness, Novelty, Utility, Application for a Patent, International Patent Protection, Dedication and Re-Examination, and Infringement and Remedies for Infringement.

This release features updates and additions to the commentary and case law in Chapters 2 (Invention), 3 (Subject Matter of Patents), 4 (Obviousness), 5 (Novelty), 7 (The Specification), 8 (Construction of a Patent), 9 (Application for a Patent), 13 (Infringement), and 14 (Remedies).

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Highlights

Invention

The Patent Appeal Board considered whether an artificial intelligence machine can be an inventor or if inventor is limited to natural persons in *Stephen L. Thaler's Patent Application 3,137,161*, 2025 CACP 8, C.D. 1689 (P.A.B. Commr.). This same issue was also considered by the UK Supreme Court in *Thaler v. The Comptroller-General of Patents, Designs and Trade Marks*, [2025] EWHC 2202 (Ch) (Pat. Ct.).

Patentable Subject Matter

The Patent Appeal Board considered the patentability of electronic trading systems relating to monitoring, managing and consolidation of income and investments and distribution of assets in *Edward Jones & Co.'s Patent Application 2,800,066*, 2025 CACP 7, C.D. 1687 (P.A.B., Commr.).

Obviousness

Issues as to obviousness were considered by the Federal Court of Appeal in *AGI Suretrack, LLC v. Farmers Edge Inc.*, 2025 FCA 134 (F.C.A.), by the Patent Appeal Board in *Regeneron Pharmaceuticals Inc and Sanofi Biotechnology's Patent Application 2,851,751*, 2025 CACP 6, C.D. 1687 (P.A.B., Commr.), and by the England and Wales Court of Appeal in *Modernatx Inc v. Pfizer Ltd & Ors*, [2025] EWCA Civ 1032 (E.W.C.A.), and by the England and Wales High Court in *Battlekart Europe SA v. Chaos Karts 1 Limited et al.*, [2025] EWHC 1936 (IPEC) (I.P.E.C.).

Novelty

Issues as to anticipation were considered by the Federal Court of Appeal in *AGI Suretrack, LLC v. Farmers Edge Inc.*, 2025 FCA 134 (F.C.A.), and by the England and Wales Court of Appeal in *Modernatx Inc v. Pfizer Ltd & Ors*, [2025] EWCA Civ 1032 (E.W.C.A.).

Construction of a Patent

The issue of patent construction in relation to a relevant ISO standard was considered by the Federal Court of Appeal in *AGI Suretrack, LLC v. Farmers Edge Inc.*, 2025 FCA 134 (F.C.A.).

Application for a Patent

The Federal Court of Appeal in *Matco Tools Corporation v. Attorney General of Canada*, 2025 FCA 156 (F.C.A.), reversed the Federal Court decision on the standard required for due care to avoid abandonment.