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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 3 (Patentable Subject Matter), 4 (Obviousness), 5 (Novelty), 6 (Utility), 7 (The Specification), 8 (Construction of a Patent), 9 (Application for a Patent), 13 (Infringement), and 14 (Remedies).

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Highlights

Patentable Subject Matter

The patentability of computer-implemented inventions was considered by the Patent Appeal Board in *Blackhawk Network, Inc.’s Patent Application 2,786,264*, 2024 CACP 21, C.D. 1680 (P.A.B. Commr.), *BGC Partners, Inc.’s Patent Application 2,554,241*, 2024 CACP 20, C.D. 1679 (P.A.B. Commr.), *Stanley Victor Campbell’s Patent Application 2,816,107*, 2024 CACP 19, C.D. 1677 (P.A.B. Commr.) and *Creditex Group, Inc’s Patent Application 2,842,736*, 2024 CACP 19, C.D. 1678 (P.A.B. Commr.).

Obviousness

Issues as to obviousness were considered by the England and Wales High Court in *Celltrion Inc. et al v. Novartis Pharmaceuticals UK Limited*, [2025] EWHC 174 (Pat) (Pat. Ct.).

Novelty

Issues as to anticipation were considered by the England and Wales High Court in *Celltrion Inc. et al v. Novartis Pharmaceuticals UK Limited*, [2025] EWHC 174 (Pat) (Pat. Ct.).

Construction of A Patent

Issues as to construction of a patent were considered by the England and Wales High Court in *Celltrion Inc. et al v. Novartis Pharmaceuticals UK Limited*, [2025] EWHC 174 (Pat) (Pat. Ct.) and *Well Lead Medical Co., Limited v. C J Medical Limited*, [2025] EWHC 492 (IPEC) (I.P.E.C.).

Infringement

The Court of Appeal of Alberta addressed the issue of conflict between the limitation periods set out in the *Patent Act* and the *Alberta Limitations Act* in *JL Energy Transportation Inc. v. Alliance Pipeline Limited Partnership et al*, 2025 ABCA 26 (A.B.C.A.).

Remedies

The England and Wales High Court extensively considered the issues of non-infringing alternatives and apportionment in the context of an accounting of profits in *Lufthansa Technik AG v. Astronics Advanced Electronic Systems & Anor*, [2025] EWHC 375 (Pat) (Pat. Ct.).