

# **LADAS & PARRY LLP**

## **INTELLECTUAL PROPERTY LAW**

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31 December 2007

Mr Wayne Pitt  
Mist3Windows

Dear Wayne

**Re: Patent Report**  
**Our Ref: GF**

Further to our telephone discussion, I am writing to advise you in relation to Canadian Patent 1332541 and GB Patent 2421977.

Copies of the details of these two patents are attached for your information.

The Canadian patent was filed in 1989 and issued in 1994 with the inventor shown as being Stephen George Collins. He and McGuire Enterprises Inc. are the owners of the patent. It would appear that the patent is still in force in Canada. However, it does not appear that any other patent protection outside of Canada was ever obtained for this patent and, consequently, the system and invention that is contained within the patent is freely available for use throughout the rest of the world. What that means is that you are entitled to use the technology revealed in this patent without the need to pay any owner any royalties or any other monies. As the inventor has failed to protect the invention outside of Canada it is freely available to be used.

GB Patent 2421977 was filed on 27 September 2004 claiming priority from earlier filings in 2003. The inventor and proprietor of this patent is David Howard Ambrose. The patent was granted on 19 June 2007.

There are clear similarities between the UK Patent and the earlier Canadian Patent. Indeed, you will observe from the front page of the patent information that under the documents cited there is the Canadian Patent 1332541. The significance of this is that the GB Patent recognises the fact that there is earlier technology of the same type and it also recognises that such technology is known and available to the public.

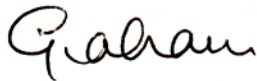
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As I understand it, the technology which you are using in your business follows very much that which is referred to in the Canadian Patent. You are, therefore, not infringing anyone's rights by using that technology. The existence of the GB Patent does not mean that you are restricted from using the technology contained within the Canadian Patent.

If you are not using a system in your business which infringes the GB Patent then that patent does not give its owner any right to prevent you from continuing with the system that you are using.

I hope that this clarifies the matter for you.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Graham'.

**GRAHAM FARRINGTON**  
Trade Mark Attorney