

section null and void, and, save as appears from such particulars, no defence shall be available to him in such action under subsection (4) of that section: Provided that particulars delivered under this rule may be from time to time amended by leave of the Court.

Particulars of objections to be delivered with petition under section 27 of the Act.

9. Any person presenting a petition for the revocation of a patent under section 27 of the Act must deliver with his petition particulars of the objections to the validity of the patent on which he means to rely, and no evidence shall, except by leave of the Court, be admitted in proof of any objection to which particulars are not so delivered.

Respondent to petition under section 27 of the Act entitled to begin.

10. The respondent to a petition for the revocation of a patent under section 27 of the Act shall be entitled to begin and give evidence in support of the patent, and if the petitioner gives evidence impeaching the validity of the patent the respondent shall be entitled to reply.

Particulars of breaches in action for infringement.

11. In an action for infringement of a patent the plaintiff must deliver with his statement of claim particulars of the breaches relied upon.

Particulars of objections in action for infringement.

12. In an action for infringement of a patent the defendant, if he disputes the validity of the patent, must deliver with his defence particulars of the objections on which he relies in support of such invalidity.

Particulars of objections with counterclaim.

13. A defendant in an action for infringement of a patent who under section 36 of the Act counterclaims in the action for the revocation of the patent shall, with his counterclaim, deliver particulars of any objection to the validity of the patent on which he relies in support of his counterclaim.

Requisites of particulars of breaches.

14. Particulars of breaches shall specify which of the claims in the specification of the patent sued upon are alleged to be infringed, and shall give at least one instance of each type of infringement of which complaint is made.

Requisites of particulars of objections.

15. Particulars of objections (whether delivered with the defence in an action for infringement of patent or with a petition for revocation under section 27 of the Act, or with a counterclaim for revocation under section 36 of the Act) must state every ground upon which the validity of the patent is disputed, and must give such particulars as will clearly define every issue which it is intended to raise.

16. If one of the objections taken in the particulars of objections be want of novelty, the particulars must state the time and place of the previous publication or user alleged, and, if it be alleged that the invention has been used prior to the date of the patent, must also specify the names of the person or persons who are alleged to have made such prior user, and whether such prior user is alleged to have continued down to the date of the patent, and, if not, the earliest and latest dates on which such prior user is alleged to have taken place; and shall also contain a description (accompanied by drawings if necessary) sufficient to identify such alleged prior user, and if such user relates to any machinery or apparatus shall specify whether the same is in existence and where the same can be inspected.

No evidence at variance with any statement contained in the particulars shall be given in support of any objection, and no evidence as to any machinery or apparatus which is alleged to have been used prior to the date of the patent, and which is in existence at the date of the delivery of the particulars, shall be receivable unless it be proved that the party relying on such prior user has, if such machinery or apparatus be in his own possession, offered inspection of the same, or, if not in his own possession, has used his best endeavours to obtain inspection of the same for the other parties to the proceedings.

Amendment of particulars of breaches and objections.

17. Particulars of breaches and particulars of objections may from time to time be amended by leave of the Court upon such terms as may be just.

Further and better particulars.

18. Further and better particulars of breaches or particulars of objections may at any time be ordered by the Court.