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I S S U E D	FEDERAL COURT COUR FÉDÉRALE December 28, 2022 28 décembre 2022
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Court File No.
FEDERAL COURT

BETWEEN:

ANDREW OLKOWSKI

Applicant

-and-

**INVESTIGATIONS COMMITTEE, THE COLLEGE OF PATENT AGENTS AND
TRADEMARK AGENTS**

Respondent

APPLICATION UNDER subsection 18.1(1) of the Federal Courts Act, R.S.C. 1985, c.F-7.

NOTICE OF APPLICATION

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the applicant. The relief claimed by the applicant appears below.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at The Court House 520 Spadina Crescent East, Saskatoon, Saskatchewan S7K 3G7

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the [Federal Courts Rules](#) and serve it on the applicant's solicitor or, if the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the [Federal Courts Rules](#), information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date: _____

Issued by: _____

(Registry Officer)

Address of local office:

The Court House
520 Spadina Crescent East
Saskatoon, Saskatchewan
S7K 3G7

TO: The Investigations Committee, the College of Patent Agents and Trademark Agents
411 avenue Roosevelt, #400,
Ottawa ON,
K2A 3X9
Email: resp@cpata-cabamc.ca

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APPLICATION

This is an Application for judicial review with respect to the decision dated November 25, 2022, of the Investigations Committee, the College of Patent Agents and Trademark Agents (CPATA). The decision has been received by the Applicant on November 25, 2022, via email.

1. In a nutshell, the Applicant Andrew Olkowski (Olkowski) in 2012 appointed a Patent Agent to represent him before all international authorities on patent prosecution pathway of his invention. The Patent Agent drafted a Power of Attorney and requested that Olkowski sign it. Between 2012 and 2016 the patent application prosecution was progressing well. However, in the fall of 2016 Olkowski discovered several problems, and between 2017 and 2020 filed several petitions with CIPO. In 2020 Olkowski filed a complaint with the Patent Review Board. However, in 2021 the Patent Review Board transferred Olkowski's file to CPATA.
2. After conducting its investigation, the CPATA Committee ruled that the Power of Attorney that Olkowski granted to his Patent Agent, whom Olkowski appointed, is a superfluous document and has no legal meaning for the purpose it was granted. Moreover, the Committee ruled that Olkowski had no reason to conclude that he is a client of the Patent Agent whom he appointed, and that the Patent Agent did not owe Olkowski any duty of care. In this regard the Committee provided Olkowski with justification which is cited below verbatim:

“Viewed in isolation, the PCT Power of Attorney on its face identified you as “an applicant” appointing Mr. Yoo’s firm as your agent, and this fact may have supported your belief that you were an applicant of the PCT and any applications arising from the PCT application and you had appointed Mr. Yoo to represent you personally, by executing such a document. While this is not technically correct, the Committee can understand why someone in your situation might reach this conclusion in isolation of other factors.”

The applicant makes application for:

3. Court directions with regard to legal validity of the Power of Attorney granted by Olkowski to the Patent Agent whom Olkowski appointed to represent him, as applicant, before all international patent authorities on patent applications for his invention.
4. Court directions with regard to reasonableness and correctness of the Committee decision rejecting Olkowski’s Power of Attorney along with other documentary material as valid evidence that Olkowski correctly concluded that he was the Patent Agent’s client, given that evidence shows that the Patent Agent exercised the Power of Attorney granted to him by Olkowski, and indeed represented Olkowski as an applicant on all submissions of patent documents in 2012, 2013, 2014, and 2016, and even signed documents on behalf of Olkowski as his Patent Agent.
5. Olkowski asks this Honorable Court to declare that the Investigations Committee erred in its decision rejecting Olkowski’s Power of Attorney and other evidence that Olkowski provided and direct the Committee to correct the mistakes accordingly.
6. Such further relief as counsel may advise and this Honorable Court deems just.

The grounds for the application are:

7. The Investigations Committee erred in the process of fact-finding inquiry by not giving proper deference to evidence provided by Olkowski.
8. Significantly, the Committee made a palpable and overriding error in assessing the legal meaning and purpose of the Power of Attorney granted by Olkowski to his Patent Agent.

This application will be supported by the following material:

9. Affidavit of the Applicant including requisite documentary exhibits, and citations from transcripts, along with the CPATA Investigations Committee decision letter.

DATED at the City of Saskatoon, in the Province of Saskatchewan this 23rd day of December 2022.

PER: 
Dr. Andrew Olkowski
Self-represented

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