

<u>SR&amp;ED TOPIC</u>	<u>APPELLANT</u>	<u>PRIMARY ISSUE</u>	<u>WIN / LOSS</u>	<u>RULING &amp; RATIONALE</u>	<u>IMPLICATIONS &amp; OPPORTUNITIES</u>	<u>SIGNIFICANCE</u>
<b>Technological eligibility</b>						
Defining Prior Art S. 58 shortcut to ruling	<a href="#">Lehigh</a>	Advance if others have achieved? Can Judge omit need for evidence	LOSS	Need evidence of prior art search SR&ED issues to complex	Document at start of each project No short-cut to ruling using S. 58	MODERATE
Systematic Investigation	<a href="#">Mac &amp; Mac Hydrodemolition</a>	Lack of records	LOSS	Lack of detailed measurements	Generate & retain evidence	MODERATE
<b>Financial issues</b>						
Intent of capital	<a href="#">VLN</a>	If >90% SR&ED intent	LOSS	Actual SR&ED use 36%	Evidence of intent needs to explain use	LOW
Fine for SR&ED fraud	<a href="#">Tempora</a>	Level of fine	LOSS	Each of 3 charged 100%	fine is 300% of amount claimed	HIGH
Government assistance	<a href="#">Borealis Geopower</a>	Use of trust to defer recognition	LOSS	includes "expected to receive"	Use accrual basis when costs incurred	MODERATE
Shareholder benefit	<a href="#">Guy Laliberte</a>	Space flight \$4 vs. \$42 million	LOSS	full amount taxable	Denied as marketing expense	MODERATE