

Australian Government

IP Australia

AUSTRALIAN OFFICIAL JOURNAL

OF

PATENTS

AUSTRALIAN OFFICIAL JOURNAL OF PATENTS

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General Information

EDITORIAL ENQUIRIES

All enquiries about official notices and general information in the Journal should be directed to IP Australia, (ABN No 38 113 072 755), PO Box 200 Woden ACT 2606

Or

Telephone 1300 651 010

(International Callers +61 2 6283 2999)

Fax 02 6283 7999

E-mail assist@ipaustralia.gov.au

CONTACT INFORMATION

Customer Service Network

Telephone 1300 651 010, Fax: 02 6283 7999

E-mail: assist@ipaustralia.gov.au

Customers can contact the Customer Service Network by telephone or by e-mail. Telephones are staffed between 9am and 5pm each working day.

Customers should contact the Customer Service Network for information about:

- All Patent Matters including PCT and Innovation Patents.
- All Trade Mark Matters.
- All Design Matters.

Professional Standards Board for Patent and Trade Mark Attorneys

Ph: 02 6283 2345 Fax: 02 6283 1048

ORDERING PATENT DOCUMENTS

When ordering copies of Australian patent specifications, or abstracts and abridgments notified as open to public inspection on or after 26 October 1978, or as accepted on or after 16 November 1978, the documents should be referred to by application numbers only, preceded by letters AU-A or AU-B respectively.

REQUESTS FOR INFORMATION UNDER SECTION 194 (C)

A request for information under Section 194 (C) of the Patents Act 1990 should be made in the approved form and be accompanied by the prescribed fee. The request should be as detailed as possible.

INFORMATION FROM REGISTERS

All requests for information from Register of Patents, Trade Marks or Designs, should be made in writing and accompanied by the prescribed fee. The Registers are located in Canberra and may be examined free of charge.

COUNTRY CODES

For a listing of country codes used by IP Australia please refer to the Official Journals dated 7 November 1996.

ABBREVIATIONS IN JOURNAL

Standard abbreviations are used in the name of companies and firms. Enquiries concerning the precise name should be directed to the Customer Service Network.

FREEDOM OF INFORMATION ACT

What does it do?

- Gives you right to obtain information held by Commonwealth Ministers, Departments and most statutory bodies (these bodies are called agencies under the Act).
- Requires Commonwealth Government agencies to make available to members of the public:
 - Information about agencies, their functions and operations.
 - Information about rules and practices which are used in making decisions which affect you.
- Gives you a legal right to:
 - See non exempt documents held by agencies, and
 - appeal against a decision not to grant access to a document.

What documents can you see?

- The Act gives you a right to see documents lodged on or after 1 December 1977, or earlier if you need them to understand another document you have already.
- Documents include files, reports, computer printouts, maps, plans, photographs, tape recordings, films or videotapes.
- Documents which are available for purchase under the Patents Act 1990, the Trade Marks Act 1995 or Designs Act 2003 or Plant Breeder's Rights Act 1994 are not available under the Freedom of Information Act (Section 12 refers).

How do you apply?

Requests for access to documents must

- Be in writing
- Provide sufficient information so as to enable identification of the documents requested
- Specify an address in Australia where notices can be sent and
- Be accompanied by the application fee (currently \$30.00).
 Requests for documents should be addressed to IP Australia, PO Box 200 Woden, ACT 2606, or Faxed to 02 6283 7999

DECISIONS OF THE COMMISSIONER OF PATENTS AND REGISTRAR OF TRADE MARKS AND DESIGNS

 All decisions of the Commissioner and Registrars are available free of charge from AUSTLII's website www.austlii.edu.au

Copies of all written Patent and Design decisions are available (except if they would not be available under the provisions of the Freedom of Information legislation, e.g. if they would effectively disclose matter from documents that are not open to public inspection) on request for a cost of \$AU 25. They are also available for inspection in indexed volume series, dating from 1 January 1987, in the Office library, Canberra. Copies of Trade Mark decisions may be accessed via IP Australia's website www.ipaustralia.gov.au

- Copies of the taped record of Patent and Design hearings are available (with the same exception as above) on request.
- When a written decision is issued the fact of the decision plus a brief head note will be published in the Official Notices section of the next available Patents, Trade Marks or Designs Journal.

HEARINGS BEFORE THE COMMISSIONER OF PATENTS

Hearings before the Commissioner of Patents will usually be conducted at the Patent Office in Canberra and interstate hearing sessions are not provided. However, the Commissioner will conduc t hearings outside of Canberra at a convenient time to all parties provided that the parties bear the travel costs of the hearing officer.

The various options for hearings are set out in the document "Options for Hearings" available on IP Australia's website at: www.ipaustralia.gov.au/pdfs/patents/optionsforhearings.PDF

HEARINGS BEFORE THE REGISTRARS OF TRADE MARKS AND DESIGNS

Hearings before the Registrars of Trade Marks and Designs will be set down in Melbourne, Sydney, Adelaide, Perth and Brisbane during the periods indicated below.

Designs and Trade Marks Hearings Sessions 2007

Melbourne 5 - 9 March

4 - 8 June

17 – 21 September

Sydney 12 – 16 February

14 – 18 May 13 – 17 August

12 – 16 November

Adelaide 16 – 17 July

Perth 19 – 20 August

Brisbane 26 – 27 August

Persons who desire matters to be set down for hearing in Melbourne, Sydney, Adelaide, Perth or Brisbane must give at least one month's notice of their intention to be heard. If such notice is not given, it may be that there would be insufficient time to allow for the execution of official procedures associated with the listing of hearings, and as a result, the matter involved might not be listed.

Subject to the convenience of this Office, hearings will be set down in Canberra at any time suitable to the parties.

LIST OF STATE OFFICES

IP Australia State Offices are located in the Australian Capitals at the addresses given below. Requests for information may be obtained by calling at, phoning or writing to these offices or IP Australia, ACT.

Australian Capital Territory

Ground Floor Discovery House PHILLIP ACT 2606 (PO Box 200, WODEN ACT 2606)

Ph: 1300 651 010 Fax: (02) 6283 7999

New South Wales

Level 1, Bay 8 Locomotive Workshop Eveleigh NSW 1430 Ph: 1300 651 010 Fax: (02) 9249 5807

Victoria

Level 6
OCBC House
565 Bourke Street
MELBOURNE VIC 3000
Ph: 1300 651 010
Fax (03) 9612 9807

Western Australia

2 nd Floor East Point Plaza 233 Adelaide Terrace PERTH WA 6000 Ph: 1300 651 010 Fax: (08) 9220 8907

Queensland

Level 1 Grant Thornton House 102 Adelaide Street BRISBANE QLD 4000 Ph: 1300 651 010 Fax: (07) 3007 1107

South Australia

Innovation House, East Wing Mawson Lakes Boulevard

MAWSON LAKES Adelaide SA 5095

Ph: 1300 651 010 Fax: (08) 8239 4507

Tasmania

4 th Floor AMP Building 27 Elizabeth Street HOBART TAS 7000 Ph: 1300 651 010 Fax: (03) 6235 6307

GUIDE TO THE USE OF THIS JOURNAL

The Australian Official Journal of Patents (AOJP) reports all major events and actions which take place during the life cycle of an Australian patent and provides certain details of these actions as they relate to the patent or patent application involved. This guide sets out to teach the reader how to use the journal to access this information.

While there are many possible actions in the life of a patent, the majority of actions reported relate to the following events, which are the main stages in the progression of a patent application to a sealed patent:

(i) FILING -

This is the act of making an application. When the application is first filed certain details are published.

(ii) OPEN-TO-PUBLIC-INSPECTION (OPI) -

Approximately 18 months after first filing of an Australian or a corresponding foreign application, certain application documents, including the complete specification, become available to the public (Open-to-Public-Inspection or "OPI"). Relevant application details are published.

(iii) NATIONAL PHASE ENTRY (NPE) -

For an application filed under the PCT to have full effect, it must move from the international phase of processing into the National phase of processing, by complying with the requirements of s.89(3). For PCT applications that were filed after 1 January 2004 which have entered the National Phase certain details are published.

(iv) ACCEPTANCE -

This is the Commissioner's acceptance of a patent application. Once the Commissioner has accepted a patent application, certain details of the application are published in the AOJP. Notice of opposition may be filed within three months of advertisement of acceptance.

(v) OPPOSITION -

If an opposition action is commenced against the grant of the patent, the six-figure acceptance number and the name of the opponent are published. If the opposition is to the Certification of an Innovation Patent, the patent number and the name of the opponent are published.

(vi) SEALING -

Most accepted applications are not opposed. These proceed to sealing and become granted patents. Of the few that are opposed (less than 1%) most of these, after resolution of the opposition, proceed to sealing and become granted patents. Sealed patents are simply listed in order of their application number.

(vii) CERTIFICATION-

This is the Commissioner's Certification after passing examination of a previously granted unexamined Innovation Patent.

In addition to the actions related to these stages, other actions reported include: assignments, lapsing or withdrawal of applications and ceasing or expiry of patents, voluntary amendments, extensions of time for certain actions and registration of licences.

How To Identify Information Using "INID" Numbers

Patents are published in many different countries and in many different languages. As a result, finding the information that you want (eg the filing date) on a patent document or in a journal can be quite difficult. There is an international system operating, however, which codifies this information in an unambiguous way, by assigning a specific number to each piece of information about the history of a patent. These numbers are called the <u>Internationally agreed Numbers for the Identification of Data or INID numbers.</u>

These numbers appear on all published patents and abstracts and are used throughout this journal to identify particular items of information. For example, the date on which a document is filed has the INID number (22), while the name of the applicant has the INID number of (71). These numbers are always expressed in parentheses and always immediately precede the information to which they relate. For example:

(22) 12.10.91

means that the filing date of the document which contains this reference is 12 October 1991. Learning the INID numbers for the information you want will help you find it quickly and easily.

A complete list of the INID numbers and the items to which they relate is provided at the end of this Guide.

How Australian Patent Documents are Numbered

Patent applications in Australia are assigned a number at the filing stage in their processing. Each Australian application will retain the same number throughout its life, though different numbers may be associated to the application. The number will incorporate the year of lodgment then a unique number within the appropriate range.

There will be number ranges for types of patents:

100,000 – 199,999 Innovation 200,000 – 799,999 Standard 800,000 – 899,999 Petty 900,000 – 999,999 Provisional

When searching for information and ordering documents it is vital that you understand the numbering systems.

1. Provisional Applications are given a ten-figure number

A provisional application number is identified by the INID number (21).

2. Complete and Innovation Applications are also given a ten-figure application number

e.g. 2002200345 Standard 2002100123 Innovation

There are prefixes applied to this number which indicate whether the application has been accepted:

A document corresponding to an unaccepted application has the prefix, AU-A; eg AU-A-2002200234. A document corresponding to an accepted application carries the prefix AU-B; eg AU-B-2002200234.

Users need to be aware that an accepted document may differ from the corresponding unaccepted document. This is because amendment may occur between first publication (OPI) and second publication (acceptance).

A ten-figure application number is identified by the INID number (21).

NOTE: When ordering any patent document from us, whether accepted or not, please quote the ten-figure application number preceded by the appropriate prefix.

Arrangement of Information in the Journal

For each of the categories

- (i) Provisional Applications Filed,
- (ii) Complete Applications Filed,
- (iii) Applications Open to Public Inspection
- (iv) Applications Entered National Phase
- (v) Applications Accepted, and
- (vi) Innovation Patent Certified.

The Journal lists the information published in that category in an alphabetical Name Index list based on the name of the applicant. These indices are useful if you wish to find information about applications made by a particular applicant.

In addition to the Name Index there is provided, for each of these categories, a Numerical Index This index lists the applications either in order of their five-figure Application Numbers, in the case of complete applications filed and applications OPI, or in order of their six-figure Document Number in the case of accepted applications. It provides, for each number, the name of the applicant. These indices are useful if you wish to track the progress of a particular patent application.

There are also IPC Indices provided for applications which are OPI, for applications which have entered national phase and for applications which have been accepted. IPC stands for International Patent Classification. Each IPC "mark" is an alpha-numerical representation of a particular area of technology. These indices are in order of IPC mark, and within each mark provide either the five-figure application numbers of the application which are now OPI or the six-figure numbers of the cases now accepted. These indices are useful if you wish to check on patent activity in a particular technology.

Using the Indices

1. To Find Patent Information if You Know the Name of the Applicant.

Use the Name Indices. They will give you the following information identified by their INID number:

<u>ITEM</u>	<u>INID</u> <u>No.</u>	<u>ITEM</u>	<u>INID</u> No.
A) Provisional applications filed - Name Index The name of the applicant The Provisional application number The date of filing The title of the invention	(71) (21) (22) (54)	B) Complete applications filed - Name Index The name of the applicant The number assigned to the application The date of filing Title of the invention Number of priority document(s) if any Date(s) of filing of priority documents Country of which priority documents filed PCT application number	(71) (21) (22) (54) (31) (32) (33) (86)
<u>ITEM</u>	INID No.	<u>ITEM</u>	<u>INID</u> No.
C) Applications open to public inspection - Name Index The <u>name</u> of the applicant The <u>number</u> of the document The <u>number</u> assigned to the application	(71) (11) (21)	D) Applications entered National Phase - Name Index The <u>name</u> of the applicant The <u>number</u> of the document The <u>number</u> assigned to the application	(71) (11) (21)

The date of filing	(22)	The date of filing	(22)
The title	(54)	The title	(54)
The classification marks	(51)	The classification marks	(51)
Priority document number(s)	(31)	PCT publication number	(87)
Date of filing of priority document(s)	(32)	Priority document <u>number</u>	(31)
Country in which priority document filed	(33)	Date of filing of priority document(s)	(32)
Publication date of unexamined document	(43)	Country in which priority document filed	(33)
Inventors names if known	(72)	Publication date of unexamined document	(43)
Patent Attorneys	(74)	Inventors names if known	(72)
Related by addition	(61)	Patent Attorneys	(74)
Related by division	(62)		, ,
ITEM	INID	ITEM	INID
TEM	No.	TI EIN	No.
	<u>140.</u>		140.
E) Applications accepted - Name Index		F) Patents Certified – Name Index	
The <u>name</u> of the applicant	(71)	The <u>name</u> of the applicant	(71)
The <u>number</u> of the document	(11)	The <u>number</u> of the accepted document	(10)
The <u>number</u> of the accepted document	(10)	The <u>number</u> assigned to the application	(21)
The <u>number</u> assigned to the application	(21)	The date of filing	(22)
The <u>date</u> of filing	(22)	The <u>title</u>	(54)
The <u>title</u>	(54)	The <u>classification</u> <u>marks</u>	(51)
The classification marks	(51)	Priority document <u>number</u>	(31)
PCT publication <u>number</u>	(87)	Date of filing of priority document(s)	(32)
Priority document <u>number</u>	(31)	Country in which priority document filed	(33)
Date of filing of priority document(s)	(32)	Publication date of granted patent	(45)
Country in which priority document filed	(33)	Inventors <u>names</u>	(72)
Publication date of unexamined document	(43)	Patent Attorneys	(74)
Publication date of examined document	(44)	Related by division	(62)
Publication date of granted patent	(45)		
Inventors <u>names</u>	(72)		
Patent Attorneys	(74)		
Related by addition	(61)		
Related by division	(62)		

You will notice at each stage of following application through that all applications are in alphabetical order of Applicant, not inventor.

2. To Find Information About a Patent Application if You Know its Number.

Use the appropriate numerical index. This will give you the name of the applicant from the number. You will then need to use the appropriate Name Index as above to find out other information about the Patent Application you are interested in.

The following Numerical Indices are available:

- A) Provisional Applications filed.
- B) Complete Applications filed.
- C) Innovation Applications filed.
- D) Applications Open to Public Inspection.
- E) Applications Entered National Phase
- F) Applications Accepted.
- G) Innovation Patent Certified

3. To Find Information About Patent Documents in the Area of Technology in which You are Interested if You Know the International Patent Classification Mark for that Area.

All patent applications are classified according to their subject matter using the International Patent Classification (IPC). Although the system is very detailed and covers all technologies, knowledge of the IPC marks of the technologies you are interested in will allow you to find patent documents in these technologies quite easily. To identify the IPC marks of technologies you are interested in, you can inspect relevant documentation in any of IP Australia's state offices.

The indices to use are

- A) Applications OPI IPC Index
- B) Applications accepted IPC Index
- C) Applications Entered National Phase IPC Index

These indices give you the numbers of the applications which are either OPI, Entered National Phase or Accepted and are listed in order of their IPC marks.

Once you have the numbers of the documents that interest you, consult the relevant Number Index (see 2. above) to find the applicant's name, and then the Name Index (see 1. above) to find out the details of that application.

'INID' NUMBERS in use on Australian Patent Documents

'INID' is an acronym for 'Internationally agreed $\underline{\mathbf{N}}$ umbers for the $\underline{\mathbf{I}}$ dentification of $\underline{\mathbf{D}}$ ata'.

(10) Document identification

- (11) Number of the document
- (12) Plain language designation of the kind of document
- (19) WIPO country code, or other identification, of the country publishing the document.

(20) Document filing data

- (21) Number(s) assigned to the application(s).
- (22) Date(s) of filing application(s)
- (23) Other date(s) of filing, including exhibition filing date and date of filing complete specification following provisional specification.
- (24) Date from which industrial property rights may have effect.

(30) Priority data

- (31) Number(s) assigned to priority application(s)
- (32) Date(s) of filing priority application(s)
- (33) Country (countries) in which the priority application(s) was (were) filed.

(40) Date(s) of making available to the public

- (43) Date of publication by printing or similar process of an <u>unexamined</u> document, on which no grant has taken place on or before the said date.
- (44) Date of publication by printing or similar process of an <u>examined</u> document, on which no grant has taken place on or before the said date.
- (45) Date of publication by printing or similar process of a document, on which grant or certification has taken place on or before the said date

(50) Technical Information

- (51) International Patent Classification
- (52) Domestic or national classification
- (54) Title of invention
- (56) List of prior art documents, if separate from descriptive text
- (57) Abstract or claim

(60) Reference(s) to other legally related domestic document(s)

- (60) Related by cognate(s).
- (61) Related by addition(s).
- (62) Related by division(s).

(70) Identification of parties concerned with the document

- (71) Name(s) of applicant(s)
- (72) Name(s) of inventor(s) if know to be such
- (74) Name(s) of attorney(s) or agent(s)
- (75) Name(s) of inventor(s) who is (are) also applicant(s)

(80) Identification of data related to International Conventions other than the Paris Convention

- (86) PCT Application Number
- (87) PCT Publication Number

NOTE

(1) Australian patent documents published on or after 26 October 1978 should be referred to by the application number preceded by the prefix AU-A or AU-B.

AU-A = Pre-examination

AU-B = Post-examination

- (2) The classification used is the International Patent Classification and is identified by the INID code (51). Further editions of the classification are identified as (51)², (51)³, (51)⁴ and (51)⁵.
- (3) INID code 74 provides for the name of the patent attorney, or firm of attorneys, prosecuting an application.

OFFICIAL NOTICES

Faxes - No Confirmation Copies

On 17 April 2003, an Official Notice was published requesting that practitioners cease to file 'confirmation' copies of faxes. A significant number of practitioners still file 'confirmation' copies of faxes.

Where a document is faxed to IP Australia with a confirmation copy also being filed, some significant difficulties can arise. In particular, because the document will enter the processing systems at different times and locations, there is a real possibility that the confirmation copy will be acted upon as an action in its own right – with obvious duplication of effort and resulting confusion about what is happening. This situation has been growing in frequency over several years.

Practitioners are requested NOT to file confirmation copies of any documents faxed to the Office – unless IP Australia asks for the original to be filed.

If for some reason the faxed copy of a document is deficient in some manner, IPAustralia will ask for the original document to be filed. Situations where IPAustralia might ask for the original to be filed are:

- the faxed copy of the document fails to meet the usual formality requirements; or
- there is some special reason why the original document is required on the file (e.g. in certain circumstances, statutory declarations; copies of Design representations)

Fees accompanying a faxed document

A common practice is for a practitioner to file an urgent office action by fax, and to file the original at a State Office as a vehicle for any associated fee payment. This practice gives rise to considerable confusion with the processing of the application.

Practitioners are requested to either:

- create a separate document as the vehicle for the fee payment, with that document simply referring to the faxed correspondence;
- pay any required fees by credit card payment as part of the faxed correspondence; or
- (in the case of most patent matters) wait for an "Invitation to Pay" to be issued, and pay against that invitation.

2

Email Sales Requests

Practitioners are also reminded that the preferred method for requests for Sale of documents is by email which should be no more than one page in length.

Contact: IP Australia **Phone:** 1300 651 010 **Fax:** +61 2 6283 7999

E-mail: assist@ipaustralia.gov.au Web: www.ipaustralia.gov.au

Proceedings under the Patents Act 1990

Applications Lapsed, Refused Or Withdrawn Patents Ceased or Expired

Reference to the application numbers must include the year of the application of the patent, which is shown preceding the numbers.

The codes next to each number have the following meanings:

Code	Meaning			
1	Application Lapsed Section 142(2)(a) \S 47(C)\			
2	Application Lapsed			
3	Application Lapsed			
4	Application Lapsed			
5	Application Lapsed			
6	Application Lapsed Section 142(2)(f)/Reg 8.3(3)			
7	Application Lapsed		\R 7B(3)\	
8	Application Lapsed Reg. 3.4(6)			
9	Application Lapsed Section 142(3)			
10	Application Lapsed			
11	Application Lapsed Section 148(1)(c)			
12			1(1)/Reg 8.3(2) \S 37\	
13	Application Withdra			
14	Patent Ceased Sec		Expired	
15	Patent Ceased Sec			
16	Application refused			
17	Application Lapsed	Regulation 22	.2	
A B	directed Applications on wh		n has not been requested or orequest examination has	
	been given			
С	Applications on which examination has been requested or on which an examination report has been issued			
D	Applications which have been accepted or advertised accepted, (including applications which have also been advertised 'Not Sealed')			
N	Applications Not O	pen to Public Ir	spection	
751234 (12	2D)			
2001				
26506 (50	51969	(5C)		
2002				
18737 (50	29169	(5C)	31385 (5C)	
40683 (50	2) 45806	(5C)	45862 (5C)	

Extensions of Time, Section 223

Applications Received

Notice of opposition under Section 223(6) to the undermentioned application(s) for an extension of time may be lodged at the Patent Office within the prescribed time.

2002

35598 **Palmrow Pty Ltd** An application to extend the time from 25 Mar 2005 to 25 Mar 2007 in which to obtain acceptance has been lodged. . Address for service in Australia - Davies Collison Cave GPO Box 3876 SYDNEY NSW 2001

35598 **Palmrow Pty Ltd** An application to extend the time from 14 Jul 2005 to 7 Sep 2006 in which to pay a continuation fee has been lodged . Address for service in Australia - Davies Collison

Extensions of Time, Section 223 -cont'd

Cave GPO Box 3876 SYDNEY NSW 2001

697227 Rockefeller University An application to extend the time from 6 Oct 2005 to 6 Dec 2006 in which to pay a renewal fee has been lodged . Address for service in Australia - Allens Arthur Robinson Patent & Trade Marks Attorneys GPO Box 1776Q MELBOURNE VIC 3001

Opposition Proceedings

(The name in the parentheses is that of the opponent)

Opposition Withdrawn

753733 Australian Lock Company Pty. Ltd. (Assa Abloy Australia Pty Ltd)

Application Withdrawn

751234 Pacific Biolink Pty. Limited (The University of Melbourne)

Letters Patent Sealed

Standard Patents

785137 785179 785181 785182 785183 785184 785185 785186 785187

Extensions of Term of Standard Patents, Section 70

Grant

The following application(s) for Extension of Term have been granted under Section 74.

738074 AstraZeneca AB

CRESTOR rosuvastatin (as calcium)

Date extended term due to expire on 26/04/2021

767885 Smithkline Beecham Biologicals S.A.

ROTARIX human rotavirus

Date extended term due to expire on 21/03/2021