



Australian Government

IP Australia

AUSTRALIAN OFFICIAL JOURNAL

OF

PATENTS

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General Information

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INID (Internationally agreed Numbers for the Identification of Data)

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 **Internationally Agreed Numbers for the Identification of Data** or INID numbers.

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

e.g. 2002901123

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

The <u>date</u> of filing	(22)	The <u>date</u> of filing	(22)
The <u>title</u>	(54)	The <u>title</u>	(54)
The <u>classification marks</u>	(51)	The <u>classification marks</u>	(51)
Priority document <u>number(s)</u>	(31)	PCT publication <u>number</u>	(87)
<u>Date</u> of filing of priority document(s)	(32)	Priority document <u>number</u>	(31)
<u>Country</u> in which priority document filed	(33)	<u>Date</u> of filing of priority document(s)	(32)
Publication <u>date</u> of unexamined document	(43)	<u>Country</u> in which priority document filed	(33)
Inventors <u>names</u> if known	(72)	Publication <u>date</u> of unexamined document	(43)
<u>Patent Attorneys</u>	(74)	Inventors <u>names</u> if known	(72)
Related by addition	(61)	<u>Patent Attorneys</u>	(74)
Related by division	(62)		

<u>ITEM</u>	<u>INID</u> <u>No.</u>	<u>ITEM</u>	<u>INID</u> <u>No.</u>
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 <u>date</u> of filing	(22)
The <u>date</u> of filing	(22)	The <u>title</u>	(54)
The <u>title</u>	(54)	The <u>classification marks</u>	(51)
The <u>classification marks</u>	(51)	Priority document <u>number</u>	(31)
PCT publication <u>number</u>	(87)	<u>Date</u> of filing of priority document(s)	(32)
Priority document <u>number</u>	(31)	<u>Country</u> in which priority document filed	(33)
<u>Date</u> of filing of priority document(s)	(32)	Publication <u>date</u> of granted patent	(45)
<u>Country</u> in which priority document filed	(33)	Inventors <u>names</u>	(72)
Publication <u>date</u> of unexamined document	(43)	<u>Patent Attorneys</u>	(74)
Publication <u>date</u> of examined document	(44)	Related by division	(62)
Publication <u>date</u> of granted patent	(45)		
Inventors <u>names</u>	(72)		
<u>Patent Attorneys</u>	(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 Numbers for the Identification of Data'.

(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 unexamined 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 examined 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 known 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 Notice**Reminder notice - Change of Bank for IP Australia**

As at 1 April 2007 IP Australia has changed to the National Australia Bank for all our banking.

Account customers of IP Australia have already been formally advised by letter of our new bank details, including our BSB and Branch numbers.

If you haven't already done so all non-account customers should contact IP Australia for further information. Alternatively, you may visit our website to find the relevant information for "Making a Payment":

www.ipaustralia.gov.au/resources/forms_finance.shtml

Contact: IP Australia
Phone: 1300 651 010
Fax: +61 2 6283 7999
E-mail: assist@ipaustralia.gov.au
Web: www.ipaustralia.gov.au

Official Notice**Intellectual Property Legislation Amendment Regulations 2007 (No. 1)**

On 27 March 2007, the remaining Schedules to the *Intellectual Property Laws Amendment Act 2006* ('Amendment Act') will commence. These are Schedules 1, 2, 3 (Part 2), 4, 10 and 12.

Schedule 10 to the Amendment Act will amend section 79C of the *Patents Act 1990* (the Act) to make it clear that a divisional application from a granted innovation patent must be made in accordance with the regulations. Also, amended section 79C will require that the divisional application be made in the period starting when the examination of the innovation patent begins and ending when the term of the patent ends, the patent ceases, the patent is revoked or at the end of a prescribed period.

Among other things, Schedule 12 to the Amendment Act will insert new section 222A into the Patents Act clarifying the effect of the Patent Office and its State offices not being open for business ('the close down provisions').

On 22 March 2007 the Federal Executive Council made the *Intellectual Property Legislation Amendment Regulations 2007 (No. 1)*—'the amendment regulations'. The amendment regulations have been registered in the Federal Register of Legislative Instruments and will appear on ComLaw (www.comlaw.gov.au). Generally, the amendment regulations will have effect from 27 March 2007.

Schedule 3 to the amendment regulations will amend the *Patents Regulations 1991*:

- to prescribe several matters required under the close-down provisions—details of how the close-down provisions will operate are provided below;
- to remake subregulation 6A.2(1) to put it beyond doubt that a divisional application made under section 79C of the Patents Act must be made in accordance with section 29 of the Act;
- to amend subregulation 6A.2(2) to prescribe the period under subparagraph 79C(2)(b)(iv) of the Act as one month from the date on which the Commissioner publishes a notice that examination has occurred;
- Declare Montenegro to be a Convention country in its own right, separately from Serbia which also continues as a Convention country; and
- Declare Yemen to be a Convention country.

With effect from 1 April 2007, the amendment regulations will also amend the Patents Regulations to give effect to changes to the *Regulations under the Patent Cooperation Treaty* (the PCT Rules) which have effect from that date. These include provisions relating to incorporation by reference, missing parts of the international application, restoration of the right of priority, rectification of obvious mistakes, and the addition of patent documents from the Republic of Korea to the PCT minimum documentation. For further information on these changes, please see the 2007 Official Notice *Patent Cooperation Treaty (PCT) Rule Changes Effective—1 April 2007* available at http://www.ipaustralia.gov.au/resources/officialnotices_p2007.shtml.

The amendment regulations will also amend the *Designs Regulations 2004*, the *Olympic Insignia Protection Regulations 1993*, the *Plant Breeder's Rights Regulations 1994* and the *Trade Marks Regulations 1995*. For further information on the amendments to the Designs Regulations and the Trade Marks Regulations, please see the 2007 *Official Notices* for Designs and Trade Marks titled *Intellectual Property Legislation Amendment Regulations 2007 (No. 1)*, available through <http://www.ipaustralia.gov.au/resources/officialnotices.shtml>. Details of the amendments to the Plant Breeder's Rights Regulations will be published later this year in the *Plant Varieties Journal*, which will be available via the Plant Breeder's Rights page at www.ipaustralia.gov.au/pbr/index.shtml#journal.

Contact: IP Australia
Phone: 1300 651 010
Fax: +61 2 6283 7999
E-mail: assist@ipaustralia.gov.au
Web: www.ipaustralia.gov.au

To be published in the Australian Official Journal of Patents on 5 April 2007.

How the new close-down provisions in the Patents legislation will operate

On 27 March 2007, the new close-down provisions in the Patents legislation will come into effect. These are new section 222A of the *Patents Act 1990* (the Act) and new regulations 11.32 to 11.34 of the *Patents Regulations 1991* (the Regulations). The close-down provisions address the following situation:

- there is some period provided in the patents legislation for you to do some action at the Patent Office in Canberra ('the Canberra office') or the State sub-offices of the Patent Office ('the State offices'); and
- on the last day of that period, the Canberra office or a State office is not open for business.

Generally, the close-down provisions will let you do that action at the Canberra office or State office that was not open for business—on the next day that the particular office is open for business—and still be in time.

The close-down provisions are not limited to your filing documents at the Canberra office or a State office. They also pick up actions that can be done by delegates of the Commissioner of Patents ('the Commissioner') in some prescribed period.

For example, a complete application for a standard patent lapses if the Commissioner cannot accept it in the relevant prescribed period—see paragraph 142 (2) (e) of the Act and regulation 13.4 of the Regulations. If that period ends on a day when the Canberra office is closed, the close-down provisions will let a delegate accept the application on the next day the Canberra office is open for business (if the application is in order for acceptance).

In practical terms, IP Australia expects that the close-down provisions will result in minimal changes for you. The principal difference is that you will not be substantially disadvantaged by the Canberra office and the State offices being closed for the period between Christmas Day and New Year's day. Also, you will not be substantially disadvantaged by the Canberra office or any of the State offices being closed unexpectedly (e.g. owing to bushfires or power failure). Several examples of how the close-down provisions can help you are set out at the end of this notice.

In addition, even when the Canberra office is closed, IP Australia will continue to provide facilities for receiving electronic communications through IP Australia's secure corporate fax number (02 6283 7999), and by the online services facility (for some transactions) available at <https://pericles.ipaustralia.gov.au/ols/centre/content/olsHome.jsp>. See the news item of 3 January 2007, at www.ipaustralia.gov.au/resources/news_new.shtml#2, announcing the revised Electronic Business Rules and providing a link to them.

When will the Canberra office and the State offices be closed?

As is currently the case, the Canberra office and the State offices will be closed for several national and local public holidays.

Soon the Director General of IP Australia will declare the days on which the Canberra office and State offices will not be open for business during the 2007 Calendar year. This declaration will be published promptly on the *Whats New* and *Official Notices* pages of IP Australia's website (at www.ipaustralia.gov.au/resources/news_new.shtml and www.ipaustralia.gov.au/resources/officialnotices.shtml respectively). The declaration will also be published in the *Official Journal of Patents*, which is available through <http://pericles.ipaustralia.gov.au/ols/epublish/content/olsEpublications.jsp>.

If the Canberra office or any State office is closed unexpectedly, then the Director General will also declare the particular days for that the Canberra office or particular State office affected were not open for business. The declaration will be published on the *Whats New* and *Official Notice* pages of IP Australia's website, and in the Official Journal.

What actions will *not* be governed by the new close-down provisions?

Actions that are *not* done at the Canberra office or the State offices will not be governed by the close-down provisions. For these actions the previous position will continue unchanged. For a period provided in the patents legislation, you will need to continue looking at subsection 36 (2) of the *Acts Interpretation Act 1901* to work out the effect of public holidays etc. The actions in the patents legislation are:

- actions to be taken between interested parties in oppositions proceedings under Chapters 5, 6, 9A, 10 and 22 of the Patents Act and Chapters 5, 10 or 22 of the Patents Regulations—**NB** This does not include the filing of notices or requests at the Canberra office or the State offices which *are* governed by the close-down provisions;
- lodging the return required under section 76A of the Patents Act with the Secretary of the Department;
- actions done in relation to proceedings in a court or a tribunal—e.g. the patentee commencing infringement proceedings within the relevant period prescribed in subsection 120(4) of the Patents Act;
- acts to be done under Chapter 20 of the Patents Regulations—e.g. a patent attorney applying for restoration of the attorney's name to the Register of Patent Attorneys.

For a discussion of the operation of subsection 36 (2) of the Acts Interpretation Act, please see the Official Notice *Time periods and local holidays*. The notice was published on the Official Notices page of IP Australia's website on 17 December 2004 at www.ipaustralia.gov.au/resources/officialnotices_p2004.shtml#38, where it can still be found.

For periods provided in legislation governing a court or tribunal (e.g. court rules), you will need to continue looking at that legislation to work out the effect of the court or tribunal being closed.

Please take note regarding actions to be taken under the Patent Co-operation Treaty (PCT). Actions taken in respect of a PCT application in the International Phase continue to be governed by Rule 80.5 of the *Regulations under the PCT* not the close down provisions. This includes actions taken at the Patent Office as a Receiving office, International Searching Authority or as an International Preliminary Examining Authority. So you will need to continue looking at Rule 80.5 to work out how the Canberra office or a State office being closed for business will affect any period prescribed in the PCT or the Regulations under it. You should note that IP Australia (including all State offices) being not open for business—e.g. over the Christmas period to New Year period—will be relevant for the operation of Rule 80.5. In contrast, however, closure of the Canberra office or a particular State office for reasons other than an Official holiday will not be relevant to the operation of Rule 80.5.

A further issue to be considered is that Rule 80.5 does not override Article 8(2)(a) of the PCT. So the provisions of Article 4C (3) of the *Paris Convention for the Protection of Industrial Property* continue to apply to the 12-month period for filing a PCT application claiming priority from an earlier application. As a result, the 'local holiday' provisions of Rule 80.5 cannot be relied on in respect of that priority period.

Consequently, to avoid any possible uncertainty about the effect of local public holidays or declared closures on time periods, IP Australia *strongly* recommends that you do not rely on these close-downs, when filing PCT-related documents close to the expiration of a time period under the PCT.

For further discussion of time periods under the PCT and how local holidays affect them, please see the Official Notice *Time periods and local holidays*, referred to above.

In contrast, entry of a PCT application into National Phase and subsequent actions taken at the Patent Office in examining a PCT application under the Patents Act and Patents Regulations are subject to the close-down provisions. See Example 3 below for how the close-down provisions will work as regards entry.

Please e-mail assist@ipaustralia.gov.au or contact our Customer Services Network on 1300 651 010 with any inquiries on these matters.

Examples of how the close-down provisions can help you

Weekends and other days on which the Canberra office and all the State offices are closed

Example 1—Filing complete after provisional application for a standard patent

On Wednesday 27 December 2006, a person files a provisional patent application using IP Australia's on-line services facility. Under section 38 of the Patents Act and regulation 3.10 of the Patents Regulations, the applicant has 12 months to make a complete application for an invention disclosed in the provisional application claiming a right of priority from the provisional application. The 12-month period ends on Thursday 27 December 2007.

The Canberra office and all State offices will close for the Christmas period on the afternoon of Monday 24 December 2007, and will not re-open for business until the morning of Wednesday 2 January 2008. During that period, the applicant could file the complete application at the Canberra office, by way of IP Australia's secure corporate fax number (02 6283 7999) or through the on-line services facility.

On Wednesday 2 January 2008, the application can be filed at the Canberra office—in person, by receipt of post, by fax to the IP Australia's secure corporate fax number or through the on-line services facility. It can also be filed at any of the State offices in person or by receipt of post. If the application for the complete patent is filed on that Wednesday, it will be in time to validly claim a right of priority from the provisional application.

Example 2—Filing a Convention application

On Wednesday 27 December 2006, a person files a patent application for an invention at the Intellectual Property Office of New Zealand—the first application disclosing that invention anywhere. Under section 94 of the Patents Act and subregulation 8.5 (2) of the Patents Regulations, the New Zealand applicant has 12 months to make a Convention application for the invention claiming a right of priority from the New Zealand filing. The 12 month period ends on Thursday 27 December 2007.

As for Example 1 above, the Canberra office and all State offices are closed for the Christmas-New Year period and re-open for business on the morning of Wednesday 2 January 2008. During that period the applicant could file the Convention application at the Canberra office by way of IP Australia's secure corporate fax number or the on-line services facility.

On Wednesday 2 January 2008 (as for Example 1 above), the Convention application could be filed at the Canberra office—in person, by receipt of post, by fax to IP Australia's secure corporate fax number or by the on-line services facility. It can also be filed at any of the State offices in person or by receipt of post. If the Convention application is filed on that Wednesday, it will be in time to validly claim a right of priority from the New Zealand filing.

Example 3—Entry into National phase of a PCT application

An application under the Patent Co-operation Treaty (PCT) designating Australia has a priority date of 27 May 2005. Under subregulation 8.1 (4) of the Patents Regulations, the PCT applicant has 31 months from that priority date to request that the PCT application enter national phase and pay the prescribed fee (and in some cases, file prescribed documents). The 31-month period ends on Thursday 27 December 2007. If the applicant does not meet the requirements in that period, the application lapses.

As for Example 1 above, the Canberra office and all State offices are closed for the Christmas-New Year period, re-opening for business on the morning of Wednesday 2 January 2008. During that period the applicant could request that PCT application enter National Phase by way of the IP Australia Business Transactions Fax Number.

On Wednesday 2 January 2008 (as for Example 1 above), the request can be made, the fee paid and documents be filed at the Canberra office—in person, by receipt of post or by fax to the IP Australia's secure corporate fax number. Those actions can also be done at any of the State offices in person or by receipt of post. If the applicant meets the requirements for the PCT application to enter national phase on that Wednesday, this will be in time.

Public holidays affecting the Canberra office but not the State offices**Example 4—Payment of fee for filing a patent application**

Early in January 2008, a person files a complete application for a standard patent but does not pay the filing fee at that time. On 17 January 2008, the Commissioner writes to the applicant, inviting the applicant to pay the outstanding fee within 2 months after the date of the invitation—by 17 March 2008 at the latest. If the applicant does not pay the fee by that date, the application lapses: see subregulation 22.B (2) of the Patents Regulations.

The Canberra Day holiday is celebrated on a Monday in March each year—in 2008 on 17 March. The Canberra office is not open for business on that day, but all the State sub-offices are open. The filing fee could be paid at any of the State offices in person or by receipt of post. Alternatively, as IP Australia's secure corporate fax number is available on Canberra day, the fee could be paid by faxing credit card details to the corporate fax number.

On Tuesday 18 March 2008, the filing fee could be paid in time at the Canberra office—in person, by receipt of post or by faxing credit card details to IP Australia's secure corporate fax number. The fee cannot be paid in time at any of the State offices, which were open on the Monday.

State or local public holidays affecting a State office

Example 5—Fee payable by innovation patentee for examination requested by another person

An innovation patent has been granted. On 20 August 2007, a person other than the patentee requests the Commissioner to examine an innovation patent, paying the prescribed fee when filing the request. The patentee is also required to pay a prescribed fee of the same amount. On 6 September 2007, the Commissioner writes to the patentee, inviting the patentee to pay the outstanding fee within 2 months after the date of the invitation—by 6 November 2007 at the latest. If the applicant does not pay the fee by that date, the innovation patent ceases: see subregulation 22.D (4) of the Patents Regulations.

The Victorian office in Melbourne is closed for the Melbourne Cup holiday, a public holiday in Melbourne—in 2007 on 6 November. The Canberra office and the offices in the other States are open for business. The fee can be paid at the Canberra office—in person, by receipt of post or by faxing credit card details to IP Australia's secure corporate fax number. The fee could also be paid at the other State offices—in person or by receipt of post.

On Wednesday 7 November 2007, the fee could be paid in time at the Victorian office, in person or by receipt of post. On that Wednesday, the fee could *not* be paid in time at the Canberra office or at any of *other* State offices. This would also exclude paying the fee by faxing credit card details to IP Australia's secure corporate fax number, since the receiving fax machine is located in Canberra.

Unexpected closure of the Canberra office or a State office

Example 6—Payment of renewal fee for an innovation patent

The third anniversary of an innovation patent falls on 20 June 2007. Under regulation 13.6 of the Patents Regulations, the renewal fee for that anniversary is due by the end of that day but can be paid up to six months after that day—provided the patentee also pays the additional fee of \$100 for each month or part of month after the anniversary day. So the patentee can pay the renewal fee for that anniversary and the required additional fee by Thursday 20 December 2007 without the patent ceasing under paragraph 143A (d) of the Act.

As it happens, on Wednesday and Thursday 19 and 20 December 2007, the Canberra office is closed because of the hazard of bushfires near Canberra. The Canberra office re-opens on Friday 21 December 2007. On that Friday, the Director General of IP Australia declares that the Canberra office was not open for business on the Wednesday and Thursday.

On Friday 21 December 2007, the renewal fee and the additional fee for six months can be paid at the Canberra office—in person, by receipt of post or by faxing credit card details to IP Australia's secure corporate fax number. The fees cannot be paid in time at any of the State offices, which were open on the Thursday.

Contact: IP Australia
Phone: 1300 651 010
Fax: +61 2 6283 7999
E-mail: assist@ipaaustralia.gov.au
Web: www.ipaaustralia.gov.au

ABSTRACTS OF DECISIONS

DECISION OF A DELEGATE OF THE COMMISSIONER OF PATENTS

Application	:	Patent No. 774779 in the name of Euro-Celtique, S.A.
Title	:	Method of providing sustained analgesia with buprenorphine
Action	:	Request under s 70 of the Patents Act for an extension of term and objections of the Commissioner thereto
Decision	:	Issued 26 March 2007.

Abstract

The patent relates to a sustained-release formulation of buprenorphine, a known opioid analgesic used in the relief of moderate to severe pain. The patentee requested an extension of term of the patent based on the inclusion of NORSPANTM, a transdermal delivery system comprising buprenorphine, on the Australian Register of Therapeutic Goods.

Claims 22 to 59 are directed towards “A pharmaceutical formulation...in a transdermal delivery system...”. Though the claims did not define an arrangement characterised by features of spatial configuration as in *LTS Lohmann Therapie-Systeme GmbH & Co KG* [2002] APO 12, a transdermal system, by its very nature, suggests the presence of a backing layer or patch upon which the mixture of chemical entities is applied. It was found that the use of the phrase “transdermal delivery system”, in the context of the patent, does represent a separate physical integer unrelated to the mixture of chemical entities.

It was found that a pharmaceutical substance *per se* does not in substance fall within the scope of the claim or claims of the specification. As a result, the section 70 application for extension of term of patent 774779 was refused for failing to comply with section 70(2)(a).

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 Section 142(2)(b)
3	Application Lapsed Section 142(2)(c) \S 52B(3)\
4	Application Lapsed Section 142(2)(d) \S 47D(1)\
5	Application Lapsed Section 142(2)(e) \S 53\
6	Application Lapsed Section 142(2)(f)/Reg 8.3(3)
7	Application Lapsed Reg. 3.2(5)(a) \R 7B(3)\
8	Application Lapsed Reg. 3.4(6)
9	Application Lapsed Section 142(3)
10	Application Lapsed Section 142(4)(b)
11	Application Lapsed Section 148(1)(c)
12	Application Withdrawn Section 141(1)/Reg 8.3(2) \S 37\
13	Application Withdrawn Section 141(2)/Reg 8.3(2)
14	Patent Ceased Section 143(a), or Expired
15	Patent Ceased Section 143(b)
16	Application refused
17	Application Lapsed Regulation 22.2
A	Applications on which examination has not been requested or directed
B	Applications on which a direction to request examination has been given
C	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 Open to Public Inspection

750775 (12D) 42316 (5C)

2002

21293 (5C) 24515 (5C) 45784 (5C)

Extensions of Time, Section 223

Applications Allowed - Section 223(2)

2002

35598 **Palmrow Pty Ltd** The time in which to pay a continuation fee has been extended to 7 Sep 2006 . Address for service in Australia - Davies Collison Cave GPO Box 3876 SYDNEY NSW 2001

35598 **Palmrow Pty Ltd** The time in which to obtain acceptance has been extended to 25 Mar 2007 . Address for service in Australia - Davies Collison Cave GPO Box 3876 SYDNEY NSW 2001

709550 **Trustees of Columbia University in The City Of New York, The and Biogen Idec MA Inc.** The time in which to pay a renewal fee has been extended to 4 Dec 2006 . Address for service in Australia - Cullen & Co GPO Box 1074 BRISBANE QLD 4001

770140 **Nurture, Inc.** The time in which to pay a renewal fee has been extended to 15 Nov 2006 . Address for service in Australia - Davies Collison Cave Level 15 1 Nicholson Street MELBOURNE

Extensions of Time, Section 223 -cont'd

VIC 3000

781679 **Vlaams Interuniversitair Instituut Voor Biotechnologie** The time in which to provide search results under S45(3) has been extended to 6 Dec 2006 . Address for service in Australia - Shelston IP Level 21 60 Margaret Street SYDNEY NSW 2000

Amendments, Section 104

Applications for Amendment

A person interested in opposing the allowance of the amendment may, at any time within three months from the date of this journal, give notice at the Patent Office using the approved form accompanied by the prescribed fee.

769758 Apparatus and method for the delivery of drugs and genes into tissue **Genetronics, Inc.** The nature of the proposed amendment is as shown in the statement(s) filed 28 Feb 2007. . Address for service in Australia - Madderns 1st Floor Wolf Blass House 64 Hindmarsh Square ADELAIDE SA 5000

Amendments Made

711530 **Jadidi, A.** The nature of the amendment is as was notified in the Official Journal dated 24 Feb 2000

Opposition Proceedings

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

Application Withdrawn

750775 **IGT (Aristocrat Technologies Australia Pty Ltd)**

Letters Patent Sealed

Standard Patents

785240	785249	785250	785251	785253	785254
785256	785257	785258	785259	785260	

Assignments Registered

618054 Nippon Petrochemicals Company, Ltd. The patent has been assigned to **Nippon Oil Corporation**

626111 Stelco Inc. The patent has been assigned to **Lakeside Steel Corporation**

653094 Eisai Co., Ltd. The patent has been assigned to **Eisai R&D Management Co., Ltd.**

653938 Eisai Co., Ltd. The patent has been assigned to **Eisai R&D Management Co., Ltd.**

668827 Eisai Co., Ltd. The patent has been assigned to **Eisai R&D Management Co., Ltd.**

671421 Eisai Co., Ltd. The patent has been assigned to **Eisai R&D Management Co., Ltd.**

672655 Dunlop Limited The patent has been assigned to **Dunlop Oil & Marine Ltd**

677023 Dunlop Limited The patent has been assigned to **Dunlop Oil & Marine Ltd**

677024 Dunlop Limited The patent has been assigned to **Dunlop Oil & Marine Ltd**

677370 Dunlop Limited The patent has been assigned to **Dunlop Oil & Marine Ltd**

678141 Biogen Idec MA Inc. The patent has been assigned to **Astellas US LLC**

680704 Eisai Co., Ltd. The patent has been assigned to **Eisai R&D Management Co., Ltd.**

683492 Eisai Co., Ltd. The patent has been assigned to **Eisai R&D Management Co., Ltd.**

683975 Ameron International Corporation The patent has been assigned to **PPG Industries Ohio, Inc.**

693544 Kanebo, Ltd. The patent has been assigned to **Kanebo Seiyaku, Ltd.**

694233 Eisai Co., Ltd. The patent has been assigned to **Eisai R&D Management Co., Ltd.**

696640 Eisai Co., Ltd. The patent has been assigned to **Eisai R&D Management Co., Ltd.**

696748 Petrovax, Inc The patent has been assigned to **NPO Petrovax Pharm LLC**

700387 Alpine Engineered Products, Inc. The patent has been assigned to **Illinois Tool Works Inc.**

703111 Eisai Co., Ltd. The patent has been assigned to **Eisai R&D Management Co., Ltd.**

705229 Eisai Co., Ltd. The patent has been assigned to **Eisai R&D Management Co., Ltd.**

711438 Eisai Co., Ltd. The patent has been assigned to **Eisai R&D Management Co., Ltd.**

712203 Eisai Co., Ltd. The patent has been assigned to **Eisai**

Assignments Registered - cont'd

R&D Management Co., Ltd.

716057 Ezio Panzeri; Burhan Al-Hashemi The patent has been assigned to **Digitall Inc**

717753 Biogen Idec MA Inc. The patent has been assigned to **Astellas US LLC**

717799 Eisai Co., Ltd. The patent has been assigned to **Eisai R&D Management Co., Ltd.**

718609 Kanebo Limited The patent has been assigned to **Kanebo Trinity Holdings, Ltd.**

722137 Alpine Engineered Products, Inc. The patent has been assigned to **Illinois Tool Works Inc.**

723930 Eisai Co., Ltd. The patent has been assigned to **Eisai R&D Management Co., Ltd.**

726606 Ameron International Corporation The patent has been assigned to **PPG Industries Ohio, Inc.**

729449 Vlaams Interuniversitair Instituut voor Biotechnologie (VIB) vzw; Jeremy Mark Wells The patent has been assigned to **Actogenix NV**

730145 Kennecott Holdings Corporation The patent has been assigned to **Kennecott Utah Copper Corporation**

734167 Alpine Engineered Products, Inc. The patent has been assigned to **Illinois Tool Works Inc.**

734470 Ameron International Corporation The patent has been assigned to **PPG Industries Ohio, Inc.**

743294 T&S Manufacturing Pty Ltd The patent has been assigned to **Connect Air Manufacturing Pty Ltd**

768124 Occupational and Medical Innovations Pty Ltd The patent has been assigned to **Occupational and Medical Innovations Limited**

772438 Ansell Services Inc. The patent has been assigned to **Ansell Healthcare Products, LLC**

774512 Kinetic Concepts, Inc. The patent has been assigned to **KCI Licensing, Inc.**

782727 Kanebo, Limited The patent has been assigned to **Kanebo Seiyaku, Ltd.**

Extensions of Term of Standard Patents, Section 70**Application filed**

The following application(s) for Extension of Term under Section 70 have been filed.

649164 **Les Laboratoires Servier**

CORALAN ivabradine (as hydrochloride)

Grant

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

755636 **Pfizer Products Inc.**

CADUET amlodipine and atorvastatin

Date extended term due to expire on 20/07/2020

Extension of Term of Pharmaceuticals

540769

Pursuant to Regulation 10.7(7), and the Deputy Commissioner's decision of 23 September 2005, the Register is hereby amended to indicate that the Extension of Term of this Patent expires on 14 April 2007.

Extension of Term of Pharmaceuticals

573123

Pursuant to Regulation 10.7(7), and the Deputy Commissioner's decision of 23 September 2005, the Register is hereby amended to indicate that the Extension of Term of this Patent expires on 14 April 2007.

Extension of Term of Pharmaceuticals

651637

Pursuant to Regulation 10.7(7), and the Deputy Commissioner's decision of 23 September 2005, the Register is hereby amended to indicate that the Extension of Term of this Patent expires on 10 September 2014.

Extension of Term of Pharmaceuticals

691005

Pursuant to Regulation 10.7(7), and the Deputy Commissioner's decision of 23 September 2005, the Register is hereby amended to indicate that the Extension of Term of this Patent expires on 17 May 2015.