



Australian Government

IP Australia

AUSTRALIAN OFFICIAL JOURNAL

OF

PATENTS

Contents

General Information & Notices

Alteration Of Name In Register	1295
Assignments Registered	1294
Letters Patent Sealed	1294
Licences Registered	1294
Mortgages Registered	1295
Opposition Proceedings	1294
Surrender and Revocation of Letters Patent	1294

General Information

For information on the following please see our website www.ipaustralia.gov.au or contact our Customer Service Network on 1300651010

Editorial enquiries

Contact information

Freedom of Information ACT

Professional Standards Board

Sales

Requests for Information under Section 194 (c)

Country Codes

Trade Mark and Designs Hearing Sessions

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 **I**nternationally **a**greed **N**umbers for the **I**dentification of **D**ata 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 **N**umbers for the **I**dentification of **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 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.

ABSTRACTS OF DECISIONS**DECISION OF A DELEGATE OF THE COMMISSIONER OF PATENTS**

Application : No. **777057** in the name of **Tamfelt Oyj Abp**

Title : Filter Cloth

Action : Opposition under Section 59 of the Patents Act by **Madison Filter 981 Limited**

Decision : Issued 28 September 2007

Abstract

The invention relates to a multilayered filter cloth intended for use in a pressure filter based on diaphragm extrusion having protective outer layers and cloth air permeability in the low range.

The application was opposed on the grounds of lack of full description, clarity, fair basis, novelty, inventive step and manner of manufacture.

The claimed invention was found to be novel, not lacking an inventive step and a manner of manufacture in view of the prior art documents raised in evidence.

The claims were also found to comply with the requirements of full description, clarity and fair basis and consequently the opposition has been unsuccessful.

ABSTRACT OF DECISIONS

DECISION OF A DELEGATE OF THE COMMISSIONER OF PATENTS

Application	:	No. 771902 in the name of Sanofi-Aventis (formerly Sanofi-Synthelabo)
Title	:	Controlled-Release Dosage forms Comprising Zolpidem or a Salt Thereof
Action	:	Request under s70 of the Patents Act for an extension of term and objections of the Commissioner thereto
Decision	:	Issued 2 October 2007.

Abstract

The patentee requested an extension of term of the patent on the basis of the inclusion of STILNOX CRTM on the Australian Register of Therapeutic Goods. The patent relates to modified release formulations of the short acting hypnotic Zolpidem. The dosage units are formulated to result in a bi-phasic profile of dissolution. STILNOX CRTM is a bi-layered tablet comprising an immediate release layer and a prolonged release layer.

The extension was originally refused as not meeting the provisions of s70(2)(a). It was contended that a bi-layered tablet consists of a controlled spatial configuration and therefore does not meet the requirements of being a mixture of pharmaceutical substances as espoused in *LTS Lohmann Therapie-Systeme GmbH & Co KG* [2002] APO 12.

It was found that STILNOX CRTM is not a mixture in the Lohmann sense.

The extension was granted on the basis that STILNOX CRTM is a *compound* of pharmaceutical substances and therefore fulfils the requirements of s70(2)(a).

ABSTRACTS OF DECISIONS

DECISION OF A DELEGATE OF THE COMMISSIONER OF PATENTS

Application	:	No. 779262 in the name of Warner-Lambert Company
Title	:	Method for the Treatment of Incontinence
Action	:	Request by Warner-Lambert Company for an Official Direction under Regulation 5.10(1) to file Evidence in Answer and an objection thereto by Dynogen Pharmaceuticals, Inc.
Decision	:	Issued 2 October 2007.

Abstract

The applicant has sought a direction by the Commissioner under regulation 5.10(1) to extend the time for service of evidence in answer to one month after the final allowance or refusal of the request to amend.

The present opposition is unusual in that the evidence in support has focussed on section 40 issues and the opponent has stressed the importance of these grounds to their case. As a consequence any amendments addressing such issues can only be viewed as being non-trivial in the context of the evidence to be adduced. Evidence in relation to these section 40 matters will also be significant in the context of the opposition being pursued.

The interests of the parties are not entirely at odds. A *prima facie* consideration of the evidence suggests that the nature of the amendments is such that they are likely to have a significant effect on the type of evidence that needs to be adduced. If this is indeed the case then the parties should be able to focus on the key issues of dispute in the substantive hearing, thereby ensuring a more efficient evidentiary process and hearing. The time taken to file the proposed amendments does appear excessive, but a satisfactory explanation has been provided for the delay.

On balance the direction sought has been considered appropriate under all the circumstances.

Both parties submitted that costs should follow the result, but the opponent further submitted that in view of “the dilatory approach of the applicant to the present proceedings and the consequent offence to the public and private interests in an expeditious manner” the opponent should be awarded costs if their submissions were successful in any of these issues. As the opponent has been unsuccessful in this regard costs in accordance with Schedule 8 have been against the opponent.

Proceedings under the Patents Act 1990

Opposition Proceedings

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

Opposition Withdrawn

769093 IGT (Aristocrat Technologies Australia Pty Ltd)

774590 Merz Pharma GmbH & Co. KGAA (Allergan Inc)

Letters Patent Sealed

Standard Patents

785440 785441 785442 785443 785444 785445
785446

Surrender and Revocation of Letters Patent

It is hereby notified that the offer by the Patentee **University of Manitoba** to surrender Letters Patent 759824 dated 14 August 2003 for an invention titled 'Treatment of ischemia reperfusion injury and treatment of cellular dysfunction including arrhythmia and heart failure subsequent to myocardial infarction' (as advertised in the Official Journal of 12 July 2007) has been accepted and the Letters Patent has been revoked in accordance with Section 137 of the Patents Act.

Assignments Registered

619447 Ferenc Kocsis; Maxwell Bruce McKay The patent has been assigned to **James Stephen Jones; Lynette Joy Jones**

635714 Pfizer Health AB The patent has been assigned to **McNeil AB**

642506 Pfizer Health AB The patent has been assigned to **McNeil AB**

658589 Pfizer Health AB The patent has been assigned to **McNeil AB**

664415 Pfizer Health AB The patent has been assigned to **McNeil AB**

682228 Pfizer Health AB The patent has been assigned to **McNeil AB**

686380 Sandoz AG The patent has been assigned to **Nabriva Therapeutics Forschungs GmbH**

691826 Pfizer Health AB The patent has been assigned to **McNeil AB**

694950 Electronic Data Systems Corporation The patent has been assigned to **Raseborg Communications, LLC**

697578 Destiny Conferencing LLC The patent has been assigned to **Polycom, Inc.**

Assignments Registered - cont'd

709049 Assa Abloy Identification Technology Group AB; Manfred Rietzler The patent has been assigned to **Smartrac IP B.V.**

714942 Pfizer Health AB The patent has been assigned to **McNeil AB**

717600 Pfizer Health AB The patent has been assigned to **McNeil AB**

719210 Shionogi & Co., Ltd. The patent has been assigned to **Anthera Pharmaceuticals, Inc.**

723495 Assa Abloy Identification Technology Group AB; Manfred Rietzler The patent has been assigned to **Smartrac IP B.V.**

734960 Pfizer Health AB The patent has been assigned to **McNeil AB**

738277 Ferenc Kocsis; Maxwell Bruce McKay The patent has been assigned to **James Stephen Jones; Lynette Joy Jones**

739164 Assa Abloy Identification Technology Group AB; Manfred Rietzler The patent has been assigned to **Smartrac IP B.V.**

745647 Pfizer Health AB The patent has been assigned to **McNeil AB**

747314 Trioniq Saguenay (1989) Inc. The patent has been assigned to **International Business Machines Corporation**

748672 Garry Robert Nunn The patent has been assigned to **Fifth Element Pty Ltd**

750633 Photogen, Inc. The patent has been assigned to **Provectus Pharmatech, Inc.**

753532 LG Chem Investment Ltd. The patent has been assigned to **CTCBIO Inc.**

762143 Assa Abloy Identification Technology Group AB; Manfred Rietzler The patent has been assigned to **Smartrac IP B.V.**

777299 Pfister Waagen Bilanciai GmbH The patent has been assigned to **Schenck Process GmbH**

Licences Registered

(The name in parentheses is that of the licensee)

681674 **Allergan, Inc** (Allergan Australia Pty Ltd)

Mortgages Registered

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

769099 **Droplet, Inc.** (Parsons, A.; (Susman Godfrey LLP; (Brandhorst, U.; (Woodard, T.a.D.; (Traphagen, R.E.J.; (Minkhorst, R.; (Remington and Saumya Lee; (Pricap Venture Partners AG; (Dowd, P.; (Muth, D.M.; (Moynihan, K.; (IBT Ventures LLC; (HVG Horizonte Vermoegensverwaltung GmbH; (Grove Street Capital LLC; (Meyersiek, D.D.; (Pommerening, P.D.D.; (Berberian, Jr., D.; (Epping, C.; (BumseungMoon, W. and (Abbanat, S.)

Alteration Of Name In Register

623677 Schock & Co. GmbH The name of the patentee(s) has been changed to **Schock GmbH**

638439 Immunotec Research Corporation Ltd. The name of the patentee(s) has been changed to **2458781 Canada Inc.**

687356 Immunotec Research Corporation Ltd. The name of the patentee(s) has been changed to **2458781 Canada Inc.**

687731 Immunotec Research Corporation Ltd. The name of the patentee(s) has been changed to **2458781 Canada Inc.**

692508 Immunotec Research Corporation Ltd. The name of the patentee(s) has been changed to **2458781 Canada Inc.**

697482 Advanced Research and Technology Institute The name of the patentee(s) has been changed to **Indiana University Research and Technology Corporation**

712666 Pharmacia & Upjohn Company ; Boehringer Ingelheim KG The name of the patentee(s) has been changed to **Pharmacia & Upjohn Company LLC ; Boehringer Ingelheim KG**

718138 Kirin Beer Kabushiki Kaisha The name of the patentee(s) has been changed to **Kirin Holdings Kabushiki Kaisha**

722614 Kirin Beer Kabushiki Kaisha ; La Jolla Institute for Allergy and Immunology The name of the patentee(s) has been changed to **Kirin Holdings Kabushiki Kaisha ; La Jolla Institute for Allergy and Immunology**

723119 Pharmacia & Upjohn Company ; Boehringer Ingelheim Pharma GmbH & Co. KG The name of the patentee(s) has been changed to **Pharmacia & Upjohn Company LLC ; Boehringer Ingelheim Pharma GmbH & Co. KG**

741035 Kirin Brewery Company, Limited The name of the patentee(s) has been changed to **Kirin Holdings Kabushiki Kaisha**

763088 Glaxo Wellcome S.A. The name of the patentee(s) has been changed to **Verenium Corporation**

768736 Bioergonomics, Inc. The name of the patentee(s) has been changed to **BioE, Inc.**

782068 Dayco Products, Inc. The name of the patentee(s) has been changed to **Dayco Products, LLC**

784960 Kirin Beer Kabushiki Kaisha ; National Institute of Advanced Industrial Science and Technology The name of the patentee(s) has been changed to **Kirin Holdings Kabushiki Kaisha ; National Institute of Advanced Industrial Science and Technology**