

# **Australian Government**

# IP Australia

# **AUSTRALIAN OFFICIAL JOURNAL**

**OF** 

# **PATENTS**

# AUSTRALIAN OFFICIAL JOURNAL OF PATENTS

# 28 February 2008

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## **General Information**

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

Editorial enquiries
Contact information
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Professional Standards Board
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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 <u>Internationally agreed Numbers for the Identification of Data</u> 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

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>	INID 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.	TEM .	No.
	140.		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 classification marks	(51)
The <u>classification</u> <u>marks</u>	(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)
<u>Date</u> 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)<sup>2</sup>, (51)<sup>3</sup>, (51)<sup>4</sup> and (51)<sup>5</sup>.
- (3) INID code 74 provides for the name of the patent attorney, or firm of attorneys, prosecuting an application.

# **Proceedings under the Patents Act 1990**

#### **Extensions of Time, Section 223**

#### Applications Allowed - Section 223(2)

731784 **Hydro International PIc** The time in which to pay a renewal fee has been extended to 8 Oct 2007 . Address for service in Australia - Madderns 1st Floor Wolf Blass House 64 Hindmarsh Square ADELAIDE SA 5000

767572 **Keepalive, Inc.** The time in which to pay a renewal fee has been extended to 14 Dec 2007 . Address for service in Australia - PIZZEYS PO Box 291 WODEN ACT 2606

767931 **WMC Resources Ltd** The time in which to pay a renewal fee has been extended to 7 Dec 2007 . Address for service in Australia - Griffith Hack GPO Box 1285K MELBOURNE VIC 3001

#### **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.

770021 Customizing prepaid service **Nokia Corp.** The nature of the proposed amendment is as shown in the statement(s) filed 17 May 2007. . Address for service in Australia - SPRUSON & FERGUSON GPO Box 3898 SYDNEY NSW 2001

782090 Bunker construction **Freyssinet International STUP** The nature of the proposed amendment is as shown in the statement(s) filed 20 Dec 2007. . Address for service in Australia - Griffith Hack GPO Box 4164 SYDNEY NSW 2001

#### **Amendments Made**

653506 **Bayer CropScience GmbH** The nature of the amendment is as was notified in the Official Journal dated 10 Feb 2005

714088 British Telecommunications Public Ltd. Co. The nature of the amendment is as was notified in the Official Journal dated 8 Feb 2007

785425 **Perlegen Sciences, Inc.** The nature of the amendment is as was notified in the Official Journal dated 18 Oct 2007

# **Applications Accepted**

Name Index

The Newstant Descents (1) (INID 70	\	 <ul> <li>Otherwise only the Applicant(s) are listed</li> </ul>

(71) Kurer, W.

(11) AU-B-64145/00 (10) **785494** 

**(21)** 64145/00 **(22)** 03.08.00

(54) HEARING-PROTECTION DEVICE

(51) Int. Cl.

A61F 11/08 (2006.01)

**(87)** WO01/13840

(43) 19.03.01

(31) 99890268

(32) 19.08.99 (33) EP

(44) 28.02.08 (72) Ribic, Z.; Schiess, H.

(74) Griffith Hack

#### **Numerical Index**

785494 Kurer, W.

#### IPC Index

## A61F 11/-

785494

#### **Opposition Proceedings**

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

Opposition under Section 104(4) - Lodged

749848 Lynx Engineering Consultants Pty.Ltd. (WorleyParsons

#### **Letters Patent Sealed**

#### **Standard Patents**

785487

#### **Assignments Registered**

615081 Rhone-Poulenc Agriculture Limited The patent has been assigned to **Merial Limited** 

655455 Assa Abloy Identification Technology Group AB The patent has been assigned to **ASSA ABLOY AB** 

662771 Schering Aktiengesellschaft The patent has been assigned to Bayer CropScience AG

666554 Medical Innovations Corporation The patent has been assigned to Kimberly-Clark Worldwide, Inc.; Harold Jacob

669433 Halfen GmbH & Co Kommanditgesellschaft The patent has been assigned to **Halfen GmbH** 

676802 Schering Aktiengesellschaft The patent has been assigned to Bayer CropScience AG

684174 Assa Abloy Identification Technology Group AB The patent has been assigned to **ASSA ABLOY AB** 

722614 Kirin Holdings Kabushiki Kaisha; La Jolla Institute for Allergy and Immunology The patent has been assigned to La Jolla Institute for Allergy and Immunology; Kirin Pharma Kabushiki Kaisha

747540 Scotia Holdings PLC The patent has been assigned to **DSM IP Assets B.V.** 

748442 The Monticello Group, Ltd.; Peter MacCallum Cancer Institute The patent has been assigned to **CAMBIA** 

759683 Knut Irgum; Camilla Viklund The patent has been assigned to **Sequant AB** 

773472 Ballard Medical Products The patent has been assigned to **Kimberly-Clark Worldwide, Inc.** 

773706 Ballard Medical Products The patent has been assigned to **Kimberly-Clark Worldwide, Inc.** 

774793 Ballard Medical Products The patent has been assigned to **Kimberly-Clark Worldwide, Inc.** 

777403 Ballard Medical Products The patent has been assigned to **Kimberly-Clark Worldwide**, **Inc.** 

## Assignments Registered - cont'd

778384 Norel Acquisition Corp. The patent has been assigned to **Virtus Nutrition LLC** 

781145 Mark Leslie Shepherd; Horwath Trustee Services (Wellington) Ltd The patent has been assigned to **DVS Limited** 

784960 Kirin Holdings Kabushiki Kaisha; National Institute of Advanced Industrial Science and Technology The patent has been assigned to National Institute of Advanced Industrial Science and Technology; Kirin Pharma Kabushiki Kaisha

785058 Konami Corporation The patent has been assigned to **Konami Gaming Incorporated** 

785194 Konami Corporation The patent has been assigned to **Konami Gaming Incorporated** 

#### Mortgages Registered

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

780529 Cytyc Corp. (Goldman Sachs Credit Partners L.P.)

762211 CYTYC Corp. (Goldman Sachs Credit Partners L.P.)

775496 Cytyc Corp. (Goldman Sachs Credit Partners L.P.)

763173 CYTYC Corp. (Goldman Sachs Credit Partners L.P.)

769853 Cytyc Corp. (Goldman Sachs Credit Partners L.P.)762512 CYTYC Corp. (Goldman Sachs Credit Partners L.P.)

774637 Cytyc Corp. (Goldman Sachs Credit Partners L.P.)

766336 CYTYC Corp. (Goldman Sachs Credit Partners L.P.)

764777 CYTYC Corp. (Goldman Sachs Credit Partners L.P.)

763610 CYTYC Corp. (Goldman Sachs Credit Partners L.P.)

769499 Cytyc Corp. (Goldman Sachs Credit Partners L.P.)

777874 Cytyc Corp. (Goldman Sachs Credit Partners L.P.)

665247 Cytyc Corp. (Goldman Sachs Credit Partners L.P.)

785098 Magellan Technology Pty Ltd. (Paragon Consolidated Pty Ltd.)

#### Alteration Of Name In Register

615520 Pluss-Staufer A.G. The name of the patentee(s) has been changed to **Omya AG** 

625763 Phillips Petroleum Company The name of the patentee(s) has been changed to **ConocoPhillips Company** 

627616 Phillips Petroleum Company The name of the patentee(s) has been changed to **ConocoPhillips Company** 

627670 Phillips Petroleum Company The name of the patentee(s) has been changed to **ConocoPhillips Company** 

642099 Phillips Petroleum Company The name of the patentee(s) has been changed to **ConocoPhillips Company** 

642100 Phillips Petroleum Company The name of the patentee(s) has been changed to **ConocoPhillips Company** 

650190 Phillips Petroleum Company The name of the patentee(s) has been changed to **ConocoPhillips Company** 

655129 Phillips Petroleum Company The name of the patentee(s) has been changed to **ConocoPhillips Company** 

659778 Phillips Petroleum Company The name of the patentee(s) has been changed to **ConocoPhillips Company** 

671135 Hoechst-Schering AgrEvo GmbH The name of the patentee(s) has been changed to **Bayer CropScience AG** 

671593 Phillips Petroleum Company The name of the patentee(s) has been changed to **ConocoPhillips Company** 

672732 Phillips Petroleum Company The name of the patentee(s) has been changed to **ConocoPhillips Company** 

676646 Phillips Petroleum Company The name of the patentee(s) has been changed to **ConocoPhillips Company** 

690030 Phillips Petroleum Company The name of the patentee(s) has been changed to **ConocoPhillips Company** 

693469 Hoechst Schering AgrEvo GmbH The name of the patentee(s) has been changed to **Bayer CropScience AG** 

694448 Bayer CropScience GmbH The name of the patentee(s) has been changed to **Bayer CropScience AG** 

697817 Phillips Petroleum Company The name of the patentee(s) has been changed to **ConocoPhillips Company** 

713119 SCM Chemicals, Inc. The name of the patentee(s) has been changed to **Millennium Inorganic Chemicals Inc.** 

714175 Crosfield Limited The name of the patentee(s) has been changed to **Ineos Silicas Limited** 

718002 Crosfield Limited The name of the patentee(s) has been changed to **Ineos Silicas Limited** 

718059 Crosfield Limited The name of the patentee(s) has been changed to **Ineos Silicas Limited** 

720734 Crosfield Limited The name of the patentee(s) has been changed to Ineos Silicas Limited

725258 Crosfield Limited The name of the patentee(s) has been

#### Alteration of Name in Register - cont'd

changed to Ineos Silicas Limited

749520 Phillips Petroleum Company The name of the patentee(s) has been changed to **ConocoPhillips Company** 

751862 OMG Cawse Pty Ltd The name of the patentee(s) has been changed to Norilsk Nickel Cawse Pty Ltd

753235 Phillips Petroleum Company The name of the patentee(s) has been changed to **ConocoPhillips Company** 

754127 Bayer CropScience GmbH The name of the patentee(s) has been changed to **Bayer CropScience AG** 

757818 Phillips Petroleum Company The name of the patentee(s) has been changed to **ConocoPhillips Company** 

767207 Philips Petroleum Company The name of the patentee(s) has been changed to **ConocoPhillips Company** 

768156 Bayer CropScience GmbH The name of the patentee(s) has been changed to **Bayer CropScience AG** 

768728 Phillips Petroleum Company The name of the patentee(s) has been changed to **ConocoPhillips Company** 

769809 Phillips Petroleum Company The name of the patentee(s) has been changed to **ConocoPhillips Company** 

780952 Bayer CropScience GmbH The name of the patentee(s) has been changed to **Bayer CropScience AG** 

# SECTION 105 PATENTS ACT 1990 Advertisement for publication in Official Journal pursuant to Order 58 Rule 10(1) of the Federal Court Rules

#### PATENT MATTER DETAILS

Australian Patent No 606992 in the name of Les Laboratoires Servier for "Process for the synthesis of alpha N alkylated amino acids and esters thereof. Application to the synthesis of carboxylalkyl dipeptides".

#### **DETAILS OF COURT PROCEEDINGS**

Federal Court Proceeding No. NSD 208 of 2007 - Apotex Pty Ltd v Les Laboratoires Servier & Anor, and Federal Court Proceeding No. VID 139 of 2007 – Les Laboratoires Servier & Anor v Apotex Pty Ltd & Ors.

#### PARTICULARS OF PROPOSED AMENDMENT

As the registered proprietor, Les Laboratoires Servier proposes to seek leave of the court to amend the Australian Patent No 606992 under Section 105 of the *Patents Act 1990* and in accordance with Order 58, Rule 10 of the Federal Court Rules. The particulars of the amendment sought are:

(1) Page 1a, line 19, delete the chemical formula (II):

and replace it with the replacement chemical formula (II):

$$R_3O-C-CH-N-C-CH-NH-CH-C-OR_2$$
 (II)

(2) Page 9, claim 9, delete the chemical formula (II):

and replace it with the replacement chemical formula (II):

$$R_3O - C - CH - N - C - CH - NH - CH - C - OR_2$$
 (II)

#### APPLICANT'S ADDRESS FOR SERVICE

Allens Arthur Robinson Patent & Trade Marks Attorneys 530 Collins Street Melbourne VIC 3000

Telephone: (03) 9614 1011, Fax: (03) 9614 4661

(Attorney Code: OB)

#### **OPPOSITION**

Any person or corporation intending to oppose the application not being a party to the proceedings must, not later than 28 days after publication of this advertisement, give written notice of that intention to each of the Commissioner of Patents, Les Laboratoires Servier at the above address for service and Apotex Pty Ltd, C/- Freehills, MLC Centre, 19 Martin Place, Sydney NSW 2000.

# **AUSTRALIA**

Patents Act 1990

# STATEMENT OF PROPOSED AMENDMENTS

Australian Patent No. 606992 (Application No. 22355/88) in the name of LES LABORATOIRES SERVIER

**Our Ref.: JZLM:TYDS 305792480** 

- 2. Delete page 1a of the complete specification and replace with new page 1a submitted herewith.
- 3. Delete claim page 9 of the complete specification and replace with new claim page 9 submitted herewith.

Dated: 22 January 2008

The present invention relates to a process for the industrial synthesis of optionally esterified N-alkylated  $\alpha$ -amino diacids and to their application to the industrial synthesis of carboxyalkyl dipeptides.

More specifically, the present invention relates to a new process for the industrial synthesis of derivatives of general formula (I):

and their addition salts with an acid or base, inorganic or organic, in which formula:

- R<sub>1</sub> is linear or branched lower alkyl (with 1 to 6 carbon atoms),
- R<sub>2</sub> is hydrogen or a linear or branched lower alkyl group (with 1 to 4 carbon atoms).

The derivatives of formula (I) which are obtained according to the process of the invention can be used in the synthesis of carboxyalkyl dipeptides of formula (II):

as well as in that of their pharmaceutically acceptable salts, in which formula:

- $R_1$  and  $R_2$  have the same meaning as in formula (I),
- R<sub>3</sub> is a hydrogen atom or a linear or branched lower alkyl group with 1 to
   4 carbon atoms,
- the CH structure denotes indoline, isoindoline, tetrahydroquinoline, tetrahydroisoquinoline, perhydroindole, perhydroisoindole, perhydroisoquinoline, perhydroquinoline, perhydrocyclopenta[b]pyrrole, 2-azabicyclo[2,2,2]octane, or 2-azabicyclo-[2,2,1]heptane.

The preferred compound of formula (II) is perindopril of formula (III)

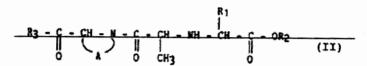
(I) called derivative of formula (Ia), in which:

R<sub>1</sub> is an n-propyl group,

R<sub>2</sub> is an ethyl group,

wherein, when the synthesis is finished, the product of formula (I) is purified by a single crystallization from acetonitrile.

9. A use of a derivative of formula (I) obtained as claimed in any one of claims 1 to 8 for the synthesis of the derivatives of formula (II):



and their pharmaceutically acceptable salts, in which formula:

- $R_1$  and  $R_2$  have the same meaning as in formula (I),
- R<sub>3</sub> is a hydrogen atom or a linear or branched lower alkyl group with 1 to 4 carbon atoms,
- the structure CH—N denotes indoline, isoindoline, tetrahydroquinoline, tetrahydroisoquinoline, perhydroindole, perhydroisoindole, perhydroisoquinoline, perhydroquinoline, perhydrocyclopenta[b]pyrrole, 2-azabicyclo[2,2,2]octane, or 2-azabicyclo[2,2,1]heptane.
- 10. A use as claimed in claim 9 of the derivative of formula (Ia) obtained according to any one of claims 1 to 8 in the synthesis of derivatives of formula (II).
- 11. A use as claimed in either of claims 9 and 10 of the derivative of formula (Ia) in the synthesis of derivatives of formula (II) in which the structure

12. A use as claimed in claims 10 to 11 of the derivative of formula (Ia) in the synthesis of (2S,3aS,7aS)-1-{2-[1-(ethoxycarbonyl)-(S)-butylamino]-(S)-propionyl}octahydroindole-2-carboxylic acid or perindopril.

The present invention relates to a process for the industrial synthesis of optionally esterified N-alkylated  $\alpha$ -amino diacids and to their application to the industrial synthesis of carboxyalkyl dipeptides.

More specifically, the present invention relates to a new process for the industrial synthesis of derivatives of general formula (I):

and their addition salts with an acid or base, inorganic or organic, in which formula:

- R<sub>1</sub> is linear or branched lower alkyl (with 1 to 6 carbon atoms),
- R<sub>2</sub> is hydrogen or a linear or branched lower alkyl group (with 1 to 4 carbon atoms).

The derivatives of formula (I) which are obtained according to the process of the invention can be used in the synthesis of carboxyalkyl dipeptides of formula (II):

- as well as in that of their pharmaceutically acceptable salts, in which formula:
  - R<sub>1</sub> and R<sub>2</sub> have the same meaning as in formula (I),
  - R<sub>3</sub> is a hydrogen atom or a linear or branched lower alkyl group with 1 to 4 carbon atoms,
- the CH—N structure denotes indoline, isoindoline, tetrahydroquinoline, tetrahydroisoquinoline, perhydroindole, perhydroisoindole, perhydroisoquinoline, perhydroquinoline, perhydrocyclopenta[b]pyrrole, 2-azabicyclo[2,2,2]octane, or 2-azabicyclo-[2,2,1]heptane.
- The preferred compound of formula (II) is perindopril of formula (III)

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(I) called derivative of formula (Ia), in which:

R<sub>1</sub> is an n-propyl group,

R<sub>2</sub> is an ethyl group,

wherein, when the synthesis is finished, the product of formula (I) is purified by a single crystallization from acetonitrile.

9. A use of a derivative of formula (I) obtained as claimed in any one of claims 1 to 8 for the synthesis of the derivatives of formula (II):

$$R_3O - C - CH - N - C - CH - NH - CH - C - OR_2$$

$$O \quad CH_3 \quad O \quad CH_3$$

$$O \quad CH_3 \quad O \quad CH_3$$

$$O \quad CH_3 \quad O \quad CH_3$$

and their pharmaceutically acceptable salts, in which formula:

- $R_1$  and  $R_2$  have the same meaning as in formula (I),
- R<sub>3</sub> is a hydrogen atom or a linear or branched lower alkyl group with 1 to
   4 carbon atoms,
- the structure CH denotes indoline, isoindoline, tetrahydroquinoline, tetrahydroisoquinoline, perhydroindole, perhydroisoindole, perhydroisoquinoline, perhydroquinoline, perhydrocyclopenta[b]pyrrole, 2-azabicyclo[2,2,2]octane, or 2-azabicyclo[2,2,1]heptane.
- 10. A use as claimed in claim 9 of the derivative of formula (Ia) obtained according to any one of claims 1 to 8 in the synthesis of derivatives of formula (II).
- 11. A use as claimed in either of claims 9 and 10 of the derivative of formula

  (Ia) in the synthesis of derivatives of formula (II) in which the structure

12. A use as claimed in claims 10 to 11 of the derivative of formula (Ia) in the synthesis of (2S,3aS,7aS)-1-{2-[1-(ethoxycarbonyl)-(S)-butylamino]-(S)-propionyl}octahydroindole-2-carboxylic acid or perindopril.