



**Australian Government**

---

**IP Australia**

**AUSTRALIAN OFFICIAL JOURNAL**

**OF**

**PATENTS**



**Contents**

**General Information & Notices**

**Amendments, Section 104**

Applications for Amendment .....	<b>77</b>
Amendments Made .....	<b>77</b>

<b>Assignments Registered .....</b>	<b>77</b>
-------------------------------------	-----------

<b>Extensions of Time, Section 223 .....</b>	<b>77</b>
--	-----------

<b>Withdrawal of Application under Section 223 .....</b>	<b>77</b>
--	-----------



## General Information

For information on the following please see our website [www.ipaustralia.gov.au](http://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>
<b>A) Provisional applications filed - Name Index</b>		<b>B) Complete applications filed - Name Index</b>	
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>
<b>C) Applications open to public inspection - Name Index</b>		<b>D) Applications entered National Phase - Name Index</b>	
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>
<b>E) Applications accepted - Name Index</b>		<b>F) Patents Certified – Name Index</b>	
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)<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 Received

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

711280 **Domenikos, S. and Domenikos, G.C.** An application to extend the time from 14 Mar 2007 to 14 Apr 2008 in which to pay a renewal fee has been lodged. Address for service in Australia - Griffith Hack GPO Box 1285K MELBOURNE VIC 3001

780020 **Matilda Bay Brewing Co Ltd** An application to extend the time from 1 Sep 2007 to 1 May 2008 in which to pay a renewal fee has been lodged. Address for service in Australia - Griffith Hack GPO Box 1285K MELBOURNE VIC 3001

### Withdrawal of Application under Section 223

733941

Withdrawal of the request under Section 223 to pay renewal fees was filed on 14 May 2008 by Phoenix Technology Corporation Limited

### 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.

782942 Digital scroll condensing unit controller **Emerson Climate Technologies, Inc.** The nature of the proposed amendment is: To amend an Assignment that incorrectly named Patent Number 782942 on the schedule. Address for service in Australia - Davies Collison Cave Level 15 1 Nicholson Street MELBOURNE VIC 3000

#### Amendments Made

778896 **SK Holdings Co., Ltd.** The nature of the amendment is as was notified in the Official Journal dated 7 Feb 2008

### Assignments Registered

614979 Martin David Homan The patent has been assigned to **Davey Group Pty Ltd**

635300 Surgicot, Inc. The patent has been assigned to **American Sterilizer Company**

657531 Martin David Homan The patent has been assigned to **Davey Group Pty Ltd**

671279 Nokia Telecommunications Oy The patent has been assigned to **Schofield Technologies LLC**

671453 Nokia Telecommunications Oy The patent has been assigned to **Schofield Technologies LLC**

671842 Nokia Telecommunications Oy The patent has been assigned to **Schofield Technologies LLC**

675134 Nokia Telecommunications Oy The patent has been assigned to **Schofield Technologies LLC**

687367 VX Technologies Inc. The patent has been assigned to **CavLab Inc.**

688492 Tamfelt Oy AB The patent has been assigned to **Tamfelt PMC Oy**

692621 Tamfelt Oy AB The patent has been assigned to **Tamfelt PMC Oy**

698390 BASF Aktiengesellschaft The patent has been assigned to **Kanesho Soil Treatment SPRL/BVBA**

699810 Nokia Telecommunications Oy The patent has been assigned to **Nokia Corporation**

700659 Nokia Telecommunications Oy The patent has been assigned to **Nokia Corporation**

720439 Amcor Limited The patent has been assigned to **HP Packaging (Australia) Pty Ltd**

721461 Excel Switching Corporation The patent has been assigned to **Dialogic Corporation**

733060 LJ Laboratories, L.L.C. The patent has been assigned to **JJL Technologies LLC**

734091 LJ Laboratories, L.L.C. The patent has been assigned to **JJL Technologies LLC**

748665 BASF Aktiengesellschaft The patent has been assigned to **Kanesho Soil Treatment SPRL/BVBA**

748705 Excel Switching Corporation The patent has been assigned to **Dialogic Corporation**

749265 Excel Switching Corporation The patent has been assigned to **Dialogic Corporation**

755160 Process Dynamics, Inc. The patent has been assigned to **E.I. Du Pont de Nemours and Company**

**Assignments Registered - cont'd**

757807 LJ Laboratories, L.L.C. The patent has been assigned to **JJL Technologies LLC**

758438 The J. David Gladstone Institutes; The Government of the United States of America, as represented by the Department Of Veteran Affairs The patent has been assigned to **The J. David Gladstone Institutes; The Regents of the University of California; The Government of the United States of America, as represented by the Department Of Veteran Affairs**

758765 Elliott Turbomachinery Co., Inc. The patent has been assigned to **Elliott Company**

761903 Universitat Zurich The patent has been assigned to **Universitat Zurich; Eidgenossisch Technische Hochschule Zurich**

762501 Astaris LLC The patent has been assigned to **ICL Performance Products LP**

768961 Hexal AG The patent has been assigned to **Stefan Spiess**

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

**Application** : No. **2003302613** in the name of **OSMOSE (AUSTRALIA) PTY LTD**

**Title** : **Surface treatment for wood and wood products**

**Action** : Opposition under Section 59 of the Patents Act by **TIMTECH CHEMICALS PTY LTD** and an application for an extension of time under Regulation 5.10(2) to serve Evidence-in-Support

**Decision** : Issued 28 May 2008.

**Abstract**

Found that the opponent had provided insufficient explanation for the delay in filing evidence which would support a case justifying the requested extension of time but that a satisfactory explanation was provided on further questioning. Regarding the public interest the nature and significance of the evidence sought to be adduced would clearly favour the grant of an extension of time. In the matter of the private interest of the parties, the opponents' interests are best served by the grant of an extension, whereas the applicant's interests are best served by a refusal of the extension. The effect of any delay on the efficient and orderly administration of the Patent Office lay against allowing the extensions, but this was not considered to be significant.

Finally after due consideration of all relevant matters, the granting of an extension of time to 10 June 2008 to the opponent to file evidence in support was found to be appropriate in all the circumstances.

In the matter of the request for extension of time I found that the opponent did not provide a proper explanation for the delay in filing of evidence in support. This was provided at the hearing after questioning. If adequate explanations had been provided for the delay, there was every possibility that the applicant would not have opposed the request for extension to file evidence in support. However I determined for the request that the grant of an extension was justified in all the circumstances. Also I considered that the statement of grounds and particulars provided a clear indication that there was a serious opposition in train. Hence, considering all circumstances, no award of costs was made and each party was required to bear their own costs.

## ABSTRACTS OF DECISIONS

## DECISION OF A DELEGATE OF THE COMMISSIONER OF PATENTS

**Application** : No. **715364** in the name of **Zenon Environmental Inc.**

**Title** : **Vertical skein of hollow fiber membranes and method of maintaining clean fiber surfaces**

**Action** : Application for dismissal of an opposition under section 104 by **Memcor Australia Pty Ltd**

**Decision** : Issued 30 May 2008.

**Abstract**

The practice of all federal courts in relation to summary disposal has been altered by Parliament, and it would be strange indeed if Parliament intended that a different approach should apply in federal tribunals. The practice of the Commissioner should follow the new practice reflected in section 31A of the *Federal Court of Australia Act*.

Decisions of the Commissioner do not give rise to an issue estoppel. However, the earlier decision of the Commissioner is relevant to the prospects of success in the present opposition. The gap in the logic of the earlier decision makes it uncertain whether the same outcome would be expected in the present opposition. It is clear that it cannot be said that there are no reasonable prospects of success.

The opposition is not dismissed.

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

<b>Application</b>	:	No. <b>2004203855</b> in the name of <b>ZENON TECHNOLOGY PARTNERSHIP</b>
<b>Title</b>	:	<b>Vertical Skein of Hollow Fiber Membranes and Method of Maintaining Clean Fiber Surfaces</b>
<b>Action</b>	:	Opposition by <b>MEMCOR AUSTRALIA PTY LTD</b> under section 59 of the Patents Act 1990
<b>Decision</b>	:	Issued 05 June 2008.

**Abstract**

The opponent pursued the grounds of novelty, inventive step, and section 40/lack of clarity. They also contested the right of the opposed application to claim priority from the parent application on the basis that the requirements of subsection 79B (1) had not been met.

I had found that none of the claims were shown to be lacking an inventive step in light of the common general knowledge alone and also when combined on an individual basis with the citations raised by the opponent. The terms raised by the opponent as lacking clarity were found to be clear both by the skilled addressee and when reference was had to the description and drawings. I had assessed the opposed application to determine if section 79B (1) requirements had been met and I found that AU 2004203855 was entitled to claim priority from the parent application 715364. Consequently the issue of novelty based on documents with a later priority and publication date than the parent application did not arise. The opponent has been unsuccessful on all grounds.

I direct that the application be sealed after twenty-eight (28) days from the date of this decision. If the Commissioner of Patents is served with a notice of appeal from this decision before that time, I direct that sealing not occur until the appeal has been decided or discontinued.

As the opponent has been unsuccessful, I award costs (in accordance with Schedule 8, of the Patents Regulations 1991), against the opponent Memcor Australia Pty Ltd and in favour of the applicant Zenon Technology Partnership.

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

<b>Application</b>	:	No. <b>2003248295</b> in the name of <b>Dr John Murray Charlesworth</b>
<b>Title</b>	:	Apparatus for Measuring Water Concentration in Multi-Component Solutions
<b>Action</b>	:	Section 32 and 36 application by <b>The Commonwealth of Australia, c/- Minister for Defence, Canberra</b>
<b>Decision</b>	:	Issued 03 June 2008.

**Abstract**

The Commonwealth of Australia, c/- Minister for Defence is wholly entitled to any patent granted in relation to the invention under Sections 32 and 36 of the Patents Act.

When trying to decide what the invention is, if the applicant has clearly stated in the specification what they believe their invention to be (possibly in a consistory statement or clause), and that invention is different to the prior art that is described in the specification, then it is reasonable to proceed on the basis that the invention is what the applicant says it is. To do otherwise would be to ignore the disclosure of the specification.

On that basis, the invention was a water concentration measuring device for use in aqueous solutions containing one or more non-volatile solutes having:

The evidence showed that this device was conceived of, at least, by Dr John Murray Charlesworth while employed by Defence Science and Technology Organisation (DSTO).

Costs under Schedule 8 awarded against Dr Charlesworth.