

Australian Government

IP Australia

AUSTRALIAN OFFICIAL JOURNAL

OF

PATENTS

AUSTRALIAN OFFICIAL JOURNAL OF PATENTS

21 August 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
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 <u>Internationally agreed Numbers for the Identification of Data or INID numbers.</u>

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

(22) 12.10.91

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

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

How Australian Patent Documents are Numbered

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

There will be number ranges for types of patents:

 100,000 – 199,999
 Innovation

 200,000 – 799,999
 Standard

 800,000 – 899,999
 Petty

 900,000 – 999,999
 Provisional

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

1. Provisional Applications are given a ten-figure number

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

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

e.g. 2002200345 Standard 2002100123 Innovation

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

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

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

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

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

Arrangement of Information in the Journal

For each of the categories

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

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

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

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

Using the Indices

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

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

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

The date of filing	(22)	The date of filing	(22)
The title	(54)	The title	(54)
The classification marks	(51)	The classification marks	(51)
Priority document number(s)	(31)	PCT publication number	(87)
Date of filing of priority document(s)	(32)	Priority document <u>number</u>	(31)
Country in which priority document filed	(33)	Date of filing of priority document(s)	(32)
Publication date of unexamined document	(43)	Country in which priority document filed	(33)
Inventors names if known	(72)	Publication date of unexamined document	(43)
Patent Attorneys	(74)	Inventors names if known	(72)
Related by addition	(61)	Patent Attorneys	(74)
Related by division	(62)		
ITEM	INID	ITEM	INID
	No.	<u></u>	No.
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 date of filing	(22)	The <u>title</u>	(54)
The <u>title</u>	(54)	The <u>classification</u> <u>marks</u>	(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)
Date of filing of priority document(s)	(32)	Publication date of granted patent	(45)
Country in which priority document filed	(33)	Inventors <u>names</u>	(72)
Publication date of unexamined document	(43)	Patent Attorneys	(74)
Publication date of examined document	(44)	Related by division	(62)
Publication date of granted patent	(45)		
Inventors <u>names</u>	(72)		
Patent Attorneys	(74)		
Related by addition	(61)		
Related by division	(62)		

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

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

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

The following Numerical Indices are available:

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

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

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

The indices to use are

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

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

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

'INID' NUMBERS in use on Australian Patent Documents

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

(10) Document identification

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

(20) Document filing data

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

(30) Priority data

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

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

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

(50) Technical Information

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

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

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

(70) Identification of parties concerned with the document

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

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

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

NOTE

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

AU-A = Pre-examination

AU-B = Post-examination

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

Official Notice

Changes in PCT Fees

In accordance with the directives adopted by the PCT Assembly at its thirty-second session (September 22 to October 1, 2003), new equivalent amounts in AUD will be established with effect from 1 July 2008, As follows:

International	PCT Fee	es	
1. Transmittal Fee			\$150
2. International Search Fee			\$1600
3. International Filing Fee			\$1466
If the application contains 30 Pages or less including the Request form			
1			
PCT-EASY component of PCT-SAFE reduction		\$110	4220
For filings filed in PDF format		\$331	\$220
For filings filed in XML format		\$331	
PLUS			
For Each page in the application in excess of 30 Sheets	s \$17		
		Ф100	
4. Cost of Preparing Certified Copy of Basic Document		\$100	Dan da assessant
			Per document
5. Copies of Specifications cited in the International	\$50		
Search Report			per copy
		Φ.c.0.0.0	
6. Gene Sequence Listing Fee In Machine Beadable form, as part of Specification		\$6800	
In Machine Readable form, as part of Specification (equal to 400 times "fee per sheet")			
(-1 / / / / / / / / / / / / / / / / /			
In Paper form, with machine readable form as "Search			

International Preliminary Examination Fees

1. International Preliminary Examination Fee

Tool only"

If the International Search was performed by IP Australia \$550

If the International search was not conducted by IP Australia \$780

2. International Preliminary **Handling** Fee \$196

Total If Search performed by IP Australia

Total if Search not performed by IP Australia

\$746 \$976

International Type Search Fee

Fee for IP Australia to perform an Article 15(5) International-type Search

\$1400

Queries: Andrew Clearwater/Aathirai Gnanendran

PCT

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Web: www.ipaustralia.gov.au

ABSTRACTS OF DECISIONS

DECISION OF A DEPUTY COMMISSIONER OF PATENTS

Application : No. 2003208113 in the name of Milton Edgar Anderson

Title : Controllable Fusion

Action : Examiner's objections

Decision : Issued: 11 August 2008

Abstract

The application is unconventional and relates to "the new science of subtronics" and "a new law of electric induction". In this regard the applicant indicates that the inventive concept is the "revelation and utilisation of an antimatter voltage force that stems from the discovery of electrosubtronic fields and culminated in the new science of subtronics".

Held that the invention claimed is a scientific theory or discovery of the laws of science without a specific practical and useful application and that, if a specific application were claimed, such an invention is not fully described. The claimed invention is therefore not a manner of manufacture within the meaning of section 6 of the Statute of Monopolies as required by section 18(1)(a) and does not comply with section 40.

Since it is apparent that no allowable amendment could overcome these grounds of objection, the application was refused.

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
Α	Applications on which examination has not been requested or directed
В	Applications on which a direction to request examination has been given
С	Applications on which examination has been requested or on which an examination report has been issued
D	Applications which have been accepted or advertised accepted, (including applications which have also been advertised 'Not Sealed')
N	Applications Not Open to Public Inspection

776669 (12D)

Extensions of Time, Section 223

Applications Allowed - Section 223(2)

732970 **McCarthy, P.T.** The time in which to pay a renewal fee has been extended to 9 Mar 2008 . Address for service in Australia - Davies Collison Cave Level 15 1 Nicholson Street MELBOURNE VIC 3000

737217 **Doppel Co., Ltd.** The time in which to pay a renewal fee has been extended to 17 Jun 2008. Address for service in Australia - Griffith Hack GPO Box 3125 BRISBANE QLD 4001

762311 **Bolton, R.J. and Jarrett, K.G.** The time in which to pay a renewal fee has been extended to 17 Jun 2008. Address for service in Australia - Robert John Bolton 6 Coventry Place West Pymble NSW 2073

765035 Potts, D.A. The time in which to pay a renewal fee has

Extensions of Time, Section 223 -cont'd

been extended to 16 Mar 2008 . Address for service in Australia - David Potts 385 Roast Meat Hill Road Killingworth CT USA

780632 **Gemfire Corp.** The time in which to pay a renewal fee has been extended to 9 May 2008. Address for service in Australia - Davies Collison Cave Level 15 1 Nicholson Street MELBOURNE VIC 3000

Amendments. Section 104

Amendments Made

726277 **Cryovac, Inc.** The nature of the amendment is as was notified in the Official Journal dated 22 Nov 2007

739685 American National Can Co. The nature of the amendment is as was notified in the Official Journal dated 20 Mar 2008

Opposition Proceedings

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

Opposition Withdrawn - Proceeding to Sealing

Notice of Opposition under Section 223

734558

A Notice of Opposition to the Request for an Extension of Time to Pay a Renewal Fee has been withdrawn on 21 July 2008

Letters Patent Sealed

Standard Patents

779262

Assignments Registered

617825 Siemens Aktiengesellschaft; N.V. Philips Gloeilampenfabrieken The patent has been assigned to N.V. Philips Gloeilampenfabrieken; Nokia Siemens Networks GmbH & Co. KG

643174 Asahi Kasei Kogyo Kabushiki Kaisha The patent has been assigned to **Asahi Kasei Medical Co., Ltd.**

655275 M Management-Tex, Ltd. The patent has been assigned to Jamak Fabrication-Tex LLC

671302 abf GmbH The patent has been assigned to BOS Berlin Oberspree Sondermaschinenbau GmbH & Co. Engeneering und Service KG

675458 Koninklijke Philips Electronics N.V. The patent has been assigned to **NXP B.V.**

677921 Kabushiki Kaisha Kobe Seiko Sho (Kobe Steel Ltd) The

21 August 2008

Assignments Registered - cont'd

patent has been assigned to EarthTechnica Co., Ltd

684550 Monarch Pool Systems Pty Ltd The patent has been assigned to **Davey Water Products Pty Ltd**

688768 Millenium Biologix Technologies Inc. The patent has been assigned to **Warsaw Orthopedic, Inc.**

690139 Anthea Vida Nicholls The patent has been assigned to Catnip Australia Pty Ltd

691391 Christopher Paul Reynell The patent has been assigned to **Bioplex Technologies Limited**

699200 Laboratoire Theramex S.A. The patent has been assigned to K.U. Leuven Research & Development; Universiteit Gent; Roger Bouillon

708698 Ecogen Israel Partnership The patent has been assigned to **Minray Industries Ltd.**

714311 Millenium Biologix Technologies Inc. The patent has been assigned to **Warsaw Orthopedic, Inc.**

718609 Kanebo Trinity Holdings, Ltd. The patent has been assigned to ${\bf OSAKA\ GAS\ CO.,\ LTD.}$

718622 Holcim Ltd The patent has been assigned to **Holcim Technology Ltd.**

719922 Asahi Kasei Kogyo Kabushiki Kaisha The patent has been assigned to **Asahi Kasei Medical Co., Ltd.**

726974 Asahi Medical Co. Ltd. The patent has been assigned to Asahi Kasei Medical Co., Ltd.

727806 Howard W DeMoore The patent has been assigned to **Printing Research, Inc.**

737486 St. Francis Medical Technologies, Inc. The patent has been assigned to **Kyphon SARL**

740242 Sika Schweiz AG The patent has been assigned to **Sika Technology AG**

740882 Triangle Equipment AS The patent has been assigned to **Ziebel AS**

741210 St. Francis Medical Technologies, Inc. The patent has been assigned to **Kyphon SARL**

745929 Nokia High Speed Access Products Inc. The patent has been assigned to **Wi-LAN, Inc.**

746350 Howard W DeMoore The patent has been assigned to **Printing Research, Inc.**

748382 Rezon Pty Ltd The patent has been assigned to **Norma Beatrice Carmen Bond**

750662 St. Francis Medical Technologies, Inc The patent has been assigned to **Kyphon SARL**

751985 Cell Genesys, Inc. The patent has been assigned to **GBP IP, LLC**

752075 Nokia High Speed Access Products Inc. The patent has

Assignments Registered - cont'd

been assigned to Wi-LAN, Inc.

756969 Kyphon, Inc. The patent has been assigned to **Kyphon SARL**

758860 EMD Serono Research Center, Inc. The patent has been assigned to **Merck Patent GmbH**

760561 Millenium Biologix Technologies Inc. The patent has been assigned to **Warsaw Orthopedic, Inc.**

760981 St. Francis Medical Technologies, Inc. The patent has been assigned to ${\bf Kyphon~SARL}$

761676 Cognis Deutschland GmbH & Co. KG The patent has been assigned to Cognis IP Management GmbH

762975 Cognis Deutschland GmbH & Co. KG The patent has been assigned to **Cognis IP Management GmbH**

763081 Shell Internationale Research Maatschappij B.V. The patent has been assigned to @Balance B.V.

763389 Nokia High Speed Access Products Inc. The patent has been assigned to **Wi-LAN, Inc.**

764518 Kyphon Inc. The patent has been assigned to **Kyphon SARL**

764999 Howard W DeMoore The patent has been assigned to **Printing Research, Inc.**

766557 Cognis Deutschland GmbH & Co. KG The patent has been assigned to Cognis IP Management GmbH

768330 Ludwig Institute for Cancer Research; Licentia Ltd.; Seppo Yla-Herttuala The patent has been assigned to **Vegenics Limited**

768917 Horst Rapp; Friedbert Heck The patent has been assigned to Engelhard Arzneimittel GmbH & Co. KG

769208 St. Francis Medical Technologies, Inc. The patent has been assigned to **Kyphon SARL**

772834 Cognis Deutschland GmbH & Co. KG The patent has been assigned to Cognis IP Management GmbH

780304 Large Scale Biology Corporation The patent has been assigned to **Kentucky BioProcessing, LLC**

Alteration Of Name In Register

584603 Innovata PLC The name of the patentee(s) has been changed to Innovata Limited

594060 Innovata PLC The name of the patentee(s) has been changed to Innovata Limited

679621 Glaverbel The name of the patentee(s) has been changed to AGC Flat Glass Europe SA

698656 Allelix Biopharmaceuticals Inc. The name of the patentee(s) has been changed to **NPS Allelix Corp.**

728523 Allelix Biopharmaceuticals Inc. The name of the patentee(s) has been changed to **NPS Allelix Corp.**

731766 Asahi Medical Co. Ltd. The name of the patentee(s) has been changed to **Asahi Kasei Kuraray Medical Co., Ltd**

741000 Coflexip S.A. The name of the patentee(s) has been changed to **Technip France**

743421 Coflexip, S.A. The name of the patentee(s) has been changed to **Technip France**

754528 Works Infrastructure Pty Limited The name of the patentee(s) has been changed to **Downer EDI Works Pty Ltd**

756795 Wandel & Goltermann Management Holding GmbH The name of the patentee(s) has been changed to **JDSU International GmbH**