



**Australian Government**

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**IP Australia**

**AUSTRALIAN OFFICIAL JOURNAL**

**OF**

**PATENTS**



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## General Information

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## GUIDE TO THE USE OF THIS JOURNAL

The Australian Official Journal of Patents (AOJP) reports all major events and actions which take place during the life cycle of an Australian patent and provides certain details of these actions as they relate to the patent or patent application involved. This guide sets out to teach the reader how to use the journal to access this information.

While there are many possible actions in the life of a patent, the majority of actions reported relate to the following events, which are the main stages in the progression of a patent application to a sealed patent:

### (i) FILING -

This is the act of making an application. When the application is first filed certain details are published.

### (ii) OPEN-TO-PUBLIC-INSPECTION (OPI) -

Approximately 18 months after first filing of an Australian or a corresponding foreign application, certain application documents, including the complete specification, become available to the public (Open-to-Public-Inspection or "OPI"). Relevant application details are published.

### (iii) NATIONAL PHASE ENTRY (NPE) -

For an application filed under the PCT to have full effect, it must move from the international phase of processing into the National phase of processing, by complying with the requirements of s.89(3). For PCT applications that were filed after 1 January 2004 which have entered the National Phase certain details are published.

### (iv) ACCEPTANCE -

This is the Commissioner's acceptance of a patent application. Once the Commissioner has accepted a patent application, certain details of the application are published in the AOJP. Notice of opposition may be filed within three months of advertisement of acceptance.

### (v) OPPOSITION -

If an opposition action is commenced against the grant of the patent, the six-figure acceptance number and the name of the opponent are published. If the opposition is to the Certification of an Innovation Patent, the patent number and the name of the opponent are published.

### (vi) SEALING -

Most accepted applications are not opposed. These proceed to sealing and become granted patents. Of the few that are opposed (less than 1%) most of these, after resolution of the opposition, proceed to sealing and become granted patents. Sealed patents are simply listed in order of their application number.

### (vii) CERTIFICATION-

This is the Commissioner's Certification after passing examination of a previously granted unexamined Innovation Patent.

In addition to the actions related to these stages, other actions reported include: assignments, lapsing or withdrawal of applications and ceasing or expiry of patents, voluntary amendments, extensions of time for certain actions and registration of licences.

## How To Identify Information Using "INID" Numbers

Patents are published in many different countries and in many different languages. As a result, finding the information that you want (eg the filing date) on a patent document or in a journal can be quite difficult. There is an international system operating, however, which codifies this information in an unambiguous way, by assigning a specific number to each piece of information about the history of a patent. These numbers are called the **Internationally Agreed Numbers for the Identification of Data** or INID numbers.

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

(22) 12.10.91

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

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

## How Australian Patent Documents are Numbered

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

There will be number ranges for types of patents:

100,000 – 199,999	Innovation
200,000 – 799,999	Standard
800,000 – 899,999	Petty
900,000 – 999,999	Provisional

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

1. **Provisional Applications** are given a ten-figure number

e.g. 2002901123

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

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

e.g. 2002200345 Standard  
2002100123 Innovation

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

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

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

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

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

## Arrangement of Information in the Journal

For each of the categories

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

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

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

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

## Using the Indices

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

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

<u>ITEM</u>	<u>INID</u> <u>No.</u>	<u>ITEM</u>	<u>INID</u> <u>No.</u>
<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.

Official Notice**Australia Post closed Friday 2 January, 2009**

IP Australia will be closed for Christmas shutdown commencing Thursday 25 December 2008 to Thursday 1 January 2009 inclusive. IP Australia will recommence business operations effective as of Friday 2 January 2009.

Please note that Australia Post will be closed for business on Friday 2 January 2009 and as a result all mail sent to IP Australia and not received by 24 December will not be received by IP Australia before Monday 5 January 2009.

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**Web:** [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au)

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

<b>Application</b>	:	No. <b>765967</b> in the name of <b>TRONOX LLC</b>
<b>Title</b>	:	<b>High Discharge Capacity Electrolytic Manganese Dioxide and Methods of Producing the Same</b>
<b>Action</b>	:	Opposition by <b>DELTA EMD AUSTRALIA PTY LIMITED</b> under Section 59 of the Patents Act 1990
<b>Decision</b>	:	Issued 27 November 2008

**Abstract**

The opponent raised grounds of novelty, inventive step, section 40/fair basis, manner of manufacture and utility. The opponent pursued all these grounds at the hearing.

I had found that claim 6 and claims 10, 11 when appended to claim 6, were shown to be lacking in novelty in light of a PhD thesis by Dr Rodney P. Williams, (Annexure G, Williams first declaration). Claim 6 and claims 10, 11 when appended to claim 6 also lacked an inventive step in light of the Williams thesis when combined with the common general knowledge. The opponent was unsuccessful on the grounds of Section 40/fair basis, manner of manufacture and inutility.

I consider that there is sufficient patentable subject matter within the opposed specification to enable the applicant to overcome the defects of claims 6, 10 and 11. The applicant is granted sixty days from the date of issue of this decision to file suitable amendments to overcome the defects identified in claims 6, 10 and 11.

The power of the Commissioner to award costs is based on section 210 and regulation 22.8. The opponent has been successful on two grounds in respect of claims 6, 10 and 11. Accordingly I award costs in accordance with Schedule 8, of the Patents Regulations 1991, against the applicant Tronox LLC and in favour of the opponent Delta EMD Australia Pty Limited.

Proceedings under the Patents Act 1990

Appls Lapsed:W/drawn, Pat. Ceased:Exp/d cont'd

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(3)/Reg 8.3(2)
14	Patent Ceased Section 143(a), or Expired
15	Patent Ceased Section 143(b)
16	Application refused
17	Application Lapsed Regulation 22.2
A	Applications on which examination has not been requested or directed
B	Applications on which a direction to request examination has been given
C	Applications on which examination has been requested or on which an examination report has been issued
D	Applications which have been accepted or advertised accepted, (including applications which have also been advertised 'Not Sealed')
N	Applications Not Open to Public Inspection

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Appls Lapsed:W/drawn, Pat. Ceased:Exp/d cont'd

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770320 (14 )	770636 (14 )	771622 (14 )
771671 (14 )	771766 (14 )	772054 (14 )
772848 (14 )	773007 (14 )	773305 (14 )
773634 (14 )	773830 (14 )	774867 (14 )
775598 (14 )	776162 (14 )	776344 (14 )
776423 (14 )	776969 (14 )	777254 (14 )
777307 (14 )	777603 (14 )	777702 (14 )
778112 (14 )	779266 (14 )	779727 (14 )
780551 (14 )	780556 (14 )	780917 (14 )
781320 (14 )	781918 (14 )	782207 (14 )
782365 (14 )	782464 (14 )	782680 (14 )
782850 (14 )	782979 (14 )	783043 (14 )
783459 (14 )	783582 (14 )	784061 (14 )
784944 (14 )	785125 (14 )	

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.

724968 **LANCO, D.O.O.; TECA, D.O.O. and Matijek, J.** An application to extend the time from 12 Nov 2007 to 14 Oct 2008 in which to pay a renewal fee has been lodged . Address for service in Australia - Josip Matijek 35 Rosewood Avenue Prestons NSW 2170

757708 **Labsphere, Inc.** An application to extend the time from 11 Sep 2007 to 11 Nov 2008 in which to pay a renewal fee has been lodged . Address for service in Australia - PHILLIPS ORMONDE & FITZPATRICK 367 Collins Street MELBOURNE VIC 3000

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.

748263 Operation of gaming machines in a linked bonus prize winning mode **I.G.T. (Australia) Pty. Ltd.** The nature of the proposed amendment is as shown in the statement(s) filed 1 Aug 2008. . Address for service in Australia - SPRUSON & FERGUSON GPO Box 3898 SYDNEY NSW 2001

Offer To Surrender Letters Patent

It is hereby notified that **CABG Medical, Inc, 14505 21st Avenue North, Plymouth, Minnesota 55447, United States Of America**, the Patentee of Letters Patent 779243 dated 12 May 2005 for an invention titled 'Stented grafts for coupling vascular members' offers to surrender the said Letters Patent Any person desiring to be heard before the said offer of surrender is accepted must lodge a request to be heard within one month from the date of this journal

Surrender and Revocation of Letters Patent

It is hereby notified that the offer by the Patentee **CV Therapeutics, Inc. and Syntex (USA), LLC** to surrender Letters Patent 744071 dated 30 May 2002 for an invention titled 'Sustained release ranolazine formulations' (as advertised in the Official Journal of 2 October 2008) has been accepted and the Letters Patent has been revoked in accordance with Section 137 of the Patents Act.

It is hereby notified that the offer by the Patentee **CV Therapeutics, Inc.** to surrender Letters Patent 760435 dated 28 August 2003 for an invention titled 'Sustained release ranolazine formulations' (as advertised in the Official Journal of 2 October 2008) has been accepted and the Letters Patent has been revoked in accordance with Section 137 of the Patents Act.

**Assignments Registered**

657375 PPG Industries (France) S.A. The patent has been assigned to **PPG Industries Ohio, Inc.**

666095 Advantis Technologies Inc The patent has been assigned to **Arch Chemicals, Inc.**

676281 Stevens, Smith & Bartlett Pty Ltd The patent has been assigned to **SSB Technology Pty Ltd.**

721582 SRB Construction Technologies Pty Ltd The patent has been assigned to **SRB Manufacturing Pty Ltd**

731713 Morton M. Mower The patent has been assigned to **MR3 Medical LLC**

738339 Twist2IT, Inc. The patent has been assigned to **Crosstex International, Inc.**

742225 Advantis Technologies, Inc. The patent has been assigned to **Arch Chemicals, Inc.**

744991 The University of Queensland The patent has been assigned to **Promics Pty Limited**

747415 Chematur Engineering AB The patent has been assigned to **Hollingford Limited**

748647 David E. Sisk The patent has been assigned to **DELAWARE Capital Formation, Inc.**

749212 Morton M. Mower The patent has been assigned to **MR3 Medical LLC**

749615 Morton M. Mower The patent has been assigned to **MR3 Medical LLC**

749772 Brian Joseph Dolan The patent has been assigned to **John Brem**

754164 SRB Construction Technologies Pty Ltd The patent has been assigned to **SRB Manufacturing Pty Ltd**

755994 Morton M. Mower The patent has been assigned to **MR3 Medical LLC**

758240 Lexigen Pharmaceuticals Corporation The patent has been assigned to **Merck Patent GmbH**

759288 GMCA Pty Ltd The patent has been assigned to **GMC Worldwide Pty Ltd**

759683 Sequant AB The patent has been assigned to **Merck Patent GmbH**

767112 Curis, Inc. The patent has been assigned to **Stryker Corporation**

769442 Mission Medical, Inc. The patent has been assigned to **Terumo Medical Corporation**

771452 Petrecon Australia Pty. Ltd. The patent has been assigned to **Predrill Stresses International Pty Ltd**

773839 SRB Construction Technologies Pty Ltd The patent has been assigned to **SRB Manufacturing Pty Ltd**

775524 Silver Acquisitions Corp. The patent has been assigned to

**Assignments Registered - cont'd**

**Presstek, Inc.**

775524 Silver Acquisitions Corp. The patent has been assigned to **Presstek, Inc.**

779474 Farm-Express.Com S.A. The patent has been assigned to **Allflex Europe SAS**

781734 Novo Nordisk A/S The patent has been assigned to **Hansa Medical AB**

784667 Leeds Electronics Eng.Ltd. The patent has been assigned to **NEW DAY INVESTMENT LIMITED**

**Alteration Of Name In Register**

664721 Apothekernes Laboratorium A.S. The name of the patentee(s) has been changed to **Axellia Pharmaceuticals AS**

666672 Cardinal Health 208, Inc. The name of the patentee(s) has been changed to **Corpak Medsystems, Inc.**

714148 Cardinal Health 208, Inc. The name of the patentee(s) has been changed to **Corpak Medsystems, Inc.**

720102 Amoco Corporation The name of the patentee(s) has been changed to **BP Corporation North America Inc.**

749414 The University of Wales The name of the patentee(s) has been changed to **Aberystwyth University**

779150 The University of Wales, Aberystwyth The name of the patentee(s) has been changed to **Aberystwyth University**