



Australian Government

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

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

(22) 12.10.91

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

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

How Australian Patent Documents are Numbered

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

There will be number ranges for types of patents:

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

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

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

e.g. 2002901123

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

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

e.g. 2002200345 Standard
2002100123 Innovation

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

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

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

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

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

Arrangement of Information in the Journal

For each of the categories

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

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

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

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

Using the Indices

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

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

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

The <u>date</u> of filing	(22)	The <u>date</u> of filing	(22)
The <u>title</u>	(54)	The <u>title</u>	(54)
The <u>classification marks</u>	(51)	The <u>classification marks</u>	(51)
Priority document <u>number(s)</u>	(31)	PCT publication <u>number</u>	(87)
<u>Date</u> of filing of priority document(s)	(32)	Priority document <u>number</u>	(31)
<u>Country</u> in which priority document filed	(33)	<u>Date</u> of filing of priority document(s)	(32)
Publication <u>date</u> of unexamined document	(43)	<u>Country</u> in which priority document filed	(33)
Inventors <u>names</u> if known	(72)	Publication <u>date</u> of unexamined document	(43)
<u>Patent Attorneys</u>	(74)	Inventors <u>names</u> if known	(72)
Related by addition	(61)	<u>Patent Attorneys</u>	(74)
Related by division	(62)		

<u>ITEM</u>	<u>INID</u> <u>No.</u>	<u>ITEM</u>	<u>INID</u> <u>No.</u>
E) Applications accepted - Name Index		F) Patents Certified – Name Index	
The <u>name</u> of the applicant	(71)	The <u>name</u> of the applicant	(71)
The <u>number</u> of the document	(11)	The <u>number</u> of the accepted document	(10)
The <u>number</u> of the accepted document	(10)	The <u>number</u> assigned to the application	(21)
The <u>number</u> assigned to the application	(21)	The <u>date</u> of filing	(22)
The <u>date</u> of filing	(22)	The <u>title</u>	(54)
The <u>title</u>	(54)	The <u>classification marks</u>	(51)
The <u>classification marks</u>	(51)	Priority document <u>number</u>	(31)
PCT publication <u>number</u>	(87)	<u>Date</u> of filing of priority document(s)	(32)
Priority document <u>number</u>	(31)	<u>Country</u> in which priority document filed	(33)
<u>Date</u> of filing of priority document(s)	(32)	Publication <u>date</u> of granted patent	(45)
<u>Country</u> in which priority document filed	(33)	Inventors <u>names</u>	(72)
Publication <u>date</u> of unexamined document	(43)	<u>Patent Attorneys</u>	(74)
Publication <u>date</u> of examined document	(44)	Related by division	(62)
Publication <u>date</u> of granted patent	(45)		
Inventors <u>names</u>	(72)		
<u>Patent Attorneys</u>	(74)		
Related by addition	(61)		
Related by division	(62)		

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

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

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

The following Numerical Indices are available:

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

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

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

The indices to use are

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

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

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

'INID' NUMBERS in use on Australian Patent Documents

'INID' is an acronym for 'Internationally agreed **N**umbers for the **I**dentification of **D**ata'.

(10) Document identification

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

(20) Document filing data

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

(30) Priority data

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

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

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

(50) Technical Information

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

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

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

(70) Identification of parties concerned with the document

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

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

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

NOTE

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

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

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

Application	:	No. 776913 in the name of ARAKIS LTD
Title	:	The treatment of respiratory diseases
Action	:	Opposition under section 59 of the Patents Act by MEDA PHARMA GMBH & CO KG , compliance with a notice requiring production of certain documents, and objections to extensions of time to serve evidence in reply and a direction to defer service of evidence in reply until the notice to produce has been finally dealt with
Decision	:	Issued 16 December 2008.

Abstract

A notice requiring the production of certain documents relating to a clinical trial on which the evidence in answer was based was served on the applicant.

The applicant claimed lawful excuse for not producing the documents covered by the notice for the reasons that (1) the Commissioner did not have jurisdiction to issue the notice as the applicant was located overseas, (2) the documents in question were not in their possession or control due to contractual obligations owed to a third party and (3) the documents were not relevant to the opposition. The opponent nevertheless pressed for compliance with the notice to produce.

The opponent for their part argued that they were unable to properly respond to the evidence in answer until they were granted access to the documents sought by them or the fate of the notice to produce was otherwise decided. The opponent consequently requested that the time for serving evidence in reply be extended under regulation 5.10(2), or a direction be issued under regulation 5.10(1), to suspend the service of evidence in reply until the applicant's non-compliance with the notice to produce had been resolved. The applicant objected to both requests.

All matters were heard concurrently. Found:

- The questions of whether the Commissioner has extra-territorial jurisdiction to issue notices requiring production on persons located outside of the area delineated by section 12 of the Act, and whether the documents sought by the opponent were in the possession or control of the applicant, ultimately did not need to be decided;
- The documents sought by the opponent are not relevant to the opposition;
- The total extension sought by the opponent, although appropriate in all the circumstances, would not allow them any time to respond to the evidence in answer which would not be in the public interest in having the opposition decided on its merits. A direction to defer the service of evidence in reply for a specified time was accordingly issued which would also have the effect of regulating the progress of the opposition; and
- Although a variation of costs was unwarranted, costs were awarded under schedule 8 against the applicant in view of the manner in which they had conducted their case.

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.

750331 **Paint Smart Products Pty Ltd** An application to extend the time from 28 Oct 2007 to 28 Nov 2008 in which to pay a renewal fee has been lodged . Address for service in Australia - Paint Smart Products Pty Ltd 35 Sutton Street Balwyn North VIC 3104

784584 **Desplace, B.A.** An application to extend the time from 20 Mar 2008 to 20 Nov 2008 in which to pay a renewal fee has been lodged . Address for service in Australia - Brenda Adele Desplace PO Box 4308 Forest Lake QLD 4078

Applications Allowed - Section 223(2)

749185 **Dyesol Ltd** The time in which to pay a renewal fee has been extended to 22 Aug 2008 . Address for service in Australia - Adams Pluck P.O Box 905 Hornsby NSW 2077

766369 **Institute for Eye Research, The** The time in which to pay a renewal fee has been extended to 28 Aug 2008 . Address for service in Australia - SPRUSON & FERGUSON GPO Box 3898 SYDNEY NSW 2001

783809 **Jokari/US Inc.** The time in which to pay a renewal fee has been extended to 24 Oct 2008 . Address for service in Australia - John Christiansen PO Box 1126 Bairnsdale VIC 3875

Amendments, Section 104

Amendments Made

780330 **Bayer Schering Pharma Aktiengesellschaft** The nature of the amendment is as shown in the statement(s) filed 30 Oct 2008.

Opposition Proceedings

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

Opposition Withdrawn

784488 **Amylin Pharmaceuticals, Inc.** (Novo Nordisk A/S)

Assignments Registered

620464 James Paul Lynch The patent has been assigned to **KD Kanopy, Inc.**

644468 Numico Research Australia Pty Ltd The patent has been assigned to **N.V. Nutricia**

651316 Boehringer Mannheim GmbH The patent has been assigned to **Actavis Group PTC ehf.**

668033 Numico Research Australia Pty Ltd The patent has been assigned to **N.V. Nutricia**

682436 Poongsan Corporation The patent has been assigned to **Poongsan Corporation**

684706 Colloidal Dynamics Pty. Ltd. The patent has been assigned to **Agilent Technologies, Inc.**

688406 McGill University The patent has been assigned to **Urist Regenerative Med Inc.**

704581 DSM IP Assets B.V. The patent has been assigned to **U-NICA Technology AG**

704875 Elan Corporation, PLC The patent has been assigned to **Elan Pharma International Limited**

709952 Numico Research Australia Pty Ltd The patent has been assigned to **N.V. Nutricia**

711664 Cytex Technology Corp. The patent has been assigned to **Kemira Oyj**

717695 Dura-Post (AUST.) Pty Ltd The patent has been assigned to **Roadside Products Pty Ltd**

725156 Dura-Post (AUST.) Pty Ltd The patent has been assigned to **Roadside Products Pty Ltd**

741299 Numico Research Australia Pty Ltd The patent has been assigned to **N.V. Nutricia**

743952 Cytex Technology Corp. The patent has been assigned to **Kemira Oyj**

746009 Paragon Intellectual Properties, LLC The patent has been assigned to **Nexeon MedSystems, Inc.**

746499 Cytex Technology Corp. The patent has been assigned to **Kemira Oyj**

753056 FMC Technologies, Inc. The patent has been assigned to **John Bean Technologies Corporation**

755958 Akubio Limited The patent has been assigned to **Inverness Medical Switzerland GmbH**

759187 Dyno Nobel Sweden AB The patent has been assigned to **DetNet International Limited**

764058 Dyno Nobel Sweden AB The patent has been assigned to **DetNet International Limited**

Assignments Registered - cont'd

771908 The Dow Chemical Company The patent has been assigned to **DFB Biotech, Inc.**

774984 Paragon Intellectual Properties, LLC The patent has been assigned to **Nexeon MedSystems, Inc.**

777168 FMC Technologies, Inc. The patent has been assigned to **John Bean Technologies Corporation**

777880 Pureuv (Proprietary) Ltd The patent has been assigned to **Surepure Operations AG**

778942 Dura-Post (AUST.) Pty Ltd The patent has been assigned to **Roadside Products Pty Ltd**

781598 Wyeth The patent has been assigned to **Nucleonics, Inc.**

781749 Alberto Cristian Feuereisen Azocar The patent has been assigned to **D.T. S.A.**

782110 NPS Allelix Corp. The patent has been assigned to **NPS PHARMACEUTICALS, INC.**

784538 Rhode Island Hospital, A Lifespan Partner The patent has been assigned to **Geistlich Pharma AG**

784539 Rhode Island Hospital, A Lifespan Partner The patent has been assigned to **Geistlich Pharma AG**

Corrigenda

In Vol 19, No 48, Page(s) 720 under the heading **Appls Lapsed: W/drawn, Pat. Ceased: Exp/d** In the name of John Francis Tindale, Serial No. 716169, Delete all reference to the Ceasing of Patent Number 716169