



**Australian Government**

---

**IP Australia**

**AUSTRALIAN OFFICIAL JOURNAL**

**OF**

**PATENTS**



**Contents**

**General Information & Notices**

**Alteration Of Name In Register ..... 242**

**Assignments Registered ..... 241**

**Extensions of Time, Section 223 ..... 241**

**Opposition Proceedings ..... 241**



## 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 **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****DECISION OF A DELEGATE OF THE COMMISSIONER OF PATENTS**

<b>Application</b>	:	No. 782548 in the name of <b>Solutions-IES, Inc</b>
<b>Title</b>	:	Method for remediation of aquifers
<b>Action</b>	:	Final determination of an opposition by <b>William A. Newman</b> to the grant of a patent
<b>Decision</b>	:	Issued 30 July 2009.

**Abstract**

When considering a final determination, the earlier decision is final and determines all issues that were capable of determination at that time. *R v Smith; Ex parte Mole Engineering Pty Ltd* [1981] HCA 25; (1981) 147 CLR 340 applied.

Consequently, the only issue is to determine what decision was made in the earlier decision. The plain meaning of the words of the earlier decision is that only claims 8 and 28 were deficient. There is no suggestion in the decision that any other claims were deficient. Ordinarily this would be the end of the matter.

The opponent suggested that the decision is in error in not finding that claims 41 and 42 also lacked fair basis. The opponent speculated that the earlier decision found that the nature of the invention is the use of a microemulsion, and that the hearing officer should have found that claim 41 lacks fair basis as this feature is absent from that claim.

This approach to fair basis is quite different to the real and reasonably clear disclosure approach taken in the earlier decision. It follows that the opponent is asserting an error of law in the earlier decision, not just an oversight.

It is clear that there was no explicit or implicit finding that claims 41 and 42 lacked fair basis. It may be that the earlier decision was wrong in not finding these claims lacked fair basis, but that is the decision that was made, and that decision has not been appealed. In line with *Ex parte Mole Engineering*, there is no power to reconsider that decision. The applicant has overcome all of the deficiencies identified in the earlier decision.

Subject to appeal, the application directed to proceed to sealing.

## 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.

750590 **California Institute of Technology** An application to extend the time from 24 Jul 2008 to 24 Jun 2009 in which to pay a renewal fee has been lodged . Address for service in Australia - Davies Collison Cave Level 15 1 Nicholson Street MELBOURNE VIC 3000

755183 **Williames Hi-Tech International Pty Ltd** An application to extend the time from 22 Jun 2009 to 22 Jul 2009 in which to pay a renewal fee has been lodged . Address for service in Australia - WATERMARK PATENT & TRADEMARK ATTORNEYS Level 2 302 Burwood Road Hawthorn Vic 3122

763380 **Level 3 Communications, LLC.** An application to extend the time from 12 Aug 2008 to 12 Jun 2009 in which to pay a renewal fee has been lodged . Address for service in Australia - Davies Collison Cave GPO Box 3876 SYDNEY NSW 2001

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

772988 **Argenta Manufacturing Ltd.** The time in which to pay a renewal fee has been extended to 2 Jun 2009 . Address for service in Australia - A J Park PO Box 949 Wellington 6140 NEW ZEALAND

### Opposition Proceedings

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

#### Opposition Withdrawn

779793 **Bioheap Limited** (BHP Billiton SA Limited)

776064 **Bioheap Limited** (BHP Billiton SA Limited)

### Assignments Registered

654132 **Ecologic Holdings Pty Ltd** The patent has been assigned to **Wallis Group Pty Ltd**

666500 **Ingersoll-Rand Company** The patent has been assigned to **Atlas Copco Secoroc LLC**

669057 **Ingersoll-Rand Company** The patent has been assigned to **Atlas Copco Secoroc LLC**

670004 **AMR Technology, Inc.** The patent has been assigned to **Albany Molecular Research, Inc.**

672485 **Ingersoll-Rand Company** The patent has been assigned to **Atlas Copco Secoroc LLC**

679932 **Venture Tape Corporation** The patent has been assigned to **3M Innovative Properties Company**

### Assignments Registered - cont'd

688020 **Rex Cameron Lucas** The patent has been assigned to **Lucas Mill International Pty Ltd**

696213 **Ingersoll-Rand Company** The patent has been assigned to **Atlas Copco Secoroc LLC**

698153 **Shell Internationale Research Maatschappij B.V.** The patent has been assigned to **Lucite International UK Limited**

699799 **AMR Technology, Inc.** The patent has been assigned to **Albany Molecular Research, Inc.**

702600 **Ingersoll-Rand Company** The patent has been assigned to **Atlas Copco Secoroc LLC**

711766 **Ingersoll-Rand Company** The patent has been assigned to **Atlas Copco Secoroc LLC**

717523 **Peter Andrew John May** The patent has been assigned to **Spiral Guard Australia Pty Ltd**

723119 **Pharmacia & Upjohn Company LLC; Boehringer Ingelheim Pharma GmbH & Co. KG** The patent has been assigned to **Boehringer Ingelheim Pharma GmbH & Co. KG**

723231 **AMR Technology, Inc.** The patent has been assigned to **Albany Molecular Research, Inc.**

723759 **AMR Technology, Inc.** The patent has been assigned to **Albany Molecular Research, Inc.**

727863 **Biomira Inc.** The patent has been assigned to **Oncothyreon Inc.**

729549 **AMR Technology, Inc.** The patent has been assigned to **Albany Molecular Research, Inc.**

732552 **MacroZyme DNM B.V.** The patent has been assigned to **Genzyme Corporation**

737810 **Coe Newnes/McGehee Inc.** The patent has been assigned to **USNR/Kockums Cancar Company**

737866 **Tecoblock Pty Ltd** The patent has been assigned to **Casafico Pty Ltd**

739924 **Digital Advertising and Marketing Limited** The patent has been assigned to **Google Inc**

743650 **Pearsalls Limited** The patent has been assigned to **NuVasive, Inc.**

757694 **Lung Health Diagnostics Pty Ltd** The patent has been assigned to **Southern Medical Diagnostics Pty Ltd**

759749 **Coe Newnes/McGehee Inc.** The patent has been assigned to **USNR/Kockums Cancar Company**

**Assignments Registered - cont'd**

771524 Ingersoll-Rand Company The patent has been assigned to **Atlas Copco Secoroc LLC**

776552 Vasco Data Security, Inc. The patent has been assigned to **Vasco Data Security International GmbH**

777022 Universitair Medisch Centrum The patent has been assigned to **Neurophyxia B.V.**

779868 Kaiser Foundation Hospitals The patent has been assigned to **ipVenture, Inc.**

**Alteration Of Name In Register**

778687 Aearo Company The name of the patentee(s) has been changed to **Aearo Technologies LLC**

779567 Nuvasive, Inc. The name of the patentee(s) has been changed to **NuVasive, Inc.**