

## AUSTRALIAN OFFICIAL JOURNAL

## OF

## PATENTS

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## General Information

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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 |
| $900,000-999,999$ | Provisiona |

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

$$
\begin{aligned}
\text { e.g. } 2002200345 & \text { Standard } \\
2002100123 & \text { Innovation }
\end{aligned}
$$

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:

| $\underline{I T E M}$ | $\underline{\text { INID }}$ | $\underline{\text { ITEM }}$ | $\underline{\text { INID }}$ |
| :--- | :--- | :--- | :--- |
| $\underline{\text { No. }}$ |  |  |  |

## A) Provisional applications filed - Name Index

The name of the applicant
The Provisional application number
The date of filing

INID
No.

## C) Applications open to public inspection -

 Name IndexThe name of the applicant
The number of the document
(21)

B) Complete applications filed - Name Index

The name of the applicant (71)
The number assigned to the application (21)
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

## ITEM

D) Applications entered National Phase -

## Name Index

The name of the applicant
The number of the document
The number assigned to the application
(21)

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


| The date of filing | (22) |
| :---: | :---: |
| The title | (54) |
| The classification marks | (51) |
| PCT publication number | (87) |
| Priority document number | (31) |
| Date of filing of priority document(s) | (32) |
| Country in which priority document filed | (33) |
| Publication date of unexamined document | (43) |
| Inventors names if known | (72) |
| Patent Attorneys | (74) |
| ITEM | INID |

## F) Patents Certified - Name Index

The name of the applicant
The number of the accepted document (10)
The number assigned to the application (21)
The date of filing
The title
The classification marks
Priority document number
Date of filing of priority document(s)
Country in which priority document filed
Publication date of granted patent
Inventors names
Patent Attorneys
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 $\underline{N}$ umbers for the Identification of Data'.
(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 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 $A U-A$ or $A U-B$.
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<br>: $\quad$ No. 2002300863 in the name of Euroceltique S.A.<br>Title : Controlled release formulation<br>Action : Opposition by Sandoz Pty Ltd to the grant of a patent<br>Decision : Issued 12 November 2009.


#### Abstract

The specification relates to a sustained release form of the drug tramadol. The invention is defined by reference to dissolution rates of the tramadol, which were found to be logically related to achieving sustained release for a 12 hour dosing. However, any preparation that achieves a 12 hour release would inevitably possess the dissolution profile of the specification.

The opposition succeeds on the grounds of inventive step and clarity. Inventive step: The problem addressed by the specification is the provision of a sustained release tramadol preparation suitable for 12 hour dosing.

A person faced with the problem of producing a sustained release form of tramadol would have ascertained, understood and regarded as relevant documents that discussed the preparation of sustained release preparations, if those documents referred to tramadol as a suitable active ingredient. From that point it would have been a matter of routine to make adjustment to the preparation to alter the dissolution profile.


EP 147780 refers to tramadol as a drug suitable for incorporation in a sustained release preparation. The inclusion of tramadol in the preparation, and any necessary adjustment to achieve sustained release over 12 hours would have been a matter of routine. Claims 1, 18, 19 and 20 lack inventive step.

DE 3810343 is in German, and does not contain an English language abstract. Where a person has a reason to consider a document could likely be relevant, it is reasonable to expect that they would obtain a translation (which would make the full content of the document understandable). In the present case, a motivation to obtain a translation is not apparent from the face of the document. The declarants did not indicate that they considered the German language document relevant. It has not been established that this document could have been regarded as relevant.

Clarity: The scope of the omnibus claim (claim 17) could not be determined due to inconsistencies in the description.

## ABSTRACTS OF DECISIONS

## DECISION OF A DELEGATE OF THE COMMISSIONER OF PATENTS

| Application | $:$ | No. 749848 <br> PTY LTD |
| :--- | :--- | :--- |
| Title the name of LYNX ENGINEERING CONSULTANTS |  |  |


#### Abstract

In a decision issued on 13 March 2007 it was found that certain claims lacked novelty. Amendments have been filed and allowed that overcome the deficiencies identified in the decision, and do not introduce any new deficiencies. Nevertheless, the application could not proceed to sealing at this time due to a pending appeal and cross-appeal against the decision.

Subject to the outcome of the appeal and cross-appeal, the applicant can ask for a direction that the application proceed to sealing.


## ABSTRACTS OF DECISIONS

## DECISION OF A DELEGATE OF THE COMMISSIONER OF PATENTS

| Application | $:$ | No. 754689 in the name of Aristocrat Technologies Australia Pty Ltd |
| :--- | :--- | :--- |
| Title | $:$ | Slot Machine Game and System with Improved Jackpot Feature |
| Action | $:$ | Opposition by IGT under s.59 of the Act |
| Decision | $:$ | Issued 16 November 2009 |


#### Abstract

The opposition fails. The claims are clear when read in light of the specification to explain the background to the claims, to ascertain the meaning of technical terms and to resolve ambiguities in the construction of the claims. The claims are also fairly based and the specification meets the requirements of Section 40(2)(a) and (b).

The claims are novel. In particular there is no disclosure of an event having a probability that is related to the desired average turnover.


The claims have an inventive step. The evidence filed does not establish that all the features of the claims were common general knowledge at the priority date. Alternatively, if it is accepted that all the individual elements of the claims were common general knowledge, the evidence does not establish that the person skilled in the art would, as a matter of routine, have selected the particular features claimed and combined them in the same way. Additionally the evidence does not establish that the person skilled in the art would have been motivated in some way to alter the respective features in these documents, including the addition of common general knowledge, so that they matched what was claimed.

The claims are clearly directed to a manner of manufacture.
Costs awarded against the opponent.

## 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

1
2
3
3
4

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

574353 (14)
598168 (14)
601324 (14)
604553 (14)
605691 (14)
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## Meaning

Application Lapsed Section 142(2)(a) \S 47(C)\} Application Lapsed Section 142(2)(b)
Application Lapsed Section 142(2)(c) \S 52B(3)\}
Application Lapsed Section 142(2)(d) \S 47D(1) \}
Application Lapsed Section 142(2)(e) \S 53\
Application Lapsed Section 142(2)(f)/Reg 8.3(3)
Application Lapsed Reg. 3.2(5)(a) \R 7B(3) \}
Application Lapsed Reg. 3.4(6)
Application Lapsed Section 142(3)
Application Lapsed Section 142(4)(b)
Application Lapsed Section 148(1)(c)
Application Withdrawn Section 141(1)/Reg 8.3(2) \S 37\}
Application Withdrawn Section 141(3)/Reg 8.3(2)
Patent Ceased Section 143(a), or Expired
Patent Ceased Section 143(b)
Application refused

Applications Not Open to Public Inspection

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

615144 (14)
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| 625220 (14 ) | 625288 (14) |
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| 629741 (14 ) | 629750 (14) |
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| 631415 (14) | 631536 (14) |
| 631786 (14 ) | 631847 (14) |
| 632106 (14 ) | 632108 (14) |
| 632482 (14 ) | 632555 (14) |
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| 633094 (14 ) | 633252 (14) |
| 633561 (14 ) | 633789 (14) |
| 634236 (14 ) | 634375 (14) |
| 634959 (14) | 634961 (14) |

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

635012 (14
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## Appls Lapsed:W/drawn, Pat. Ceased:Exp/d cont'd

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## 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.

703548 Bang \& Olufsen Technology A/S An application to extend the time from 30 Aug 2007 to 30 Aug 2009 in which to pay a renewal fee has been lodged. Address for service in Australia - SPRUSON \& FERGUSON GPO Box 3898 SYDNEY NSW 2001

758424 Revolution Eyewear, Inc. An application to extend the time from 28 Oct 2008 to 28 Oct 2009 in which to pay a renewal fee has been lodged. Address for service in Australia - R. Joseph Trojan C/- Freehills Level 43, 101 Collins Street Melbourne VIC 3000

769039 Brown, C.J. An application to extend the time from 23 Feb 2008 to 23 Sep 2009 in which to pay a renewal fee has been lodged. Address for service in Australia - Collison \& Co GPO Box 2556 ADELAIDE SA 5001

## 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.

711309 2-(4-substituted)-benzylamino-2-methyl-propanamide derivatives Newron Pharmaceuticals S.p.A. The nature of the proposed amendment is as shown in the statement(s) filed 16 Oct 2009. . Address for service in Australia - Griffith Hack GPO Box 1285 MELBOURNE VIC 3001

773891 Dimeric thrombopoietin peptide mimetics binding to MP1 receptor and having thrombopoietic activity Kirin-Amgen Inc. The nature of the proposed amendment is as shown in the statement(s) filed 14 Aug 2009. . Address for service in Australia - Shelston IP Level 2160 Margaret Street SYDNEY NSW 2000

## Opposition Proceedings

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

## Opposition Withdrawn

781207 Lubrizol Corporation, The (E. I. Du Pont De Nemours and Company)

## Assignments Registered

617601 Bristol-Myers Squibb Company The patent has been assigned to SIGMA PHARMACEUTICALS (AUSTRALIA) PTY LTD

647933 Bristol-Myers Squibb Company The patent has been assigned to SIGMA PHARMACEUTICALS (AUSTRALIA) PTY LTD

662572 Association Pour L’Essor De La Transfusion Sanguine Dans La Region Du Nord The patent has been assigned to Etablissement Francais du Sang

669850 Arnold I. Caplan; Stephen E Haynesworth The patent has been assigned to Osiris Therapeutics, Inc.

671211 Milacron Inc. The patent has been assigned to Milacron LLC

682566 Milacron Inc. The patent has been assigned to Milacron LLC

683128 Mitsubishi Rayon Company Limited The patent has been assigned to UMG ABS, Ltd.

707900 UTZ Quality Foods, Inc. The patent has been assigned to Rice Investments, LP

711095 The Nutrasweet Company The patent has been assigned to Nutrasweet Property Holdings, Inc.

712770 The Nutrasweet Company The patent has been assigned to Nutrasweet Property Holdings, Inc.

729618 US Bancorp Card Services Inc. The patent has been assigned to Syncada LLC

733598 Minergy Corp. The patent has been assigned to Minergy Corporation Limited

741145 The Johns Hopkins University School of Medicine; Eisai Corporation of North America The patent has been assigned to The Johns Hopkins University School of Medicine; Eisai Inc.

742110 The Johns Hopkins University School of Medicine; Eisai Corporation of North America The patent has been assigned to The Johns Hopkins University School of Medicine; Eisai Inc.

746644 Eisai Corporation of North America The patent has been assigned to Eisai Inc.

760520 Bristol-Myers Squibb Company The patent has been assigned to SIGMA PHARMACEUTICALS (AUSTRALIA) PTY LTD

768380 Ecologic Holdings Pty Ltd The patent has been assigned to Wallis Group Pty Ltd

771262 Eisai Corporation of North America The patent has been assigned to Eisai Inc.

778279 Eisai Corporation of North America The patent has been

## Assignments Registered - cont'd

assigned to Eisai Inc.
778687 Aearo Technologies LLC The patent has been assigned to 3M Innovative Properties Company

779010 The Johns Hopkins University School of Medicine; Eisai Corporation of North America The patent has been assigned to The Johns Hopkins University School of Medicine; Eisai Inc.

785319 Eisai Corporation of North America The patent has been assigned to Eisai Inc.

## Licences Registered

(The name in parentheses is that of the licensee)

601167 Abbott GmbH \& Co. KG (Abbott Australasia Pty Ltd)

## Mortgages Registered

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

741012 GM Global Technology Operations, Inc. (United States Department of the Treasury, The)

739638 GM Global Technology Operations, Inc. (United States Department of the Treasury, The)

725991 GM Global Technology Operations, Inc. (United States Department of the Treasury, The)

680165 GM Global Technology Operations, Inc. (United States Department of the Treasury, The)

665317 GM Global Technology Operations, Inc. (United States Department of the Treasury, The)

644982 GM Global Technology Operations, Inc. (United States Department of the Treasury, The)

## Extensions of Term of Standard Patents, Section 70

## Refusal

The following application(s) for Extension of Term have been refused under Section 74 by a Decision of the Commissioner.

680635 G.D. Searle LLC

PREZISTA darunavir

Application accepted

Notice of opposition under Section 75(1) to the undermentioned application(s) for an extension of term may be lodged at the Patent Office within the prescribed time.

652273 Shionogi Seiyaku Kabushiki Kaisha
DORIBAX doripenem

Address for Service: Shelston IP Level 2160 Margaret Street SYDNEY NSW 2000

Date extended term due to expire on 18/08/2017

