

Australian Government

IP Australia

AUSTRALIAN OFFICIAL JOURNAL

OF

PATENTS

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General Information

For information on the following please see our website <u>www.ipaustralia.gov.au</u> or contact our Customer Service Network on 1300651010

Editorial enquiries
Contact information
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Professional Standards Board
Sales
Requests for Information under Section 194 (c)
Country Codes
Trade Mark and Designs Hearing Sessions
INID (Internationally agreed Numbers for the Identification of Data)

GUIDE TO THE USE OF THIS JOURNAL

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

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

(i) FILING -

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

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

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

(iii) NATIONAL PHASE ENTRY (NPE) -

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

(iv) ACCEPTANCE -

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

(v) OPPOSITION -

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

(vi) SEALING -

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

(vii) CERTIFICATION-

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

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

How To Identify Information Using "INID" Numbers

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

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

(22) 12.10.91

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

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

How Australian Patent Documents are Numbered

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

There will be number ranges for types of patents:

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

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

1. Provisional Applications are given a ten-figure number

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

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

e.g. 2002200345 Standard 2002100123 Innovation

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

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

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

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

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

Arrangement of Information in the Journal

For each of the categories

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

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

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

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

Using the Indices

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

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

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

The date of filing	(22)	The date of filing	(22)
The title	(54)	The title	(54)
The classification marks	(51)	The classification marks	(51)
Priority document number(s)	(31)	PCT publication number	(87)
Date of filing of priority document(s)	(32)	Priority document <u>number</u>	(31)
Country in which priority document filed	(33)	Date of filing of priority document(s)	(32)
Publication date of unexamined document	(43)	Country in which priority document filed	(33)
Inventors names if known	(72)	Publication date of unexamined document	(43)
Patent Attorneys	(74)	Inventors names if known	(72)
Related by addition	(61)	Patent Attorneys	(74)
Related by division	(62)		` '
ITEM	INID	ITEM	INID
TEM	No.	TEM .	No.
	140.		140.
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 date of filing	(22)
The <u>date</u> of filing	(22)	The <u>title</u>	(54)
The <u>title</u>	(54)	The classification marks	(51)
The <u>classification</u> <u>marks</u>	(51)	Priority document <u>number</u>	(31)
PCT publication <u>number</u>	(87)	Date of filing of priority document(s)	(32)
Priority document <u>number</u>	(31)	Country in which priority document filed	(33)
<u>Date</u> of filing of priority document(s)	(32)	Publication date of granted patent	(45)
Country in which priority document filed	(33)	Inventors <u>names</u>	(72)
Publication date of unexamined document	(43)	Patent Attorneys	(74)
Publication date of examined document	(44)	Related by division	(62)
Publication date of granted patent	(45)		
Inventors <u>names</u>	(72)		
Patent Attorneys	(74)		
Related by addition	(61)		
Related by division	(62)		

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

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

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

The following Numerical Indices are available:

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

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

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

The indices to use are

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

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

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

'INID' NUMBERS in use on Australian Patent Documents

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

(10) Document identification

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

(20) Document filing data

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

(30) Priority data

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

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

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

(50) Technical Information

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

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

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

(70) Identification of parties concerned with the document

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

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

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

NOTE

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

AU-A = Pre-examination

AU-B = Post-examination

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

Official Notice

Close-down periods for the Patent, Trade Marks, Designs Offices and the sub-offices

The close-down provisions in the Patents, Trade Marks and Designs legislation provide for the effect of the Patent Office, the Trade Marks Office and the Designs Office in Canberra or any of their sub-offices in the State capitals not being open for business.

On 23 October 2009, IP Australia's Director General declared under the close-down provisions the days when the Patent, Trade Marks and Designs Offices and their sub-offices would not be open for business. This covers the period from 6 November 2009 to 1 January 2011.

Authorised Australia Post outlets, "IP Lodgement Points", in Hobart, Perth, Adelaide, Sydney, Darwin and Melbourne are sub-offices for the purposes of the Patents, Trade Marks and Designs legislation. These Australia Post outlets may be physically open to the general public for other services provided by Australia Post during the close-down period. However, as declared by the Director General, they are taken not to be open for business for the purposes of lodging IP documents and/or making IP-related payments from Friday 25 December 2009 until Friday 1 January 2010.

If the last day for doing an act is a day when a sub-office is not open for business, section 222A(1) of the Patents Act, section 223A(1) of the Trade Marks Act and section 136A(1) of the Designs Act allow for the act to be done on the next day when the sub-office is open for business. This means that customers will not be disadvantaged by the closure of the sub-offices for the period between Christmas Day and the New Year's Day holiday.

Contact: IP Australia **Phone:** 1300 651 010 **Fax:** +61 2 6283 7999

E-mail: assist@ipaustralia.gov.au Web: www.ipaustralia.gov.au

Official Notice

Amendments to Patents Regulations 2004

On 25 November 2009, the Federal Executive Council made the *Intellectual Property Law Amendment Regulations 2009 (No.2)* (the IP Regulations). The IP Regulations have been registered on the Federal Register of Legislative Instruments and copies are available from the ComLaw website (www.comlaw.gov.au).

Amongst other matters, the IP Regulations will amend the *Patents Regulations 1991* (the Patents Regulations) to:

- facilitate the operation of the *Patents Act 1990* (the Patents Act) by enabling the Commissioner of Patents (the Commissioner) to fully participate in electronic document transfer arrangements
- clarify the formality requirements that generally apply to the filing of applications and requests with IP Australia—especially the need to supply key pieces of information
- enable the publishing of a substantial majority of search results filed under subsection 45(3) of the Patents Act from the date of commencement of the IP Regulations
- repeal a specific provision relating to electronic communications that is generally provided for under the *Electronic Transactions Act 1999*.

In detail the IP Regulations will amend the Patents Regulations by:

- Facilitating electronic document transfer arrangements—specifically:
 - o Amending subregulation 1.3 (1) to add a definition for *approved digital library*. The Commissioner will be able to approve a digital library by listing it in the Official Journal.
 - Amending the heading of regulation 1.6 to indicate its general applicability.
 - o Inserting new regulation 1.6A to facilitate the operation of section 8 of the Patents Act through the use of approved digital libraries. The Commissioner can treat a patent document that the applicant has made available to the Commissioner via an approved digital library as though the document had been filed directly with the Commissioner by the applicant. Applicants will still be able to file copies of patent documents under the existing provisions if they so choose.
 - Amending regulation 3.22 to enable the Commissioner to give information and documents relating to patent applications that have become open to public inspection (OPI) to the International Bureau or a foreign patent office. The applicant's consent will still be required for the disclosure of applications, documents and information that is not OPI.
 - Amending the heading of regulation 8.6 to indicate its general applicability.
 - o Inserting new regulation 8.6A to facilitate the operation of section 95 of the Patents Act through the use of approved digital libraries.

- Clarify the formality requirements—specifically:
 - o Inserting new regulation 1.8 providing for the general requirements for the filing of applications and requests either in paper form (subregulation 1.8 (1)) or by using an electronic process (subregulation 1.8 (2)). These requirements include complying with directions and providing mandatory information.
 - Amending the wording of regulation 3.2A so that the formality requirements for making an application for a standard patent—including the patent request being in the approved form—are aligned with the formality requirements that currently apply for applications for innovation patents as set out in regulation 3.2B. If applicants for standard patents do not comply with the amended requirements, then their application will lapse.
 - o Amending the definition of *document* for the purposes of regulation 22.16 as a consequence of the amended formality requirements set out in regulation 3.2A.
 - o Amending the heading of Schedule 3 to the Patents Regulations to include reference to the amended formality requirements set out in regulation 3.2A.
- Repealing paragraph 4.3 (1) (d) so that the substantial majority of search results filed under subsection 45(3) of the Patents Act become OPI from the date of commencement of the IP Regulations. Following the amendment, if an applicant chooses to file search results which are associated with a case-file that is OPI, then the search results will be made OPI from the date that they are added to the case-file. If the associated case-file is not OPI, then the search results will be OPI from the date that the case-file is made OPI. It is intended that search results on case-files that are OPI—but have not been accepted—before the commencement date of the IP Regulations will be made OPI on the commencement date.
- Repealing regulation 22.8A which provides for facsimile transmission as a means of filing documents.

The amendments to the Patents Regulations will commence on 12 December 2009.

Queries: Leo O'Keeffe

Director – Domestic Policy

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Official Notice

Approved Digital Library

On 25 November 2009, the Federal Executive Council made the *Intellectual Property Law Amendment Regulations 2009 (No.2)* (the IP Regulations).

The amendments introduced by the IP Regulations will commence on 12 December 2009.

Amongst other matters, the IP Regulations will amend subregulation 1.3 (1) of the *Patents Regulations 1991* to add a definition for *approved digital library* as follows:

approved digital library means a library or other facility that the Commissioner specifies as a digital library, for this definition, in the *Official Journal*.

Therefore, the Commissioner specifies that, effective on 12 December 2009, each digital library participating in the system administered by the International Bureau of the World Intellectual Property Organization, known as the "Digital Access Service for Priority Documents" is a digital library for the purposes of the definition of *approved digital library*.

Queries: Leo O'Keeffe

Director – Domestic Policy

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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.

678237 **Hexal Pharma GmbH** An application to extend the time from 20 Apr 2008 to 20 Sep 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

Applications Allowed - Section 223(2)

709266 **MeadWestvaco Packaging Systems, LLC** The time in which to pay a renewal fee has been extended to 26 Sep 2009. Address for service in Australia - SPRUSON & FERGUSON GPO Box 3898 SYDNEY NSW 2001

718143 **Swiss Pacific Group Ltd,** The time in which to pay a renewal fee has been extended to 26 Sep 2009 . Address for service in Australia - Sateesh Apte c/- ImmunoScience, Inc 6670 Owens Dr, Pleasanton CA 94588

748440 **Live Tissue Connect, Inc.** The time in which to pay a renewal fee has been extended to 9 Oct 2009 . Address for service in Australia - Chrysiliou Law Mount View Place Suite 6, 322 Mountain Highway WANTIRNA Vic 3152

Opposition Proceedings

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

Opposition under Section 104(4) - Lodged

731391 Kissei Pharmaceutical Co. Ltd. (Gavin Recchia)

Letters Patent Sealed

Standard Patents

783650

Assignments Registered

636411 Interactive Sports Holdings, Inc. The patent has been assigned to **Rovi Technologies Corporation**

674934 British Technology Group Limited The patent has been assigned to **Penn Pharmaceutical Services Limited**

683728 Novozymes Delta Limited The patent has been assigned to Novozymes Biopharma DK A/S

685763 Entek Corporation The patent has been assigned to **Nufarm Australia Limited**

689529 Cecil S.A. The patent has been assigned to V 33 SA

698319 Novozymes Delta Limited The patent has been assigned to **Novozymes Biopharma DK A/S**

698409 Novozymes Delta Limited The patent has been assigned to **Novozymes Biopharma DK A/S**

702567 Novozymes Delta Limited The patent has been assigned to Novozymes Biopharma DK A/S

703506 Mediaseek Technologies Inc. The patent has been assigned to **ProQuest Information Access ULC**

714588 Tru-Fit Marketing Corporation The patent has been assigned to **3M Innovative Properties Company**

715138 Trophix Pharmaceuticals, Inc.; The Research Foundation of The State University of New York The patent has been assigned to The Research Foundation of The State University of New York; NPS Pharmaceuticals, Inc.

723364 UCB The patent has been assigned to UCB Farchim SA

728359 Nokia Telecommunications Oy The patent has been assigned to **Spyder Navigations L.L.C.**

730350 The Procter & Gamble Company The patent has been assigned to **Meredian, Inc.**

736052 UCB The patent has been assigned to UCB Farchim SA

736404 Novozymes Delta Limited The patent has been assigned to Novozymes Biopharma DK A/S

742418 Eisai Corporation of North America The patent has been assigned to **Eisai Inc.**

746015 JLJ Medical Devices, International, LLC The patent has been assigned to **Innovative Surgical Technologies**, **Inc.**

747318 Marketswitch Corporation The patent has been assigned to **Experian Information Solutions, Inc.**

748678 Bouygues; Lafarge; Rhodia Chimie The patent has been assigned to Lafarge; Bouygues Travaux Publics

AUSTRALIAN OFFICIAL JOURNAL OF PATENTS

Assignments Registered - cont'd

752335 Strongabuilt Pty Ltd The patent has been assigned to Mrs Mac's Pty Ltd

755230 The Procter & Gamble Company The patent has been assigned to **Meredian, Inc.**

763899 Novozymes Delta Limited The patent has been assigned to **Novozymes Biopharma DK A/S**

765147 Alizyme Therapeutics Limited The patent has been assigned to **Norgine B.V.**

765631 Procur AB The patent has been assigned to **Glycorex Transplantation AB (PUBL)**

767985 Siemens Aktiengesellschaft The patent has been assigned to **Puren GmbH**

768809 Pyung Yul Park The patent has been assigned to **Kolon Glotech, Inc.**

769761 Marketswitch Corporation The patent has been assigned to Experian Information Solutions, Inc.

770342 Alizyme Therapeutics Limited The patent has been assigned to **Norgine B.V.**

771554 Schur Consumer Products A/S The patent has been assigned to **Schur Intellectuals A/S**

Alteration Of Name In Register

631192 Mitsubishi Kagaku latron, Inc. The name of the patentee(s) has been changed to **Mitsubishi Chemical Medience Corporation**

635759 Novozymes Delta Limited The name of the patentee(s) has been changed to **Novozymes Biopharma UK Limited**

646469 Stahlgruber Otto Gruber GmbH & Co KG The name of the patentee(s) has been changed to ${\bf Stahlgruber\ Otto\ Gruber\ AG}$

712509 Imaje S.A. The name of the patentee(s) has been changed to **Markem-Imaje**

741153 Imec VZW The name of the patentee(s) has been changed to IMEC

746580 Ecole Polytechnique Federale de Lausanne ; Molecular Devices Corporation The name of the patentee(s) has been changed to Ecole Polytechnique Federale de Lausanne ; MDS Analytical Technologies (US) Inc.

755183 Williames Hi-Tech International Pty Ltd The name of the patentee(s) has been changed to **Williames Pty Ltd**

772366 Potencia Medical AG The name of the patentee(s) has been changed to ${\bf Prosthesica}~{\bf AG}$