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PATENTS

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Contents

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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 agreed **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 **I**nternational **P**atent **C**lassification. 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:

ITEM	INID No.
A) Provisional applications filed - Name Index	
The name of the applicant	(71)
The Provisional application number	(21)
The date of filing	(22)
The title of the invention	(54)

ITEM	INID No.
B) Complete applications filed - Name Index	
The name of the applicant	(71)
The number assigned to the application	(21)
The date of filing	(22)
Title of the invention	(54)
Number of priority document(s) if any	(31)
Date(s) of filing of priority documents	(32)
Country of which priority documents filed	(33)
PCT application number	(86)

ITEM	INID No.
C) Applications open to public inspection - Name Index	
The name of the applicant	(71)
The number of the document	(11)
The number assigned to the application	(21)

ITEM	INID No.
D) Applications entered National Phase - Name Index	
The name of the applicant	(71)
The number of the document	(11)
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)

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 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)

ITEM	INID No.
F) Patents Certified – Name Index	
The name of the applicant	(71)
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)
Priority document number	(31)
Date of filing of priority document(s)	(32)
Country in which priority document filed	(33)
Publication date of granted patent	(45)
Inventors names	(72)
Patent Attorneys	(74)
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 '**I**nternationally 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 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.

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	Meaning
1	Application Lapsed Section 142(2)(a) \S 47(C)\
2	Application Lapsed Section 142(2)(b)
3	Application Lapsed Section 142(2)(c) \S 52B(3)\
4	Application Lapsed Section 142(2)(d) \S 47D(1)\
5	Application Lapsed Section 142(2)(e) \S 53\
6	Application Lapsed Section 142(2)(f)/Reg 8.3(3)
7	Application Lapsed Reg. 3.2(5)(a) \R 7B(3)\
8	Application Lapsed Reg. 3.4(6)
9	Application Lapsed Section 142(3)
10	Application Lapsed Section 142(4)(b)
11	Application Lapsed Section 148(1)(c)
12	Application Withdrawn Section 141(1)/Reg 8.3(2) \S 37\
13	Application Withdrawn Section 141(3)/Reg 8.3(2)
14	Patent Ceased Section 143(a), or Expired
15	Patent Ceased Section 143(b)
16	Application refused
17	Application Lapsed Regulation 22.2
A	Applications on which examination has not been requested or directed
B	Applications on which a direction to request examination has been given
C	Applications on which examination has been requested or on which an examination report has been issued
D	Applications which have been accepted or advertised accepted, (including applications which have also been advertised 'Not Sealed')
N	Applications Not Open to Public Inspection

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

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

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Extensions of Time, Section 223

Applications Allowed - Section 223(2)

724907 **Enzon Pharmaceuticals Inc.** The time in which to pay a renewal fee has been extended to 12 Oct 2009 . Address for service in Australia - SPRUSON & FERGUSON GPO Box 3898 SYDNEY NSW 2001

759729 **Financial Engines, Inc.** The time in which to pay a renewal fee has been extended to 23 Sep 2009 . Address for service in Australia - Davies Collison Cave Level 15 1 Nicholson Street MELBOURNE VIC 3000

Mortgages Registered

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

781515 **Samsonite IP Holdings S.a.r.l.** (Royal Bank of Scotland plc, The)

Notice of Intention to Amend pursuant to Order 58 Rule 10(1) of the Federal Court Rules

Australia Patent 706700 in the name of Amgen Inc

Notice of Intention to Amend pursuant to Order 58 Rule 10(1) of the Federal Court Rules

Australian Patent 752215 in the name of Danisco A/S

AUSTRALIA

Patents Act 1990

NOTICE

OF

APPLICATION TO AMEND LETTERS PATENT

PURSUANT TO SECTION 105

Danisco A/S

of Langebrogade 1
1001 Copenhagen
Denmark

hereby gives notice that it intends to apply under sub-section 105(1) of the Patents Act 1990 for an Order directing the amendment of the Australian Letters Patent No. 752215 for an invention entitled "Foodstuff" in accordance with the Advertisement lodged herewith.

The Applicant's address for service is C/- WRAYS, Ground floor, 56 Ord Street, West Perth, Western Australia, Australia 6005.

DATED: 26 March 2010

WRAYS
Attorneys for the Applicant

TO: The Commissioner of Patents
IP Australia
PO Box 200
WODEN ACT 2606

SECTION 105 PATENTS ACT

Advertisement pursuant to Order 58 r10(1) of the Federal Court Rules.

IDENTITY OF PROCEEDINGS

Court: Federal Court of Australia
New South Wales District Registry
General Division
No. NSD 1968 of 2008

Parties: Danisco A/S
(First Applicant)
Danisco Australia Pty Ltd (ACN 096 139 392)
(Second Applicant)

Novozymes A/S
(First Respondent)
Novozymes Australia Pty Ltd (ACN 001 420 677)
(Second Respondent)

PARTICULARS OF PROPOSED AMENDMENT

Dansico A/S, the registered proprietor of Australian Letter Patent No. 752215 (the "Patent"), will seek an Order under Section 105(1) of the Patents Act 1990directing the amendment of the Patent as follows:

1. Page 8: Delete text "water, ethanol" from line 19 as shown in the attached pages.

2. Page 11: Delete text "water, ethanol" from line 31 as shown in the attached pages.

3. Claims Pages: Delete text "water, ethanol" from line 8 as shown in the attached pages.

APPLICANT'S ADDRESS FOR SERVICE

WRAYS
Ground Floor,
56 Ord Street
West Perth, Western Australia, 6005
Australia
Tel: (08) 9216 5100
Fax: (08) 9216 5199

Attention: Brendan Peachey

OPPOSITION

Any person or corporation intending to oppose the application not being a party to the proceeding must not later than 28 days after the publication of this advertisement, give written notice of that intention to each of the Commissioner of Patents and Danisco A/S at the above address for service.

javanicus, Candida antarctica, Chromobacterium viscosum, Pseudomanas fluorescens, Pseudomonas nitroreducans, Chromobacterium viscosum, Bacillus subtilis, mutants and combinations thereof.

Preferably, the conversion agent is present in the foodstuff. More preferably, the conversion agent is present in an inactive form or in a denatured form in the foodstuff.

In one aspect of the present invention the at least one functional ingredient may be generated from the at least one constituent of the food material by two or more conversion agents. The at least one constituent may be contacted with the two or more conversion agents at the same time or in series or a combination thereof.

Preferably, the at least one constituent of the food material is selected from esters, monoglycerides, diglycerides, triglycerides, fats, including lard, tallow and butter fat; fatty acids, fatty acid esters, waxes, wax esters, oils including oils extracted from or derived from palm oil, sunflower oil, soya bean oil, safflower oil, cotton seed oil, ground nut oil, corn oil, olive oil, peanut oil, coconut oil and rape seed oil, a constituent comprising a hydroxy group (-OH), polyvalent alcohols, including glycerol; ~~water, ethanol,~~ sugars including sucrose, fructose, glucose (dextrose), lactose, and galactose; dextrins including maltodextrin, sorbitol, mannitol, fruit acids and hydroxy acids including citric acid, tartaric acid, lactic acid and ascorbic acid; proteins, amino acids, protein hydrolysates, peptides (partly hydrolysed protein); mixtures and derivatives thereof.

Preferably, the at least one constituent of the food material is in liquid form.

The term "triglyceride" preferably means a triester of an alcohol, preferably glycerol, and a fatty acid. More preferably the triglyceride fatty acid is a triester of an alcohol, preferably glycerol, and a C4 to C24 fatty acid. Preferably the triglyceride fatty acid has an iodine value of from 0 to 125, preferably from 0 to 60.

second constituent is proteinatious; wherein the first constituent interesterifies with the proteinatious second constituent. In these manners, it is possible to produce protein fatty acid condensate.

Protein fatty acid condensate has very good surface active properties. Protein fatty acid condensate is known within the cosmetic and textile industry (see Herstellung und Anvendungmöglichkeiten von Eiweiss-Fettsäurekondensaten. Andreas Sander, Eberhard Eilers, Andrea Heilmann, Edith von Kreis. Fett/lipid 99 (1997) Nr. 4, 115-120). This condensate is normally produced by a reaction between protein and fatty acid chloride as disclosed in Sander et al. However, enzymatic processes for the production of protein fatty acid condensate from protein and fatty acid is known (WO 97/14713). The present applicants have identified that by utilising the commonly occurring constituents of food material, an emulsifier in the form of protein fatty acid condensate may be provided.

This is particularly advantageous because protein forms part of many types of food and is the basic material in many products, for example meat products. In the food industry protein is also often used as a purified protein isolated from milk and plants, such as soya, wheat, rice. Protein is also prepared and is available in hydrolysed form, i.e. protein hydrolysate, peptides or amino acids.

In the above aspect of the present invention, wherein a protein fatty acid condensate is formed, it is important to contact the first constituent and the second constituent with the conversion agent under conditions of agitation. Moreover, it is important to contact these constituents under conditions of controlled water activity. Both of these preferred features will assist in obtaining a maximum conversion rate of first constituents/second constituent to functional ingredient.

Preferably, the second constituent of the food material/foodstuff is selected from a constituent comprising a hydroxy group (-OH), polyvalent alcohols, including glycerol; ~~water, ethanol,~~ sugars including sucrose, fructose, glucose (dextrose), lactose, and galactose; dextrins including maltodextrin, sorbitol, mannitol, fruit acids and hydroxy

ester and the second constituent of the food material by the enzyme.

8. A process according to any one of the preceding claims wherein the second constituent is hydrophilic.

9. A process according to any one of the preceding claims wherein the second constituent is selected from a constituent comprising a hydroxy group (-OH), polyvalent alcohols, including glycerol; ~~water, ethanol.~~ sugars including sucrose, fructose, glucose (dextrose), lactose, and galactose; dextrins including maltodextrin, sorbitol, mannitol, fruit acids and hydroxy acids including citric acid, tartaric acid, lactic acid and ascorbic acid; mixtures arid derivatives thereof.

10. A process according to any one of the preceding claims wherein the second constituent is glycerol.

11. A process according to any one of claims 1 to 9 wherein the second constituent is a sugar or a sugar alcohol.

12. A process according to any one of claims 1 to 9 wherein the second constituent is ascorbic acid.

13. A process according to any one of claims 1 to 8 wherein the second constituent is selected from proteins, amino acids, protein hydrolysates, peptides (partly hydrolysed protein), derivatives and mixtures thereof.

14. A process according to any one of the preceding claims wherein the foodstuff is selected from baked goods, including breads, cakes, muffins, doughnuts, biscuits, crackers and cookies; confectionery, including candies, caramels, chocolate and puddings; frozen products, preferably frozen dairy products, including ice cream and ice milk; dairy products, including coffee cream, whipped cream, custard cream, milk drinks and yoghurts; meat products, including processed meat products; edible oils and fats, including w/o emulsions, o/w emulsions, margarine shortening and spreads; fine foods, including sauces and mayonnaise.

javanicus, Candida antarctica, Chromobacterium viscosum, Pseudomanas fluorescens, Pseudomonas nitroreducans, Chromobacterium viscosum, Bacillus subtilis, mutants and combinations thereof.

Preferably, the conversion agent is present in the foodstuff. More preferably, the conversion agent is present in an inactive form or in a denatured form in the foodstuff.

In one aspect of the present invention the at least one functional ingredient may be generated from the at least one constituent of the food material by two or more conversion agents. The at least one constituent may be contacted with the two or more conversion agents at the same time or in series or a combination thereof.

Preferably, the at least one constituent of the food material is selected from esters, monoglycerides, diglycerides, triglycerides, fats, including lard, tallow and butter fat; fatty acids, fatty acid esters, waxes, wax esters, oils including oils extracted from or derived from palm oil, sunflower oil, soya bean oil, safflower oil, cotton seed oil, ground nut oil, corn oil, olive oil, peanut oil, coconut oil and rape seed oil, a constituent comprising a hydroxy group (-OH), polyvalent alcohols, including glycerol; sugars including sucrose, fructose, glucose (dextrose), lactose, and galactose; dextrins including maltodextrin, sorbitol, mannitol, fruit acids and hydroxy acids including citric acid, tartaric acid, lactic acid and ascorbic acid; proteins, amino acids, protein hydrolysates, peptides (partly hydrolysed protein); mixtures and derivatives thereof.

Preferably, the at least one constituent of the food material is in liquid form.

The term "triglyceride" preferably means a triester of an alcohol, preferably glycerol, and a fatty acid. More preferably the triglyceride fatty acid is a triester of an alcohol, preferably glycerol, and a C4 to C24 fatty acid. Preferably the triglyceride fatty acid has an iodine value of from 0 to 125, preferably from 0 to 60.

second constituent is proteinatious; wherein the first constituent interesterifies with the proteinatious second constituent. In these manners, it is possible to produce protein fatty acid condensate.

Protein fatty acid condensate has very good surface active properties. Protein fatty acid condensate is known within the cosmetic and textile industry (see Herstellung und Anvendungmöglichkeiten von Eiweiss-Fettsäurekondensaten. Andreas Sander, Eberhard Eilers, Andrea Heilmann, Edith von Kreis. Fett/lipid 99 (1997) Nr. 4, 115-120). This condensate is normally produced by a reaction between protein and fatty acid chloride as disclosed in Sander et al. However, enzymatic processes for the production of protein fatty acid condensate from protein and fatty acid is known (WO 97/14713). The present applicants have identified that by utilising the commonly occurring constituents of food material, an emulsifier in the form of protein fatty acid condensate may be provided.

This is particularly advantageous because protein forms part of many types of food and is the basic material in many products, for example meat products. In the food industry protein is also often used as a purified protein isolated from milk and plants, such as soya, wheat, rice. Protein is also prepared and is available in hydrolysed form, i.e. protein hydrolysate, peptides or amino acids.

In the above aspect of the present invention, wherein a protein fatty acid condensate is formed, it is important to contact the first constituent and the second constituent with the conversion agent under conditions of agitation. Moreover, it is important to contact these constituents under conditions of controlled water activity. Both of these preferred features will assist in obtaining a maximum conversion rate of first constituents/second constituent to functional ingredient.

Preferably, the second constituent of the food material/foodstuff is selected from a constituent comprising a hydroxy group (-OH), polyvalent alcohols, including glycerol; sugars including sucrose, fructose, glucose (dextrose), lactose, and galactose; dextrins including maltodextrin, sorbitol, mannitol, fruit acids and hydroxy

ester and the second constituent of the food material by the enzyme.

8. A process according to any one of the preceding claims wherein the second constituent is hydrophilic.

9. A process according to any one of the preceding claims wherein the second constituent is selected from a constituent comprising a hydroxy group (-OH), polyvalent alcohols, including glycerol; sugars including sucrose, fructose, glucose (dextrose), lactose, and galactose; dextrins including maltodextrin, sorbitol, mannitol, fruit acids and hydroxy acids including citric acid, tartaric acid, lactic acid and ascorbic acid; mixtures arid derivatives thereof.

10. A process according to any one of the preceding claims wherein the second constituent is glycerol.

11. A process according to any one of claims 1 to 9 wherein the second constituent is a sugar or a sugar alcohol.

12. A process according to any one of claims 1 to 9 wherein the second constituent is ascorbic acid.

13. A process according to any one of claims 1 to 8 wherein the second constituent is selected from proteins, amino acids, protein hydrolysates, peptides (partly hydrolysed protein), derivatives and mixtures thereof.

14. A process according to any one of the preceding claims wherein the foodstuff is selected from baked goods, including breads, cakes, muffins, doughnuts, biscuits, crackers and cookies; confectionery, including candies, caramels, chocolate and puddings; frozen products, preferably frozen dairy products, including ice cream and ice milk; dairy products, including coffee cream, whipped cream, custard cream, milk drinks and yoghurts; meat products, including processed meat products; edible oils and fats, including w/o emulsions, o/w emulsions, margarine shortening and spreads; fine foods, including sauces and mayonnaise.

AUSTRALIA

Patents Act 1990

NOTICE

OF

APPLICATION TO AMEND LETTERS PATENT

PURSUANT TO SECTION 105

AMGEN INC.

of Amgen Center
1840 Dehavilland Drive
Thousand Oaks
CA 91320-1789
United States of America

hereby gives notice that it intends to apply under sub-section 105(1) of the Patents Act 1990 for an Order directing the amendment of the Australian Letters Patent No. 706700 for an invention entitled "N-terminally chemically modified protein compositions and methods" in accordance with the Advertisement lodged herewith.

The Applicant's address for service is c/- Shelston IP, 60 Margaret Street, Sydney, New South Wales, 2000.

DATED:

by .....
IVAN RAJKOVIC
Fellow Institute of Patent and Trade Mark
Attorneys of Australia of Shelston IP

SHELSTON IP
Attorneys for the Applicants

TO: The Commissioner of Patents
Australian Industrial Property Organisation
PO Box 200
WODEN ACT 2606

SECTION 105 PATENTS ACT

Advertisement pursuant to Order 58 rule 10(1) of the Federal Court Rules

IDENTITY OF PROCEEDINGS

Court: Federal Court of Australia
New South Wales District Registry
General Division
No. NSD 1281 of 2009

Parties: Hospira, Inc.
(First Applicant/First Cross-Respondent)

Hospira Pty Ltd
(Second Applicant/Second Cross-Respondent)

Hospira Adelaide Pty Limited
(Third Applicant/Third Cross-Respondent)

Amgen Inc.
(Respondent/Cross-Claimant)

PARTICULARS OF PROPOSED AMENDMENT

Amgen Inc., the registered proprietor of Australian Letters Patent No. 706700 (the "Patent"), will seek an Order under Section 105(1) of the Patents Act 1990 directing the amendment of the Patent as follows:

1. Body of specification (page 7, line 9): Amend as shown in Annexure 1
2. Claim 1A: Add as shown in Annexure 1. Support for claim 1A can be found at page 6 lines 33 to page 7 line 1, page 16 lines 14 to 16, Example 2 (in particular page 36 lines 30 to 34).
3. Claim 2: Amend as shown in Annexure 1
4. Claim 3: Amend as shown in Annexure 1
5. Claim 7: Amend as shown in Annexure 1
6. Claim 8: Amend as shown in Annexure 1

APPLICANT'S ADDRESS FOR SERVICE

Shelston IP
60 Margaret Street
Sydney NSW 2000

Tel: (02) 9777 1111
Fax: (02) 9241 4666

Attention: Jacinta Flattery-O'Brien

OPPOSITION

Any person or corporation intending to oppose the application not being a party to the proceedings must not later than 28 days after the publication of this advertisement, give written notice of that intention to each of the Commissioner of Patents and Amgen Inc. at the above address for service.

Shelston ip

ABN 58 855 816 942

The Commissioner of Patents
WODEN ACT 2606

25 March 2010

Our Ref: 18844.00

Speed Dial: 508

CCN: 3710000352

Contact:
Jacinta Flattery-O'Brien, PhD

Australian Patent No. 706700
Amgen Inc.
Title: N-TERMINALLY CHEMICALLY MODIFIED PROTEIN COMPOSITIONS AND METHODS

STATEMENT OF PROPOSED AMENDMENTS - SECTION 105(1)

Complete Specification

Description

1. Cancel page 7 now on file and replace with new page 7

Claims

2. Cancel page 49 now on file and replace with new page 49

DATED this 25th day of March 2010
Amgen Inc.

by .....
IVAN RAJKOVIC
Fellow Institute of Patent and Trade Mark Attorneys of Australia of Shelston IP

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General
DX 10339
Sydney Stock Exchange
Email: email@SheltonIP.com
Internet: www.SheltonIP.com

polymer/protein conjugate having an amide linkage. One other protein so modified (as described in a working example below) is consensus interferon. Thus, as described below in more detail, the present invention has a number of aspects relating to chemically modifying proteins (of analogs thereof) as well as specific modifications of specific proteins.

According to a first aspect the invention consists in a substantially homogenous preparation of N-terminally mono-pegylate G-CSF or an analog thereof.

According to a second aspect the invention consists in a substantially homogenous preparation of N-terminally monopegylated G-CSF, wherein (a) said G-CSF has the amino acid sequence identified in SEQ ID NO. 2; (b) said G-CSF is monopegylated with a polyethylene glycol moiety having a molecular weight of about 12 kDa.

According to a third aspect the invention consists in a mixed preparation of G-CSF or analog thereof comprising a preparation of N-terminally monopegylated G-CSF or analog thereof mixed with a preparation of multipegylated G-CSF or analog thereof wherein the proportion of said preparation of monopegylated G-CSF or analog thereof is predetermined.

According to a fourth aspect the invention consists in a pharmaceutical composition comprising an effective amount of a preparation selected from among those according to any one of the first, second or third aspects, in a pharmaceutically acceptable diluent, adjuvant or carrier.

According to a fifth aspect the invention consists in a process for preparing N-terminally monopegylated G-CSF or an analog thereof comprising the step of

(a) reacting in an aqueous medium G-CSF or its analog having an alpha-amino-group at its N-terminus with a water-soluble polyethylene glycol having a single aldehyde group under conditions of a reductive alkylation and at a pH sufficiently acidic to selectively activate the alpha-amino-group.

THE CLAIMS DEFINING THE INVENTION ARE AS FOLLOWS:

1. A substantially homogenous preparation of N-terminally mono-pegylated G-CSF or an analog thereof.

1A. A substantially homogenous preparation of N-terminally mono-pegylated G-CSF or an analog thereof wherein said polyethylene glycol is linked to said G-CSF with an amine linkage.

2. A preparation according to Claim 1 or Claim 1A further including a pharmaceutically acceptable diluent, carrier or adjuvant.

3. A preparation according to any one of Claims 1 to 2 where said polyethylene glycol has a molecular weight of between 2 kDa and 100 kDa.

4. A preparation according to Claim 3 wherein said polyethylene glycol has a molecular weight of between 6 kDa and 25 kDa.

5. A preparation according to any one of Claims 1 to 4 wherein said preparation is comprised of at least 90% N-terminally monopegylated G-CSF or analog thereof and at most 10% unpegylated G-CSF or analog thereof.

6. A preparation according to Claim 5 wherein said preparation is comprised of at least 95% N-terminally monopegylated G-CSF or analog thereof and at most 5% unpegylated G-CSF or analog thereof.

7. A preparation according to any one of Claims 1 to 6 wherein said G-CSF has the sequence identified in SEQ ID NO.2.

8. A substantially homogenous preparation of N-terminally monopegylated G-CSF, wherein: (a) said G-CSF has the amino acid sequence identified in SEQ ID 2; (b) said G-CSF is monopegylated with a polyethylene glycol moiety having a molecular weight of about 12 kDa.

9. A mixed preparation of G-CSF or analog thereof comprising a preparation of N-terminally monopegylated G-CSF or an analog thereof mixed with a preparation of multipegylated G-CSF or analog thereof wherein the proportion of said preparation of monopegylated G-CSF or analog thereof is predetermined.

10. A mixed preparation according to Claim 9 wherein said preparation of N-terminally monopegylated G-CSF is selected from among those of Claims 1 to 8.

11. A pharmaceutical composition comprising an effective amount of a preparation selected from among those according to any one of Claims 1 to 10, in a pharmaceutically acceptable diluent, adjuvant or carrier.

polymer/protein conjugate having an amide linkage. One other protein so modified (as described in a working example below) is consensus interferon. Thus, as described below in more detail, the present invention has a number of aspects relating to chemically modifying proteins (of analogs thereof) as well as specific modifications of specific proteins.

According to a first aspect the invention consists in a substantially homogenous preparation of N-terminally mono-pegylate G-CSF or an analog thereof.

According to a second aspect the invention consists in a substantially homogenous preparation of N-terminally monopegylated G-CSF, wherein (a) said G-CSF has the amino acid sequence identified in SEQ ID NO. 21; (b) said G-CSF is monopegylated with a polyethylene glycol moiety having a molecular weight of about 12 kDa.

According to a third aspect the invention consists in a mixed preparation of G-CSF or analog thereof comprising a preparation of N-terminally monopegylated G-CSF or analog thereof mixed with a preparation of multipegylated G-CSF or analog thereof wherein the proportion of said preparation of monopegylated G-CSF or analog thereof is predetermined.

According to a fourth aspect the invention consists in a pharmaceutical composition comprising an effective amount of a preparation selected from among those according to any one of the first, second or third aspects, in a pharmaceutically acceptable diluent, adjuvant or carrier.

According to a fifth aspect the invention consists in a process for preparing N-terminally monopegylated G-CSF or an analog thereof comprising the step of:

(a) reacting in an aqueous medium G-CSF or its analog having an alpha-amino-group at its N-terminus with a water-soluble polyethylene glycol having a single aldehyde group under conditions of a reductive alkylation and at a pH sufficiently acidic to selectively activate the alpha-amino-group.

THE CLAIMS DEFINING THE INVENTION ARE AS FOLLOWS:

1. A substantially homogenous preparation of N-terminally mono-pegylated G-CSF or an analog thereof.

1A. A substantially homogenous preparation of N-terminally mono-pegylated G-CSF or an analog thereof wherein said polyethylene glycol is linked to said G-CSF with an amine linkage.

2. A preparation according to Claim 1 or Claim 1A further including a pharmaceutically acceptable diluent, carrier or adjuvant.

3. A preparation according to any one of Claims 1 ~~or to Claim~~ 2 where said polyethylene glycol has a molecular weight of between 2 kDa and 100 kDa.

4. A preparation according to Claim 3 wherein said polyethylene glycol has a molecular weight of between 6 kDa and 25 kDa.

5. A preparation according to any one of Claims 1 to 4 wherein said preparation is comprised of at least 90% N-terminally monopegylated G-CSF or analog thereof and at most 10% unpegylated G-CSF or analog thereof.

6. A preparation according to Claim 5 wherein said preparation is comprised of at least 95% N-terminally monopegylated G-CSF or analog thereof and at most 5% unpegylated G-CSF or analog thereof.

7. A preparation according to any one of Claims 1 to 6 wherein said G-CSF has the sequence identified in SEQ ID NO.21.

8. A substantially homogenous preparation of N-terminally monopegylated G-CSF, wherein: (a) said G-CSF has the amino acid sequence identified in SEQ ID 21; (b) said G-CSF is monopegylated with a polyethylene glycol moiety having a molecular weight of about 12 kDa.

9. A mixed preparation of G-CSF or analog thereof comprising a preparation of N-terminally monopegylated G-CSF or an analog thereof mixed with a preparation of multipegylated G-CSF or analog thereof wherein the proportion of said preparation of monopegylated G-CSF or analog thereof is predetermined.

10. A mixed preparation according to Claim 9 wherein said preparation of N-terminally monopegylated G-CSF is selected from among those of Claims 1 to 8.

11. A pharmaceutical composition comprising an effective amount of a preparation selected from among those according to any one of Claims 1 to 10, in a pharmaceutically acceptable diluent, adjuvant or carrier.