



**Australian Government**

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**IP Australia**

**AUSTRALIAN OFFICIAL JOURNAL**

**OF**

**PATENTS**



**Contents**

**General Information & Notices**

**Alteration Of Name In Register ..... 72**

**Applications Lapsed, Refused Or Withdrawn  
Patents Ceased or Expired ..... 72**

**Licences Registered ..... 72**

**Opposition Proceedings ..... 72**



## *General Information*

*For information on the following please see our website [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au)  
or contact our Customer Service Network on 1300651010*

*Editorial enquiries*

*Contact information*

*Freedom of Information ACT*

*Professional Standards Board*

*Sales*

*Requests for Information under Section 194 (c)*

*Country Codes*

*Trade Mark and Designs Hearing Sessions*

*INID (Internationally agreed Numbers for the Identification of Data)*

## GUIDE TO THE USE OF THIS JOURNAL

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

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

### (i) FILING -

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

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

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

### (iii) 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.

### (iv) 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.

### (v) 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.

### (vi) CERTIFICATION

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

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

## How To Identify Information Using "INID" Numbers

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

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

(22) 12.10.91

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

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

## How Australian Patent Documents are Numbered

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

There will be number ranges for types of patents:

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

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

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

e.g. 2002901123

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

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

e.g. 2002200345 Standard

2002100123 Innovation

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

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

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

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

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

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

## Arrangement of Information in the Journal

For each of the categories

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

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

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

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

## Using the Indices

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

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

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

<u>ITEM</u>	<u>INID</u> <u>No.</u>	<u>ITEM</u>	<u>INID</u> <u>No.</u>
<b>C) Applications open to public inspection - Name Index</b>		<b>D) Applications accepted - Name Index</b>	
The <u>name</u> of the applicant	(71)	The <u>name</u> of the applicant	(71)
The <u>number</u> of the document	(11)	The <u>number</u> of the document	(11)
The <u>number</u> assigned to the application	(21)	The <u>number</u> of the accepted document	(10)
The <u>date</u> of filing	(22)	The <u>number</u> assigned to the application	(21)
The <u>title</u>	(54)	The <u>date</u> of filing	(22)
The <u>classification marks</u>	(51)	The <u>title</u>	(54)
Priority document <u>number(s)</u>	(31)	The <u>classification marks</u>	(51)
<u>Date</u> of filing of priority document(s)	(32)	PCT publication <u>number</u>	(87)
<u>Country</u> in which priority document filed	(33)	Priority document <u>number</u>	(31)
Publication <u>date</u> of unexamined document	(43)	<u>Date</u> of filing of priority document(s)	(32)
Inventors names if known	(72)	<u>Country</u> in which priority document filed	(33)
<u>Patent Attorneys</u>	(74)	Publication <u>date</u> of unexamined document	(43)

<u>ITEM</u>	<u>INID</u> <u>No.</u>
<b>E) Patents Certified – Name Index</b>	
The <u>name</u> of the applicant	(71)
The <u>number</u> of the accepted document	(10)
The <u>number</u> assigned to the application	(21)
The <u>date</u> of filing	(22)
The <u>title</u>	(54)
The <u>classification marks</u>	(51)
Priority document <u>number</u>	(31)
<u>Date</u> of filing of priority document(s)	(32)
<u>Country</u> in which priority document filed	(33)
Publication <u>date</u> of granted patent	(45)
Inventors <u>names</u>	(72)
<u>Patent Attorneys</u>	(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 **Accepted**.
- F) 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.

The indices to use are

- A) Applications **OPI** - IPC Index
- B) Applications **accepted** - IPC Index.

These indices give you the numbers of the applications which are either OPI 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 Numbers 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 known to be such
- (74) Name(s) of attorney(s) or agent(s)
- (75) Name(s) of inventor(s) who is (are) also applicant(s)

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

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

**NOTE**

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

**AU-A** = Pre-examination

**AU-B** = Post-examination

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

Official Notice

## Amendments to Patents Regulations 1991

On 29 June 2010, the Federal Executive Council made the *Patents Amendment Regulations 2010* (the Regulations). The Regulations have been registered on the Federal Register of Legislative Instruments and copies are available from the ComLaw website ([www.comlaw.gov.au](http://www.comlaw.gov.au)).

The Regulations amend the *Patents Regulations 1991* (the Patents Regulations) to:

- update the *Regulations under the Patent Cooperation Treaty* (PCT Rules) set out in Schedule 2A to the Patents Regulations. This is to reflect changes agreed to by the Assembly of the Patent Cooperation Treaty (PCT) at a meeting held in September to October 2009;
- enable the results of documentary searches provided under subsection 45(3) of the *Patents Act 1990* (the Act) that are associated with a PCT application to be made open to public inspection (OPI) when the PCT application is made OPI.
- amend and increase a number of the fees set out in Schedule 7 to the Patents Regulations. This is primarily to ensure that the revenue received from patent rights is sufficient to cover the costs of administering those rights.

The following provides more detail on the amendments.

### Schedule 1

#### PCT Rules

The changes to the PCT Rules are set out in the World Intellectual Property Organization document PCT/A/40/2 Rev. This document is available at:

[http://www.wipo.int/edocs/mdocs/govbody/en/pct\\_a\\_40/pct\\_a\\_40\\_7.pdf](http://www.wipo.int/edocs/mdocs/govbody/en/pct_a_40/pct_a_40_7.pdf).

The text of the amendments appears in Annexes I to III.

The amendments update the PCT Rules by:

- clarifying the procedure for an Authority under the PCT to place limitations and conditions on the carrying out of supplementary searches (Annex 1);
- requiring an applicant filing amendments to an international application to indicate the basis for the amendments in the application as filed (Annex II); and
- amending the procedures to be followed when an Authority prescribes the payment of fees in a currency that is not freely convertible to Swiss currency or to the currency to which the International Searching Authority has fixed its fees (Annex III).

## Search results

The amendments repeal paragraph 8.4(2)(d) to enable search results provided under subsection 45(3) of the Act that are associated with a PCT application to be made open to public inspection (OPI) when the PCT application is made OPI.

The *Intellectual Property Law Amendment Regulations 2009 (No.2)* commenced on 12 December 2009. These amendments repealed paragraph 4.3(1)(d) so that the substantial majority of search results filed under subsection 45(3) of the Act become OPI. Subparagraph 8.4(2) prescribes those documents that become OPI with a PCT application and those that are excepted from becoming OPI. The repealing of paragraph 8.4(2)(d) means that search results provided under subsection 45(3) of the Act are no longer an exception to these documents.

## **Schedule 2**

### Patent fees

The amendments introduce two new fees to Schedule 7:

- Item 201(a) - the filing of a request for a patent accompanied by a provisional specification by electronic means as approved by the Commissioner.
- Item 222A – amendments to complete specifications after acceptance of the specification. To encourage more succinct patent claims and to make the fees paid by applicants commensurate with the amount of work carried out by IP Australia, new item 222A provides the fee to be paid on the grant of leave to amend a complete specification after the complete specification is accepted. The fee is to be paid for each additional claim that arises if:
  - more than 20 claims are contained in the complete specification as proposed to be amended; and
  - the effect of the proposed amendment would be to increase the number of claims in the complete specification.

Fee item 222A is to be paid on the grant of leave rather than on application because the number of claims can change up until leave is granted. Applicants should note that applications filed prior to the commencement date of the fee changes and granted after the commencement date would normally incur the new fee.

The amendments introduce provisions for when the fee identified in item 222A is not paid within the set period:

- new subparagraph 22.2EA of the Patents Regulations mirrors the existing provisions under subparagraph 22.2B;
- amendments to subparagraph 22.2F(5) ensure that an error on the part of the Commissioner by not inviting payment of the fee defined in item 222A does not hinder the processing of an application.

The amendments add new item 214A to Schedule 7 to better define the national phase entry fee. Subparagraph 22.2(4)(a)(i) of the Patents Regulations is amended to identify the fee in item 214A as the prescribed fee to be paid to permit processing of the PCT application in the national phase in Australia.

The amendments increase a number of the fees set out in Schedule 7. The complete amendments to the patent fees are shown in red text in the following table.

### Amendments to Schedule 7 - patent fees

Red text indicates a change to the regulations.

Part 2	General fees	
Item	Matter	New fee
201	Filing a request for a patent accompanied by a provisional specification: (a) by an electronic means approved by the Commissioner for this paragraph; (b) by another means	 \$80 \$110
203	Filing a request for a standard patent accompanied by a complete specification: (a) by an electronic means approved by the Commissioner for this paragraph; (b) by another means	 \$340 \$370
205	Filing a request for an examination, under section 45 of the Act, of a standard patent request and complete specification if item 204 does not apply	\$450
207	Filing a request under paragraph 101 (b) of the Act, by the patentee of an innovation patent, for the examination of the complete specification relating to the innovation patent	\$400
208	Filing a request under paragraph 101 (b) of the Act, by a person other than the patentee of an innovation patent, for the examination of the complete specification relating to the innovation patent:  (a) payable by the person making the request; and (b) payable by the patentee	  \$200 \$200

211	Continuation fee under paragraph 142 (20 (d) of the Act, or renewal fee under paragraph 143 (a) of the Act, for: (f) the tenth anniversary (g) the eleventh anniversary (h) the twelfth anniversary (i) the thirteenth anniversary (j) the fourteenth anniversary (k) the fifteenth anniversary (l) the sixteenth anniversary (m) the seventeenth anniversary (n) the eighteenth anniversary (o) the nineteenth anniversary	\$450 \$450 \$450 \$450 \$450 \$1,020 \$1,020 \$1,020 \$1,020 \$1,020
212	Renewal fee under paragraph 143A (d) of the Act for: (d) the fifth anniversary (f) the seventh anniversary	\$200 \$200
213	Acceptance of a patent request and complete specification under section 49 of the Act: (a) for acceptance; and	\$200
214A	National phase entry of a PCT application under paragraph 89(3)(b) of the Act	\$340
216	Filing a notice of opposition under regulation 5.3 or 5.3AA	\$600
222A	Grant of leave to amend a complete specification relating to a standard patent, or relating to an application for a standard patent, after the complete specification is accepted, if (a) more than 20 claims are contained in the complete specification as proposed to be amended; and (b) the effect of the proposed amendment would be to increase the number of claims in the complete specification	\$100 for each additional claim that arises as described in paragraph (b)

223	Filing a request for leave to amend a patent request for an innovation patent to make it a patent request for a standard patent	\$190
238	Filing an application under subsection 70 (1) of the Act for the grant of an extension of the term of a standard patent	\$2,000
<b>Part 3</b>	<b>General fees for international applications</b>	
302	Search fee under Rule 16 of the PCT	\$1,900
303	Additional fee for search under Article 17 (3) (a) of the PCT	\$1,900

#### Commencement

The Schedule 1 amendments to the Patents Regulations relating to the PCT Rules and publication of search results commenced on 1 July 2010.

The Schedule 2 amendments relating to the patent fees commence on 1 August 2010.

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## 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

740758 ( 4D )

### Opposition Proceedings

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

#### Opposition Withdrawn

783012 **Sprint Communications Company, L.P.** (Telstra Corporation Limited)

### Licences Registered

(The name in parentheses is that of the licensee)

735103 **Siemens Water Technologies Corp.** (Memcor Australia Pty Ltd)

683135 **Oxford Instruments (UK) Ltd. and Paik, H.J.** (ARKeX Ltd.)

### Alteration Of Name In Register

646965 Alusuisse Technology & Management Ltd. The name of the patentee(s) has been changed to **3A Technology & Management Ltd.**

650769 Alusuisse Technology & Management Ltd. The name of the patentee(s) has been changed to **3A Technology & Management Ltd.**

683808 Tesa AG The name of the patentee(s) has been changed to **Tesa SE**

690143 Sigma Pharmaceuticals Pty Ltd The name of the patentee(s) has been changed to **Sigma Pharmaceuticals (Australia) Pty Ltd**

731943 Centor Products Pty Ltd The name of the patentee(s) has been changed to **Centor Australia Pty Ltd**

733936 Jaram Products Pty The name of the patentee(s) has been changed to **Jaram Products Pty Ltd**

739178 Centor Products Pty Ltd The name of the patentee(s) has been changed to **Centor Australia Pty Ltd**

743229 Schwarz Pharma AG The name of the patentee(s) has been changed to **UCB Pharma GmbH**

749753 Centor Products Pty Ltd The name of the patentee(s) has been changed to **Centor Australia Pty Ltd**

752033 Pyxis Corporation The name of the patentee(s) has been changed to **CareFusion 303, Inc.**

767580 Affitech AS The name of the patentee(s) has been changed to **Affitech Research AS**

776853 Hollis-Eden Pharmaceuticals, Inc. The name of the patentee(s) has been changed to **Harbor BioSciences, Inc.**

781997 Hollis-Eden Pharmaceuticals, Inc. The name of the patentee(s) has been changed to **Harbor BioSciences, Inc.**

782736 Hollis-Eden Pharmaceuticals, Inc. The name of the patentee(s) has been changed to **Harbor BioSciences, Inc.**

783535 Centor Products Pty Ltd The name of the patentee(s) has been changed to **Centor Australia Pty Ltd**