



**Australian Government**

---

**IP Australia**

**AUSTRALIAN OFFICIAL JOURNAL**

**OF**

**PATENTS**



**Contents**

**General Information & Notices**

**Amendments, Section 104**

Applications for Amendment ..... 100

**Extensions of Time, Section 223 ..... 100**

**Letters Patent Sealed ..... 100**

**Opposition Proceedings ..... 100**

**Withdrawal of Application for a Licence ..... 100**



## *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

# Changes to Patent Examination Practice

Over the past 18 months, IP Australia has undertaken an extensive round of consultations on potential reforms of the patent system (IP Reform). This included revised proposals made in light of stakeholder feedback on the following IP Reform public consultation papers:

- Getting the Balance Right
- Exemptions to Patent Infringement
- Resolving Patent Opposition Proceedings Faster
- Resolving Divisional Applications Faster.

See - [http://www.ipaustralia.gov.au/resources/news\\_new\\_archived\\_2009.shtml#41](http://www.ipaustralia.gov.au/resources/news_new_archived_2009.shtml#41)

A key objective of the IP Reform proposals has been to improve inherent quality and certainty in the validity of granted patents. Stakeholder feedback noted that in respect of some of the proposals this could be achieved through changes to examination practices (ie applied quality) within the current legislative framework.

IP Australia has agreed and consequently is in the process of implementing changes to examination practices intended to improve applied quality and thereby certainty in the validity of granted patent rights. These practice changes have been the subject of consultations with stakeholder groups.

### **Threshold test for inventive step – ‘obvious to try’**

In the IP Reform consultations a legislative proposal to change the threshold test for inventive step was considered. The test would have included whether or not it was obvious for the skilled person to try a suggested approach, alternative or method with a reasonable expectation of success.

Stakeholder feedback noted that “*obvious to try with a reasonable expectation of success*” is an appropriate test in a number of circumstances, and that this approach has support in the High Court decision in *Aktiebolaget Hassle v Alphapharm Pty Ltd* [2002] HCA 59. Consequently the IP Reform objective could be achieved by applying this test during examination without recourse to legislative change.

The Patent Manual of Practice and Procedure was amended on 1 August to indicate that where the application relates to the solving of a problem, being either a problem that is recognised in the art or a problem that is reasonably inferred from the specification, it is appropriate for examiners to consider the question:

*Would the person skilled in the art (in all the circumstances) directly be led as a matter of course to try the claimed invention in the expectation that it might well produce a solution to the problem?*

The revised examination guidance can be found at:

[http://www.ipaustralia.gov.au/pdfs/patentsmanual/WebHelp/national/inventive\\_step/2.5.3.3.5\\_obvious\\_to\\_try.htm](http://www.ipaustralia.gov.au/pdfs/patentsmanual/WebHelp/national/inventive_step/2.5.3.3.5_obvious_to_try.htm)

### **‘Case management’ of divisional applications**

The IP Reform sought to address concerns around certainty of patent rights arising from the filing of divisional applications, particularly where divisional applications are filed with identical or substantially identical claims to those originally filed in the parent application(s). Stakeholder feedback noted that IP Reform objectives could be substantially achieved through change of practice. Consequently the following ‘case management’ approach will be employed:

- Requests for examination of all divisional applications will be expedited.
- Where grounds for objection exist, a first adverse report will issue in the normal way.
- However, where a ground of objection is substantially identical to a ground previously raised in relation to the parent application and not addressed by substantial amendment or written submissions, the report will in addition give notice to the applicant that if no response is filed within two months of the report overcoming the ground of objection the Commissioner will consider whether to direct amendment of the application under section 107 or proceed to refuse the application under section 49(2) of the Act.
- If a response overcoming the objection is not filed within that period IP Australia will contact the applicant or their attorney and discuss the case before setting the matter for hearing according to established practice. Where the matter is subject of a hearing, the hearing officer will consider all grounds of objection whether raised previously or not. Where a ground is capable of rectification a reasonable period for the applicant to overcome that ground will be provided.
- The legislation provides for appeal to the Federal Court of the hearing officer's decision under sections 49 or 107.

The 'case management' approach will ensure prompt resolution of patent rights in relation to a particular innovation, while permitting the patent applicant reasonable opportunity to structure those rights consistent with the availability of divisional applications under the Paris Convention.

Changes to the Manual of Practice and Procedure to reflect this 'case management' approach will be made on 1 October 2010. The practice of expediting examination of divisional applications will be implemented in stages after that date.

### **Enhancing examination quality**

As part of our ongoing continuous quality improvement initiatives, IP Australia is implementing improvements to continuing professional development for examiners, examination tools including the Manual of Practice and Procedure and a system of independent examination product quality review. These initiatives will support examiner decision making including that objections are raised and maintained appropriately.

**Queries:** Philip Spann  
AGM Patents and Plant Breeders Rights Group  
+61 2 6283 2348

**Contact:** IP Australia  
**Phone:** 1300 651 010  
**Fax:** +61 2 6283 7999  
**E-mail:** [assist@ipaustralia.gov.au](mailto:assist@ipaustralia.gov.au)  
**Web:** [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au)

## 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.

762619 **Windsor Caravans Pty Ltd** An application to extend the time from 5 Sep 2009 to 5 Sep 2010 in which to pay a renewal fee has been lodged . Address for service in Australia - Griffith Hack GPO Box 1285 MELBOURNE VIC 3001

781018 **Slamp Ltd.** An application to extend the time from 18 Dec 2009 to 18 Aug 2010 in which to pay a renewal fee has been lodged . Address for service in Australia - John Albert Dawson "Borriyalloak" 2339 Lismore Road Skipton Vic 3361

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

779455 **Ellice Holdings Pty Ltd** The time in which to pay a renewal fee has been extended to 15 Jul 2010 . Address for service in Australia - Ellice Holdings Pty Ltd 5 Elwood Street Golden Square VIC 3555

### Amendments, Section 104

#### Applications for Amendment

A person interested in opposing the allowance of the amendment may, at any time within three months from the date of this journal, give notice at the Patent Office using the approved form accompanied by the prescribed fee.

771984 Compounds and methods for the treatment of airway diseases and for the delivery of airway drugs **University of North Carolina at Chapel Hill, The** The nature of the proposed amendment is as shown in the statement(s) filed 2 Mar 2010. . Address for service in Australia - WATERMARK PATENT AND TRADE MARKS ATTORNEYS Level 2 302 Burwood Road HAWTHORN VIC 3122

### Opposition Proceedings

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

#### Opposition Lodged

### Withdrawal of Application for a Licence

784051

In the matter of the above Patent in the name of Robert R. Law and an Application for a Licence to Exploit an Invention by Tuffstuff (Qld) Pty Ltd and Opposition by Robert R. Law. Notice is given that Application for a Licence by Tuffstuff (QLD) Pty Ltd has been withdrawn on 24 August 2010. The opposition is now concluded.

### Opposition Proceedings - cont'd

#### Letters Patent Sealed

#### Standard Patents

739324