



**Australian Government**

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**IP Australia**

**AUSTRALIAN OFFICIAL JOURNAL**

**OF**

**PATENTS**



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## *General Information*

*For information on the following please see our website [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au)  
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*INID (Internationally agreed Numbers for the Identification of Data)*

## GUIDE TO THE USE OF THIS JOURNAL

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

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

### (i) FILING -

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

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

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

### (iii) 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><br><u>No.</u> | <u>ITEM</u>  | <u>INID</u><br><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><br><u>No.</u> | <u>ITEM</u>                                     | <u>INID</u><br><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><br><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.

## IP AUSTRALIA

## AUSTRALIAN PATENT OFFICE

*Arakis Ltd v Meda Pharma GmbH & Co. KG* [2010] APO 26

Patent Applications 776913

Title: THE TREATMENT OF RESPIRATORY DISEASES

Patent Applicant: ARAKIS LTD

Opponent: MEDA PHARMA GMBH & CO. KG

Delegate: L. F. McCAFFERY

Decision Date: 21 October 2010

Hearing Date: 4 August 2010, in Canberra

Catchwords: **PATENTS** – opposition to grant– fair basis and priority date of the claims– claimed invention not foreshadowed in the priority document– novelty– essential features of the claims and inherency– no evidence that inhaled glycopyrrolate inherently provides a therapeutic effect for greater than 12 hours– disclosure of the individual components but no clear and unmistakable directions to the claimed invention– inventive step– matter of routine to prepare dry powder formulations comprising microparticles of glycopyrrolate and carrier particles providing a therapeutic effect for greater than 12 hours– no evidence that it was a matter of routine to formulate glycopyrrolate and a hydrophobic matrix material– full description– no evidence that the *in vitro* tests described are not indicative of the desired *in vivo* controlled release properties– manner of new manufacture– the specification discloses a new substance and not a mere collocation or mere working directions– opposition successful on the ground of lack of inventive step.

Representation: Patent applicant: Mr Paul Whenman, Mr Steven Gurney and Dr Jacqueline Warner of F B Rice & Co  
Opponent: Mr Ben Fitzpatrick of Counsel instructed by Phillips Ormonde Fitzpatrick

## 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.

690166 **News Datacom Ltd.** An application to extend the time from 19 Jan 2010 to 19 Sep 2010 in which to pay a renewal fee has been lodged . Address for service in Australia - Computer Patent Annuities (Global) C/- Griffith Hack GPO Box 4164 SYDNEY NSW 2001

733361 **Creighton, J.J.** An application to extend the time from 3 Aug 2007 to 3 Aug 2010 in which to pay a renewal fee has been lodged . Address for service in Australia - Troy John Creighton 47 Tallais Close Worrige NSW 2540

739949 **Vanderwyk, F.A.** An application to extend the time from 12 Feb 2003 to 26 Aug 2010 in which to pay a renewal fee has been lodged . Address for service in Australia - F B Rice & Co Level 23 44 Market Street SYDNEY NSW 2000

754598 **Schneider, D.R.** An application to extend the time from 24 May 2010 to 24 Jul 2010 in which to pay a renewal fee has been lodged . Address for service in Australia - PIZZEYS GPO Box 1374 BRISBANE QLD 4001

773310 **Onesteel Trading Pty Ltd.** An application to extend the time from 20 Sep 2009 to 20 Sep 2010 in which to pay a renewal fee has been lodged . Address for service in Australia - Griffith Hack GPO Box 4164 SYDNEY NSW 2001

773316 **Arkion Life Sciences LLC** An application to extend the time from 6 Jan 2010 to 6 Oct 2010 in which to pay a renewal fee has been lodged . Address for service in Australia - Callinans PO Box 1189 HARTWELL VIC 3124

779333 **RP International Pty Ltd.** An application to extend the time from 2 Aug 2010 to 2 Sep 2010 in which to pay a renewal fee has been lodged . Address for service in Australia - WATERMARK PATENT AND TRADE MARKS ATTORNEYS Level 2 302 Burwood Road HAWTHORN VIC 3122

785012 **Licotec Pty Ltd** An application to extend the time from 16 Nov 2009 to 16 Aug 2010 in which to pay a renewal fee has been lodged . Address for service in Australia - SPRUSON & FERGUSON GPO Box 3898 SYDNEY NSW 2001

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

779650 **Ecogrow Technology Pty Ltd** The time in which to pay a renewal fee has been extended to 23 Jul 2010 . Address for service in Australia - F.B. Rice & Co. Level 23 200 Queen Street MELBOURNE Vic 3000

### 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.

696375 Diagnostic preparation for detection of helicobacter pylori **Orexo AB** The nature of the proposed amendment is as shown in the statement(s) filed 29 Jun 2010. . Address for service in Australia - PHILLIPS ORMONDE FITZPATRICK 367 Collins Street MELBOURNE VIC 3000

### Assignments Registered

779627 Accenture LLP The patent has been assigned to **Accenture Global Services GmbH**

779817 Accenture LLP The patent has been assigned to **Accenture Global Services GmbH**

### Extensions of Term of Standard Patents, Section 70

#### Grant

The following application(s) for Extension of Term have been granted under Section 74.

759773 **Novartis AG**

GALVUS vildagliptin

Date extended term due to expire on 09/12/2024

783756 **UCB Pharma S.A.**

CIMZIA certolizumab pegol

Date extended term due to expire on 20/01/2025