



Australian Government

IP Australia

AUSTRALIAN OFFICIAL JOURNAL

OF

PATENTS

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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> <u>No.</u>	<u>ITEM</u>	<u>INID</u> <u>No.</u>
A) Provisional applications filed - Name Index		B) Complete applications filed - Name Index	
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>
C) Applications open to public inspection - Name Index		D) Applications accepted - Name Index	
The <u>name</u> of the applicant	(71)	The <u>name</u> of the applicant	(71)
The <u>number</u> of the document	(11)	The <u>number</u> of the 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>
E) Patents Certified – Name Index	
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)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.

Abstract of Decision

IP AUSTRALIA

AUSTRALIAN PATENT OFFICE

Amgen Inc. v ImmunoGen, Inc. [2011] APO 07

Patent Applications	2003241580
Title:	Anti-IGF-I Receptor Antibody
Patent Applicant:	ImmunoGen, Inc.
Opponent:	Amgen Inc.
Delegate:	Dr S. K. Aggarwal
Decision Date:	3 February 2011
Submission Filed:	16 December, in Canberra
Catchwords:	PATENTS – request under subregulation 5.10(2) – request for extension of time to serve evidence in support – no satisfactory explanation of delay – lack of diligence by the opponent – interests of parties offsetting – public interest in determining opposition on its merits marginally outweighs other considerations
Representation:	Patent applicant: Griffith Hack, Brisbane Opponent: Phillips Ormonde Fitzpatrick, Melbourne



IP AUSTRALIA

AUSTRALIAN PATENT OFFICE

Patent Application: 2003241580
Title: Anti-IGF-I Receptor Antibody
Patent Applicant: ImmunoGen, Inc.
Date of Decision: 3 February 2011

DECISION

I grant the extension of time to serve evidence in support in respect of the patent application until 19 February 2011.

I make no award of costs.

REASONS FOR DECISION

Background

1. Patent application 2003241580 directed to Anti-IGF-I Receptor Antibody was filed on 12 June 2003 by ImmunoGen, Inc. ("ImmunoGen"). The patent application proceeded to acceptance and was advertised accepted on 19 November 2009.
2. Amgen Inc. ("Amgen") filed a notice of opposition to the patent application 2003241580 on 19 February 2010. A statement of grounds and particulars was served on 19 May 2010. The service of evidence in support was due on 19 August 2010.
3. On 19 August 2010, Amgen filed an application for extension of time to serve evidence in support from 19 August 2010 to 19 November 2010 which was granted on 1 September 2010.
4. On 18 November 2010, Amgen filed a further application for extension of time to serve evidence in support from 19 November 2010 to 19 February 2011 which was opposed by ImmunoGen.
5. On 2 December 2010, the Patent Office advised the parties that an oral hearing was not required and that the hearing will be based upon written submissions. Consequently, the parties were invited to file written submission in relation to the above matter to the Commissioner and to the other side within fourteen days from the date of advice. The parties were also given seven days (after the fourteen days time) to provide submission-in-response to the Commissioner and to the other side.
6. Amgen and ImmunoGen filed their written submissions on 16 December 2010 and submission-in-response on 23 December 2010 via their respective patent attorneys.

Application for Extension of Time

7. The circumstances in which, and the grounds upon which, the application for extension of time is made are stated to be as follows:

"Relevant citations and evidence required in support of this opposition are continuing to be collated and analyzed. In our previous extension period, we identified and

contacted an expert to assist us in the preparation of the evidence. However, the selected expert has just indicated that they are unavailable to assist. We have had numerous discussions and email exchanges with one of our inventors, and with our Australian Attorney about the potential suitability of another expert. An alternative expert was immediately sought and discussion have been undertaken to assess their suitability and availability to act as an expert in the preparation of the evidence. After contact and discussion with this alternative expert, it was considered that their expertise in the area at the time may not be suitable although he is currently an expert in the field. This has required us to seek yet another expert. We have immediately identified another potential expert and we are currently in the process of determining their suitability. Further time is therefore required to contact the newly identified expert for discussions to determine their suitability and availability and for preparing and finalising the Evidence-In-Support.”

8. I will discuss the written submission of the parties as necessary in the reasons for my decision.

Law relating to extension of time

9. The time for serving evidence in support can be extended under subregulation 5.10(2) of the *Patents Regulation 1991* which provides that:
 - (2) The Commissioner may extend the time within which the party may take a step prescribed in this Chapter (not being a step that is taken under regulation 5.3 or 5.3AA, paragraph 5.4(a), subparagraph 5.8(1)(a)(i) or regulation 5.9A):
 - (a) on the application of a party in the approved form; and
 - (b) on such reasonable terms (if any) as the Commissioner specifies; and
 - (b) after the party has served a copy of the application on the other party.

The above provision must be read in conjunction with subregulation 5.10(5) which provides that:

- (5) The Commissioner must not give a direction under subregulation (1) or grant an application under subregulation (2) or (4) unless the Commissioner:
 - (a) if he or she proposes to grant an application by a party - is reasonably satisfied that the other party has been notified of the application; and
 - (b) if he or she proposes to act on his or her own motion - ensures that the parties are notified of the proposed action; and
 - (c) in either case:
 - (i) gives the parties a reasonable opportunity to make representations concerning the application or proposed action; and
 - (ii) is reasonably satisfied that a direction, an extension of time or the serving of evidence is appropriate in all the circumstances.
10. Consequently, it is a prerequisite to any decision that the Commissioner must ensure that the other party has been notified, and that both parties have had the opportunity to make representations. In the present case the other party has been notified, and both parties have been given the opportunity to make representations.
 11. An extension can only be granted if the Commissioner is reasonably satisfied that it is appropriate. In exercising this discretion, I am guided by the decisions of Burchett J in *Ferozem Pty Ltd v Commissioner of Patents* (1994) AIPC 91-057; 28 IPR 243, Sackville J in *A Goninan & Co Ltd v Commissioner of Patents* (1997) AIPC 91-330; 38 IPR 213 and Goldberg J in *National Starch & Chemical Co v Commissioner of Patents* (2001) AIPC 91-697, 50 IPR 398. These decisions establish that:
 - (a) *The power is discretionary*: Regulation 5.10 confers a broad discretion, which cannot be reduced to imperative compliance with particular requirements. It is necessary to give genuine and proper consideration to all relevant considerations. (*Ferozem* at AIPC 38,208; IPR 247-8, *Goninan* at AIPC 39,434; IPR 220)

- (b) *Explanation of delay*: The reasons why the evidence was not served earlier are a relevant consideration, but a satisfactory explanation is not a mandatory requirement. (*Ferozem* at AIPC 38,207-8; IPR 247)
- (c) *The public interest*: The public interest in determining a serious opposition on its merits is a relevant consideration. (*Goninan* at AIPC 39, 435-6; IPR 222)
 - * In order to do this, it is necessary for the Commissioner to form a view as to the nature of the evidence that it is sought to adduce, and the significance of that evidence for the opposition proceedings. (*Goninan* at AIPC 39,438; IPR 225-6)
 - * The significance of the evidence is assessed having regard to any relevant material available, not just the evidence itself. (*National Starch* at [33])
 - * The public interest is not protected merely because some evidence has already been served. (*Goninan* at AIPC 39,438; IPR 225)
- (d) *The interests of the party seeking the exercise of discretion*: The interests of the party seeking the exercise of discretion are a relevant consideration. (*Ferozem* at AIPC 38,208; IPR 247)
- (e) *The interests of other party*: It is relevant to consider the disadvantage to the other party of delays in determining the opposition, and the effect of delays on the efficient and orderly administration of the Patent Office. (*Ferozem* at AIPC 38,208; IPR 247, *Goninan* at AIPC 39, 436; IPR 222).

Explanation of the delay

12. Amgen cited their inability to engage an expert as the sole reason for the delay in completing the evidence in support. It was submitted that discussion between Amgen and their Australian attorneys relating to potential experts were conducted on 3 August 2010 and the name of a first potential expert was cited for further consideration to determine suitability. However, the first potential expert declined their invitation to assist in the opposition. A second potential expert was identified in late October 2010, who also declined to assist. Subsequently, a third potential expert was contacted by 30 November 2010, who despite indicating his initial availability, advised Amgen that his employer did not allow its employees to engage in legal proceedings. A fourth potential expert was contacted on 8 December 2010, who immediately advised Amgen of his unavailability. A fifth potential expert was also contacted on 8 December 2010, who has indicated his preliminary availability and is seeking clearance from his institute to assist in the opposition. It was stated that further efforts have been made to progress the opposition and conduct a teleconference on 15 December 2010 to begin the early stages for the preparation of evidence. Amgen further submitted that the proceedings were not unreasonably protected because at all times they were seeking experts and that they could not expedite the process due to reasons beyond their control.
13. ImmunoGen, on the other hand, termed Amgen's statements regarding procurement of experts as mere conjecture and unsupported by any form of proof. They indicated that there was no explanation as to why the first, second and fourth experts declined to assist. ImmunoGen put the view that absent any explanation and supporting evidence from Amgen for each of the experts who declined, a possible explanation was that no expert was willing to agree to the allegation of unpatentability put by Amgen. ImmunoGen also submitted that there appeared to be a delay in identifying the first expert which was not explained.
14. I note that Amgen have had six months for engaging a suitable expert to assist them in preparing the evidence in support. I also note that it is not unusual for experts to decline participation in legal proceedings and for the parties to contact many experts for assistance which can be time consuming. However, it is clear from the evidence on file that Amgen did not even start looking for an expert until two weeks prior to the first deadline for serving evidence in support. Furthermore, they took over two months in contacting the second expert. In view of this, I cannot conclude that the time taken so far by Amgen in procuring a suitable expert is reasonable and that they have been diligent. In my opinion, Amgen have failed to provide a satisfactory explanation of the delay. However, it is noteworthy here that while a satisfactory explanation of delay is a relevant consideration, it is not a mandatory requirement for granting an extension of time.

The public interest

15. The public interest in opposition proceedings calls for a balance between said opposition being dealt with on its merits and expeditious processing. In order to determine the extent to which a correct and just determination of the opposition on its merits can be made, I need to assess the nature and the significance of the evidence that will be served.
16. Amgen submitted that objections relating to sufficiency and clarity raised in other jurisdictions were not fully considered in the examination of the opposed application in Australia. It was indicated that while the claims were limited in other jurisdictions, the claims that were granted in Australia are substantially the same as those submitted under Article 34 of the PCT during international phase, and that it was in the public interest to have the claims of the opposed application properly considered. Amgen further submitted that the prior art cited in the statement of grounds and particulars were not raised in the examination of the opposed application in Australia, and that the evidence will be served to discuss the prior art as outlined in the statement of grounds and particulars both for the purpose of lack of novelty and inventive step.
17. In reply, ImmnuGen argued that it was unreasonable to expect the claims to be identical to those granted elsewhere given that the laws of each jurisdiction are unique. They submitted that each of the prior art documents raised in the opposition was disclosed under the provisions of Section 45(3), and while the documents were not cited in an examination report, it is not correct to say that they were not considered in the examination. They submitted that Amgen's allegations are unsupported by the law or fact and that the opposition to the application is not serious.
18. Amgen have not filed any evidence in support of their opposition so far and from the submissions on file, I can see that they intend to address the grounds of opposition with the assistance of an expert. Following a brief review of the case file, I note that the prior art documents raised by Amgen in the statement of grounds and particulars were considered in the examination. However, that does not diminish the seriousness of the opposition to the application because in assessing the relevance of earlier documents, the examiner does not have the benefit of knowing the precise level of common general knowledge in the field and the benefit of evidence from people working in the field.
19. Therefore, I am of the opinion that the evidence to be served is significant in that without it there will be no serious challenge to the patent application. Although a considerable period has passed since the filing of statement of grounds and particulars by Amgen, in my view the public interest in the present case that an opposition be determined on its merits overrides the consideration that the opposition be swift. Consequently, I conclude that the public interest favours extension of time.

The interests of the party seeking the exercise of discretion

20. Amgen have an interest in submitting their evidence in support. At this juncture, they have not filed any evidence in support, and their case will be clearly prejudiced if I were to refuse the extension. I conclude that Amgen's interests lie in obtaining the extension of time.

The interests of the party opposing the exercise of discretion

21. ImmunoGen submitted that their interests lie in ensuring that the opposition to their application is determined with reasonable expedition. In my view, any unnecessary protraction of the opposition proceedings is to ImmunoGen's disadvantage and their interests clearly lie in a timely determination of the validity or otherwise of the patent application and a clear indication of the monopoly grounds that they can not encroach upon. Therefore, I conclude that ImmunoGen's interests lie in disallowing the extension of time.

Interests of the Patent Office

22. The interests of the Patent Office, although of no major significance, are in having the opposition matters resolved in a timely manner without undue delay. Considering that significant time has already elapsed since the statement of ground and particulars was served, the interests of the Patent Office favour disallowing further extension of time.

Balance of Considerations

23. The interests of Amgen and ImmunoGen are largely offsetting. The Public interest favours an extension of time. Had I been provided a satisfactory explanation of the delay, then the balance of consideration would have clearly favoured the extension. However, the absence of a satisfactory explanation of the delay leaves the considerations finely balanced. Overall, I am of the view that the public interest marginally outweighs the other considerations.

Conclusion

24. I conclude that it is appropriate to grant extension in all the circumstances.
25. I grant the extension of time to serve evidence in support in respect of the patent application until 19 February 2011.

Costs

26. Ordinarily in proceedings such as these, costs follow the event. In the present case, Amgen have not provided a satisfactory explanation of the delay and have not demonstrated that they have been diligent in preparing their evidence in support. While Amgen have been granted the extension they sought, they should not be rewarded by an award of costs in this situation. Furthermore, I consider that ImmunoGen is not entitled to an award of costs as they have been unsuccessful in opposing the extension.
27. Therefore, I make no award of costs.

Dr S. K. Aggarwal
Delegate of the Commissioner of Patents

Abstract of Decision

IP AUSTRALIA**AUSTRALIAN PATENT OFFICE*****Schering Corporation [2011] APO 10***

Patent Application: 2009200539

Title: Human receptor proteins; related reagents and methods

Patent Applicant: Schering Corporation

Delegate: Dr S.D.Barker

Decision Date: 7 February 2011

Catchwords: **PATENTS** – examiner objection – lack of unity – case management of divisional applications – no response by applicant – application refused

Representation: Patent applicant: Griffith Hack

Abstract of Decision

IP AUSTRALIA**AUSTRALIAN PATENT OFFICE*****Scott Laboratories, Inc. [2011] APO 09***

Patent Application: 2009213027

Title: Systems and methods for providing trend analysis in a sedation and analgesia system

Patent Applicant: Scott Laboratories, Inc.

Delegate: Dr S.D.Barker

Decision Date: 7 February 2011

Catchwords: **PATENTS** – examiner objection – lack of novelty and inventive step – case management of divisional applications – no response by applicant – application refused

Representation: Patent applicant: FB Rice & Co

Abstract of Decision

IP AUSTRALIA

AUSTRALIAN PATENT OFFICE

McNeil-PPC, Inc. [2011] APO 08

Patent Application: 2009202927

Title: Warming and nonirritating lubricant antifungal gel compositions

Patent Applicant: McNeil-PPC, Inc.

Delegate: Dr S.D.Barker

Decision Date: 7 February 2011

Catchwords: **PATENTS** – examiner objection – lack of unity – case management of divisional applications – no response by applicant – application refused

Representation: Patent applicant: Shelston IP

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

599396 (14)	600839 (14)	617950 (14)
620526 (14)	620727 (14)	622088 (14)
623792 (14)	624775 (14)	624971 (14)
624974 (14)	627337 (14)	627904 (14)
629662 (14)	630220 (14)	630721 (14)
632159 (14)	633117 (14)	633331 (14)
634252 (14)	634572 (14)	634794 (14)
638474 (14)	638734 (14)	641170 (14)
641322 (14)	642030 (14)	644799 (14)
647396 (14)	649339 (14)	650622 (14)
652457 (14)	654017 (14)	657551 (14)
658144 (14)	658755 (14)	658900 (14)
664183 (14)	664627 (14)	664828 (14)
667108 (14)	672023 (14)	673766 (14)
674658 (14)	674904 (14)	675725 (14)
676324 (14)	676345 (14)	676914 (14)
677418 (14)	678718 (14)	682975 (14)
685278 (14)	685748 (14)	687399 (14)
688507 (14)	688731 (14)	689917 (14)
692868 (14)	693208 (14)	696007 (14)
705384 (14)	705461 (14)	705948 (14)
708429 (14)	710267 (14)	712996 (14)
713770 (14)	716256 (14)	718499 (14)

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

719711 (14)	719903 (14)	720335 (14)
722833 (14)	722985 (14)	723954 (14)
725868 (14)	726369 (14)	727145 (14)
727271 (14)	727747 (14)	729971 (14)
730086 (14)	732053 (14)	732912 (14)
736514 (14)	736931 (14)	738580 (14)
739528 (14)	740796 (14)	741213 (14)
744249 (14)	747175 (14)	747227 (14)
751079 (14)	751318 (14)	754078 (14)
755602 (14)	760608 (14)	762190 (14)
762663 (14)	763300 (14)	763461 (14)
764916 (14)	765189 (14)	765915 (14)
766237 (14)	766527 (14)	767999 (14)
771855 (14)	771966 (14)	772320 (14)
772370 (14)	776496 (14)	778668 (14)
778859 (14)	778863 (14)	779454 (14)
779628 (14)	780223 (14)	780877 (14)
782035 (14)	782172 (14)	783411 (14)
784389 (14)		

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.

654073 Pratt Research & Development Pty Ltd An application to extend the time from 27 Jan 2010 to 27 Jan 2011 in which to pay a renewal fee has been lodged . Address for service in Australia - Davies Collison Cave Level 15 1 Nicholson Street MELBOURNE VIC 3000

751580 Leung, W.O. An application to extend the time from 13 Nov 2010 to 13 Feb 2011 in which to pay a renewal fee has been lodged . Address for service in Australia - Wai On Leung Units 601-602 Lakeside 2 Hong Kong Science Park Shatin Hong Kong

753179 Craven, T.H. An application to extend the time from 18 Mar 2010 to 18 Jan 2011 in which to pay a renewal fee has been lodged . Address for service in Australia - Davies Collison Cave Level 15 1 Nicholson Street MELBOURNE VIC 3000

775669 Breeze Power Natural Cooling Pty Ltd An application to extend the time from 10 Nov 2009 to 10 Feb 2011 in which to pay a renewal fee has been lodged . Address for service in Australia - Intellepro Patent & Trade Mark Attorneys GPO Box 1339 BRISBANE QLD 4001

Applications Allowed - Section 223(2)

704675 **University Technologies International Inc.** The time in which to pay a renewal fee has been extended to 9 Nov 2010 . Address for service in Australia - Fisher Adams Kelly GPO Box 1413 BRISBANE QLD 4001

736582 **Poly Optics Australia Pty Ltd** The time in which to pay a renewal fee has been extended to 17 Dec 2010 . Address for service in Australia - Fisher Adams Kelly GPO Box 1413 BRISBANE QLD 4001

767652 **AATechnology** The time in which to pay a renewal fee has been extended to 22 Oct 2010 . Address for service in Australia - HODGKINSON McINNES PATENTS Level 21 201 Elizabeth Street Sydney NSW 2000

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.

778474 Method and medicament for inhibiting the expression of a defined gene **Alnylam Europe AG** The nature of the proposed amendment is as shown in the statement(s) filed 1 Nov 2010. . Address for service in Australia - Griffith Hack GPO Box 4164 SYDNEY NSW 2001

Offer To Surrender Letters Patent

It is hereby notified that **Glaxo Group Limited, Glaxo Wellcome House, Berkeley Avenue Greenford, Middlesex UB6 0NN, United Kingdom**, the Patentee of Letters Patent 749549 dated 10 October 2002 for an invention titled 'Bicyclic heteroaromatic compounds as protein tyrosine kinase inhibitors' offers to surrender the said Letters Patent Any person desiring to be heard before the said offer of surrender is accepted must lodge a request to be heard within one month from the date of this journal

Assignments Registered

653989 Phoqus Limited The patent has been assigned to **Glaxo Group Limited**

659305 Worissfield Pty Ltd The patent has been assigned to **Austcast Pty Ltd**

668817 Motorola, Inc. The patent has been assigned to **Research In Motion Limited**

669788 Motorola, Inc. The patent has been assigned to **Research In Motion Limited**

674116 John Charles Booth The patent has been assigned to **William John Stevens**

678953 Motorola, Inc. The patent has been assigned to **Research In Motion Limited**

701051 Saeco IPR Limited The patent has been assigned to **Koninklijke Philips Electronics N.V.**

710458 Continental Aktiengesellschaft The patent has been assigned to **Continental Reifen Deutschland GmbH**

Assignments Registered - cont'd

716831 Mannesmann VDO AG The patent has been assigned to **Continental Automotive GmbH**

727916 Worissfield Pty Ltd The patent has been assigned to **Austcast Pty Ltd**

728943 Hydrotech Veolia Water Systems Aktiebolag The patent has been assigned to **Veolia Water Solutions & Technologies Support, VWS Support**

729802 Capitol Vial, Inc. The patent has been assigned to **CSP Technologies, Inc.**

732453 Mannesmann VDO AG The patent has been assigned to **Continental Automotive GmbH**

743691 Hydrotech Veolia Water Systems Aktiebolag The patent has been assigned to **Veolia Water Solutions & Technologies Support, VWS Support**

745137 Probex Corporation The patent has been assigned to **SARP Industries SA**

747562 Probex Corporation The patent has been assigned to **SARP Industries SA**

752536 DSM IP Assets B.V. The patent has been assigned to **Merck Patent GmbH**

754435 Hanmi Pharm. Co., Ltd. The patent has been assigned to **Hanmi Holdings Co., Ltd.**

757147 Hanmi Pharm. Co., Ltd. The patent has been assigned to **Hanmi Holdings Co., Ltd.**

759650 Saeco IPR Limited The patent has been assigned to **Koninklijke Philips Electronics N.V.**

762053 Hanmi Pharm. Co., Ltd. The patent has been assigned to **Hanmi Holdings Co., Ltd.**

766342 Saeco IPR Limited The patent has been assigned to **Koninklijke Philips Electronics N.V.**

769474 Saeco IPR Limited The patent has been assigned to **Koninklijke Philips Electronics N.V.**

770755 Saeco IPR Limited The patent has been assigned to **Koninklijke Philips Electronics N.V.**

772927 Mannesmann VDO AG The patent has been assigned to **Continental Automotive GmbH**

773255 Mannesmann VDO AG The patent has been assigned to **Continental Automotive GmbH**

774017 Mannesmann VDO AG The patent has been assigned to **Continental Automotive GmbH**

782241 Symbol Technologies, Inc. The patent has been assigned to **Microvision, Inc.**

Extensions of Term of Standard Patents, Section 70

Application filed

The following application(s) for Extension of Term under Section 70 have been filed.

715572 **Janssen Pharmaceutica N.V.**

INVEGA SUSTENNA paliperidone

745540 **Janssen Pharmaceutica N.V.**

INVEGA SUSTENNA paliperidone

Application accepted

Notice of opposition under Section 75(1) to the undermentioned application(s) for an extension of term may be lodged at the Patent Office within the prescribed time.

661086 **Genzyme Global S.a.r.l.**

MOZOBIL plerixafor

Address for Service: Davies Collison Cave Level 15 1 Nicholson Street MELBOURNE VIC 3000

Date extended term due to expire on 16/12/2017

736339 **N.V. Organon**

ELONVA corifollitropin

Address for Service: SPRUSON & FERGUSON GPO Box 3898 SYDNEY NSW 2001

Date extended term due to expire on 14/01/2023

Grant

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

678650 **AstraZeneca AB**

CLEVIPREX clevidipine butyrate

Date extended term due to expire on 03/11/2019

685532 **AstraZeneca AB**

CLEVIPREX clevidipine butyrate

Date extended term due to expire on 03/11/2019