



Australian Government

IP Australia

AUSTRALIAN OFFICIAL JOURNAL

OF

PATENTS

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GUIDE TO THE USE OF THIS JOURNAL

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

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

(i) FILING -

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

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

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

(iii) 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.

Official Notice

Intellectual Property Legislation Amendment Regulations 2011 (No. 1)

On 12 May 2011, the Federal Executive Council made the [*Intellectual Property Legislation Amendment Regulations 2011 \(No. 1\)*](#) ('the Regulations'). The Regulations have been registered in the Federal Register of Legislative Instruments and can be viewed on the ComLaw website (www.comlaw.gov.au).

With effect from **1 July 2011**, the Regulations amend the *Patents Regulations 1991*, the *Trade Marks Regulations 1995*, the *Designs Regulations 2004*, the *Plant Breeder's Rights Regulations 1994*, and the *Olympic Insignia Protection Regulations 1993* to:

- extend the range of senior Commonwealth employees who can declare days when the Patent Office, the Trade Marks Office, the Designs Office and the Plant Breeder's Rights (PBR) Office, and their respective sub-offices are taken not to be open for business
- clarify that an application to the Federal Court for a compulsory license of an invention is subject to the Federal Court Rules for service—rather than the provisions in the Patents Regulations
- more closely align the formality requirements for documents relating to patent applications—set out in Schedule 3 to the Patents Regulations—with those in Rule 11 of the Regulations under the Patent Cooperation Treaty (PCT Rules). This will require type-written patents documents to have **1½-line spacing**
- ensure that a person required to pay a fee for grant of leave to amend a complete specification, has *two* months to pay that fee following the notice of the grant of leave being published in the *Official Journal of Patents*
- update the English text of the PCT Rules set out in Schedule 2A to the Patents Regulations to reflect changes to the PCT Rules made in September 2010—commencing on 1 July 2011
- allow Australian postal addresses to be an addresses for service for all of the rights that IP Australia administers. For example, this will allow a post-office box address to be an address for service of patents documents
- correct some incorrect references in the Patents Regulations and the Trade Marks Regulations
- make detailed provision for addresses for service of documents on a range of persons engaging in proceedings under Part 17A of the Trade Marks Regulations. These proceedings relate to the extension of protection to international registrations designating Australia, or to the ceasing of the protection extended to protected international trade marks. The new provisions particularly addresses the case of a holder of an international registration who lacks an address for service in Australia.

- delete some unnecessary provisions in Part 17A of the Trade Marks Regulations—particularly paragraph 17A.25 (1) (b), which exceeds the requirements of the Madrid Protocol and Common Regulations.

Further details are set out in the [Explanatory Statement to the Regulations](#).

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E-mail: assist@ipaaustralia.gov.au
Web: www.ipaustralia.gov.au

Abstract of Decision

IP AUSTRALIA

AUSTRALIAN PATENT OFFICE

Telstra Corporation Limited v Amazon.com, Inc. 2011 APO 28

Patent Application: 762175

Title: Method and system for placing a purchase order via a communications network

Patent Applicant: Amazon.com, Inc.

Opponent: Telstra Corporation Limited

Delegate: Ed Knock

Decision Date: 9 May 2011

Hearing Date: 9 and 10 February 2011, in Canberra

Catchwords: **PATENTS** – opposition to grant – ecommerce ordering system -construction of claims – meaning of “single action” - whether claims comply with section 40 - claims held to be clear - novelty and inventive step – whether claims novel in light of prior documents and use – lack of novelty of claims 1, 4 to 7, 32 and 35 to 38 established on whole of contents basis - whether claims lack an inventive step – state of the common general knowledge – lack of an inventive step of claims 1, 2 and 4 to 61 established

Representation:

Patent applicant:	Ben Fitzpatrick of counsel, assisted by Ross McFarlane and Adrian Crooks of Phillips Ormonde Fitzpatrick, Melbourne
Opponent:	Bruce Caine SC, assisted by Duncan Longstaff of Blake Dawson, Melbourne, and Eric Braun of EMB Legal

Proceedings under the Patents Act 1990

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

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

616361 (14)	617956 (14)	621512 (14)	642679 (14)	643474 (14)	643475 (14)
623556 (14)	623810 (14)	623836 (14)	643485 (14)	643918 (14)	643971 (14)
623837 (14)	624028 (14)	624540 (14)	644758 (14)	644821 (14)	645036 (14)
624740 (14)	625004 (14)	625927 (14)	645037 (14)	645221 (14)	646229 (14)
626124 (14)	627080 (14)	627082 (14)	646233 (14)	646822 (14)	646896 (14)
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Appls Lapsed:W/drawn, Pat. Ceased:Exp/d cont'd

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 772732 (14) 772789 (14) 772895 (14)
 773438 (14) 773509 (14) 773596 (14)
 773626 (14) 774427 (14) 774442 (14)
 774571 (14) 775154 (14) 775436 (14)
 775491 (14) 775885 (14) 775977 (14)
 775988 (14) 776035 (14) 776041 (14)
 776118 (14) 776640 (14) 776944 (14)
 777352 (14) 777430 (14) 777463 (14)
 777495 (14) 777658 (14) 778042 (14)
 778195 (14) 778249 (14) 778487 (14)
 778680 (14) 778924 (14) 779496 (14)
 779603 (14) 779872 (14) 781128 (14)
 781381 (14) 781457 (14) 781763 (14)
 782247 (14) 782326 (14) 783057 (14)
 783773 (14) 783812 (14) 784016 (14)
 784052 (14) 784138 (14) 784281 (14)
 784347 (14) 784404 (14) 784425 (14)
 785195 (14) 785220 (14) 785233 (14)

Amendments, Section 104

Amendments Made

732957 **Novo Nordisk A/S** The nature of the amendment is as was notified in the Official Journal dated 9 Dec 2010

765084 **IGT** The nature of the amendment is as was notified in the Official Journal dated 6 Jan 2011

Offer To Surrender Letters Patent

It is hereby notified that **Board of Regents of the University of Texas System, The 201 West 7th Steet, Austin, TX 78701 U.S.A.**, the Patentee of Letters Patent 746442 dated 15 August 2002 for an invention titled 'UspA1 and UspA2 antigens of Moraxella catarrhalis' 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

689227 **Osteotech, Inc.** The patent has been assigned to **Warsaw Orthopedic, Inc.**

726355 **Lincoln Raikes** The patent has been assigned to **Metal Bodies Inventions Limited**

727495 **Tantivy Communications, Inc.** The patent has been assigned to **IPR Licensing, Inc.**

739912 **Osteotech, Inc.** The patent has been assigned to **Warsaw Orthopedic, Inc.**

747706 **Sea Marshall Rescue Systems, Ltd.** The patent has been assigned to **Marine Rescue Technologies Ltd**

750017 **Osteotech, Inc.** The patent has been assigned to **Warsaw Orthopedic, Inc.**

Assignments Registered - cont'd

750879 Tantivy Communications, Inc. The patent has been assigned to **IPR Licensing, Inc.**

753416 Siemens Energy & Automation, Inc. The patent has been assigned to **Siemens Industry, Inc.**

754287 Siemens Energy & Automation, Inc. The patent has been assigned to **Siemens Industry, Inc.**

756705 Osteotech, Inc. The patent has been assigned to **Warsaw Orthopedic, Inc.**

758828 Osteotech, Inc. The patent has been assigned to **Warsaw Orthopedic, Inc.**

771999 Hector Daniel Barone The patent has been assigned to **Lavant International S.A.**

780623 Southern Cross Yachts (Aust) Pty Ltd The patent has been assigned to **K K Kingston Ltd**

782882 Pharmacia Italia S.p.A. The patent has been assigned to **Nerviano Medical Sciences S.r.l.**

Mortgages Registered

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

685593 **BL Acquisition II Inc.** (Henry Schein, Inc.)

Alteration Of Name In Register

642487 Peptide Technology Ltd. The name of the patentee(s) has been changed to **Cephalon Australia Pty Ltd**

653349 Varian Australia Pty Ltd The name of the patentee(s) has been changed to **Agilent Technologies Australia (M) Pty Ltd**

683135 Oxford Instruments (UK) Limited ; Ho Jung Paik The name of the patentee(s) has been changed to **Ho Jung Paik ; Oxford Instruments Nanotechnology Tools Limited**

696281 Varian Australia Pty Ltd The name of the patentee(s) has been changed to **Agilent Technologies Australia (M) Pty Ltd**

730982 Varian Australia Pty Ltd The name of the patentee(s) has been changed to **Agilent Technologies Australia (M) Pty Ltd**

735046 Varian Australia Pty Ltd The name of the patentee(s) has been changed to **Agilent Technologies Australia (M) Pty Ltd**

737783 Varian Australia Pty Ltd The name of the patentee(s) has been changed to **Agilent Technologies Australia (M) Pty Ltd**

742119 Varian Australia Pty Ltd The name of the patentee(s) has been changed to **Agilent Technologies Australia (M) Pty Ltd**

750860 Varian Australia Pty Ltd The name of the patentee(s) has been changed to **Agilent Technologies Australia (M) Pty Ltd**

Alteration of Name in Register - cont'd

751519 Varian Australia Pty Ltd The name of the patentee(s) has been changed to **Agilent Technologies Australia (M) Pty Ltd**

767168 Varian Australia Pty Ltd The name of the patentee(s) has been changed to **Agilent Technologies Australia (M) Pty Ltd**

767216 Varian Australia Pty Ltd The name of the patentee(s) has been changed to **Agilent Technologies Australia (M) Pty Ltd**

778228 Varian Australia Pty Ltd The name of the patentee(s) has been changed to **Agilent Technologies Australia (M) Pty Ltd**

Extensions of Term of Standard Patents, Section 70

Application filed

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

672361 **Syngenta Ltd.**

ORFADIN nitisinome

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.

685644 **Grunenthal GmbH**

PALEXIA IR tapentadol

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

Date extended term due to expire on 21/07/2020

Grant

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

765919 **Novartis AG**

ONBREZ BREEZHALER indacaterol maleate

Date extended term due to expire on 02/06/2025