



Australian Government

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
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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.

AUSTRALIAN OFFICIAL JOURNAL OF PATENTS 9 June 2011

Abstract of Decision

IP AUSTRALIA

AUSTRALIAN PATENT OFFICE

Aphapharm Pty Limited & Ors v H.Lundbeck A/S [2011] APO 36

Patent: 623144

Title: (+)-enantiomer of citalopram and process for the preparation thereof

Patentee: **H.Lundbeck A/S**

Opponents: **Alphapharm Pty Ltd, Sigma Pharmaceuticals (Australia) Pty Limited, Apotex Pty Ltd and Sandoz Pty Ltd**

Delegate: Karen Ayers

Decision Date: 1 June 2011

Hearing Date: 2 March 2011

Catchwords: **PATENTS** – request under section 223 – request for extension of time to file section 70 (extension of term for a pharmaceutical substance) – misunderstanding and uncertainty in the law meant that original extension was for wrong substance – original extension was revoked by court order because of failure to meet timing requirements of section 71 – second extension of term application based on correct substance filed together with a request under section 223 for an extension of time under 223 – Regulation 22.11(4)(b) does not exclude section 70 applications from section 223 provided these are filed within the term of the patent as required by section 71(2) – causative error established to enliven section 223 – opponents would be disadvantaged by the extension but they took the risk of entering the market early despite knowing the patentee’s intention to extend the patent – balance of public interest favours the extension– while there will be a short term increase in the cost of the patented drugs, this is more than offset by the broader public interest of encouraging research and development in the pharmaceutical field– extension therefore granted –costs awarded

Representation: Representatives for H.Lundbeck A/S: *Corrs Chambers Westgarth, Melbourne*
Representatives for Alphapharm Pty Ltd: *Mallesons Stephen Jaques, Sydney*
Representatives for Sigma Pharmaceuticals (Australia) Pty Ltd: *Blake Dawson, Sydney*
Representatives for Apotex Pty Ltd: *Freehills, Melbourne*
Representatives for Sandoz Pty Ltd: *Griffith Hack, Melbourne*

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

717101 (14)	717345 (14)	717996 (14)
718006 (14)	719905 (14)	720446 (14)
721114 (14)	721341 (14)	722637 (14)
723358 (14)	725797 (14)	726487 (14)
727274 (14)	727887 (14)	727969 (14)
728327 (14)	728737 (14)	728954 (14)
730315 (14)	730731 (14)	730881 (14)
730900 (14)	731557 (14)	731642 (14)
732744 (14)	733443 (14)	733547 (14)
733548 (14)	734709 (14)	735277 (14)
736658 (14)	736804 (14)	737235 (14)
738346 (14)	738566 (14)	740127 (14)
741568 (14)	750428 (14)	751357 (14)
751448 (14)	751669 (14)	752683 (14)
753144 (14)	753164 (14)	753744 (14)
756240 (14)	756328 (14)	756726 (14)
757847 (14)	758572 (14)	759145 (14)
759463 (14)	761176 (14)	761501 (14)
761675 (14)	762083 (14)	763842 (14)
765727 (14)	766228 (14)	767518 (14)
769398 (14)	771081 (14)	775407 (14)
775677 (14)	776219 (14)	776553 (14)
776611 (14)	778969 (14)	778971 (14)
779244 (14)	779510 (14)	779620 (14)
780448 (14)	780922 (14)	783313 (14)
783374 (14)	783555 (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.

686004 **Myriad Genetics, Inc.** An application to extend the time from 11 Feb 2011 to 11 Apr 2011 in which to pay a renewal fee has been lodged . Address for service in Australia - Shelston IP Level 21 60 Margaret Street SYDNEY NSW 2000

731117 **Gifkins, R.** An application to extend the time from 30 Jun 2010 to 19 May 2011 in which to pay a renewal fee has been lodged . Address for service in Australia - Roger Gifkins 619 Belmore River Road Kempsey NSW 2440

736430 **Roads and Traffic Authority of New South Wales** An application to extend the time from 8 Apr 2010 to 8 Apr 2011 in which to pay a renewal fee has been lodged . Address for service in Australia - Shelston IP Level 21 60 Margaret Street SYDNEY NSW 2000

746438 **Ritemp Pty Ltd** An application to extend the time from 9 Jun 2010 to 3 May 2011 in which to pay a renewal fee has been lodged . Address for service in Australia - Collison & Co GPO Box

618691 (14)	626473 (14)	627373 (14)
627376 (14)	628229 (14)	629419 (14)
632182 (14)	634833 (14)	634913 (14)
635081 (14)	636679 (14)	637266 (14)
637643 (14)	638502 (14)	638786 (14)
639279 (14)	641054 (14)	641449 (14)
644109 (14)	644610 (14)	647421 (14)
648758 (14)	650293 (14)	652614 (14)
653367 (14)	656127 (14)	656745 (14)
661280 (14)	661514 (14)	661816 (14)
662767 (14)	663126 (14)	664051 (14)
665123 (14)	667328 (14)	668077 (14)
668501 (14)	669256 (14)	671606 (14)
672546 (14)	675805 (14)	675998 (14)
677021 (14)	677713 (14)	681731 (14)
684399 (14)	684550 (14)	685319 (14)
687774 (14)	688175 (14)	688292 (14)
689167 (14)	691036 (14)	691663 (14)
694273 (14)	696361 (14)	698006 (14)
698155 (14)	699268 (14)	700019 (14)
701212 (14)	703870 (14)	705638 (14)
708107 (14)	711636 (14)	712038 (14)
712570 (14)	713780 (14)	716043 (14)

Extensions of Time, Section 223 -cont'd

2556 ADELAIDE SA 5001

757862 **Precision Medical Devices, Inc.** An application to extend the time from 23 Mar 2010 to 23 Jan 2011 in which to pay a renewal fee has been lodged . Address for service in Australia - SPRUSON & FERGUSON GPO Box 3898 SYDNEY NSW 2001

Assignments Registered

685683 Jack Brabham Engines Limited The patent has been assigned to **JBEC Pty Limited**

706177 John R. Wells The patent has been assigned to **Harvest Technologies Corporation**

712224 Brian J Measday; Neil Reynolds; Mario Rene Niesingh The patent has been assigned to **Brian J Measday; Mario Rene Niesingh**

740632 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

741114 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

741471 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

742067 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

744725 Cell Genesys, Inc. The patent has been assigned to **Cold Genesys, Inc.**

744977 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

745304 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

745672 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

746086 Roy Olson The patent has been assigned to **Push & Win Aktiebolag**

746178 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

746305 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

747142 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

748518 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

749013 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

749089 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

749106 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

Assignments Registered - cont'd

749225 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

750174 You Technology, Inc. The patent has been assigned to **Open Invention Network, LLC**

753937 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

754015 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

754166 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

755209 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

755379 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

756127 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

756391 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

756883 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

757095 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

757979 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

758667 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

760416 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

762940 Cell Genesys, Inc. The patent has been assigned to **Cold Genesys, Inc.**

766812 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

770198 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

770273 Howmedica Osteonics Corp. The patent has been assigned to **Howmedica Osteonics Corp.; Stryker Ireland Limited**

771257 Ascor, Inc.; Brian S. Micciche; Brad M. Dingle The patent has been assigned to **Komax Holding AG**

Assignments Registered - cont'd

772510 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

773927 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

775192 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

776683 Canal+ Societe Anonyme The patent has been assigned to **Canal + Technologies**

Alteration Of Name In Register

740961 Acambis Inc. ; St. Louis University The name of the patentee(s) has been changed to **St. Louis University ; Sanofi Pasteur Biologics Co.**

Corrigenda