



Australian Government

IP Australia

AUSTRALIAN OFFICIAL JOURNAL

OF

PATENTS

Contents

General Information & Notices

Amendments, Section 104

Amendments Made 103

Applications Lapsed, Refused Or Withdrawn

Patents Ceased or Expired 103

Assignments Registered 103

Extensions of Term of Standard Patents, Section 70 104

Extensions of Time, Section 223 103

Opposition Proceedings 103

General Information

*For information on the following please see our website www.ipaustralia.gov.au
or contact our Customer Service Network on 1300651010*

Editorial enquiries

Contact information

Freedom of Information ACT

Professional Standards Board

Sales

Requests for Information under Section 194 (c)

Country Codes

Trade Mark and Designs Hearing Sessions

INID (Internationally agreed Numbers for the Identification of Data)

GUIDE TO THE USE OF THIS JOURNAL

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

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

(i) FILING -

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

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

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

(iii) ACCEPTANCE –

This is the Commissioner's acceptance of a patent application. Once the Commissioner has accepted a patent application, certain details of the application are published in the AOJP. Notice of opposition may be filed within three months of advertisement of acceptance.

(iv) OPPOSITION –

If an opposition action is commenced against the grant of the patent, the six-figure acceptance number and the name of the opponent are published. If the opposition is to the Certification of an Innovation Patent, the patent number and the name of the opponent are published.

(v) SEALING –

Most accepted applications are not opposed. These proceed to sealing and become granted patents. Of the few that are opposed (less than 1%) most of these, after resolution of the opposition, proceed to sealing and become granted patents. Sealed patents are simply listed in order of their application number.

(vi) CERTIFICATION

This is the Commissioner's Certification after passing examination of a previously granted unexamined Innovation Patent.

In addition to the actions related to these stages, other actions reported include: assignments, lapsing or withdrawal of applications and ceasing or expiry of patents, voluntary amendments, extensions of time for certain actions and registration of licences.

How To Identify Information Using "INID" Numbers

Patents are published in many different countries and in many different languages. As a result, finding the information that you want (eg the filing date) on a patent document or in a journal can be quite difficult. There is an international system operating, however, which codifies this information in an unambiguous way, by assigning a specific number to each piece of information about the history of a patent. These numbers are called the **Internationally agreed Numbers for the Identification of Data** or INID numbers.

These numbers appear on all published patents and abstracts and are used throughout this journal to identify particular items of information. For example, the date on which a document is filed has the INID number (22), while the name of the applicant has the INID number of (71). These numbers are always expressed in parentheses and always immediately precede the information to which they relate. For example:

(22) 12.10.91

means that the filing date of the document which contains this reference is 12 October 1991. Learning the INID numbers for the information you want will help you find it quickly and easily.

A complete list of the INID numbers and the items to which they relate is provided at the end of this Guide.

How Australian Patent Documents are Numbered

Patent applications in Australia are assigned a number at the filing stage in their processing. Each Australian application will retain the same number throughout its life, though different numbers may be associated to the application. The number will incorporate the year of lodgment then a unique number within the appropriate range.

There will be number ranges for types of patents:

100,000 – 199,999 Innovation
200,000 – 799,999 Standard
800,000 – 899,999 Petty
900,000 – 999,999 Provisional

When searching for information and ordering documents it is vital that you understand the numbering systems.

1. **Provisional Applications** are given a ten-figure number

e.g. 2002901123

A provisional application number is identified by the INID number (21).

2. **Complete and Innovation Applications** are also given a ten-figure application number

e.g. 2002200345 Standard

2002100123 Innovation

There are prefixes applied to this number which indicate whether the application has been accepted:

A document corresponding to an unaccepted application has the prefix, AU-A; eg AU-A-2002200234.

A document corresponding to an accepted application carries the prefix AU-B; eg AU-B-2002200234.

Users need to be aware that an accepted document may differ from the corresponding unaccepted document. This is because amendment may occur between first publication (OPI) and second publication (acceptance).

A ten-figure application number is identified by the INID number (21).

NOTE: When ordering any patent document from us, whether accepted or not, please quote the ten-figure application number preceded by the appropriate prefix.

Arrangement of Information in the Journal

For each of the categories

- (i) Provisional Applications Filed,
- (ii) Complete Applications Filed,
- iii) Applications Open to Public Inspection
- (iv) Applications Entered National Phase
- (v) Applications Accepted, and
- (vi) Innovation Patent Certified.

The Journal lists the information published in that category in an alphabetical Name Index list based on the name of the applicant. These indices are useful if you wish to find information about applications made by a particular applicant.

In addition to the Name Index there is provided, for each of these categories, a Numerical Index This index lists the applications either in order of their five-figure Application Numbers, in the case of complete applications filed and applications OPI, or in order of their six-figure Document Number in the case of accepted applications. It provides, for each number, the name of the applicant. These indices are useful if you wish to track the progress of a particular patent application.

There are also IPC Indices provided for applications which are OPI and for applications which have been accepted. IPC stands for International Patent Classification. Each IPC "mark" is an alpha-numerical representation of a particular area of technology. These indices are in order of IPC mark, and within each mark provide either the five-figure application numbers of the application which are now OPI or the six-figure numbers of the cases now accepted. These indices are useful if you wish to check on patent activity in a particular technology.

Using the Indices

1. To Find Patent Information if You Know the Name of the Applicant.

Use the Name Indices. They will give you the following information identified by their INID number:

<u>ITEM</u>	<u>INID</u> <u>No.</u>	<u>ITEM</u>	<u>INID</u> <u>No.</u>
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

Declaration of the days in 2013 when the Designs Office, the Patent Office, the PBR Office and the Trade Marks Office and their sub-offices are taken not to be open for business

The close-down provisions in the Designs, Olympic Insignia protection, Patents, Plant Breeder's Rights and Trade Marks legislation provide for the effect of Designs Office, the Patent Office, the PBR Office and the Trade Marks Office ('the Canberra offices') or any of their sub-offices in the State capitals or territory not being open for business.

On 9 November 2012, the Director General of IP Australia declared under the close-down provisions the days when the Canberra offices and the sub-offices will not be open for business for the 2013 calendar year. A copy of the declaration is attached.

The Canberra offices and the State offices will not be open for business on the following days in the period **1 January 2013 to 1 January 2014**.

All the Canberra offices and the sub-offices:

All Saturdays and Sundays in the period.

The Canberra office

Tuesday, 1 January 2013	New Year's Day
Monday, 28 January 2013	Australia Day
Monday, 11 March 2013	Canberra Day
Friday, 29 March 2013	Good Friday
Monday, 1 April 2013	Easter Monday
Thursday, 25 April 2013	Anzac Day
Monday, 10 June 2013	Queen's Birthday Holiday
Monday, 30 September 2013	Family & Community Day
Monday, 7 October 2013	Labour Day
Wednesday, 25 December 2013 to Wednesday, 1 January 2014	Christmas Close Down

The New South Wales office

Tuesday, 1 January 2013	New Year's Day
Monday, 28 January 2013	Australia Day
Friday, 29 March 2013	Good Friday
Monday, 1 April 2013	Easter Monday

Thursday, 25 April 2013	Anzac Day
Monday, 10 June 2013	Queen's Birthday Holiday
Monday, 7 October 2013	Labour Day
Wednesday, 25 December 2013 to Wednesday, 1 January 2014	Christmas Close Down

The South Australian office

Tuesday, 1 January 2013	New Year's Day
Monday, 28 January 2013	Australia Day
Monday, 11 March 2013	Adelaide Cup Day
Friday, 29 March 2013	Good Friday
Monday, 1 April 2013	Easter Monday
Thursday, 25 April 2013	Anzac Day
Monday, 10 June 2013	Queen's Birthday Holiday
Monday, 7 October 2013	Labour Day
Wednesday, 25 December 2013 to Wednesday, 1 January 2014	Christmas Close Down

The Tasmanian office

Tuesday, 1 January 2013	New Year's Day
Monday, 28 January 2013	Australia Day
Monday, 11 February 2013	Royal Hobart Regatta
Monday, 11 March 2013	Eight Hours Day
Friday, 29 March 2013	Good Friday
Monday, 1 April 2013	Easter Monday
Thursday, 25 April 2013	Anzac Day
Monday, 10 June 2013	Queen's Birthday Holiday
Thursday, 24 October 2013	Royal Hobart Show
Wednesday, 25 December 2013 to Wednesday, 1 January 2014	Christmas Close Down

The Victorian office

Tuesday, 1 January 2013	New Year's Day
Monday, 28 January 2013	Australia Day
Monday, 11 March 2013	Labour Day
Friday, 29 March 2013	Good Friday

Monday, 1 April 2013	Easter Monday
Thursday, 25 April 2013	Anzac Day
Monday, 10 June 2013	Queen's Birthday Holiday
Tuesday, 5 November 2013	Melbourne Cup Day
Wednesday, 25 December 2013 to Wednesday, 1 January 2014	Christmas Close Down

The Western Australian office

Tuesday, 1 January 2013	New Year's Day
Monday, 28 January 2013	Australia Day
Monday, 4 March 2013	Labour Day
Friday, 29 March 2013	Good Friday
Monday, 1 April 2013	Easter Monday
Thursday, 25 April 2013	Anzac Day
Monday, 3 June 2013	Western Australia Day
Monday, 30 September 2013	Queen's Birthday Holiday
Wednesday, 25 December 2013 to Wednesday, 1 January 2014	Christmas Close Down

The Northern Territory office

Tuesday, 1 January 2013	New Year's Day
Monday, 28 January 2013	Australia Day
Friday, 29 March 2013	Good Friday
Monday, 1 April 2013	Easter Monday
Thursday, 25 April 2013	Anzac Day
Monday, 6 May 2013	May Day
Monday, 10 June 2013	Queen's Birthday Holiday
Friday, 26 July 2013	Darwin Show Day
Monday, 5 August 2013	Picnic Day
Wednesday, 25 December 2013 to Wednesday, 1 January 2014	Christmas Close Down

The Queensland office

Tuesday, 1 January 2013	New Year's Day
Monday, 28 January 2013	Australia Day
Friday, 29 March 2013	Good Friday
Monday, 1 April 2013	Easter Monday
Thursday, 25 April 2013	Anzac Day

Monday, 10 June 2013	Queen's Birthday
Wednesday, 14 August 2013	Royal Queensland Show
Monday, 7 October 2013	Labour Day
Tuesday, 25 December 2012 to Tuesday 1 January 2013	Christmas Close Down

For more information on the effect of the close-down provisions, please see the Official Notices of 23 March 2007 titled *Intellectual Property Legislation Amendment Regulations 2007 (No. 1)* and *The new close-down provisions in the trade marks legislation* available on IP Australia's website through the page www.ipaustralia.gov.au/resources/officialnotices.shtml.

Contact: IP Australia
Phone: 1300 651 010
Fax: +61 2 6283 7999
E-mail: assist@ipaustralia.gov.au
Web: www.ipaustralia.gov.au

To be published in the Australian Official Journal of Patents on 29 November

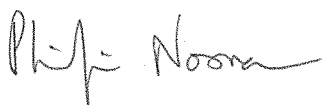
Director General of IP Australia

Declaration of the days when the Designs Office, the Patent Office, the PBR Office and the Trade Marks Office and their sub-offices are taken not to be open for business

With effect from 1 January 2013, section 136A of the *Designs Act 2003*, section 14A of the *Olympic Insignia Protection Act 1987*, section 222A of the *Patents Act 1990*, section 76A of the *Plant Breeder's Rights Act 1994* and section 223A of the *Trade Marks Act 1995* provide for the effect of the Designs Office, the Patent Office, the PBR Office and the Trade Marks Office ('the Offices') or any of their sub-offices not being open for business.

The Director General of IP Australia ('Director General') is the person prescribed under paragraph 2(b) of each of those sections. This means that the Director General can declare in writing a day or days on which the Offices or any of their sub-offices is taken not to be open for business for the purposes of those sections. Paragraph (4) (a) of each of those sections provides that such a declaration may be made before, on or after the day on which the Offices or any of their sub-offices is to be taken not to be open for business.

I, Philip Joseph Noonan, as the person currently employed as the Director General of IP Australia, declare the days in the period 1 January 2013 to 1 January 2014 when the Offices and their sub-offices are taken not to be open for business for the purpose of the sections mentioned above, as specified in the attached Schedule Parts 1 to 8.



Director General of IP Australia
9 November 2012

Declaration of the days in the period 1 January 2013 to 1 January 2014 when the Designs Office, the Patent Office, the PBR Office and the Trade Marks Office and their sub-offices are taken not to be open for business

AUTHORITY	Director General of IP Australia
REFERENCES	Section 136A of the <i>Designs Act 2003</i> , Section 14A of the <i>Olympic Insignia Protection Act 1987</i> , Section 222A of the <i>Patents Act 1990</i> , Section 76A of the <i>Plant Breeder's Rights Act 1994</i> and Section 223A of the <i>Trade Marks Act 1995</i>

Part 1 Days when the Designs Office, the Patent Office, the PBR Office and the Trade Marks Office—all located in the Australian Capital Territory—are taken not to be open for business

All Saturdays and Sundays in the period

Tuesday, 1 January 2013	New Year's Day
Monday, 28 January 2013	Australia Day
Monday, 11 March 2013	Canberra Day
Friday, 29 March 2013	Good Friday
Monday, 1 April 2013	Easter Monday
Thursday, 25 April 2013	Anzac Day
Monday, 10 June 2013	Queen's Birthday Holiday
Monday, 30 September 2013	Family & Community Day
Monday, 7 October 2013	Labour Day
Wednesday, 25 December 2013 to Wednesday, 1 January 2014	Christmas Close Down

Part 2 Days when the New South Wales sub-office of the Designs Office, the Patent Office, and the Trade Marks Office is taken not to be open for business

All Saturdays and Sundays in the period

Tuesday, 1 January 2013	New Year's Day
Monday, 28 January 2013	Australia Day
Friday, 29 March 2013	Good Friday
Monday, 1 April 2013	Easter Monday
Thursday, 25 April 2013	Anzac Day
Monday, 10 June 2013	Queen's Birthday Holiday
Monday, 7 October 2013	Labour Day
Wednesday, 25 December 2013 to Wednesday, 1 January 2014	Christmas Close Down

Part 3 Days when the South Australian sub-office of the Designs Office, the Patent Office, and the Trade Marks Office is taken not to be open for business:

All Saturdays and Sundays in the period

Tuesday, 1 January 2013	New Year's Day
Monday, 28 January 2013	Australia Day
Monday, 11 March 2013	Adelaide Cup Day
Friday, 29 March 2013	Good Friday
Monday, 1 April 2013	Easter Monday
Thursday, 25 April 2013	Anzac Day
Monday, 10 June 2013	Queen's Birthday Holiday
Monday, 7 October 2013	Labour Day
Wednesday, 25 December 2013 to Wednesday, 1 January 2014	Christmas Close Down

Part 4 Days when the Tasmanian sub-office of the Designs Office, the Patent Office, and the Trade Marks Office is taken not to be open for business

All Saturdays and Sundays in the period

Tuesday, 1 January 2013	New Year's Day
Monday, 28 January 2013	Australia Day
Monday, 11 February 2013	Royal Hobart Regatta
Monday, 11 March 2013	Eight Hours Day
Friday, 29 March 2013	Good Friday
Monday, 1 April 2013	Easter Monday
Thursday, 25 April 2013	Anzac Day
Monday, 10 June 2013	Queen's Birthday Holiday
Thursday, 24 October 2013	Royal Hobart Show
Wednesday, 25 December 2013 to Wednesday, 1 January 2014	Christmas Close Down

Part 5 Days when the Victorian sub-office of the Designs Office, the Patent Office, and the Trade Marks Office is taken not to be open for business

All Saturdays and Sundays in the period

Tuesday, 1 January 2013	New Year's Day
Monday, 28 January 2013	Australia Day
Monday, 11 March 2013	Labour Day
Friday, 29 March 2013	Good Friday
Monday, 1 April 2013	Easter Monday
Thursday, 25 April 2013	Anzac Day
Monday, 10 June 2013	Queen's Birthday Holiday
Tuesday, 5 November 2013	Melbourne Cup Day
Wednesday, 25 December 2013 to Wednesday, 1 January 2014	Christmas Close Down

Part 6 Days when the Western Australian sub-office of the Designs Office, the Patent Office, and the Trade Marks Office is taken not to be open for business

All Saturdays and Sundays in the period

Tuesday, 1 January 2013	New Year's Day
Monday, 28 January 2013	Australia Day
Monday, 4 March 2013	Labour Day
Friday, 29 March 2013	Good Friday
Monday, 1 April 2013	Easter Monday
Thursday, 25 April 2013	Anzac Day
Monday, 3 June 2013	Western Australia Day
Monday, 30 September 2013	Queen's Birthday Holiday
Wednesday, 25 December 2013 to Wednesday, 1 January 2014	Christmas Close Down

Part 7 Days when the Northern Territory sub-office of the Designs Office, the Patent Office, and the Trade Marks Office is taken not to be open for business

All Saturdays and Sundays in the period

Tuesday, 1 January 2013	New Year's Day
Monday, 28 January 2013	Australia Day
Friday, 29 March 2013	Good Friday
Monday, 1 April 2013	Easter Monday
Thursday, 25 April 2013	Anzac Day
Monday, 6 May 2013	May Day
Monday, 10 June 2013	Queen's Birthday Holiday
Friday, 26 July 2013	Darwin Show Day
Monday, 5 August 2013	Picnic Day
Wednesday, 25 December 2013 to Wednesday, 1 January 2014	Christmas Close Down

Part 8 Days when the Queensland sub-office of the Designs Office, the Patent Office, and the Trade Marks Office is taken not to be open for business

All Saturdays and Sundays in the period

Tuesday, 1 January 2013	New Year's Day
Monday, 28 January 2013	Australia Day
Friday, 29 March 2013	Good Friday
Monday, 1 April 2013	Easter Monday
Thursday, 25 April 2013	Anzac Day
Monday, 10 June 2013	Queen's Birthday
Wednesday, 14 August 2013	Royal Queensland Show
Monday, 7 October 2013	Labour Day
Tuesday, 25 December 2012 to Tuesday 1 January 2013	Christmas Close Down

Abstract of Decision

IP AUSTRALIA

AUSTRALIAN PATENT OFFICE

Suntory Holdings Limited v Martek Biosciences Corporation [2012] APO 127

Patent Application: 759623

Title: Process for Producing Unsaturated Fatty Acid-Containing Oils

Patent Applicant: Suntory Holdings Limited

Opponent : Martek Biosciences Corporation

Delegate: Karen Ayers

Decision Date: 16 November 2012

Catchwords: **PATENTS** -- novelty -- prior use --implied obligation of confidence -- not all samples available to the public -- subsequent chemical analysis of product not necessarily definitive of levels at the relevant time -- prior product not enabled.

Prior disclosure in a document -- claimed product was not inevitable result of an earlier disclosed process

Manner of manufacture -- whether lack of manner of manufacture apparent on face of specification -- whether new substance, new characteristic of a known substance

Section 40 --failure to accurately measure a particular component did not necessarily lead to section 40 problems if the skilled worker is left with no doubt about the scope of the claims and can produce something within each claim.

Fair basis -- certain claims not limited to microbial sourced oil and were inconsistent with what the specification had described as the invention.

Representation: Patent applicant: Griffith Hack, Melbourne
Opponent : Allens Arthur Robinson, Melbourne

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

594836 (14)	645445 (14)	646602 (14)
646603 (14)	647679 (14)	648445 (14)
650408 (14)	652691 (14)	653076 (14)
653083 (14)	654407 (14)	655511 (14)
657173 (14)	657373 (14)	657451 (14)
658251 (14)	659234 (14)	659259 (14)
660332 (14)	661063 (14)	661135 (14)
662827 (14)	666117 (14)	666382 (14)
666504 (14)	666900 (14)	667201 (14)
668115 (14)	668731 (14)	669714 (14)
670926 (14)	671963 (14)	672373 (14)
673508 (14)	673813 (14)	674837 (14)
675214 (14)	675777 (14)	677000 (14)
678009 (14)	679374 (14)	679986 (14)
680235 (14)	680415 (14)	680612 (14)
681082 (14)	681792 (14)	683195 (14)
683642 (14)	684445 (14)	686748 (14)
687814 (14)	688493 (14)	691745 (14)
692706 (14)	694339 (14)	695390 (14)
698996 (14)	702141 (14)	704226 (14)
704230 (14)	705172 (14)	706048 (14)
708563 (14)	709761 (14)	712409 (14)
714177 (14)	716257 (14)	719923 (14)

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

720813 (14)	720846 (14)	723832 (14)
724857 (14)	724923 (14)	725923 (14)
726942 (14)	727652 (14)	727986 (14)
728115 (14)	729241 (14)	729643 (14)
729841 (14)	734115 (14)	737608 (14)
741209 (14)	741917 (14)	742415 (14)
742485 (14)	748103 (14)	748224 (14)
751714 (14)	751803 (14)	753939 (14)
754531 (14)	755135 (14)	756654 (14)
757161 (14)	757788 (14)	758753 (14)
759295 (14)	760266 (14)	764304 (14)
766844 (14)	768025 (14)	771360 (14)
776579 (14)	778555 (14)	779395 (14)
779437 (14)	779649 (14)	780503 (14)
781722 (14)	783659 (14)	784070 (14)
785039 (14)		

Extensions of Time, Section 223

Applications Allowed - Section 223(2)

700680 **Acer Inc.** The time in which to pay a renewal fee has been extended to 15 Aug 2012 . Address for service in Australia - CPA GLOBAL Level 4, 10 Barrack Street Sydney NSW 2000

Amendments, Section 104

Amendments Made

696375 **Orexo AB** The nature of the amendment is as was notified in the Official Journal dated 7 Jun 2012

Opposition Proceedings

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

Opposition Dismissed - Proceeding to Sealing

780846 **Curis, Inc.** (Cytokinetics, Incorporated)

Assignments Registered

687016 **Martek Biosciences Corporation** The patent has been assigned to **DSM IP Assets B.V.**

Extensions of Term of Standard Patents, Section 70

Grant

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

668144 **BTG International Ltd.**

JANSSEN ABIRATERONE abiraterone acetate

Date extended term due to expire on 15/03/2018