

Australian Government

IP Australia

AUSTRALIAN OFFICIAL JOURNAL

OF

PATENTS

AUSTRALIAN OFFICIAL JOURNAL OF PATENTS

10 January 2013

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General Information

For Information on the following please see our website <u>www.ipaustralia.gov.au</u> 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 Indentification 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> No.	<u>ITEM</u>	<u>INID</u> No.
A) Provisional applications filed - Name Ind The name of the applicant The Provisional application number The date of filing The title of the invention	(71) (21) (22) (54)	B) Complete applications filed - Name Inde The name of the applicant The number assigned to the application The date of filing Title of the invention Number of priority document(s) if any Date(s) of filing of priority documents Country of which priority documents filed PCT application number	(71) (21) (22) (54) (31) (32) (33) (86)
<u>ITEM</u>	<u>INID</u> No.	<u>ITEM</u>	<u>INID</u> No.
C) Applications open to public inspection - Name Index		D) Applications accepted - Name Index	
The name of the applicant The number of the document The number assigned to the application The date of filing The title The classification marks Priority document number(s) Date of filing of priority document (s) Country in which priority document filed Publication date of unexamined document Inventors names if known Patent Attorneys	(71) (11) (21) (22) (54) (51) (31) (32) (33) (43) (72) (74)	The <u>name</u> of the applicant The <u>number</u> of the document The <u>number</u> of the accepted document The <u>number</u> assigned to the application The <u>date</u> of filing The <u>title</u> The <u>classification marks</u> PCT publication <u>number</u> Priority document <u>number</u> Date of filing of priority document(s) Country in which priority document filed Publication <u>date</u> of unexamined document	(71) (11) (10) (21) (22) (54) (51) (87) (31) (32) (33) (43)
<u>ITEM</u>	<u>INID</u> No.		
E) Patents Certified – Name Index The name of the applicant The number of the accepted document The number assigned to the application The date of filing The title The classification marks Priority document number Date of filing of priority document(s) Country in which priority document filed Publication date of granted patent Inventors names Patent Attorneys Related by division	(71) (10) (21) (22) (54) (51) (31) (32) (33) (45) (72) (74) (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 guite 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 **N**umbers for the Identification of **D**ata'.

(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 know 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 10 January 2013

Abstract of Decision

IP AUSTRALIA

AUSTRALIAN PATENT OFFICE

Garden City Planters Pty Ltd v Vivre Veritas Pty Ltd [2012] APO 133

Patent: 769039

Title: Label retention improvement

Patentee: Garden City Planters Pty Ltd

Applicant for Licence: Vivre Veritas Pty Ltd

Opponent to Licence: Garden City Planters Pty Ltd

Delegate: O L Haggar

Decision Date: 18 December 2012

Hearing Date: 16 April 2012, in Canberra

Catchwords: **PATENTS** – patent ceased because of non-payment of renewal fee in time – application for licence to exploit the patent pursuant to s 223(9) and reg 22.21 – onus of proof – weight of hearsay evidence – credibility of witnesses – whether licence applicant aware of the status of the patent at all material times - whether licence applicant exploited or took definite steps to exploit the patent because of its ceased status – evidence does not establish that the licence applicant is a person to whom s 223(9) and reg 22.21 apply – application for licence to exploit the patent refused

Representation: Patentee/Opponent: Thomas Duggan of counsel instructed by Madeleine

Crawford of Donaldson Walsh Lawyers, Adelaide Applicant for Licence: William Poedjokerto

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				
3	Application Lapsed Section 142(2				
4	Application Lapsed Section 142(2				
5	Application Lapsed Section 142(2				
6	Application Lapsed Section 142(2				
7	Application Lapsed Reg. 3.2(5)(a)	(\R 7B(3)\			
8 9	Application Lapsed Reg. 3.4(6) Application Lapsed Section 142(3)	\			
10	Application Lapsed Section 142(3				
11	Application Lapsed Section 142(4				
12	Application Withdrawn Section 14				
13	Application Withdrawn Section 14				
14	Patent Ceased Section 143(a), or				
15	Patent Ceased Section 143(b)	•			
16	Application refused				
17	Application Lapsed Regulation 22	2			
Α	A Applications on which examination has not been requested of directed				
В	Applications on which a direction to request examination has been given				
С	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 Ir	nspection			
591007 (1	4) 640579 (14)	640580 (14)			
644982 (1	4) 648451 (14)	648706 (14)			
650195 (1	4) 651260 (14)	653457 (14)			

591007 (14)	640579 (14)	640580 (14)
644982 (14)	648451 (14)	648706 (14)
650195 (14)	651260 (14)	653457 (14)
654888 (14)	655340 (14)	655388 (14)
655692 (14)	656044 (14)	656248 (14)
656249 (14)	656446 (14)	656642 (14)
657823 (14)	658699 (14)	659527 (14)
659530 (14)	659910 (14)	660254 (14)
660389 (14)	661075 (14)	661094 (14)
661355 (14)	661393 (14)	662028 (14)
662184 (14)	662197 (14)	662574 (14)
662777 (14)	662948 (14)	663906 (14)
663912 (14)	664404 (14)	665979 (14)
666369 (14)	666372 (14)	666543 (14)
667068 (14)	667113 (14)	667168 (14)
667696 (14)	667852 (14)	667860 (14)
667862 (14)	670049 (14)	670555 (14)
670565 (14)	670770 (14)	670774 (14)
670789 (14)	672151 (14)	672375 (14)
673341 (14)	673749 (14)	673930 (14)
674503 (14)	674763 (14)	675633 (14)
676286 (14)	676657 (14)	677773 (14)

680491 (14)

679752 (14)

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

680770 (14)	681584 (14)	683842 (14)
684757 (14)	686821 (14)	687351 (14)
687811 (14)	688694 (14)	694040 (14)
695225 (14)	696794 (14)	697052 (14)
698834 (14)	698856 (14)	700824 (14)
701244 (14)	703562 (14)	704524 (14)
705967 (14)	708715 (14)	709052 (14)
711057 (14)	714871 (14)	715536 (14)
716253 (14)	716793 (14)	719037 (14)
719982 (14)	720259 (14)	720612 (14)
721182 (14)	722358 (14)	724853 (14)
725129 (14)	726169 (14)	727464 (14)
728240 (14)	730704 (14)	732104 (14)
734871 (14)	735113 (14)	736705 (14)
737078 (14)	737874 (14)	738159 (14)
739691 (14)	741221 (14)	742064 (14)
742118 (14)	742232 (14)	742583 (14)
743883 (14)	744843 (14)	745348 (14)
745589 (14)	748404 (14)	748576 (14)
753801 (14)	754729 (14)	756295 (14)
757479 (14)	758031 (14)	758397 (14)
759912 (14)	760095 (14)	760704 (14)
761293 (14)	762687 (14)	767249 (14)
769077 (14)	769189 (14)	773525 (14)
775768 (14)	776158 (14)	776275 (14)
776935 (14)	777390 (14)	780050 (14)
780318 (14)	780678 (14)	781557 (14)
781922 (14)	782104 (14)	783189 (14)
783409 (14)	785303 (14)	

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.

699071 A printing method of applying a polymer surface preparation to a substrate **Sawgrass Systems, Inc.** The nature of the proposed amendment is: Amend the Patentee to read Sawgrass Technologies Inc. . Address for service in Australia - Cullens Patent and Trade Mark Attorneys GPO Box 1074 BRISBANE QLD 4001

700091 Method of making (S)-3-(aminomethyl)-5-methylhexanoic acid **Warner-Lambert Co.** The nature of the proposed amendment is: Amend the Patentee to read Warner-Lambert Cormpany LLC . Address for service in Australia - SPRUSON & FERGUSON GPO Box 3898 SYDNEY NSW 2001

707541 Methods and compositions for treating allergic rhinitis and other disorders using descarboethoxyloratadine **Sepracor**, **Inc.** The nature of the proposed amendment is: Amend the Patentee to read Sunovion Pharmaceuticals Inc. . Address for service in Australia - PHILLIPS ORMONDE FITZPATRICK 367 Collins Street

680607 (14)

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Applications for Amendment -cont'd

MELBOURNE VIC 3000

714980 Isobutylgaba and its derivatives for the treatment of pain Warner-Lambert Co. The nature of the proposed amendment is: Amend the Patentee to read Warner-Lambert Cormpany LLC. Address for service in Australia - SPRUSON & FERGUSON GPO Box 3898 SYDNEY NSW 2001

735675 Use of gaba analogs such as gabapentin in the manufacture of a medicament for treating inflammatory diseases Warner-Lambert Co. and Board of Regents of the University of Texas System, The The nature of the proposed amendment is: Amend the Patentees to read Warner-Lambert Company LLC and The Board of Regents of the University of Texas System . Address for service in Australia - SPRUSON & FERGUSON GPO Box 3898 SYDNEY NSW 2001

768277 Stabilized pharmaceutical preparations of gamma-aminobutyric acid derivatives and process for preparing the same **Warner-Lambert Co.** The nature of the proposed amendment is: Amend the Patentee to read Warner-Lambert Cormpany LLC . Address for service in Australia - SPRUSON & FERGUSON GPO Box 3898 SYDNEY NSW 2001

768460 Reactive ink printing process **Sawgrass Systems, Inc.** The nature of the proposed amendment is: Amend the Patentee to read Sawgrass Technologies Inc. . Address for service in Australia - Cullens Patent and Trade Mark Attorneys GPO Box 1074 BRISBANE QLD 4001

768805 Permanent heat activated transfer printing process and composition **Sawgrass Systems, Inc.** The nature of the proposed amendment is: Amend the Patentee to read Sawgrass Technologies Inc. . Address for service in Australia - Cullens Patent and Trade Mark Attorneys GPO Box 1074 BRISBANE QLD 4001

769038 Gamma-aminobutyric acid derivatives containing, solid compositions and process for preparing the same **Warner-Lambert Co.** The nature of the proposed amendment is: Amend the Patentee to read Warner-Lambert Cormpany LLC . Address for service in Australia - SPRUSON & FERGUSON GPO Box 3898 SYDNEY NSW 2001

777046 Asymmetric synthesis of pregabalin **Warner-Lambert Co.** The nature of the proposed amendment is: Amend the Patentee to read Warner-Lambert Cormpany LLC . Address for service in Australia - SPRUSON & FERGUSON GPO Box 3898 SYDNEY NSW 2001

782153 Methods of DNA purification and purified DNA **Cambrex Bio Science, Inc.** The nature of the proposed amendment is: Amend the Patentee to read Lonza Biologics Inc. . Address for service in Australia - Cullens Patent and Trade Mark Attorneys GPO Box 1074 BRISBANE QLD 4001

Opposition Proceedings

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

Application Withdrawn

689484 Aspirating IP Limited (Vision Systems Limited)

Notice of Opposition under Section 75

711227

Notice of Opposition under Section 75 filed on 29 November 2012 by Think IP Strategy Pty Ltd

Assignments Registered

662843 Dayco Products, LLC The patent has been assigned to **Dayco IP Holdings, LLC**

693661 Luminis Pty Limited The patent has been assigned to **MESTEK, INC.**

726017 Verenium Corporation The patent has been assigned to Verenium Corporation; BP Corporation North America Inc.

740882 Ziebel AS The patent has been assigned to **Well Innovation Engineering AS**

770666 Daniel R. Miklos The patent has been assigned to **Siemens Industry, Inc.**

775037 Ivy Animal Health, Inc. The patent has been assigned to **Eli Lilly and Company**

Alteration Of Name In Register

667166 DBT GmbH; Reliance Electric Industrial Company The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH; Reliance Electric Industrial Company

697089 AE & E Lentjes GmbH The name of the patentee(s) has been changed to **DOOSAN LENTJES GMBH**

701376 AE & E Lentjes GmbH The name of the patentee(s) has been changed to ${\bf DOOSAN\ LENTJES\ GMBH}$

719357 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

724472 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

725018 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

725025 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

725212 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

727364 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

727890 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

728081 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

735370 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

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Alteration of Name in Register - cont'd

739101 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

739531 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

740391 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

746774 AE & E Lentjes GmbH The name of the patentee(s) has been changed to **DOOSAN LENTJES GMBH**

756552 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

763820 AE & E Lentjes GmbH The name of the patentee(s) has been changed to $\bf DOOSAN\ LENTJES\ GMBH$

772803 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

776031 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

776369 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

776710 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

776949 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

777531 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

777924 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

780167 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

780280 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

782008 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

782209 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH

785063 DBT GmbH The name of the patentee(s) has been changed to Caterpillar Global Mining Europe GmbH