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13 March 2007

Lin Zhen Man
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Your Ref:

Examiner's first report on patent application no. 2003248601
by Zhem-man Lin

Last proposed amendment no.

Dear Madam/Sir,

I am replying to the request for examination. I have based this report on the pamphlet and the statement of proposed amendments filed with your letter of 15 June 2005. I have examined the application and I believe that there are lawful grounds of objection to the application. These grounds of objection are:

1. You have not supplied me with a Notice of Entitlement which makes it clear that you are entitled to have a patent granted to you. In the Notice of Entitlement you will need to state either that you are the actual inventor or how you gained the right to apply from the actual inventor.
2. From a reading of your application, it appears that the invention resides in the use of compositions comprising ozone and a perfluorocarbon solvent in the surface treatment of SARS-infections. On that basis I have carried out a search of the available prior art, and am of the opinion that the invention that you have claimed is not inventive in view of G. V. SUNNEN, SARS and Ozone Therapy: Theoretical Considerations, May 2003. Retrieved from the internet: <URL: <http://www.triroc.com/sunnen/topics/sars.html>>. This citation discloses the use of ozone in the treatment of SARS infections. The only difference between your claimed invention and the citation is the use of a perfluorocarbon solvent. Such solvents are known as drug delivery systems in lung disease (see for example "Pulmonary Drug Delivery", N. K. Ghilzai, a review accessed http://www.drugdel.com/Pulm_review.pdf), and your application provides no apparent inventiveness in their application to the present treatment. In the absence of some unexpected advantage, an inventive step cannot be acknowledged.
3. To overcome the objections that I have raised above you may amend your specification. To do this you will need to file an itemised statement of the changes that you would like to make. You must substitute whole new pages incorporating the proposed amendments. You will need to state which pages are to be substituted on your itemised statement and you will need to file two copies of each new page, with one of them marked in some way to show where the changes are.

You should make your itemised statement a separate sheet titled "Statement of Proposed Amendments" with each item numbered. You should also say in your covering letter that you are "seeking leave to amend the specification". You may also include arguments against my objections which I will consider before further action.

You should restrict your amendments to more clearly describing and defining what you have already set out. Although you can add new or different parts to your invention in the description part of your specification you cannot claim anything that you did not describe or include in a drawing in your original specification. Any new parts not already shown or mentioned in your original application would constitute what we call "a new disclosure" and if you wished to claim this it would have to go in a separate new application.

In order to avoid claiming in your application an invention that is not new in light of these earlier citations, you will need to redraft your specification and claims so that, when I read it, I can clearly see that:

- your invention as worded in the claims is different from the prior art in a substantial way; and
- this difference resulted from some inventive input on your part to come up with the invention, rather than from the combination of well-known facts or devices.

If you have Internet access, IP Australia (The Patent Office) has a site at www.ipaustralia.gov.au at which you will be able to:

- Search and download Australian and foreign patents.
- Download forms.
- Find information about the application process.
- Find information on professional services such as Patent Attorneys.
- Find information on business strategies and the commercialisation of inventions.

You can also view examples of granted patents, which you may find useful in drafting your amended claims. This website also has a large amount of information and resources relating to Intellectual Property (IP) which you may also find helpful. The section on Forms and Publications has an Applicants Guide which provides some useful forms and examples.

You have 21 months from the date of this report to overcome all my objection(s) otherwise your application will lapse.

You will need to pay a monthly fee for any response you file after 12 months from the date of the first report.

You will also need to pay any annual continuation fees that apply. These will normally be first due five years from the filing date. Please note however that earlier commencement dates apply for divisional applications.

Information about fees may be obtained by phoning 1300 651010.

Yours faithfully,



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