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25 June 2008

Lin Zhen Man  
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Singapore

Your Ref:

Examiner's report no. 2 on patent application no. 2003248601  
by Zhem-man Lin

Last proposed amendment no. Not numbered

Dear Madam/Sir,

Thank you for the reply of 18 May 2008 to the last report. I apologise for any inconvenience resulting from your response not being considered within the time limit set out in our Customer Service Charter. My report is based on the specification as if amended by the proposed amendments filed with that reply and dated 18 May 2008. I have considered it and believe that there are lawful grounds of objection to the application as proposed to be amended. These grounds of objection are:

4. Despite your submissions I am maintaining objection 2. This SUNNEN document is dated May 2003, prior to the filing date of the present application. In your response you appear to submit that the document cannot be used as a citation because it has been accessed from the internet and on that basis is not recognised as relevant prior art. However, under Australian law such internet publications are part of the prior art base for consideration by an examiner. You have provided no technical basis on which the matter disclosed in the document could be rejected, and as a consequence I consider that there is no basis on which I could exclude this document from consideration. Similarly the GHILZAI document constitutes relevant prior art.

As you have provided no substantive reasons that could enable withdrawal of the objection, I am maintaining the objection on the grounds previously given in objection 2.

5. As noted in the previous report you will need to file an itemised statement of the changes that you would like to make (for example "1. Replace page 1 with new page 1 filed herewith"). Such an itemised statement was not filed with your amendments. Furthermore, the scope of the claimed invention is unclear due to grammatical errors and the structure of the proposed claims. For example the subject matter of Claim 3 is unclear as to what is meant by "substitute liquid" and in the reference to "single oxygen". There is no antecedent for these terms in the specification. Similarly the scope of proposed Claim 1 is unclear as to whether it is intended to define a method of treatment or a formulation *per se*. Claim 6 is unclear as a result of its appendage to Claim 1. You may wish to consider seeking advice from a professional such as a Patent Attorney as to how claims should be drafted.

Further comment on the claims is reserved pending clarification of this objection.

Note: This application has now lapsed due to non-payment of continuation fees. Please refer to the e-mail correspondence from this office dated 27 May 2008 concerning the fees payable on applications. Please note that no further action may be taken on this case if it has lapsed.

You have until 13 December 2008 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 651 010.

Yours faithfully,



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