



ABN 38 113 072 755

Discovery House, Phillip ACT 2606
PO Box 200, Woden ACT 2606
Australia

P 1300 651 010
+61 2 6283 2999 (International)
F +61 2 6283 7999
E assist@ipaustralia.gov.au
ipaustralia.gov.au

Address: Davies Collison Cave
Level 15
1 Nicholson Street
MELBOURNE VIC 3000
Australia

Date of issue: 9 August 2013

Patent Examination Report No. 1

Application Details

Patent Application No.: 2010207873
Applicant/s: Orica Explosives Technology Pty Ltd
Your reference: 35012497/JCC
Earliest Priority Date: 28 January 2009
Examination Request Date: 08 November 2012

Your application has been examined under Section 45 of the *Patents Act 1990*. I consider that the application does not meet the requirements of the Act for the reasons indicated below.

Actions you can take

NOTE: There is a current postponement of acceptance in place. If you overcome all other objections before the expiration of that postponement, the Commissioner will only accept the application at that time if you have filed a clear and unambiguous statement requesting the withdrawal of that postponement. Otherwise, a further adverse report will be issued.

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. Information about fees may be obtained by phoning 1300 651 010 or by visiting www.ipaustralia.gov.au.



Basis of the report

In examining your application I have taken into account:

- the PCT pamphlet as originally filed

Statement of Novelty, Inventive Step and Patentable Subject Matter

Novelty/Inventive Step	Claim No. NONE	Yes
	Claim No. 1-15	No
Patentable Subject Matter	Claim No. 1-15	Yes
	Claim No. NONE	No

Documents Cited or Considered Relevant

D1 : WO 2005/071348 A1 (ROTHENBUHLER ENGINEERING COMPANY) 04 August 2005 #

Category: **X** Claims: 1-8, 11, 13-15
Category: **Y** Claims: 9-10, 12

D2 : CN 2814315 Y (CHENG et al.) 06 September 2006 #

Category: **X** Claims: 1-6, 14-15

D3 : WO 2006/128257 A1 (JVM1 PTY LTD) 07 December 2006 #

Category: **Y** Claims: 9-10, 12

Cited in the International Search Report and the IPRPI/IPRP II

Special categories of cited documents:

X: The claimed invention cannot be considered novel under subsection 7(1) in light of the document and/or cannot be considered to involve an inventive step under subsection 7(2) of the Act in light of the common general knowledge considered together with the document.

Y: The claimed invention cannot be considered to involve an inventive step under subsection 7(2) of the Act in light of the common general knowledge when considered together with a combination of the document and one or more other such documents.

Novelty and Inventive Step

1 Claims 1-8, 11 and 13-15 are not novel and lack an inventive step in light of the prior art documents discussed in Box V of the IPRP dated 12 March 2010.

While the objection regarding these documents was not made under Australian law, I agree with the reasons given in that report and consider that they support a corresponding objection against the Australian claims.

2 Claims 9-10 and 12 lack an inventive step in light of the prior art documents discussed in Box V of the above-referred IPRP.

While the objection regarding these documents was not made under Australian law, I agree with the reasons given in that report and consider that they support a corresponding objection against the Australian claims. It is considered that a person skilled in the art, in view of the problem to be solved and the general state of the art at the time, would have ascertained, understood and regarded these documents as relevant.

How to contact us

Examiner: Shuiwei Xie
A4 - Mechanical
Patent Examination B
(02) 6283 7942

Corporate Telephone: 1300 651 010
(9am-5pm Mon- Fri)

Fax: (02) 6283 7999

Mail: IP Australia
PO Box 200
Woden, ACT 2606

Email: assist@ipaaustralia.gov.au

Website: www.ipaustralia.gov.au



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