

**Senate Standing Committee on Economics**  
**ANSWERS TO QUESTIONS ON NOTICE**  
Innovation, Industry, Science and Research Portfolio  
Budget Estimates Hearing 2011-12  
30 May 2011

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**AGENCY/DEPARTMENT:** IP AUSTRALIA

**TOPIC:** Amgen Patent

**REFERENCE:** Question on Notice (Hansard, 30 May 2011, E25)

**QUESTION No.:** BI-11

**Senator HEFFERNAN:** What representations did Amgen make to IP Australia in support of its application for a patent term extension.

**Mr Noonan:** I would have to take that question on notice. Wherever there is an extension, an application must be made by the applicant.

**Senator HEFFERNAN:** And could you provide to this committee the paperwork that was in that consideration with Amgen; their representations and their actual paperwork?

**Mr Noonan:** I will certainly take on notice your request to provide the reasons that Amgen gave and we would apply the usual considerations in deciding how much information we would be able to provide in the response

**ANSWER**

On 21 December 1999, the patent attorney representing Kiren-Amgen, Inc. made an application in the approved form as required by sections 70 and 71 of the *Patents Act 1990*, requesting an extension of term of Australian Patent 600,650 (Attachment A includes a copy of the relevant application).

The patent attorney representing Kiren-Amgen advised on 23 May 2000 that the involvement of Australian Patent 600,650 in the action between Johnson & Johnson v Genetics Institute in the Federal Court did not constitute relevant proceedings as defined in the *Patents Act 1990*.

Attachment A includes all the relevant documentation relating to the application and IP Australia's decision to grant the extension of patent term.