

#### Australian Government

**IP** Australia

# CERTIFICATE OF GRANT INNOVATION PATENT

## Patent number: 2021103413

The Commissioner of Patents has granted the above patent on 4 August 2021, and certifies that the below particulars have been registered in the Register of Patents.

#### Name and address of patentee(s):

Gerrard Poinern of 10 Spinnaker Hts Yangebup WA 6164 Australia

#### Title of invention:

Improved Scalable Green Synthesis of Noble Metallic Polygonal Micro/Nano particles from Waste Macadamia Nut Shells

#### Name of inventor(s):

Poinern, Gerrard; Dang, Huu; Chamsa-ard, Wisut; Fawcett, Derek; Sharma, Shashi; Burt, Mark and Wulandari, Triana

### Term of Patent:

Eight years from 17 June 2021

NOTE: This Innovation Patent cannot be enforced unless and until it has been examined by the Commissioner of Patents and a Certificate of Examination has been issued. See sections 120(1A) and 129A of the Patents Act 1990, set out on the reverse of this document.



Dated this 4<sup>th</sup> day of August 2021

**Commissioner of Patents** 

## Extracts from the Patents Act, 1990

Sec 128Application for relief from unjustified threats(1)Where a person, by means of circulars, advertisements or otherwise, threatens a person with infringement proceedings or other similar proceedings a person aggrieved may apply to a prescribed court, or to another court having jurisdiction to hear and determine the application, for:(a)a declaration that the threats are unjustifiable; and an injunction against the continuance of the threats; and threats.(b)an injunction against the continuance of the threats; and threats.(2)Subsection (1) applies whether or not the person who made the threats is entitled to, or interested in, the patent or a patent application.Sec 129AThreats related to an innovation patent application or innovation patent and courts power to grant relief.
<ul> <li>Where a person, by means of circulars, advertisements or otherwise, threatens a person with infringement proceedings or other similar proceedings a person aggrieved may apply to a prescribed court, or to another court having jurisdiction to hear and determine the application, for:         <ul> <li>(a) a declaration that the threats are unjustifiable; and</li> <li>(b) an injunction against the continuance of the threats; and</li> <li>(c) the recovery of any damages sustained by the applicant as a result of the threats.</li> </ul> </li> <li>(2) Subsection (1) applies whether or not the person who made the threats is entitled to, or interested in, the patent or a patent application.</li> <li>Sec 129A Threats related to an innovation patent application or innovation patent</li> </ul>
<ul> <li>(a) a declaration that the threats are unjustifiable; and</li> <li>(b) an injunction against the continuance of the threats; and</li> <li>(c) the recovery of any damages sustained by the applicant as a result of the threats.</li> <li>(2) Subsection (1) applies whether or not the person who made the threats is entitled to, or interested in, the patent or a patent application.</li> <li>Sec 129A Threats related to an innovation patent application or innovation patent</li> </ul>
<ul> <li>(c) the recovery of any damages sustained by the applicant as a result of the threats.</li> <li>(2) Subsection (1) applies whether or not the person who made the threats is entitled to, or interested in, the patent or a patent application.</li> <li>Sec 129A Threats related to an innovation patent application or innovation patent</li> </ul>
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Sec 129AThreats related to an innovation patent application or innovation patent
Sec 129A Threats related to an innovation patent application or innovation patent
and courts power to grant relief.
Certain threats of infringement proceedings are always unjustifiable.
(1) If:
(a) a person:
(i) has applied for an innovation patent, but the application has not been
determined; or
(ii) has an innovation patent that has not been certified; and
(b) the person, by means of circulars, advertisements or otherwise, threatens a
person with infringement proceedings or other similar proceedings in respect of
the patent applied for, or the patent, as the case may be;
then, for the purposes of an application for relief under section 128 by the
person threatened, the threats are unjustifiable.
Courts power to grant relief in respect of threats made by the applicant for an innovation patent or the
patentee of an uncertified innovation patent
<ul> <li>If an application under section 128 for relief relates to threats made in respect</li> <li>of an innovation patent that has not been certified or an application for an</li> <li>innovation patent, the court may grant the application the relief applied for.</li> </ul>
Courts power to grant relief in respect of threats made by the patentee of certified innovation patent
(3) If an application under section 128 for relief relates to threats made in respect
of a certified innovation patent, the court may grant the applicant the relief
applied for unless the respondent satisfies the court that the acts about which
the threats were made infringed, or would infringe, a claim that is not shown by
the applicant to be invalid.
Schedule 1 Dictionary
certified, in respect of an innovation patent other than in section 19, means a
certificate of examination issued by the Commissioner under paragraph

101E(e) in respect of the patent