

4 October, 2015  
IP Australia  
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Attn: Dr David Simmons

Gottfried Lichti  
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**Re: Commercial Importance of Innovation Patent System in Australia**

Dear Dr Simmons,

Omniblend Innovation specializes in the development of new functional foods, and in particular in the development of new foods in the category "Foods for Special Medical Purposes". We have a product pipeline that includes pre-meal drinks for people with diabetes, fibre-boosting drinks for gastric health, and a range of maternal health products.

The food industry has a limited range of ingredients to choose from and frequently it is difficult to secure standard patent protection for new functional food items. This is because the same ingredients have been used in other foods.


There is currently, however, significant scope for obtaining patent protection through the Australian Innovation Patents pathway because of the 'easier' requirement for "inventive step". This motivates us to invest more funds on food technology research because we can get some measurement of protection in the form of Australian Innovation Patents.

I note that one of the useful features of the Australian Innovation Patents pathway is that the registration step can be deferred until there is evidence of third party patent infringement in the marketplace. Delaying the registration step can be a useful strategy to defer costs, without sacrificing monopoly rights.

I note that the area of food technology is one of the most value-adding areas in the Australian economy, and hope that the option of taking out innovation patents remains open to us.

Regards

Gottfried Lichti PhD    Mob: 0408 440 776



Executive Director, Omniblend Innovation Pty Ltd