

## New Incubator Tenant: Ziltek Pty Ltd

In August the South Australian environmental waste technology company Ziltek Pty Ltd became a resident of the BioSA Incubator in Thebarton.

The move comes on the back of a strong year for the company, with the release of their first product RemBind™ to market, a million dollar private investment deal closed in February, a BioSA BDI grant and a national award for environmental excellence from the Civil Contractors Federation.

"The dedicated biotechnology incubator will help us to capitalise on these successes," states Ziltek Managing Director Dr Richard Stewart.

"In a start-up company, time is always short, resources are always precious," he said. "If we had tried to replicate elsewhere what we have at the incubator, it would have cost a lot more money and time and it would have delayed the program."

"It has meant that we can get access to world-class laboratory space and equipment and all the things that we needed."

The company's time at the incubator will accelerate the



RemScan™ measures petroleum hydrocarbon contamination in soil

development of several products already in the pipeline, foremost amongst them the RemScan™.

Developed in collaboration with the CSIRO, the RemScan™ is a first-of-its-kind handheld device for the measurement of petroleum hydrocarbon contamination in soil. Ziltek has a global exclusive licence to the technology, which it expects to launch early next year.

Since moving into the incubator, Ziltek has engaged several people in the lab including Dr Grant Webster, who is leading the technical team on the RemScan™, and Mr Sean Forrester, an infra-red specialist seconded from the CSIRO.

"I think that sharing the incubator space with other technology-based start-ups is good from a staff point of view as well," Dr Stewart said. "Our staff in the lab can mingle with other companies, share ideas. It has an education hub feel to it."

**For more information on incubator residency please contact Mr Greg Hall, Infrastructure Director, on (08) 8152 9303. For further information on Ziltek Pty Ltd please visit [www.ziltek.com.au](http://www.ziltek.com.au)**

## IP News

- The *Court of Justice of the European Union* recently found that inventions requiring the destruction of human embryos should be excluded from patentability. "Human embryo" was broadly interpreted to include fertilised human ova and certain non-fertilised cells (e.g. following parthenogenesis or somatic cell nuclear transfer), as well as *descendants thereof* including *cells from previously established cell banks*. As a consequence, some existing patents granted in EU countries may now be invalid.
- The *Supreme Court of Japan* has expanded the scope of what may be eligible for patent term extension. Under the new scope, patents related to subject matter, such as drug delivery systems and compositions characterised by a particular dose of an active ingredient, may be eligible for patent term extension where the relevant active ingredient and/or its medical use has already been the subject of a patent term extension.
- The *United Kingdom Supreme Court* has *reversed* the decisions of the lower English courts that HGS' neutrokin- $\alpha$  patent is invalid. This case relates to a "gene patent" and whether or not the specification sufficiently indicated that the invention was "susceptible of industrial application"; a requirement that is akin to the utility requirement in Australia and elsewhere.

It was found that it may be sufficient to merely identify the encoded protein as a member of a family and assign a similar role or function to that protein as is known for other family members.

- Patent claims directed to diagnostic methods have recently received considerable attention in the *United States*. Three recent Federal Circuit decisions suggest that patent claims which do not involve a physical transformation, or only include a physical transformation that is not integral to the claimed invention, are likely to be considered non-patentable subject matter. In light of the above, it appears that inclusion of a physical transformation step in diagnostic method claims may now be necessary in order to be considered patentable subject matter in the United States.



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