



Australian Government

IP Australia

CERTIFICATE OF GRANT INNOVATION PATENT

Patent number: 2020101771

The Commissioner of Patents has granted the above patent on 23 September 2020, and certifies that the below particulars have been registered in the Register of Patents.

Name and address of patentee(s):

Potato Research Institute, Gansu Academy of Agricultural Sciences of No. 1, New Village, Academy of Agricultural Sciences,, Anning District Lanzhou Gansu 730060 China

Title of invention:

Method for in vitro cyclic preservation of Potato Germplasm

Name of inventor(s):

Qi, Enfang; Jia, Xiaoxia; Lv, Heping; Wen, Guohong; Liu, Shi; Hu, Xinyuan; Huang, Wei; Wang, Min and Li, Jianwu

Term of Patent:

Eight years from 12 August 2020

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 23rd day of September 2020

Commissioner of Patents

PATENTS ACT 1990

The Australian Patents Register is the official record and should be referred to for the full details pertaining to this IP Right.

Sect 120(1A) Infringement proceedings in respect of an innovation patent cannot be started unless the patent has been certified.

- (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
 - (b) an injunction against the continuance of the threats; and
 - (c) the recovery of any damages sustained by the applicant as a result of the 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.

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.

(2) If an application under section 128 for relief relates to threats made in respect of an innovation patent that has not been certified or an application for an innovation patent, the court may grant the application the relief applied for.

(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.

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