

# FRANCES ST JOHN

TENTH FLOOR SELBORNE/WENTWORTH CHAMBERS  
174 PHILLIP STREET SYDNEY NSW 2000  
02 9232 4609 STJOHN@TENTHFLOOR.ORG

## **BARRISTER at TENTH FLOOR SELBORNE/WENTWORTH CHAMBERS**

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APRIL 2015 – PRESENT

Intellectual property practice, including patents, trade marks, copyright, designs, breach of confidence, and consumer protection (misleading or deceptive conduct).

*Chambers and Partners – Intellectual Property: The Bar, Global, 2021 to 2023*

*Chambers and Partners – Intellectual Property: The Bar, Asia Pacific, 2021 to 2023*

*Best Lawyers – Intellectual Property Law, 2018 to 2024*

*Doyle’s Guide – Intellectual Property Barristers, Australia, 2018 to 2023 (“Leading” junior counsel since 2022)*

*Doyle’s Guide – Intellectual Property Barristers, New South Wales, 2016 to 2024 (“Preeminent” junior counsel since 2023)*

*Doyle’s Guide – Technology, Media & Telecommunications Barristers, New South Wales, 2018 to 2024 (“Leading” junior counsel since 2022)*

## **SELECTED RECENT MATTERS – TRADE MARKS AND CONSUMER PROTECTION**

- *RB (Hygiene Home) Australia Pty Ltd v Henkel Australia Pty Ltd (No 2)* [2021] FCA 1194; (2021) 162 IPR 496, [2021] FCA 1094; [2024] FCAFC 10 (Full Federal Court; made oral submissions on some aspects of the case)
  - Trade marks – infringement and invalidity (FMCG – dishwashing tablets)
  - Trade marks – shape trade marks
  - Consumer protection – misleading or deceptive conduct
  - Consumer protection – alleged false advertising (claim to be ecologically friendly)
  - Interlocutory – urgent interlocutory relief
- *Primary Health Care Limited v Commonwealth & Ors* [2017] FCAFC 174
  - Trade marks – registration – appeal (PRIMARY HEALTH CARE)
- *Victoria’s Secret Stores Brand Management, LLC v ePharmacy Group Pty Ltd* (Federal Court; **unled**; ongoing)
  - Trade marks – infringement (VICTORIA’S SECRET in relation to fragrances)
  - Interlocutory – urgent interlocutory relief
  - Confidentiality – application for final orders
- *Dr August Wolff GmbH & Co. KG Arzneimittel v Combe International Ltd* (2020) 149 IPR 1, [2020] FCA 730; (2021) 157 IPR 230, [2021] FCAFC 8
  - Trade marks – registration (VAGISAN v VAGISIL)

## Costs

- *RB (Hygiene Home) Australia Pty Ltd v Procter & Gamble Australia Pty Ltd* [2023] FCA 383 (Federal Court; ongoing; judgment concerns an application for interlocutory relief)
  - Consumer protection – misleading or deceptive conduct (dishwashing tablets)
  - Interlocutory – urgent interlocutory relief
- *Boost Tel Pty Limited v Singtel Optus Pty Limited* (Federal Court; settled)
  - Trade mark infringement (telecommunications)
- *Domino's Pizza Enterprises Ltd v Precision Tracking Pty Ltd & Ors* [2017] FCA 211; [2017] FCA 1264; [2018] FCA 48; [2018] FCA 910; [2018] FCA 1160 (settled – judgments are interlocutory)
  - Consumer protection – misleading or deceptive conduct
  - Patents – infringement and invalidity (mechanical/electrical: GPS tracking of pizza delivery)
  - Breach of confidence
  - Copyright – infringement
- *F45 Training Pty Ltd v Body Fit Training Company Pty Ltd* [2020] NSWSC 1879 (discontinued; judgment concerns an application under cross-vesting legislation)
  - Trade marks – infringement and invalidity (fitness studios)
  - Consumer protection – misleading or deceptive conduct
- *AGL Energy Limited v Greenpeace Australia Pacific Limited* (2021) 395 ALR 275, (2021) 159 IPR 336, [2021] FCA 625
  - Trade marks – infringement (AGL logo used in Greenpeace campaign)
  - Copyright – infringement (parody or satire and criticism or review defences)
  - Interlocutory – urgent interlocutory relief
- *Fairfax Media Publications Pty Ltd v Network 10 Pty Ltd* [2018] FCA 2003 (settled; judgment is interlocutory)
  - Trade marks – infringement (Network 10 rebrand to “10 BOSS”)
  - Consumer protection – misleading or deceptive conduct
  - Interlocutory – urgent interlocutory relief
- *Pinnacle Runway Pty Ltd v Triangl Group Limited* (2019) 375 ALR 251, 148 IPR 211, [2020] FCA 1379 (appeal discontinued)
  - Trade marks – infringement and invalidity (women’s clothing, particularly swimwear)
  - Evidence – admissibility of Wayback Machine records
  - Costs – settlement offers
- *iNova Pharmaceuticals (Australia) Pty Ltd v Letos Group Pty Ltd* [2022] FedCFamC2G 1052 (**unled**)
  - Trade marks – infringement (counterfeit pharmaceutical goods)
  - Interlocutory – summary judgment
- *Dometic Australia Pty Ltd v Houghton Leisure Products Pty Ltd* (2018) 135 IPR 403, [2019] ALMD 759, [2019] ALMD 760, [2019] ALMD 761, [2018] FCA 1573
  - Consumer protection – misleading or deceptive conduct
  - Patents – infringement and invalidity (mechanical: air-conditioners used in caravans)

Interlocutory – interlocutory injunction

Costs

- *Howden Australia Pty Ltd & Anor v Minetek Investments Pty Ltd & Ors* [2019] FCA 981; [2019] FCA 1851
  - Consumer protection – misleading or deceptive conduct
  - Breach of confidence (fans used in mines)
  - Breach of contract (employee misuse of information)
  - Patents – ownership (mechanical: fans used in mines)
  - Interlocutory – interlocutory injunction
  - Interlocutory – discovery (forensic imaging)
- *Taxiprop Pty Ltd v Neutron Holdings Inc* (2020) 156 IPR 1, [2020] FCA 1565; (2020) 157 IPR 10, [2020] FCA 1822; [2021] FCA 274
  - Trade marks – infringement and invalidity (transport – LIME)
- *Hells Angels Motorcycle Corporation (Australia) Pty Ltd v Redbubble Limited & Anor* [2016] AIPC 92-506, [2017] ALMD 696, [2017] ALMD 731, [2016] FCA 530
  - Trade marks – infringement (fashion – skull with wings mark)
  - Copyright – infringement
  - Interlocutory – security for costs
- *Meenakshi Krishnan v Estee Lauder Companies Inc* (Federal Court; **unled**; for Estee Lauder)
  - Consumer protection – alleged false advertising (beauty products)
  - Therapeutic goods – alleged breaches of regulatory regime
- *7 Network (Operations) Limited v 7-Eleven Inc* [2023] FCA 608 (under appeal)
  - Trade marks – invalidity (media and entertainment; FMCG – convenience stores)
- *Bangkok Broadcasting & TV Co Ltd v Seven Network (Operations) Limited; Seven Network (Operations) Limited v Bangkok Broadcasting & TV Co Ltd* (Federal Court; settled)
  - Trade marks – invalidity (media and entertainment)
- *Derma Pen LLC v Biosoft (Australia) Pty Ltd* [2022] FCA 885 (Federal Court; judgment is on an application for security for costs)
  - Trade marks – infringement and invalidity (beauty products – micro-needling devices)
  - Trade marks – whether purported assignment is void under *Conveyancing Act 1919*
  - Trade marks – ownership
  - Copyright – infringement
  - Contracts – whether contract is void
  - Enforcement of foreign judgment
  - Interlocutory – security for costs (**unled**)
- *GAIN Capital UK Limited v Citigroup Inc (No 2)* (2017) 123 IPR 234, [2017] ALMD 4126, [2017] ALMD 4127, [2017] FCA 519; (2016) 118 IPR 4, [2016] FCA 243; [2016] FCA 582
  - Trade marks – opposition to registration – appeal (finance – CITY FX and related marks)
- *Bohemia Crystal Pty Ltd v Host Corporation Pty Ltd* (2018) 129 IPR 482, [2018] FCA 235; [2018] FCA 892

Trade marks – infringement and invalidity (crystal glassware – BOHEMIA and related marks)

Passing off

Consumer protection – misleading or deceptive conduct

Costs (**unled**)

- *Jujube Australia v Natures Treat Pty Ltd & Ors* [2018] FCA 962 (**unled**; settled)
  - Trade marks – infringement (fruit – JUJUBE AUSTRALIA device with dragon)
  - Consumer protection – misleading or deceptive conduct
  - Costs
- *Shape Shopfitters Pty Ltd v SHAPE Australia Pty Limited* [2017] FCA 474; [2017] FCA 865; [2017] FCA 1277
  - Trade marks – infringement (construction – SHAPE)
  - Consumer protection – misleading or deceptive conduct
  - Interlocutory – admissibility of evidence from the Wayback Machine
  - Costs
- *Quantum Group Holdings Pty Ltd v Thompson* [2021] FedCFamC2G 339 (Federal Circuit Court; **unled**)
  - Trade marks – registration (accounting and finance – QUANTUM)
- *L’Oreal Australia Pty Ltd v BrandPoint Pty Ltd* [2015] FCA 978
  - Consumer protection – misleading or deceptive conduct (beauty – rotating face brush)
  - Interlocutory – preliminary discovery
- *Stelco Pty Ltd t/as Downrigger Shop v Facebook Australia Pty Ltd* (for Facebook; **unled**; resolved as against Facebook)
  - Consumer protection
- *Chandrasekaran v Microsoft Pty Ltd & Ors* (Supreme Court; for Facebook; **unled**; resolved as against Facebook)
  - Interlocutory – preliminary discovery
- *True Manufacturing Co Inc & Anor v Food Equipment Distributors Pty Ltd* (Federal Court; **unled**; settled)
  - Trade marks – infringement and invalidity
- *State of Escape Accessories Pty Limited v Anthony Biviano & Anor* (Federal Court; **unled**; settled)
  - Consumer protection – misleading or deceptive conduct
  - Copyright – infringement; designs overlap (fashion – handbags)
- *Workinonit Pty Ltd v Six Hunt Pty Ltd* (Federal Circuit Court; **unled**; settled)
  - Trade marks – revocation (fashion – clothing and sneakers – BUTTER)
- *Right2Drive Pty Ltd v Pokerplus Pty Ltd* (Federal Court; **unled**; settled)
  - Trade marks – infringement (car sharing)
- *Laminar Air Flow Pty Ltd v Vokes Ltd & Ors* (Federal Court; **unled**)
  - Trade marks – infringement (air-conditioners – VOKES marks)

- *Complete Office Supplies v Corporate Office Supplies* (Federal Court; **unled**; settled)
  - Trade marks – infringement (stationery – COS)
  - Consumer protection – misleading or deceptive conduct
- *eos Products LLC v CBCH Australia Pty Ltd* (Federal Court; settled)
  - Consumer protection – misleading or deceptive conduct (beauty products – lip balm)
- *NPP Australia Limited v Ripple Labs, Inc* (Federal Court; settled)
  - Trade marks – infringement (blockchain-style banking technology)
  - Consumer protection – misleading or deceptive conduct
  - International application and enforcement of laws
- *Acushnet Company v Golf Gods & Ors* (Federal Court; settled)
  - Trade marks – infringement (fashion – golf clothing and other golf goods)
- *Frankies Bikinis LLC v Frankii Swim Pty Ltd & Anor* (Federal Court; settled)
  - Trade marks – infringement and invalidity (fashion – bikinis)
  - Consumer protection – misleading or deceptive conduct
  - Contracts – breach of settlement agreement
- *Boss Fire & Safety Pty Ltd v Fire Containment Pty Ltd* (2022) 166 IPR 264, [2022] FCA 464 (cross-examined witnesses, including an expert witness)
  - Trade marks – registration (fire safety boxes)
- *Sydney Discus World Aquariums Pty Ltd v Botany Way Scapes Pty Ltd & Ors* (Federal Circuit Court; **unled**)
  - Trade marks – infringement, invalidity (aquascaping)
- Various trade mark oppositions, **unled**, including for Ampol, Macquarie Bank, and Penfolds

## SELECTED RECENT MATTERS – COPYRIGHT

- *Reference by APRA AMCOS to Copyright Tribunal* [2022] ACopyT 4 (Copyright Tribunal; **unled**; for Apple; ongoing; judgment concerns summonses)
  - Copyright – setting of appropriate licence fees (use of musical works in streaming video on demand services)
  - Interlocutory – Tribunal’s power to issue summonses
- *Copyright Agency Limited v Isentia Pty Limited & Ors* [2022] FCAFC 163; (2022) 405 ALR 619 (made oral submissions on some aspects of the case)
  - Copyright – setting of appropriate licence fees (media monitoring)
- *The DLA Group Pty Limited v The State of Western Australia* [2022] ACopyT 6; [2023] ACopyT 1 (Copyright Tribunal; **unled** for the State of WA; ongoing; judgments concern costs and summonses)
  - Copyright – Commonwealth use of copyright works
  - Costs
  - Procedure – Tribunal’s power to issue summonses

- *Roadshow Films Pty Limited & Ors v Telstra Corporation Limited & Ors; Foxtel Management Pty Ltd v TPG Internet Pty Ltd & Ors* (2016) 248 FCR 178, 343 ALR 428, 122 IPR 81, [2016] AIPC 92-517, [2017] ALMD 3345, [2016] FCA 1503
  - Copyright – first applications to block access to piracy websites under new s 115A
- *Universal Music Australia Pty Ltd & Ors v TPG Internet Pty Ltd & Ors* (2017) 348 ALR 493, 126 IPR 219, [2018] ALMD 2180, [2018] ALMD 2181, [2017] FCA 435
  - Copyright – second application to block access to piracy websites under new s 115A
- *Roadshow Films Pty Limited & Ors v Telstra Corporation Limited & Ors* (application no. 4; Federal Court; **unled**; orders made as sought but no reasons published); also [2019] FCA 885 (application no. 5; **unled**); also [2019] FCA 1328 (application no. 6; **unled**); also *Roadshow Films Pty Limited & Ors v Telstra Corporation Limited & Ors* (2020) 151 IPR 449 and (2020) 153 IPR 317 (application no. 7; **unled**); also *Roadshow Films Pty Limited & Ors v Telstra Corporation Limited & Ors* [2020] FCA 1468 (application no. 8; **unled**); *Roadshow Films Pty Limited & Ors v Telstra Corporation Limited & Ors* [2021] FCA 1588 (application no. 9; **unled**); *Roadshow Films Pty Limited & Ors v Telstra Corporation Limited & Ors* [2022] FCA 134 (application no. 10; **unled**); *Roadshow Films Pty Limited & Ors v Telstra Corporation Limited & Ors* [2022] FCA 1413 (application no. 11; **unled**); *Roadshow Films Pty Limited & Ors v Telstra Corporation Limited & Ors* [2022] FCA 1468 (application no. 12; **unled**); *Roadshow Films Pty Limited & Ors v Telstra Limited* [2023] FCA 777 (application no. 13; **unled**);
  - Copyright – applications to block access to piracy websites under s 115A
- *AGL Energy Limited v Greenpeace Australia Pacific Limited* (2021) 395 ALR 275, [2021] FCA 625
  - Copyright – infringement (parody or satire and criticism or review defences)
  - Trade marks – infringement (AGL logo used in Greenpeace campaign)
  - Interlocutory – urgent interlocutory relief
- *Meltwater Australia Pty Ltd – Reference to Copyright Tribunal* [2019] ACopyT 1; [2020] ACopyT 2; [2021] ACopyT 1; [2021] ACopyT 3; [2022] ACopyT 5
  - Copyright – setting of appropriate licence fees (media monitoring)
  - Interlocutory – release of Harman undertaking (**unled**)
- *Lift Shop Pty Ltd v Next Level Elevators Pty Ltd* [2023] FedCFamC2G 268; [2023] FedCFamC2G 394 (ongoing; judgments concern a notice to produce and costs; cross-examined witnesses, including expert witnesses)
  - Copyright – infringement (business documentation)
  - Breach of confidence (former employee)
  - Consumer protection – misleading and deceptive conduct
  - Interlocutory – application to set aside notice to produce (**unled**); application to exclude evidence said to be improperly obtained (**unled**)
- *Hells Angels Motorcycle Corporation (Australia) Pty Ltd v Redbubble Limited & Anor* [2016] AIPC 92-506, [2017] ALMD 696, [2017] ALMD 731, [2016] FCA 530
  - Copyright – infringement
  - Trade marks – infringement (fashion – skull with wings mark)
  - Interlocutory – security for costs
- *Universal Music Australia Pty Limited v Pavlovic & Anor; Pavlovic & Anor v Universal Music Australia Pty Limited & Ors* [2017] NSWSC 247; [2017] NSWSC 314 (settled; judgments relate to discovery and release from undertakings)

Copyright – infringement (music)

Breach of contract

- *Amga Palmer Pty Ltd v Ilestroke Pty Ltd & Ors* (Federal Court; **unled**; settled)

Copyright – infringement (house plans)

- *PMP Digital Pty Ltd v Joshua Gavin & Ors* (Federal Court; **unled**; settled)

Copyright – infringement (digital library of photographs of FMCG)

Breach of contract

Torts – interference with contractual relations

- *Domino's Pizza Enterprises Ltd v Precision Tracking Pty Ltd & Ors* [2017] FCA 211; [2017] FCA 1264; [2018] FCA 48; [2018] FCA 910; [2018] FCA 1160 (settled – judgments are interlocutory)

Copyright – infringement

Patents – infringement and invalidity (mechanical/electrical: GPS tracking of pizza delivery)

Breach of confidence

Consumer protection – misleading or deceptive conduct

- *Steiner Legal v Rubicon Films Pty Limited* (Federal Court; **unled**; settled)

Copyright – infringement (television commercial)

Breach of contract

Interlocutory – injunction (obtained urgent injunction **unled**)

- *Wisdom Properties Group Pty Ltd v Velibor Todic & Ors* (Federal Court; **unled**; settled)

Copyright – infringement (house plans)

- *State of Escape Accessories Pty Limited v Anthony Biviano & Anor* (Federal Court; **unled**; settled)

Copyright – infringement; designs overlap (fashion – handbags)

Consumer protection – misleading or deceptive conduct

- *Australian Olympic Committee Inc v Colonial Leisure Group Pty Ltd* (Federal Court; settled)

Copyright – infringement (craft beer)

Olympic insignia - infringement (craft beer)

- *Pentana Solutions Pty Ltd v Titan Dealer Management Solutions Pty Ltd* (Federal Court; ongoing)

Copyright – infringement (software)

Copyright – circumvention of electronic protection measures

Torts – inducing breach of contract

Competition – misuse of market power

## SELECTED RECENT MATTERS – BREACH OF CONFIDENCE

- *Domino's Pizza Enterprises Ltd v Precision Tracking Pty Ltd & Ors* [2017] FCA 211; [2017] FCA 1264; [2018] FCA 48; [2018] FCA 910; [2018] FCA 1160 (settled – judgments are interlocutory)

Breach of confidence

Patents – infringement and invalidity (mechanical/electrical: GPS tracking of pizza delivery)

Copyright – infringement

Consumer protection – misleading or deceptive conduct

- *Howden Australia Pty Ltd & Anor v Minetek Investments Pty Ltd & Ors* [2019] FCA 981; [2019] FCA 1851; [2022] FCA 1202

Breach of confidence (fans used in mines)

Breach of contract (employee misuse of information)

Consumer protection – misleading or deceptive conduct

Patents – ownership (mechanical: fans used in mines)

Interlocutory – interlocutory injunction

Interlocutory – discovery (forensic imaging)

Interlocutory – release from Harman undertaking (**unled**)

- *Lift Shop Pty Ltd v Next Level Elevators Pty Ltd* [2023] FedCFamC2G 268 (ongoing; judgment concerns a notice to produce; cross-examined witnesses, including expert witnesses)

Breach of confidence (former employee)

Copyright – infringement (business documentation)

Consumer protection – misleading and deceptive conduct

Interlocutory – application to set aside notice to produce; application to exclude evidence said to be improperly obtained

- *Alembic Pharmaceuticals Ltd v Generic Partners Pty Ltd; Generic Partners Pty Ltd v Alembic Pharmaceuticals Ltd* (Federal Court; settled)

Breach of confidence (pharmaceuticals)

Copyright – infringement

Interlocutory – urgent interlocutory relief

Interlocutory – application for stay under *International Arbitration Act 1974* (Cth)

## SELECTED RECENT MATTERS – PATENTS

- *Aristocrat Technologies Australia Pty Ltd v Commissioner of Patents* [2022] HCA 29; (2022) 403 ALR 625 (**unled** at hearing)

Patents – validity – manner of manufacture (computer-implemented inventions)

- *Globaltech Corporation Pty Ltd v Australian Mud Company Pty Ltd* (2019) 145 IPR 39, [2019] FCAFC 162; [2017] HCASL 189 (special leave refused after oral hearing)

Patents – infringement and invalidity (mechanical: drilling equipment used in mining)

- *Coretell Pty Ltd v Australian Mud Company Pty Ltd* (2017) 250 FCR 155, 124 IPR 210, [2017] AIPC 92-525, [2017] FCAFC 54; [2016] FCA 706; [2017] FCAFC 122; [2017] HCASL 189 (special leave refused)

Patents – infringement and invalidity (mechanical: drilling equipment used in mining)

Costs

- *Cayago Tec GmbH v iAqua Watersports Pty Ltd* (Federal Court; settled; **unled**)

Patents – infringement and invalidity (mechanical: underwater jet propulsion system)



- *Stasiuk v Monster Energy AU Pty Ltd* [2023] FCA 856 (ongoing – judgment concerns a security for costs application)
  - Patents – infringement and invalidity (mechanical – laser etched tabs on soft drink cans)
  - Interlocutory – security for costs (**unled**)
- *Dinzel Construction Systems Pty Ltd v AFS Systems Pty Ltd & Anor* (2018) 360 ALR 273, (2018) 135 IPR 197, [2018] FCAFC 157; [2017] FCA 262; [2017] FCA 791; [2017] FCA 919
  - Patents – infringement and invalidity (mechanical: building products)
  - Interlocutory – urgent interlocutory relief
- *Domino's Pizza Enterprises Ltd v Precision Tracking Pty Ltd & Ors* [2017] FCA 211; [2017] FCA 1264; [2018] FCA 48; [2018] FCA 910; [2018] FCA 1160 (settled – judgments are interlocutory)
  - Patents – infringement and invalidity (mechanical/electrical: GPS tracking of pizza delivery)
  - Breach of confidence
  - Copyright – infringement
  - Consumer protection – misleading or deceptive conduct
- *Dyno Nobel Asia Pacific Pty Ltd v Orica Explosives Technology Pty Ltd & Ors* (Federal Court; ongoing)
  - Patents – infringement and invalidity (mechanical/electrical: wireless explosive devices)
  - Patents – unjustified threats
  - Preliminary discovery
  - Procedure – amendment of pleadings
- *Neurim Pharmaceuticals (1991) Ltd v Generic Partners Pty Ltd & Anor* [2018] FCA 1082; (2019) 139 IPR 424, [2019] FCA 154 (judgments are interlocutory)
  - Patents – infringement and invalidity (pharmaceuticals)
  - Patents – amendment
- *Australian Mud Company Pty Ltd v Coretell Pty Ltd* [2016] FCA 830; [2018] FCA 1109; [2018] FCA 1608
  - Patents – infringement and invalidity (mechanical: drilling equipment used in mining)
  - Interlocutory – freezing orders
  - Costs – lump sum costs order (**unled**)
- *Dometic Australia Pty Ltd v Houghton Leisure Products Pty Ltd* (2018) 135 IPR 403, [2019] ALMD 759, [2019] ALMD 760, [2019] ALMD 761, [2018] FCA 1573
  - Patents – infringement and invalidity (mechanical: air-conditioners used in caravans)
  - Interlocutory – urgent interlocutory relief
  - Consumer protection – misleading or deceptive conduct
  - Costs
- *Australian Mud Company Pty Ltd & Anor v Globaltech Corporation Pty Ltd & Anor* [2020] FCA 811 (judgment is interlocutory)
  - Patents – infringement (mechanical: drilling equipment used in mining)
  - Interlocutory – preliminary discovery
  - Recusal (argued **unled**)
- *Repipe Pty Ltd v Commissioner of Taxation* (2019) 148 IPR 164, [2019] FCA 1956

Patents – validity – manner of manufacture (risk assessment system)

- *Voxson Pty Ltd v Telstra Corporation Limited & Ors* (2017) 343 ALR 681, [2018] ALMD 729, [2017] FCA 267 (settled – judgment is interlocutory)
  - Patents – infringement and invalidity (electrical: telecommunications)
  - Consumer protection – misleading or deceptive conduct
- *Jusand Nominees Pty Ltd v Rattlejack Innovations Pty Ltd* (2022) 167 IPR 1, [2022] FCA 540; [2022] FCA 867 (cross-examined expert witness and made oral submissions on some aspects of the case)
  - Patents – infringement (mechanical: device to plug bore holes to catch broken drill rods)
  - Patents – invalidity
  - Interlocutory – urgent interlocutory relief
- *PGS Australia Pty Limited v Polarcus Seismic Limited & Ors* (Federal Court; settled)
  - Patents – infringement and invalidity (mechanical/electrical: seismic surveying)
- *Zetco Valves Pty Ltd v Elson Australasia Pty Ltd* (Federal Court; settled)
  - Patents – infringement and invalidity (mechanical: plumbing supplies)
- *Hill & Smith Holdings PLC & Anor v Safe Barriers Pty Ltd* [2018] FCA 1882 (settled; judgment concerns discovery)
  - Patents – infringement and invalidity (mechanical: roadside barriers)
  - Interlocutory – discovery
- *Rakman International Pty Ltd v Boss Fire & Safety Pty Ltd* (2022) 166 IPR 264; [2022] FCA 464; [2022] FCA 1113 (cross-examined witnesses, including an expert witness)
  - Patents – infringement, invalidity (mechanical: fire safety boxes)
- *CSR Building Products Limited v Steadiform Pty Ltd* (Federal Court; settled)
  - Patents – infringement, invalidity (mechanical: building products)
- *Load and Move Pty Ltd v Container Rotation Systems Pty Ltd* [2016] FCA 843
  - Patents – infringement (mechanical: industrial containers)
  - Interlocutory – preliminary discovery
- *Balanced Body, Inc v Thrive Fitness Mildura Pty Ltd* (Federal Court; **unled**; settled)
  - Patents – infringement (mechanical: Pilates equipment)
- *Zuru Limited & Anor v Brand Developers Aust Pty Ltd* [2017] FCA 1023 (settled – judgment is interlocutory)
  - Patents – infringement (mechanical: water balloons)
  - Consumer protection – misleading or deceptive conduct
- Various patent oppositions, including **unled**

## SELECTED RECENT MATTERS – DESIGNS

- *GME Pty Ltd v Uniden Australia (No 2)* [2022] FCA 638

Designs – infringement (handheld radio microphones)

- *Hunter Pacific International Pty Ltd v Martec Pty Ltd* (2016) 121 IPR 1, [2016] AIPC 92-509, [2017] ALMD 1099, [2016] FCA 796

Designs – infringement (ceiling fans)

- *Norton v DTA (Australia) Pty Ltd* (Federal Circuit Court; **unled**; settled)

Designs – infringement (angle grinders)

## **SOLICITOR at GILBERT + TOBIN**

OCTOBER 2011 – APRIL 2015

Cases included the following:

- *Samsung Electronics Australia Pty Limited v LG Electronics Australia Pty Limited* [2015] FCA 227 and [2015] FCA 477 (consumer protection)
- *Kafataris v Davis* (2014) 109 IPR 29 (patents)
- *Energizer Australia v Procter & Gamble* (consumer protection – interlocutory injunction granted; settled)
- *Commonwealth v Primary Health Care* (2014) 108 IPR 610 (trade marks)
- *Storm Productions v John Marsden* (copyright – settled)
- *Ainsworth Game Technology v Aristocrat Technologies Australia* (patents, copyright – settled)
- *Washington v Qantas Airways Ltd* (2014) 107 IPR 144 (consumer protection, copyright – costs)
- *The Weather Channel v XYZnetworks* (consumer protection, trade marks – settled)
- *Perez & Ors v Fernandez* (2012) 260 FLR 1 (copyright)
- *PPCA Limited under s 154 of the Copyright Act 1968 (Cth)* [2015] ACopyT 3

## **SOLICITOR at MINTER ELLISON**

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JULY 2010 – OCTOBER 2011

## **INTERN at the AUSTRALIAN LAW REFORM COMMISSION**

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APRIL 2010 – JUNE 2010

## **ASSOCIATE to JUSTICE GREENWOOD OF THE FEDERAL COURT OF AUSTRALIA**

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JANUARY 2009 – FEBRUARY 2010

## **LEGAL RESEARCH ASSISTANT at LEVEL 11 INNS OF COURT, BRISBANE**

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AUGUST 2006 – JANUARY 2008

- Research work for the Hon. Ian Callinan AC
- Research work for Sir Laurence Street AC KCMG on an Inquiry commissioned by the Attorney-General of Queensland into an Aboriginal death in custody on Palm Island
- Research work for Mr Jonathan Horton QC in respect of the constitutional case *Betfair Pty Limited v Western Australia* (2008) 234 CLR 418

- Research work for the Hon. Bill Pincus QC's Commission of Inquiry into the Fuel Subsidy

**MASTER OF LAWS with FIRST CLASS HONOURS  
AUSTRALIAN NATIONAL UNIVERSITY**

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2014

**BACHELOR OF LAWS with HONOURS  
UNIVERSITY OF QUEENSLAND**

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2007; Dean's List Commendation for High Achievement (various semesters)