Commercial practice with a particular focus on intellectual property.

*Best Lawyers – Intellectual Property Law, 2018 and 2019*

*Doyle’s Guide – Intellectual Property Barristers, Australia, 2018 and 2019*

*Doyle’s Guide – Technology, Media & Telecommunications, Australia, 2018*


*Doyle’s Guide – Technology, Media & Telecommunications, New South Wales, 2018 and 2019*

**Selected recent matters – Intellectual property and consumer protection**

  
  Patents – infringement and invalidity (drilling equipment)
  
  Costs

- *Roadshow Films Pty Limited & Ors v Telstra Corporation Limited & Ors* [2019] FCA 885 (application no. 5; Federal Court; unled)
  
  Copyright – application to block access to piracy websites under s 115A

  
  Patents – infringement and invalidity (building products)
  
  Interlocutory – interlocutory injunction

  
  Patents – infringement and invalidity (GPS tracking of pizza delivery)
  
  Breach of confidence
  
  Copyright – infringement
  
  Misleading or deceptive conduct

- *Primary Health Care Limited v Commonwealth & Ors* [2017] FCAFC 174
  
  Trade marks – opposition to registration – appeal (PRIMARY HEALTH CARE)

- *Globaltech Corporation Pty Ltd v Australian Mud Company Pty Ltd* (Full Federal Court; reserved)
  
  Patents – infringement and invalidity (drilling equipment)
  - Patents – infringement and invalidity (pharmaceuticals)
  - Patents - amendment

- Roadshow Films Pty Limited & Ors v Telstra Corporation Limited & Ors (application no. 4; Federal Court; unled; orders made as sought but reasons not yet published)
  - Copyright – application to block access to piracy websites under s 115A

- Voxson Pty Ltd v Telstra Corporation Limited & Ors [2017] FCA 267, (2017) 343 ALR 681, [2018] ALMD 729 (settled; judgment is on a pleading point)
  - Patents – infringement and invalidity (telecommunications)
  - Misleading or deceptive conduct

- Fairfax Media Publications Pty Ltd v Network 10 Pty Ltd [2018] FCA 2003 (Federal Court; settled; judgment is interlocutory)
  - Urgent interlocutory relief
  - Trade marks – infringement (Network 10 rebrand to “10 BOSS”)
  - Misleading or deceptive conduct

  - Copyright – first applications to block access to piracy websites under new s 115A

- Australian Mud Company Pty Ltd v Coretell Pty Ltd [2016] FCA 830; [2018] FCA 1109; [2018] FCA 1608
  - Patents – infringement and invalidity (drilling equipment)
  - Interlocutory – freezing orders
  - Costs – lump sum costs order (unled)

- Australian Competition and Consumer Commission v Reckitt Benckiser (Australia) Pty Ltd (No 4) [2015] FCA 1408
  - Misleading or deceptive conduct in advertising (packaging of Nurofen products)

- 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 – interlocutory injunction
  - Interlocutory – application for stay under International Arbitration Act 1974 (Cth)

- Australian Mud Company Pty Ltd & Anor v Globaltech Corporation Pty Ltd & Anor (Federal Court; ongoing)
  - Patents – infringement – quantum (drilling equipment)
  - Costs – lump sum costs

- Roadshow Films Pty Limited & Ors v Telstra Corporation Limited & Ors (application no. 6; Federal Court; ongoing)
  - Copyright – application to block access to piracy websites under s 115A
- Norton v DTA (Australia) Pty Ltd (Federal Circuit Court; unled; settled)
  Designs – infringement (angle grinders)

  Copyright – second application to block access to piracy websites under new s 115A

- PGS Australia Pty Limited v Polarcus Seismic Limited & Ors (Federal Court; ongoing)
  Patents – infringement and invalidity (seismic surveying)

  Patents – infringement and invalidity (air-conditioners)
  Interlocutory – interlocutory injunction
  Misleading or deceptive conduct in advertising
  Costs

- Dr August Wolff GmbH & Co. KG Arzneimittel v Combe International Ltd (Federal Court; reserved)
  Trade marks – registration (VAGISAN v VAGISIL)

- Howden Australia Pty Ltd & Anor v Minetek Investments Pty Ltd & Ors [2019] FCA 981 (Federal Court; ongoing)
  Breach of confidence (fans used in mines)
  Breach of contract (employee misuse of information)
  Misleading or deceptive conduct in advertising
  Patents – ownership
  Interlocutory – interlocutory injunction

- Australian Mud Company Pty Ltd & Anor v Globaltech Corporation Pty Ltd & Anor (Federal Court; ongoing)
  Patents – infringement
  Interlocutory – preliminary discovery

- Amga Palmer Pty Ltd v Ilestroke Pty Ltd & 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)
  Passing off
  Misleading or deceptive conduct

- Jujube Australia v Natures Treat Pty Ltd & Ors [2018] FCA 962 (Federal Court; unled; settled)
  Trade marks – infringement (fruit – JUJUBE AUSTRALIA device with dragon)
  Passing off
  Misleading or deceptive conduct
  Costs
- **Meltwater Australia Pty Ltd – Reference to Copyright Tribunal** [2019 ACopyT 1](https://www.copyrighttribunal.gov.au) (Copyright Tribunal; ongoing)
  Copyright – setting of appropriate licence fees (media-monitoring)

- **Workinonit Pty Ltd v Six Hunt Pty Ltd** (Federal Circuit Court; [unled](https://www.fedcirc.gov.au); settled)
  Trade marks – revocation (fashion – clothing and sneakers – BUTTER)

- **Zetco Valves Pty Ltd v Elson Australasia Pty Ltd** (Federal Court; settled)
  Patents – infringement and invalidity (plumbing supplies)

- **Acushnet Company v Golf Gods & Ors** (Federal Court; settled)
  Trade marks – infringement (fashion – golf clothing and other golf goods)

- **Right2Drive Pty Ltd v Pokerplus Pty Ltd** (Federal Court; [unled](https://www.fedcirc.gov.au); settled)
  Trade marks – infringement (car sharing)

- **Prodata Solutions Pty Ltd v South Australian Fire and Emergency Services Commission & Anor** (Federal Court)
  - Breach of confidence (IT system)
  - Breach of contract
  - Copyright – infringement
  - Interlocutory – interlocutory injunction

- **Repipe Pty Ltd v Commissioner of Taxation** (Federal Court; reserved)
  Patents – validity – manner of manufacture (risk assessment system)

- **Laminar Air Flow Pty Ltd v Vokes Ltd & Ors** (Federal Court; [unled](https://www.fedcirc.gov.au))
  Trade marks – infringement (air-conditioners – VOKES marks)

- **Stelco Pty Ltd t/as Downrigger Shop v Facebook Australia Pty Ltd** (for Facebook; [unled](https://www.fedcirc.gov.au); resolved as against Facebook)
  Consumer protection

- **Chandrasekaran v Microsoft Pty Ltd & Ors** (Supreme Court; for Facebook; [unled](https://www.fedcirc.gov.au); resolved as against Facebook)
  Preliminary discovery

- **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

- **Gram Engineering Pty Ltd v Oxworks Pty Ltd** (Federal Court)
  Patents – infringement (fence posts)
- **Robson Environmental Pty Ltd v Lancaster & Ors** (Federal Court; settled)
  - Copyright – infringement (asbestos reports)
  - Breach of confidence
  - Breach of contract

- **Hill & Smith Holdings PLC & Anor v Safe Barriers Pty Ltd** [2018] FCA 1882 (Federal Court; ongoing; judgment concerns discovery)
  - Patents – infringement and invalidity (roadside barriers)

- **Tatts Group Limited v LottoLand Australia Pty Ltd** (Federal Court; settled)
  - Misleading or deceptive conduct in advertising (online gambling)
  - Trade marks – infringement

- **Steiner Legal v Rubicon Films Pty Limited** (Federal Court; unled; settled)
  - Copyright – infringement (television commercial)
  - Breach of contract
  - Interlocutory – injunction (obtained urgent injunction unled)

- **Dywidag-Systems International Pty Ltd v FCI Holdings Delaware, Inc** (Federal Court; ongoing)
  - Patents – infringement and invalidity (roof bolts in mines)

- **Bohemia Crystal Pty Ltd v Host Corporation Pty Ltd** [2018] FCA 235, (2018) 129 IPR 482; also [2018] FCA 892
  - Trade marks – infringement and invalidity (crystal glassware – BOHEMIA and related marks)
  - Passing off
  - Misleading or deceptive conduct in advertising
  - Costs (unled)

- **Rajendra Patel v iNova Pharmaceuticals (Singapore) Pte** [2018] ATMO 124 (unled)
  - Trade marks – opposition (pharmaceuticals – DUROFLAM)

  - Trade marks – infringement (fashion – skull with wings mark)
  - Copyright – infringement
  - Interlocutory – security for costs

- **Rakman International Pty Ltd v Boss Fire & Safety Pty Ltd** (Federal Court; ongoing)
  - Patents – infringement, invalidity (fire safety boxes)

- **Frankies Bikinis LLC v Frankii Swim Pty Ltd & Anor** (Federal Court; ongoing)
  - Trade marks infringement and invalidity (fashion – bikinis)
  - Passing off
  - Misleading or deceptive conduct in advertising
  - Contracts – breach of settlement agreement
- **CSR Building Products Limited v Steadiform Pty Ltd** (Federal Court; ongoing)
  Patents – infringement, invalidity (building products)

- **NUC Electronics Co Ltd v Optimum Appliances Pty Ltd** (Federal Court; settled)
  Patents – infringement, invalidity (juicers)

- **Load and Move Pty Ltd v Container Rotation Systems Pty Ltd** [2016] FCA 843
  Patents – infringement – preliminary discovery (industrial containers)

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

  Trade marks – opposition to registration – appeal (finance – CITY FX and related marks)

- **Balanced Body, Inc v The Joint Workshop Pty Ltd** (Federal Court; settled)
  Patents – infringement (Pilates equipment)

- **Boss Fire & Safety Pty Ltd v Fire Containment Pty Ltd** (Federal Court; ongoing)
  Trade marks – registration (fire safety boxes)

- **L’Oreal Australia Pty Ltd v BrandPoint Pty Ltd** [2015] FCA 978
  Misleading or deceptive conduct in advertising (beauty – rotating face brush)
  Interlocutory – preliminary discovery

- **Quantum Group Holdings Pty Ltd v Thompson** (Federal Circuit Court appeal from IP Australia; unled; reserved)
  Trade marks – registration (accounting and finance – QUANTUM)

- **Pinnacle Runway Pty Ltd v Triangl Limited & Anor** (Federal Court; reserved)
  Trade marks – infringement and validity (fashion – swimwear)

- **Shape Shopfitters Pty Ltd v SHAPE Australia Pty Limited** [2017] FCA 474; [2017] FCA 865; [2017] FCA 1277
  Trade marks – infringement (construction – SHAPE)
  Passing off
  Misleading or deceptive conduct in advertising
  Interlocutory – admissibility of evidence from the Wayback Machine
  Costs

- **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
- *Zuru Limited & Anor v Brand Developers Aust Pty Ltd* [2017] FCA 1023 (Federal Court; settled)
  Patents – infringement (water balloons)
  Misleading or deceptive conduct in advertising

- *Clearlight Investments Pty Ltd v Barilla Ge R Fratelli – Societa per Azioni* [2017] ATMO 38 (unled)
  Trade marks – opposition to registration (food – BARILLA PASTA PRONTO)

- *Raymond Mizzi v Hobsons Australia Pty Ltd & Anor* (Federal Court)
  Copyright – infringement – preliminary discovery

- *Clipsal Australia Pty Ltd v Clipso Electrical Pty Ltd* [2016] FCA 37
  Patents – infringement (light switches)
  Trade marks – infringement

- *Integratedliving Australia Ltd v Maitland Community Care Services Inc & Fuller* (Supreme Court; settled)
  Breach of confidence
  Copyright – infringement

- *Brand Developers Limited v Commissioner of Patents & Anor* (Administrative Appeals Tribunal; settled)
  Patents – validity (water balloons)

- *eos Products LLC v CBCH Australia Pty Ltd* (Federal Court; settled)
  Passing off (beauty – lip balm)
  Misleading or deceptive conduct in advertising

- *Complete Office Supplies v Corporate Office Supplies* (Federal Court; unled; settled)
  Trade marks – infringement; passing off (stationery – COS)
  Misleading or deceptive conduct in advertising

- *In the matter of Australian Patent Applications No. 2013351261 & 2013351262 in the name of K-Fee System Gmbh* [2018] APO 31
  Patents – opposition to registration (coffee machine)

- Various trade mark and patent oppositions, including unled
Selected recent matters – Other fields

- **Commonwealth Bank of Australia v Brick & Block Company Pty Ltd (in Liq) [2016] NSWSC 1277 (unled)**
  Interlocutory – application for suppression orders (successfully applied unled)

  Competition law (electricity price regulation)
  Administrative law

- **Metziya Pty Ltd v ICR Engineering Pty Ltd and related matters [2016] NSWSC 1703**
  Breach of contract – appeal

- **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)**
  Breach of contract
  Corporations – directors’ duties
  Equity – fiduciary responsibility, constructive trust

- **Sungrow Australia Group Pty Ltd v Sanctus One Pty Ltd & Anor (Supreme Court; unled)**
  Breach of contract (solar panels)
  Defective goods

- **Kids Club Rozelle Pty Ltd v European Hire Cars Pty Ltd [2018] NSWSC 1115**
  Breach of contract
  Breach of Australian Consumer Law

- **Kegran v Warrik (Supreme Court; ongoing)**
  Breach of contract
  Breach of Australian Consumer Law

- **Stillman v Rusbourne [2015] NSWCA 410**
  Appeal – professional negligence – advocates’ immunity

- **Margan v Manias [2015] NSWCA 388 (appeared as amicus curiae)**
  Appeal – human rights

- **Nalbandian v Commonwealth of Australia** (Federal Court; settled at hearing)
  Appeal – security for costs

- **Crowe Horwath (Aust) Pty Limited v Mantarro (Supreme Court)**
  Restraint of trade – application for interlocutory relief

- **In the matter of McGee Projects Pty Ltd** (Federal Court; unled; settled)
  Corporations – application to set aside statutory demand
- Willard Public Affairs Pty Ltd v AusBiotech Ltd (District Court; unled; settled)
  Breach of contract
  Quantum meruit

- McGee Projects Pty Ltd v Buildworx (Australia) Pty Limited (District Court; unled; settled)
  Breach of contract
  Quantum meruit

- Giorgio Ciccone v NSW Land and Housing Corporation [2016] NSWCATAP 120 (unled)
  Administrative law – tenancy
SOLICITOR at GILBERT + TOBIN

OCTOBER 2011 – APRIL 2015

Cases included the following:

- 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

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JULY 2010 – OCTOBER 2011

INTERN at the AUSTRALIAN LAW REFORM COMMISSION

APRIL 2010 – JUNE 2010

ASSOCIATE to JUSTICE GREENWOOD OF THE FEDERAL COURT OF AUSTRALIA

JANUARY 2009 – FEBRUARY 2010

LEGAL RESEARCH ASSISTANT at LEVEL 11 INNS OF COURT, BRISBANE

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

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