

## DAVID LARISH – Selected Cases

### Patents

- *Pfizer Ireland Pharmaceuticals v Samsung Bioepis Au Pty Ltd* [2017] FCAFC 193; *Pfizer Ireland Pharmaceuticals v Samsung Bioepis Au Pty Ltd* [2017] FCA 285; *Pfizer Ireland Pharmaceuticals v Samsung Bioepis Au Pty Ltd* [2017] FCA 573. Preliminary discovery relating to biosimilar medicine with active substance etanercept (for prospective respondent).. Led by Catterns QC and Cooke at first instance and on appeal. Briefed by Ashurst.
- *Seiko Epson Corporation & Another v Calidad Pty Ltd* [2017] FCA 1403. Patent for print cartridges (for applicant, patentee). Led by Catterns QC and Cochrane. Briefed by Allens.
- *Dometic Australia Pty Ltd v Houghton Leisure Products Pty Ltd* – NSD 217/2017 (reserved). Patent for air conditioner (for applicants). Led by Cobden SC and Cochrane. Briefed by KWM.
- *Merck Sharp & Dohme Corp v Wyeth LLC* (ongoing). Patents for vaccines (for applicant revoker). Led by Howard SC and Flynn. Briefed by Corrs.
- *Industrial Galvanizers Pty Ltd v Safe Direction Pty Ltd* – NSD 600 of 2016 (reserved). Patent for guard rail post (for applicant, patentee). Led by Goddard SC. Briefed by Sparke Helmore.
- *Nichia Corporation v Arrow Electronics Australia Pty Ltd (No 5)* [2017] FCA 1013; *Nichia Corporation v Arrow Electronics Australia Pty Ltd (No 4)* [2017] FCA 864; *Nichia Corporation v Arrow Electronics Australia Pty Ltd (No 3)* (2016) 240 FCR 13; appeal listed for February 2018. Patent for LED lights (for applicant, patentee). Led by Catterns QC and Cochrane. Briefed by Allens.
- *Orion Corporation v Actavis Pty Ltd* [2015] FCA 909; *Orion Corp v Actavis Pty Ltd (No 2)* [2015] FCA 1026; *Orion Corp v Actavis Pty Ltd (No 3)* (2015) 116 IPR 102. Pharmaceutical patent (for respondent, generic). Led by Burley SC and Cooke. Briefed by Ashurst.
- *Apotex Pty Ltd v Les Laboratoires Servier (No 4)* (2015) 111 IPR 160; *Apotex Pty Ltd v Les Laboratoires Servier (No 5)* [2015] FCA 334; *Les Laboratoires Servier v Apotex Pty Ltd* (2016) 117 IPR 415. Application to amend patent following trial, including acting in Full Court appeal (for amendment opponent, Actavis). Led by Cooke. Briefed by Ashurst.
- *Bayer Pharma Aktiengesellschaft v Generic Health Pty Ltd* (2017) 124 IPR 23. Patent damages inquiry (for respondent, generic). Led by Moore SC and Fox at trial, led by Jackman SC on costs hearing ([2017] FCA 428) and appeal (listed for February 2018). Briefed by Bird & Bird.

- *Kafataris v Davis* (2016) 120 IPR 206. Full Court appeal on patent inventorship dispute and breach of confidential information (for appellant). Led by Burley SC and Flynn.
- *Voxson Pty Limited v Telstra Corporation Limited* [2015] FCA 1490; *Voxson Pty Limited v Telstra Corporation Limited (No 2)* [2015] FCA 1491; *Voxson Pty Limited v Telstra Corporation Limited (No 3)* [2015] FCA 1492. Telecommunications patents (for applicant, patentee). Led by Howard SC and Cooke. Briefed by Dibbs.
- *Load and Move Pty Ltd v Container Rotation Systems Pty Ltd* (2016) 341 ALR 458. Federal Court preliminary discovery proceedings regarding infringement of engineering patents (for prospective applicant, patentee). Led by Cooke. Briefed by Harris Gomez Group.
- *Universal Solar and Surface Science Pty Ltd v Endless Solar Corporation Ltd* – NSD 1052/2016 (settled). Patent for solar surfaces (for respondent, alleged infringer). Unled. Briefed by Aspect Legal.
- *Oakmoore Pty Ltd v ARB Corporation Ltd* [2015] APO 66. Patent Office inventorship dispute (for patent applicant, ARB Corporation Ltd). Led by Cochrane. Briefed by Hodgkinson McInnes Patents.

#### Trade marks (court)

- *Winnebago Industries, Inc v Knott Investments Pty Ltd (No 4)* (2015) 115 FCR 1327. Passing off damages hearing (for respondents). Led by Bannon SC and Flynn. Briefed by KWM.
- *Gain Capital UK Ltd v Citigroup, Inc (No 4)* (2017) 123 IPR 234. Federal Court Trade Mark Office appeal (for appellants). *GAIN Capital UK Limited v Citigroup Inc (No 2)* (2016) 118 IPR 4; *GAIN Capital UK Limited v Citigroup Inc (No 3)* [2016] FCA 582 (interlocutory decisions). Led by Darke SC (led by Cooke for interlocutory hearings). Briefed by Chryslegal.
- *Myosa Pty Ltd v Resmed Limited* [2017] FCA 1187. Infringement proceedings (for applicant). Led by Shavin QC. Briefed by Bennett & Philp.
- *Monster Energy Company v USA Nutraceuticals Group Inc* – NSD513/2017 (ongoing). Trade Mark Office appeal (for respondent, trade mark applicant). Unled. Briefed by Spruson & Ferguson.
- *Banjo Inc v FundIT Technology Pty Ltd* – VID 1263/2017 (ongoing). Trade Mark Office appeal (for appellants). Unled. Briefed by KWM.

- *Federal Treasury Enterprise (FKP) Sojuzplodoimport v Spirits International B.V. (No 4)* [2017] FCA 1345. Trade mark cancellation proceedings (for Spirits International). Led by Bell SC and Flynn. Briefed by KWM.
- *Laminar Air Flow Pty Ltd v Registrar of Trade Marks* [2017] FCA 1447/ Ownership dispute, including application for judicial review (for applicant). Led by Cooke. Briefed by Davies Collison Cave.
- *Dunlop Aircraft Tyres Limited v The Goodyear Tire & Rubber Company* – NSD 159/2015 (reserved). Trade mark infringement proceedings and Trade Mark Office appeal (for Dunlop Aircraft Tyres Limited). Appeared unled against silk for interlocutory hearings. Led by Darke SC at trial. Briefed by Corrs.
- *Singtel Optus Pty Ltd v Optum, Inc* – NSD 286/2015 (reserved). Trade Mark Office appeal (for respondent, trade mark applicant). Led by Darke SC. Briefed by Corrs.
- *Aloe Vera of America, Inc v Retail Royalty Company* – NSD 150/2017 (settled on eve of hearing). Trade Mark Office appeal (for respondent, opponent). Unled. Briefed by Spruson & Ferguson.

#### Trade Marks Office

- *Braintree Communications Pty Ltd v Paypal, Inc* [2017] ATMO 90. Opposition (for applicant, PayPal, Inc). Unled. Briefed by KWM.
- *Retail Royalty Company v Aloe Vera of America, Inc* [2017] ATMO 7. Opposition (for opponent, Retail Royalty Company). Unled. Briefed by Spruson & Ferguson.
- *Monster Energy Company v USA Nutraceuticals Group, Inc* [2017] ATMO 22. Opposition (for applicant, USA Nutraceuticals). Unled. Briefed by Spruson & Ferguson.
- *Hollard v Real Estate Insurance NSW* [2017] ATMO 15. Opposition and non-use proceedings (for applicant on opposition and non-use opponent, REINSW). Led by Cooke. Briefed by Tresscox.
- *Banjo Inc v FundIT Technology Pty Ltd* [2017] ATMO 129. Opposition proceedings (for opponent). Unled. Briefed by KWM.
- *Angel Gowns Australia Inc v Angel Gowns for Australian Angel Babies Inc* (reserved). Opposition proceedings (for opponent). Unled. Briefed by Phang Legal.
- *Singtel Optus Pty Ltd v Optum, Inc* [2016] ATMO 11. Opposition (for applicant, Optum, Inc). Unled. Briefed by Corrs.

- *Bowra v Industrial Progress Corporation Pty Ltd* [2016] ATMO 48. Opposition (for applicant, IPC). Led by Cochrane. Briefed by Kanji Solicitors.
- *RB Pharmaceuticals Limited v Mundipharma AG* (unreported, 2016). Opposition (for opponent, RB Pharmaceuticals Limited). Unled. Briefed by Thomson Geer.
- *LRC Products Limited v Medical Symbiosis Pty Limited* (unreported, 2016). Opposition (for opponent, LRC Products Limited). Unled. Briefed by Thomson Geer.
- *Singtel Optus Pty Ltd v Optum, Inc* [2015] ATMO 84. Request for extension of time in respect of filing of notices of intention to defend (for applicant, Optum, Inc). Unled. Briefed by Corrs.
- *Sentia Australia Pty Ltd and Michael Cindric v ISENTIA Pty Limited* [2015] ATMO 88. Opposition (for applicant, Isentia Pty Ltd). Led by Cooke.

#### Copyright and confidential information

- *Seven Network (Operations) Limited v Endemol Australia Pty Limited* (2015) 114 IPR 287. Interlocutory injunction for alleged copyright infringement (for respondents). Led by McClintock SC and Cooke. Briefed by Ashurst.
- *The University of Sydney v ObjectiVision Pty Ltd* – NSD 385/2014 (ongoing). Federal Court breach of contract, copyright infringement and confidential information proceedings (for applicant). *The University of Sydney v ObjectiVision Pty Ltd* [2016] FCA 1199; and *The University of Sydney v ObjectiVision Pty Ltd* [2017] FCA 554 (interlocutory decisions). Led by Darke SC and Flynn (led by P Flynn in interlocutory). Briefed by KWM.
- *Workstream Pty Ltd v Metropolis Agency Pty Ltd* – NSD1474/2016 (ongoing). Copyright infringement for computer software (for 3<sup>rd</sup> respondent). Unled. Briefed by Barry.Nilsson. Lawyers.
- *Epoch Capital Pty Ltd v Coventry Management Pty Ltd* – NSD 686/2014 (settled on eve of trial). Copyright infringement and breach of confidential information (for applicants). Led by Newlinds SC and Flynn. Briefed by McCabes.

#### Commercial/other

- *Caltex Australia Petroleum Pty Ltd v CCS Ceska spolecnost pro platebni karty s.r.o.* – Supreme Court of NSW 2016 / 109638 (ongoing). Led by Flynn. Briefed by KWM.

- *Olis Insurance Pte Ltd and Ors vs Tenix Holdings Pty Ltd* – Supreme Court of NSW 2013 / 381728 (settled). Insurance claim (for group of reinsurers). Led by Jackman SC, Faulkner SC and Munro. Briefed by KWM.
- *Sheahan and Lock (Liquidators); In the Matter of Binold Finances Pty Ltd (In Liq)* (2015) 107 ACSR 163. Claim for joint privilege (for liquidators). Led by Tokley SC.
- *Curtis v Singtel Optus Pty Ltd* (2014) 225 FCR 458. Full Court appeal, bankruptcy (for Official Receiver). Led by Heath.
- *Thomas International Limited v Humantech Pty Ltd* – NSD 546/2015 (settled). Breach of contract, breach of undertakings, trade mark infringement, contraventions of consumer law (for director respondent, Mr Schutte). Led by Darke SC. Briefed by HWL Ebsworth.
- *Thomas International Limited v Humantech Pty Ltd* [2015] FCA 1333. Winding up of companies (for Schutte parties). Led by McKeand SC. Briefed by HWL Ebsworth.
- *Programmed Electrical Technologies Pty Ltd v Pulvin Composite Pty Ltd* – Supreme Court of NSW 2016/87305 (settled). Breach of contract and sale of goods (for first defendant). Unled. Briefed by Abadee Dresdner & Freeman.
- *Dental Corporation v Ilyong Son* – Supreme Court of NSW (freezing order obtained). Breach of contract and fraudulent misappropriation of funds (for plaintiff). Led by Cochrane. Briefed direct by in-house counsel.
- *Kannis v Smartstone Pty Ltd* (settled). District Court proceedings for breach of contract (for defendants). Unled. Briefed by Abadee Dresdner & Freeman.
- *Bauer v Young* (settled during hearing). Local Court proceedings for breach of contract (for plaintiff). Unled. Briefed by Alexandra Meadth.
- *Mercupond Australia Pty Ltd v Murano Walls Pty Ltd* (unreported). Local Court proceedings for breach of contract (for plaintiff). Unled. Briefed by KWL Lawyers.
- *Judge v Open Tiling Services Pty Ltd* (reserved). NCAT proceedings under Home Building Act (for home owner, Judge). Unled. Briefed by Alexanders Lawyers.