

## DAVID LARISH – Selected Cases

### Patents

- *Pfizer Ireland Pharmaceuticals v Samsung Bioepis Au Pty Ltd* [2017] FCA 285. Preliminary discovery relating to biosimilar medicine with active substance etanercept (for prospective respondent). Led by D Catterns QC and J Cooke. Briefed by Ashurst.
- *Nichia Corporation v Arrow Electronics Australia Pty Ltd – NSD558/2014* (judgment reserved). Patent for LED lights (for applicant, patentee). *Nichia Corporation v Arrow Electronics Australia Pty Ltd (No 3)* [2016] FCA 466 (interlocutory decision). Led by D Catterns QC and C 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 S Burley SC and J Cooke. Briefed by Ashurst.
- *Apotex Pty Ltd v Les Laboratoires Servier (No 4)* (2015) 111 IPR 160 [2015] FCA 104; *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 J Cooke. Briefed by Ashurst.
- *Bayer Pharma Aktiengesellschaft v Generic Health Pty Ltd* [2017] FCA 350. Patent damages inquiry (for respondent, generic). Led by C Moore SC and A Fox. Briefed by Bird & Bird.
- *Industrial Galvanizers Pty Ltd v Safe Direction Pty Ltd – NSD 600 of 2016* (ongoing). Patent for guard rail post (for applicant, patentee). Led by S Goddard SC. Briefed by Sparke Helmore.
- *Seiko Epson Corporation & Another v Calidad Pty Ltd – NSD 1032 of 2015* (ongoing). Patent for print cartridges (for applicant, patentee). Interlocutory judgment reserved. Led by D Catterns QC and C Cochrane. Briefed by Allens.
- *Universal Solar and Surface Science Pty Ltd v Endless Solar Corporation Ltd – NSD 1052/2016* (ongoing). Patent for solar surfaces (for respondent, alleged infringer). Unled. Briefed by Aspect Legal.
- *Dometic Australia Pty Ltd v Houghton Leisure Products Pty Ltd – NSD 217/2017* (ongoing). Patent for air conditioner (for applicants). Led by C Cochrane. Briefed by KWM.

- *Kafataris v Davis* [2016] FCAFC 134. Full Court appeal on patent inventorship dispute and breach of confidential information (for appellant). Led by S Burley SC and P 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 K Howard SC and J Cooke. Briefed by Dibbs.
- *Load and Move Pty Ltd v Container Rotation Systems Pty Ltd* [2016] FCA 843. Federal Court preliminary discovery proceedings regarding infringement of engineering patents (for prospective applicant, patentee). Led by J Cooke. Briefed by Harris Gomez Group.
- *Oakmoore Pty Ltd v ARB Corporation Ltd* [2015] APO 66. Patent Office inventorship dispute (for patent applicant, ARB Corporation Ltd). Led by C 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 A Bannon SC and P Flynn. Briefed by KWM.
- *Dunlop Aircraft Tyres Limited v The Goodyear Tire & Rubber Company* – NSD 159/2015 (judgment reserved). Federal Court trade mark infringement proceedings and Trade Mark Office appeal (for Dunlop Aircraft Tyres Limited). Appeared unled against silk for interlocutory hearings. Led by M Darke SC at trial. Briefed by Corrs.
- *Gain Capital UK Ltd v Citigroup, Inc* – NSD 524/2014 (judgment reserved). Federal Court Trade Mark Office Appeal (for appellants). *GAIN Capital UK Limited v Citigroup Inc (No 2)* [2016] FCA 243; *GAIN Capital UK Limited v Citigroup Inc (No 3)* [2016] FCA 582 (interlocutory decisions). Led by M Darke SC (led by J Cooke on interlocutory). Briefed by Chryselegal.
- *Singtel Optus Pty Ltd v Optum, Inc* – NSD 286/2015 (ongoing). Federal Court Trade Mark Office appeal (for respondent, trade mark applicant). Led by M Darke SC. Briefed by Corrs.
- *Aloe Vera of America, Inc v Retail Royalty Company* – NSD 150/2017 (ongoing). Federal Court Trade Mark Office appeal (for respondent, opponent). Unled. Briefed by Spruson & Ferguson.

- *Valmont Industries Inc v Watman Pty Ltd* – QUD485/2016. (ongoing). Federal Court trade mark infringement, copyright infringement and contract proceedings (for respondent). Led by J Cooke. Briefed by SLG Lawyers.
- *S.P.I. Spirits (Cyprus) Ltd v Spirits International N.V.* – NSD1816/2004 (ongoing). Federal Court trade mark cancellation proceedings (for Spirits International). Interlocutory judgment reserved. Led by A Bell SC and P Flynn. Briefed by KWM.
- *Vibe Hotel Services Pty Ltd v Best Western International Inc* – NSD 628/2015 (settled). Federal Court trade mark infringement, passing off and misleading and deceptive conduct proceedings (for applicant). Unled. Briefed by KWM.

#### Trade Marks Office

- *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.
- *Singtel Optus Pty Ltd v Optum, Inc* [2016] ATMO 11. Opposition (for applicant, Optum, Inc). Unled. Briefed by Corrs.
- *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.
- *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.
- *Waterbrook at Yowie Bay Pty Ltd v Kevin Joseph Ryan* (settled after hearing). Non-use proceedings (for non-use opponent, Mr Ryan). Unled. Briefed by Surry Partners.
- *Angel Gowns Australia Incorporated v Angel Gowns for Australia Angel Babies Incorporated* (decision reserved). Opposition (for opponent, AGAI). Unled. Briefed by Phang Legal.

- *Sentia Australia Pty Ltd and Michael Cindric v ISENTIA Pty Limited* [2015] ATMO 88. Opposition (for applicant, Isentia Pty Ltd). Led by J Cooke.
- *Bowra v Industrial Progress Corporation Pty Ltd* [2016] ATMO 48. Opposition (for applicant, IPC). Led by C Cochrane. Briefed by Kanji Solicitors.
- *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 J Cooke. Briefed by Tresscox.

#### Copyright and confidential information

- *Workstream Pty Ltd v Metropolis Agency Pty Ltd* – NSD1474/2016. Copyright infringement and confidential information (for 3<sup>rd</sup> respondent). Unled. Briefed by Barry.Nilsson. Lawyers.
- *Seven Network (Operations) Limited v Endemol Australia Pty Limited* (2015) 114 IPR 287. Interlocutory injunction for alleged copyright infringement (for respondents). Led by B McClintock SC and J Cooke. Briefed by Ashurst.
- *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 R Newlinds SC and P Flynn. Briefed by McCabes.
- *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 (interlocutory decision). Led by I Jackman SC and P Flynn (led by P Flynn in interlocutory). Briefed by KWM.
- *Solcrest Pty Ltd v Brett's Truck Parts and All Filters Pty Ltd* – NSD 859/2015 (settled). Fast track trade mark infringement, passing off, misleading and deceptive conduct and copyright infringement proceedings (for applicant). Unled. Briefed by Surry Partners.
- *Interactive Internet Services Pty Ltd v CMS Software House Pty Ltd* – WAD 232/2013 (settled). Copyright infringement – computer programs (for applicant). Led by J Cooke. Briefed by Havilah Legal.

#### Commercial/other

- *Olis Insurance Pte Ltd and Ors ats Tenix Holdings Pty Ltd* – Supreme Court of NSW 2013 / 381728 (settled). Insurance claim (for group of reinsurers). Led by I Jackman SC, T Faulkner SC and A 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 A Tokley SC.
- *Curtis v Singtel Optus Pty Ltd* (2014) 225 FCR 458. Full Court appeal, bankruptcy – validity of Bankruptcy Notice (for Official Receiver). Led by M Heath.
- *Thomas International Limited v Humantech Pty Ltd* – NSD 546/2015 (settled). Federal Court case concerning allegations of breach of contract, breach of undertakings, trade mark infringement, contraventions of consumer law (for director respondent, Mr Schutte). Led by M 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 R McKeand SC. Briefed by HWL Ebsworth.
- *Programmed Electrical Technologies Pty Ltd v Pulvin Composite Pty Ltd* – Supreme Court of NSW 2016/87305 (ongoing). 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 (discontinued). Breach of contract and fraudulent misappropriation of funds (for plaintiff). Led by C Cochrane. Briefed direct by in-house counsel.
- *Kannis v Smartstone Pty Ltd* (settled). District Court proceedings for breach of contract, estoppel (for defendants). Unled. Briefed by Abadee Dresdner & Freeman.
- *Mercupond Australia Pty Ltd v Murano Walls Pty Ltd* (reserved). Local Court proceedings for breach of contract (for plaintiff). Unled. Briefed by KWL Lawyers.
- *Judge v Open Tiling Services Pty Ltd* (decision reserved). NCAT proceedings under Home Building Act (for home owner, Judge). Unled. Briefed by Alexanders Lawyers.