

DAVID LARISH – Selected Cases

Patents

- *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.
- *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.
- *Bayer Pharma Aktiengesellschaft v Generic Health Pty Ltd* – NSD 236/2012 (trial in December 2016). Patent damages inquiry (for respondent, generic). Led by C Moore SC and A Fox.
- *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.
- *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.
- *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 of 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* (ongoing). Federal Court Trade Mark Office Appeal (for respondent, trade mark applicant). Led by M Darke SC. Briefed by Corrs.
- *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. Trade Mark Office 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. Trade Mark Office opposition (for applicant, Optum, Inc). Unled. Briefed by Corrs.
- *Retail Royalty Company v Aloe Vera of America, Inc* (decision reserved). Trade Mark Office opposition (for opponent, Retail Royalty Company). Unled. Briefed by Spruson & Ferguson.
- *Monster Energy Company v USA Nutraceuticals Group, Inc* (decision reserved). Trade Mark Office opposition (for applicant, USA Nutraceuticals). Unled. Briefed by Spruson & Ferguson.
- *RB Pharmaceuticals Limited v Mundipharma AG* (unreported, 2016). Trade Mark Office opposition (for opponent, RB Pharmaceuticals Limited). Unled. Briefed by Thomson Geer.
- *LRC Products Limited v Medical Symbiosis Pty Limited* (decision reserved). Trade Mark Office opposition (for opponent, LRC Products Limited). Unled. Briefed by Thomson Geer.
- *Waterbrook at Yowie Bay Pty Ltd v Kevin Joseph Ryan* (settled after hearing). Trade Mark Office 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* (ongoing). Trade mark opposition (for opponent, AGAI). Unled. Briefed by Phang Legal.
- *Sentia Australia Pty Ltd and Michael Cindric v ISENTIA Pty Limited* [2015] ATMO 88. Trade Mark Office opposition (for applicant, Isentia Pty Ltd). Led by J Cooke.
- *Bowra v Industrial Progress Corporation Pty Ltd* [2016] ATMO 48. Trade Mark Office opposition (for applicant, IPC). Led by C Cochrane. Briefed by Kanji Solicitors.
- *Hollard v Real Estate Insurance NSW* (decision reserved). Trade Mark 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

- *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 (ongoing). 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 Binqlid 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 (ongoing). 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* (part-heard). 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). Briefed by Alexanders Lawyers.