



JULIAN COOKE

5 Wentworth Chambers
Level 5, 180 Phillip Street
SYDNEY NSW 2000
Phone: 61 2 8066 6180
julian.cooke@5wentworth.com

Areas of Practice

Intellectual Property - patents, trade marks, copyright, designs, confidential information
Administrative Law - therapeutic goods, administrative decisions (judicial review)

Admissions

Bar (NSW) 2006 (read with Burley SC, now Mr Justice Burley)
Solicitor (NSW) 2002
Solicitor Advocate (England & Wales) 2001
Solicitor (England & Wales) 2000
Solicitor (WA) 1998

Education

BCL (Oxford) 1997
LLB (Hons 1) (Murdoch) 1996
BA (Phil) (Murdoch) 1996
Vice-Chancellor's Award for Academic Excellence (Murdoch) 1995

Professional Career

Mr Cooke has appeared in a number of leading cases in the High Court of Australia and in the Federal Court of Australia. He also regularly appears before hearing officers of IP Australia in respect of the registration and prosecution of patents and trade marks.

Mr Cooke has been recognised in:

- Chambers Asia-Pacific (2017) - (2016): Junior Counsel (Band 1 - Intellectual Property)
- Doyle's Guide (2017) - (2015) - Preeminent Junior Counsel (Intellectual Property)
- Best Lawyers in Australia (2017) - (2014): Intellectual Property
- The World's Leading Trademark Professionals (2017) - (2014): Junior Counsel (Band 1).

Before joining the Bar, Mr Cooke was a Senior Associate in the patents department of an international law firm in Sydney. Before that, he practised in a London law firm in the intellectual property department and was admitted as a UK qualified solicitor and later as a solicitor advocate.

Mr Cooke was the Associate to the Chief Justice of Western Australia.

Selected Cases

Patents

Pharmaceutical Patents

- Janssen Sciences Ireland UC v Alphapharm Pty Ltd (NSD 1806 of 2017) – patents for the method of production of the drug Darunavir used to treat HIV, led by Dimitriadis SC.
- Pfizer Ireland Pharmaceuticals & Ors -v- Samsung Bioepis AU Pty Ltd [2017] FCA 285; patents for the method of production of the biologic drug Entanercept, led by Catterns QC; Full Court's decision reserved.
- Apotex Pty Ltd v ICOS Corporation (VID 280 of 2016): pharmaceutical patents for the drug Tadalafil, led by Caine QC, decision reserved.
- Orion Corporation v Actavis Australia Pty Ltd [2015] FCA 909; [2016] FCAFC 121: pharmaceutical patent for the drug Entacapone combination, led by Burley SC.
- Apotex Pty Ltd v Les Laboratoires Servier (No 4) (2015) 111 IPR 160; (No 5) [2015] FCA 334: pharmaceutical patent for the drug Perindopril Arginine, unled.
- GlaxoSmithKline Australia Pty Ltd v Pharmacor Pty Ltd [2014] FCA 1202: pharmaceutical patent for Panadol Osteo, unled.
- Eli Lilly v Generic Health Pty Ltd [2013] FCA 1254: interlocutory injunction, pharmaceutical patent for the drug Raloxefine, led by Caine SC.
- Sigma Pharmaceuticals (Australia) Pty Ltd, Alphapharm Pty Ltd, Generic Health Pty Ltd, Cth of Aust & Ors v Wyeth: compensation in respect of undertakings as to damages in respect of the drug Venlafaxine, led by Bannon SC.
- Spirit Pharmaceuticals Pty Ltd v Mundipharma Pty Ltd (2013) 102 IPR 55: pharmaceutical patent for the drug Oxycodone, led by Catterns QC.
- Apotex v Sanofi-Aventis [2008] FCA 1194, [2009] FCAFC 134, [2010] HCATrans 59: pharmaceutical patent for the enantiomeric drug Clopidogrel, led by Burley SC.
- Alphapharm Pty Ltd v H Lundbeck A/S [2008] FCA 559: pharmaceutical patent for the enantiomeric drug Escitalopram, led by Catterns QC.

Mobile Telecommunication Patents

- Samsung v Apple: 3G UMTS 25 series mobile telephone telecommunication patents, led by Young QC.

- Vringo Infrastructure, Inc v ZTE (Australia) (No 4) (2015) 110 IPR 568: 2G GSM and 3G UMTS 25 series mobile telecommunication patents, led by Shavin QC.

Chemical Patents

- BlueScope Steel Limited v Dongkuk Steel Mill Co. Ltd (VID1429 of 2016) corrosion resistance alloys for steel production, led by Ryan SC.
- Ansell Healthcare Products LLC v Reckitt Benckiser (Australia) Pty Limited (NSD 1180 of 2014): chemical vulcanization process patent, led by Howard SC; decision reserved.

Medical Device Patents

- Reckitt Benckiser Healthcare (UK) Ltd v GlaxoSmithKline Australia Pty Ltd [2013] FCA 736, [2013] FCA 583, [2013] FCAFC 102; (2015) 112 IPR 273; [2016] FCAFC 90: a patent for liquid dispensing, led by Howard SC.

Computer/Electrical Patents

- The Chamberlain Group Inc v Giant Alarm System Co, Ltd (NSD 804 of 2017) - patents for encrypted signals between a transmitter and a moveable barrier operator, unled.
- Electronic Tax Free Shopping v Fexco Merchant Services (2015) 110 IPR 490: automatic currency conversion method patent, led by Franklin SC.
- Vehicle Monitoring Systems Pty Ltd v SARB Management Group Pty Ltd (2013) 101 IPR 496: electrical innovation patent for detecting vehicles for overstay parking, led by Cobden SC.

Mechanical Patents

- Weir Minerals Australia Ltd v FLSmidth A/S (NSD 1384 of 2017) – patent for centrifuge apparatus for dewatering coal, unled.
- The Pilbara Infrastructure Pty Ltd v Lynx Engineering Consultants Pty Ltd [2015] FCA 1100; [2016] FCAFC 19; [2016] HCASL 174: mechanical patent for ore cars, led by Catterns QC.
- Law v Razer Industries Pty Ltd [2010] FCA 1058: first case dealing with a licence sought from the Commissioner under s 223 of the Patents Act 1990, led by Ireland QC.

Trade Marks and Misleading & Deceptive Conduct

- JT International SA v Commonwealth of Australia [2012] HCA 43: leading High Court case concerning tobacco plain packaging, appeared for the Commonwealth, led by Gageler SC (now Mr Justice Gageler of the High Court of Australia).

- Health World Ltd v Shin-Sun Australia Pty Ltd [2008] FCA 100, [2009] FCAFC 14, led by Cobden SC, [2010] HCA 13: leading High Court case on the question of “person aggrieved” under the Trade Marks Act 1995, led by Burley SC.
- Kellogg Company v TJ Kokkinakis Pty Ltd (NSD 692 of 2017) - appeal from an opposition to register the Special K trade mark, unled.
- Laminar Air Flow Pty Ltd v Vokes Limited & Ors (NSD 1016 of 2017) – appeal from the Registrar’s decision under s 81, unled.
- Moroccanoil Israel Ltd v Aldi Food Pty Ltd [2017] FCA 823: trade mark infringement contravention of ACL, passing-off, led by Cobden SC.
- Clipsal Australia Pty Ltd v Clipso Electrical Pty Limited [2017] FCA 60: trade mark infringement and revocation, contravention of ACL, passing-off, unled.
- King Par, LLC v Brosnan Golf Pty Ltd (2014) 106 IPR 457 cancellation of trade mark for abandonment, unled.
- Paul’s Retail Pty Ltd v Sporte Leisure Pty Ltd [2012] FCAFC 51, [2012] HCATrans 219: defining the scope of parallel importation under the Trade Marks Act 1995, led by Cobden SC.
- Paul’s Retail Pty Ltd v Lonsdale Australia Inc [2012] FCAFC 130 defining the scope of parallel importation under the Trade Marks Act 1995, led by Cobden SC.
- Food Channel Network Pty Ltd v Television Food Network GP [2010] FCAFC 58, led by Franklin SC, [2010] HCATrans 303 (led by Cobden SC)

Copyright

- Nine Network Australia Pty Ltd v Ice TV Pty Ltd [2007] FCA 1172, [2008] FCAFC 71, [2009] HCA 14: leading High Court copyright case, led by Ireland QC.
- Roadshow Films Pty Limited & Ors v Telstra Corporation Limited & Ors [2016] FCA 1503: the first s115A site-blocking application in Australia, led by Lancaster SC
- Roadshow Films Pty Limited v Telstra Corporation Limited [2017] FCA 965, site blocking case under s 115A, unled.
- Seven (Network) Operations Ltd v Endemol Australia Pty Ltd (2015) 114 IPR 287: interlocutory injunction concerning alleged copyright infringement of the MKR television program format by The Hotplate, led by McClintock SC.
- Sports Data Pty Ltd v Prozone Sports Australia Pty Ltd (2014) 316 ALR 475: interlocutory injunction concerning copyright infringement of databases, led by Webb SC.

- CA, Inc v ISI Pty Ltd [2012] FCA 35: copyright infringement of databases, led by Cobden SC.
- United Broadcasting International Pty Ltd v Turkplus Pty Ltd [2010] FCA 594, [2010] FCA 1413: concerning copyright infringement of television broadcasts, led by Cobden SC.
- The Polo/Lauren Company L.P. v Ziliani [2008] FCA 49, [2008] FCAFC 195: parallel imports, copyright, designs, led by Burley SC.

Designs

- Hunter Pacific International Pty Ltd v Martec Pty Ltd: [2016] FCA 796: ceiling fan hub, unled.
- Gram Engineering Pty Ltd v Bluescope Steel Limited [2013] FCA 508; (2014) 313 ALR 311: fencing design infringement and revocation, led by Cobden SC.

Confidential Information

- Sports Data Pty Ltd v Prozone Sports Australia Pty Ltd (2014) 316 ALR 475: interlocutory injunction in respect of breach of confidentiality concerning computer databases, led by Webb SC.
- CA, Inc v ISI Pty Ltd [2012] FCA 35 breach of confidentiality concerning computer databases, led by Cobden SC.

Administrative

- Wyeth v Commonwealth of Australia: [2015] FCAFC 172, [2016] HCASL 99: s 26B, 26C, 26D of the *Therapeutic Goods Act 1989* concerning the Cth's claim under the PBS, led by Lloyd SC.
- Alphapharm Pty Ltd v H Lundbeck A/S [2008] FCA 559: s25A of the *Therapeutic Goods Act 1989*, led by Catterns QC.

Publications

Bowne SC and Cooke: "Patent Litigation Precedents"
Intellectual Property Precedents, Lexis Nexis, Butterworths

Cooke: "Bulletin (Copyright and Patents)"
Intellectual Property Precedents, Lexis Nexis, Butterworths

Memberships

Intellectual Property Society of Australia and New Zealand