

# Rob Clark | Curriculum Vitae

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## EMPLOYMENT

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### BARRISTER | Tenth Floor Chambers (2014-2017), 5 Wentworth (2017-)

- I practice in the following areas of law:
  - Intellectual Property Law
  - General Commercial Law
  - Tax
  - Administrative and Public Law
- I have appeared as counsel in the following matters:
  - Intellectual Property
    - *Patent*
      - ***Voxson Pty Ltd v Telstra Corporation Limited*** [2018] FCA 227, [2018] FCA 376 (led by N Murray SC)
      - ***Merck Sharp & Dohme v Wyeth LLC*** NSD1381/2017 (judgment reserved) (led by T Bannon SC and C Cochrane)
      - ***Quaker Chemical (Australasia) Pty Ltd v Fuchs Lubricants (Australasia) Pty Ltd*** NSD1210/2016 (judgment reserved) (led by C Dimitriadis SC)
      - ***Merck Sharpe & Dohme v Pfizer*** NSD774/2019 (led by Cynthia Cochrane)
      - ***Regency Media Pty Ltd v MPEG LA, LLC (2014) 231 FCR 588*** (led by C Dimitriadis SC)
      - ***Alphapharm Pty Ltd v H Lundbeck (2014) 110 IPR 59*** (led by D Catterns QC and C Dimitriadis SC)
      - ***In the matter of Australian Patent Application 2013203637 in the Name of Yeda Research and Development*** [2017] APO 41 (led by T Bannon SC)
      - ***In the matter of Australian Patent Application No 2016426598 in the Name of Neurim Pharmaceuticals Ltd*** (led by E Heerey QC)
    - *Trade mark*
      - ***Anchorage Capital Partners Pty Limited v ACPA Pty Ltd (2018) 128 IPR 255, [2018] FCAFC 112*** (led by C Dimitriadis SC)
      - ***Anchorage Capital Partners Pty Limited v ACPA Pty Ltd (2015) 115 IPR 67, [2015] FCA 1436, [2016] FCA 218*** (led by T Bannon SC and C Dimitriadis SC)
      - ***Sensis Pty Ltd v Senses Direct Mail and Fulfilment Pty Ltd [2019] FCA 719*** (led by R Cobden SC)
      - ***Buchanan Turf Supplies Pty Ltd v Registrar of Trade Marks (2015) 114 IPR 81*** (led by C Dimitriadis SC)
      - ***James Glen Pty Ltd v J Blackwoods & Sons Pty Ltd*** NSD384/2019 (led by A Lang)
      - ***Smartchannel Pty Ltd v Mills Brands Pty Ltd*** NSD1910/2018 (unled)
      - ***In the matter of Australian Trade Mark Application 1779779 in the name of Elizabeth Lynn*** Gray (unled)
      - ***Darley v Brisbane Racing Club Ltd*** NSD 1764/2048 (settled) (led by J Cooke)

- ***Unichi Holdings Pty Ltd v Australian Prime Investment Pty Ltd*** NSD582/2018 (settled) (led by J Cooke)
- ***Coventry Group Limited v Covs Parts Pty Ltd*** NSD601/2015 (settled) (unled)
- ***James Glen Pty Ltd v Coventry Group Limited*** NSD1151/2017 (settled) (led by A Lang)
- ***Raw C [2014] ATMO 119*** (led by S Balafoutis)
- **Copyright**
  - ***Universal Music Australia v TPG Internet Pty Ltd [2017] FCA 435*** (led by D Catterns QC)
  - ***Career Step, LLC v TechMed Pty Ltd (No 2) (2018) 129 IPR 70*** (led by S Balafoutis)
  - ***APRA v Telstra Corporation Limited [2019] FCA 751*** (unled)
  - ***Ian Cubitts Classic Home Improvements Pty Ltd v Krickovic [2015] FCCA 2630*** (led by D Meltz)
  - ***Ian Cubitts Classic Home Improvements Pty Ltd v GE Group Services Pty Ltd*** SYG943/2018 (settled) (unled)
  - ***National Institute of Education Pty Ltd v Ace Specialist HSC Tuition Pty Ltd*** SYG679/2017 (settled) (unled)
- **Commercial**
  - ***Wyzenbeek v Australasian Marine Imports Pty Ltd*** NSD2081/2018 (judgment reserved) (led by A Leopold SC)
  - ***Apache Finance Pty Ltd v Quadrant Energy Pty Ltd/Santos WA Asset Holdings Pty Ltd [2018] WASC 68, [2019] WASC 101*** (led by N Hutley SC)
  - ***Brand2Content Pty Ltd v Dalby [2019] NSWCA 16*** (led by S Balafoutis)
  - ***Brand2Content Pty Ltd v Solar Australia Pty Ltd [2018] NSWSC 56*** (led by S Balafoutis)
  - ***Wyzenbeek v Australasian Marine Imports Pty Ltd [2017] FCA 1460, [2018] FCA 1517, [2019] FCA 439*** (led by J Giles SC)
  - ***Trilogy Funds Management Ltd atf Pacific First Mortgage Fund v KPMG [2017] FCA 432*** (led by C Withers)
  - ***C3 IoT Inc v Australian Pacific LNG Pty Ltd*** 2019/46063 (Supreme Court) (led by J Cooke)
  - ***Milicevic v Ferrari East Pty Ltd*** 2018/384221 (Supreme Court) (unled)
  - ***In the matter of Hair Industrie Penrith Pty Ltd, Hair Industrie Merrylands Pty Ltd [2015] NSWSC 1578, [2015] NSWSC 1905*** (unled)
  - ***In Bo Park v Jin Pyo Cho*** 2015/00374086 (Supreme Court) (unled)
  - ***Elliot Rocke Holdings Pty Ltd v Thistle Hill Wines Pty Ltd*** SYG3367/2017 (settled) (led by P Knowles)
  - ***Ronai & Associates v MHM Metals Ltd*** 2015/198415 (District Court) (settled) (unled)
  - ***Secure Funding v Stark [2015] NSWSC 223*** (led by S Balafoutis)
  - ***Crane Property Pty Ltd v Craig Burton*** 2014/00168865 (District Court) (unled)
  - ***Elizabeth Margaret Rizzo v Pasquale Rizzo*** 2014/190820 (Supreme Court) (led by S Balafoutis)

- **Thomas Mithen v Luke Thomas** 2015/00079365 (Local Court) (settled) (unled)
- **Williamson Associates Recovery & Trading Services Pty Ltd v 6 Degrees Management Pty Ltd** 2015/00031761 (Local Court) (unled)
- **Wlodzimierz Antoni Kzlowski v Constantinos Capsis** 2014/00334274 (Local Court) (unled)
- **Tax**
  - **Tech Mahindra Limited v Commissioner of Taxation (2016) 250 FCR 287** (led by Sullivan SC and M Heraghty)
  - **Tech Mahindra Limited v Commissioner of Taxation [2015] FCA 1082** (led by Sullivan SC and M Heraghty)
  - **Oak Brick Investment Pty Ltd v Chief Commissioner of State Revenue [2016] NSWSC 1039** (led by S Balafoutis)
  - **Esplanade Wollongong Pty Ltd v Chief Commissioner of State Revenue [2015] NSWCATAD 228, [2017] NSWCATAD 157** (led by S Balafoutis)
  - **Nifuno Pty Ltd v Chief Commissioner of State Revenue [2019] NSWCATOD 3** (unled)
  - **Baynes v Chief Commissioner of State Revenue** 2019/94700 (unled)
  - **Chrissie Group Pty Ltd v Chief Commissioner of State Revenue [2018] NSWCATAD 77** (unled)
  - **Andre Madikian v Chief Commissioner of State Revenue [2017] NSWCATAD 263** (unled)
  - **Alexander v Chief Commissioner of State Revenue [2017] NSWCATAD 180** (unled)
  - **Happy Days Property Pty Ltd v Chief Commissioner of State Revenue [2016] NSWCATAD 289** (unled)
  - **Perizon Nominees Pty Ltd v Chief Commissioner of State Revenue [2016] NSWCATAD 84** (unled)
  - **BXCD v Commissioner of Taxation No 2016/1597 (AAT)** (Judgment reserved) (unled)
- **Administrative**
  - **ADK15 v Minister for Immigration [2015] FCA 1187** (unled)
  - **AUS17 v Minister for Immigration** NSD44/2018 (judgment reserved) (unled)
  - **AUS17 v Minister for Immigration [2017] FCCA 1986** (unled)
  - **AHX15 v Minister for Immigration [2015] FCA 1183** (unled)
  - **BJG18 v Minister for Home Affairs [2018] FCCA 2082** (unled)
  - **DZQ16 v Minister for Immigration** SYG3660/2016 (judgment reserved) (unled)
  - **BOS15 v Minister for Immigration [2017] FCCA 745** (unled)
  - **CGK15 v Minister for Immigration [2017] FCCA 938** (unled)
  - **AJJ15 v Minister for Immigration [2016] FCCA 482** (unled)
  - **MZNAC v Minister for Immigration [2015] FCCA 344** (unled)
  - **AEF15 v Minister for Immigration [2015] FCCA 884** (unled)
  - **AHX15 v Minister for Immigration [2015] FCCA 1312** (unled)
  - **AGK15 v Minister for Immigration [2015] FCCA 1342** (unled)

- *ADK15 v Minister for Immigration* [2015] FCCA 1493 (unled)

### **SESSIONAL LECTURER | University of Sydney (2015, 2019)**

- Copyright and Designs

### **SESSIONAL LECTURER | University of New South Wales (2014)**

- Copyright and Designs

### **SOLICITOR | Allens (2010-2014)**

- Intellectual Property Group (2012-2014)
  - *The Coca-Cola Company v PepsiCo Inc* (2014) 109 IPR 429 (Trade mark)
  - *Blue Gentian v Product Management Group* [2014] FCA 1331 (Patent)
  - *Spirit Pharmaceuticals Pty Ltd v Mundipharma Pty Ltd* [2013] FCA 658 (Patent)
  - *Make-up Art Cosmetics Inc v Target Australia Pty Ltd* NSD1335/2012 (Trade mark)
  - *Apotex Pty Ltd v Sanofi-Aventis* NSD1639/2007 (Patent)
- Banking and Finance Group (2010-2012)

### **ASSOCIATE TO JUSTICE COWDROY OAM | Federal Court of Australia (2009-2010)**

## **ACADEMIC**

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### **BCL | University of Oxford, Magdalen College (2010-2011)**

- BCL awarded with Distinction (2012)
- Law Faculty Prize for International Intellectual Property Rights (2011)
- Rotary International Ambassadorial Scholarship (2010)
- University of Sydney Eleanor Sophia Wood Postgraduate Research Scholarship (2010)

### **BA/LLB | University of Sydney (2004-2008)**

- LLB Honours Class I (2008)
- Minter Ellison Prize for Intellectual Property (2008)
- University of Sydney Debating Scholarship (2007, 2008)
- University of Sydney Entry Scholarship (2004)

## **ARTICLES**

- 'Chief Justice of Australia? The Role of the Chief Justice of the High Court' (2009) 11 *Constitutional Law and Policy Review* 4 at 161
- 'Use of experiments in patent specifications for a hearsay purpose: *Bristol-Myers Squibb Company v Apotex Pty Ltd* (No 4)' (2013) 25 *Australian Intellectual Property Law Bulletin* 8 at 17