

Rob Clark | Curriculum Vitae

5 Wentworth – Level 5, 180 Phillip Street, Sydney NSW 2000
EMAIL: rob.clark@5wentworth.com TEL: 02 8066 6152

EMPLOYMENT

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

- I practice in the following areas of law:
 - Intellectual Property Law
 - General Commercial Law
 - Tax
 - Class Actions
 - Administrative and Public Law
 - Arbitrations
- I have appeared as counsel in the following selected matters:
 - Intellectual Property
 - *Patents*
 - ***Merck Sharp & Dohme v Wyeth LLC*** [2020] FCA 1477; [2020] FCA 1719 (briefed by Allens - Melbourne)
 - ***Fuchs Lubricants (Australasia) Pty v Quaker Chemical (Australasia) Pty Ltd*** NSD556/2020 (Full Federal Court – judgment reserved) (briefed by Silberstein & Associates)
 - ***Quaker Chemical (Australasia) Pty Ltd v Fuchs Lubricants (Australasia) Pty Ltd*** [2020] FCA 306; [2020] FCA 515 (briefed by Silberstein & Associates)
 - ***Merck Sharpe & Dohme v Pfizer*** NSD774/2019 (briefed by Norton Rose Fulbright - Sydney)
 - ***Voxson Pty Ltd v Telstra Corporation Limited*** [2018] FCA 227, [2018] FCA 376 (briefed by Spruson & Ferguson)
 - ***In the matter of Australian Patent Application 2013203637 in the Name of Yeda Research and Development*** [2017] APO 41 (briefed by Allens - Sydney)
 - ***In the matter of Australian Patent Application No 2016426598 in the Name of Neurim Pharmaceuticals Ltd*** (briefed by Silberstein & Associates)
 - *Trade marks*
 - ***Katie Taylor v Killer Queen LLC and Katheryn Elizabeth Hudson*** [2020] FCA 444 (briefed by Silberstein & Associates)
 - ***Sensis Pty Ltd v Senses Direct Mail and Fulfilment Pty Ltd*** [2019] FCA 719 (briefed by Silberstein & Associates)
 - ***Anchorage Capital Partners Pty Limited v ACPA Pty Ltd*** (2018) 128 IPR 255, [2018] FCAFC 112 (briefed by HSF)
 - ***Anchorage Capital Partners Pty Limited v ACPA Pty Ltd*** (2015) 115 IPR 67, [2015] FCA 1436, [2016] FCA 218 (briefed by HSF)
 - ***Morocconoil Israel Limited v Aldi Foods Pty Ltd*** NSD613/2015 (briefed by Ashurst)
 - ***Platinum Investment Management Limited v Mayfair Wealth Partners Pty Ltd*** NSD2007/2019 (settled) (briefed by Allens – Sydney)

- **James Glen Pty Ltd v J Blackwoods & Sons Pty Ltd** NSD384/2019 (settled) (briefed by Schweizer Kobras)
- **Smartchannel Pty Ltd v Mills Brands Pty Ltd** NSD1910/2018 (settled) (briefed by Juris Cor Legal)
- **Darley v Brisbane Racing Club Ltd** NSD1764/2048 (settled) (briefed by Cooper Grace Ward - Brisbane)
- **Unichi Holdings Pty Ltd v Australian Prime Investment Pty Ltd** NSD582/2018 (settled) (briefed by Du & Associates)
- **Copyright**
 - **AAP Industries Pty Ltd v Han's Pipe Fittings Co Ltd** NSD2283/2017 (briefed by CDG Law Newcastle)
 - **SiNAB Pty Ltd v Airspeed Pty Ltd** 2020/00180659 (Supreme Court) (briefed by Piper Alderman – Adelaide)
 - **Ian Cubitts Classic Home Improvements Pty Ltd v Daoud Building Group Pty Ltd** SYG2740/2020 (briefed by Bartels Business Lawyers)
 - **APRA v Telstra Corporation Limited [2019] FCA 751** (briefed by Allens – Sydney)
 - **Career Step, LLC v TechMed Pty Ltd (No 2) (2018) 129 IPR 70** (briefed by Hogan Lovells - Sydney)
 - **Universal Music Australia v TPG Internet Pty Ltd [2017] FCA 435** (briefed by Allens - Sydney)
 - **Ian Cubitts Classic Home Improvements Pty Ltd v Krickovic [2015] FCCA 2630** (briefed by Bartels Business Lawyers)
 - **Ian Cubitts Classic Home Improvements Pty Ltd v GE Group Services Pty Ltd** SYG943/2018 (settled) (briefed by Bartels Business Lawyers)
- **Commercial**
 - **Jones Asirifi-Otchere v Swann Insurance (Aust) Pty Ltd [2020] FCA 1355** (settled) (briefed by Johnson Winter & Slattery)
 - **Wyzenbeek v Australasian Marine Imports Pty Ltd [2019] FCAFC 167, [2019] FCAFC 205** (briefed by Silberstein & Associates) (special leave refused)
 - **Apache Finance Pty Ltd v Quadrant Energy Pty Ltd/Santos WA Asset Holdings Pty Ltd [2018] WASC 68, [2019] WASC 101** (briefed by Quinn Emanuel – Perth)
 - **Brand2Content Pty Ltd v Dalby [2019] NSWCA 16** (briefed by Origin Lawyers)
 - **Brand2Content Pty Ltd v Solar Australia Pty Ltd [2018] NSWSC 56** (briefed by Origin Lawyers)
 - **C3 IoT Inc v Australian Pacific LNG Pty Ltd** 2019/46063 (Supreme Court) (briefed by Quinn Emanuel - Perth)
 - **Wyzenbeek v Australasian Marine Imports Pty Ltd [2017] FCA 1460, [2018] FCA 1517, [2019] FCA 439** (briefed by Silberstein & Associates)
 - **Trilogy Funds Management Ltd atf Pacific First Mortgage Fund v KPMG [2017] FCA 432** (briefed by Squire Patton Boggs)
 - **Milicevic v Ferrari East Pty Ltd** 2018/384221 (Supreme Court) (briefed by Mistry Lawyers)

- **Wang Yanshu v Angela Luther** 2018/316666 (Supreme Court) (briefed by Mistry Lawyers)
- **In the matter of Hair Industrie Penrith Pty Ltd, Hair Industrie Merrylands Pty Ltd** [2015] NSWSC 1578, [2015] NSWSC 1905 (briefed by Clamenz Lawyers)
- **Tax**
 - **Gao v Chief Commissioner of State Revenue** [2020] NSWCATAD 216 (briefed by NSW Crown Solicitors)
 - **Baynes v Chief Commissioner of State Revenue** [2020] NSWCATAD 106 (briefed by NSW Crown Solicitors)
 - **Grange Property Group v Chief Commissioner of State Revenue** [2020] NSWCATAD 11 (briefed by NSW Crown Solicitors)
 - **Nifuno Pty Ltd v Chief Commissioner of State Revenue** [2019] NSWCATOD 3 (briefed by NSW Crown Solicitors)
 - **Chrissie Group Pty Ltd v Chief Commissioner of State Revenue** [2018] NSWCATAD 77 (briefed by NSW Crown Solicitors)
 - **Esplanade Wollongong Pty Ltd v Chief Commissioner of State Revenue** [2015] NSWCATAD 228, [2017] NSWCATAD 157 (briefed by NSW Crown Solicitors)
 - **Andre Madikian v Chief Commissioner of State Revenue** [2017] NSWCATAD 263 (briefed by NSW Crown Solicitors)
 - **Alexander v Chief Commissioner of State Revenue** [2017] NSWCATAD 180 (briefed by NSW Crown Solicitors)
 - **Tech Mahindra Limited v Commissioner of Taxation** (2016) 250 FCR 287 (briefed by TressCox Lawyers)
 - **Oak Brick Investment Pty Ltd v Chief Commissioner of State Revenue** [2016] NSWSC 1039 (briefed by NSW Crown Solicitors)
 - **Happy Days Property Pty Ltd v Chief Commissioner of State Revenue** [2016] NSWCATAD 289 (briefed by NSW Crown Solicitors)
 - **Perizon Nominees Pty Ltd v Chief Commissioner of State Revenue** [2016] NSWCATAD 84 (briefed by NSW Crown Solicitors)
 - **Esplanade Wollongong Pty Ltd v Chief Commissioner of State Revenue** [2015] NSWCATAD 228, [2017] NSWCATAD 157 (briefed by NSW Crown Solicitors)
- **Administrative Law**
 - **AUS17 v Minister for Immigration** [2019] FCA 1686 (briefed by Varess Lawyers)
 - **ADK15 v Minister for Immigration** [2015] FCA 1187 (briefed by Fragomen)
 - **AHX15 v Minister for Immigration** [2015] FCA 1183 (briefed by Fragomen)
 - **DZQ16 v Minister for Immigration** [2019] FCCA 2609 (briefed by Varess Lawyers)
 - **BJG18 v Minister for Home Affairs** [2018] FCCA 2082 (briefed by D’Ambra Murphy Lawyers)
 - **AUS17 v Minister for Immigration** [2017] FCCA 1986 (briefed by Fragomen)
 - **BOS15 v Minister for Immigration** [2017] FCCA 745 (briefed by Fragomen)
 - **CGK15 v Minister for Immigration** [2017] FCCA 938 (briefed by Fragomen)
 - **AJJ15 v Minister for Immigration** [2016] FCCA 482 (briefed by Fragomen)

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 (settled) (Patent)
- Banking and Finance Group (2010-2012)

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

ACADEMIC

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