

Andrew David Bailey Fox

5 Wentworth Level 5, 180 Phillip Street Sydney NSW 2000 T: +61 2 8066 6154

Selected Cases

Patent cases (Federal Court & High Court)

Glass Hardware Australia Pty Ltd v TCT Group Pty Ltd [2024] FCAFC 95

Elanco Australasia Pty Ltd v Abbey Laboratories Pty Ltd [2024] FCA 640

Australian Mud Company Pty Ltd v Globaltech Corporation Pty Ltd (No 6) [2024] FCA 101

MMD Design and Consultancy Limited v Camco Engineering Pty Ltd [2023] FCA 827

Allied Pumps Pty Ltd v LAA Industries Pty Ltd [2023] FCA 1457

Aristocrat Technologies Australia Pty Ltd v Commissioner of Patents [2022] HCA 29 (retained to prepare written submissions for Fédération Internationale des Conseils en Propriété Intellectuelle, which appeared as amicus curiae)

TCT Group Pty Ltd v Polaris IP Pty Ltd [2022] FCA 1493

Global Corporation Pty Ltd v Reflex Instruments Asia Pacific Pty Ltd [2022] FCA 797

Hood v Down Under Enterprises International Pty Limited [2022] FCAFC 69

Fuchs Lubricants (Australasia) Pty Ltd v Quaker Chemical (Australasia) Pty Ltd [2021] FCAFC 65

C.M.E. Blasting & Mining Equipment Ltd v Rock Tool Refurbishment Solutions Pty Ltd [2021] FCA 160

Australian Mud Company Pty Ltd v Globaltech Corporation Pty Ltd [2020] FCA 811

Australian Mud Company Pty Ltd v Globaltech Corporation Pty Ltd [2018] FCA 1839

Generic Health Pty Ltd v Bayer Pharma Aktiengesellschaft [2018] FCAFC 183

Sigma Pharmaceuticals (Australia) Pty Ltd v Wyeth [2018] FCA 1556

Davies v Lazer Safe Pty Ltd [2018] FCA 702

Multisteps Pty Ltd v Specialty Packaging Aust Pty Ltd [2018] FCA 587

Bayer Pharma Aktiengesellschaft v Generic Health Pty Ltd [2017] FCA 250

Konami Australia Pty Ltd v Aristocrat Technologies Australia Pty Ltd [2016] FCAFC 103

Lynx Engineering Consultants Pty Ltd v The Pilbara Infrastructure Pty Ltd [2016] FCAFC 19

Otsuka Pharmaceuticals Co Ltd v Generic Health Pty Ltd (No 2) [2016] FCAFC 111

Bradken Resources Pty Ltd v Lynx Engineering Consultants Pty Ltd [2015] FCA 1100

Otsuka Pharmaceutical Co Ltd v Generic Health Pty Ltd (No. 4) [2015] FCA 634

Konami Gaming Inc v Aristocrat Technologies Australia Pty Ltd [2015] FCA 92

Generic Health Pty Ltd v Bayer Pharma Aktiengesellschaft [2014] FCAFC 73

Generic Health Pty Ltd v Otsuka Pharmaceutical Co., Ltd [2013] FCAFC 17

Breezway Australia (Holdings) Pty Ltd v Preference Manufacturing Pte Ltd [2013] FCA 66; [2013] FCA 67; [2011] FCA 764

Kimberly-Clark Australia Pty Limited v Multigate Medical Products Pty Limited [2011] FCAFC 86

Sigma Pharmaceuticals (Australia) Pty Ltd & Ors v Wyeth [2011] FCAFC 132

Seafood Innovations Pty Ltd v Richard Bass [2011] FCAFC 83

Samsung Electronics Co. Limited v Apple Inc. [2011] FCAFC 156

Apple Inc v Samsung Electronics Co Ltd [2011] FCA 1164

Expo-Net Danmark A/S v Buono-Net Australia Pty Ltd (No.2) [2011] FCA 710

Bradken Resources Pty Ltd v Lynx Engineering Consultants Pty Ltd [2007] 72 IPR 63; [2008] 78 IPR 586; [2010] FCA 662

Inverness Medical Switzerland GmbH v MDS Diagnostics Pty Ltd [2010] FCA 108

Sunnyfield Association v Cronk [2009] FCA 33; [2010] FCA 143

Inamed Development Company v Morton Surgical Pty Ltd [2007] 73 IPR 308

Lockwood Security Products Pty Ltd v Doric Products Pty Ltd (No.2) [2007] 235 ALR 202

Patent cases (Oppositions)

Allied Pumps Pty Ltd v UON Pty Ltd [2025] APO 33

TCT Group Pty Ltd v Polaris IP Pty Ltd [2024] APO 5

Helix Flight Manufacturing Machines Ltd v Robo Helix Pty Limited [2024] APO 3

Imdex Limited v Globaltech Corporation Pty Ltd and Longyear TM, Inc. [2023] APO 58

Smart Hub Pty Ltd v Decathlon [2022] APO 75

Dorel Australia Pty Ltd v HBG IP Holding Pty Ltd [2019] APO 12

Britax Childcare Pty Ltd v HBG IP Holding Pty Ltd [2019] APO 31

Gary B Cox v MacroGenics, Inc [2019] APO 13

Dorel Australia Pty Ltd v HBC IP Holding Pty Ltd [2019] APO 9

Globel Blue S.A. v Visa U.S.A Inc. [2018] APO 86

John Jarvie v Comtec Industries Pty Ltd [2018] APO 46

Alphapharm Pty Ltd v Gilead Sciences, Inc. [2016] APO 50

Fisher & Paykel Healthcare Ltd v ResMed Ltd [2016] APO 48

BGC (Australia) Pty & CSR Building Products Limited v James Hardie Technology Limited [2016] APO 31

Merck, Sharpe & Dohme (Australia) Pty Ltd. v Genentech, Inc [2015] APO 19

Fonterra Co-operative Group Limited and Kraft Foods Global Brands LLC v Leprino Foods Company [2015] APO 22

Woodside Energy Limited v Exxon Mobil Upstream Research Company [2015] APO 6

BHP Billiton Aluminium Australia Pty Ltd v Central Chemical Consulting Pty Ltd [2014] APO 16

BHP Billiton Worsley Pty Ltd v Alcoa of Australia Pty Ltd [2014] APO 30

Woodside Energy Limited v Exxon Mobil Upstream Research Company [2014] APO 53

Aristocrat Technologies Australia Pty Ltd v IGT [2008] APO 3; (2008) 75 IPR 409

Trade marks (Federal Court and oppositions)

Sandoz AG v Actor Pharmaceuticals Pty Ltd [2025] ATMO 152

Tamboran Resources Limited v Rallen Australia Pty Ltd [2025] ATMO 212; [2024] ATMO 193

Rise & Shine Education Pty Ltd v Shine Lawyers Pty Ltd [2023] ATMO 158

Puma SE v Caterpillar Inc [2022] FCAFC 153

The Cultural Intelligence Project Pty Ltd v The Entourage Education Group Pty Ltd (No 2) [2021] FCCA 1317

Manolo Blahnik Worldwide Limited v Estro Concept Pty Limited [2020] FCA 1561

Sovereign Hydroseal Pty Ltd v Steynberg (No 2) [2020] FCA 1239

Monster Energy Company v Mixi Inc [2020] FCA 1398; 156 IPR 378

The Real Thing Food Supplements CC v Media Tag Pty Ltd [2018] NSWSC 585

Hood v Bush Pharmacy Pty Ltd [2020] FCA 1686; 158 IPR 229

Trident Seafoods Corporation v Trident Foods Pty Ltd [2019] FCAFC 100

Bauer Consumer Media Ltd v Evergreen Television Pty Ltd [2019] FCAFC 71

Trident Seafoods Corporation v Trident Foods Pty Limited [2018] FCA 1490

Aldi Foods Pty Ltd v Moroccanoil Israel Ltd [2018] FCAFC 93

Moroccanoil Israel Ltd v Aldi Foods Pty Ltd [2017] FCA 823

Tim Ho Wan Pte Ltd v Viadar Holdings Pty Ltd [2018] FCA 715

David Jones Pty Ltd v Pharmaline Pty Ltd [2018] ATMO 60

Dalmec S.p.A. v Dalmec Pty Ltd [2018] ATMO 103

Keune Haircosmetics Manufacturing BV v Guangzhou Hodm Professionals Cosmetics Co Ltd [2017] ATMO 143

Trident Seafoods Corporation v Trident Foods Pty Limited [2016] ATMO 45

Virgin Enterprises Limited v Sugar Virgin Pty Ltd [2014] ATMO 39

Virgin Enterprises Ltd v Agripower Australia Ltd [2013] ATMO 79

Virgin Enterprises Limited v V Group Pty Ltd [2012] ATMO 24

V Group Pty Ltd v Virgin Enterprises Limited [2011] ATMO 108

Campomar SL v Nike International Limited [2011] ATMO 103

New Look Limited v Payless Shoes Pty Ltd [2011] ATMO 14

NV Sumatra Tobacco Trading Company v British American Tobacco Australia Services Limited [2010] FCA 1372

Bavaria NV v Bayerischer Brauerbund eV (2009) 81 IPR 279

Confidential information, copyright, other IP

Watson Webb Pty Ltd v Comino [2025] FCA 871

Microsoft Corporation v CPL Notting Hill Pty Ltd [2024] FCAFC 20

The Real Thing Food Supplements CC v Media Tag Pty Ltd [2018] NSWCA 318

Microsoft Corporation & Ors v CPL Notting Hill Pty Ltd (No.4) [2018] FCCA 2465

The Real Thing Food Supplements CC v Media Tag Pty Ltd [2018] NSWSC 585

Valve Corporation v Australian Competition and Consumer Commission [2017] FCAFC 224

CPL Notting Hill Pty Ltd v Microsoft Corporation [2017] FCA 1385

Australian Competition and Consumer Commission v Valve Corporation (No 7) [2016] FCA 1553

Australian Competition and Consumer Commission v Valve Corporation (No 3) [2016] FCA 196

National Surgical Pty Ltd v McPhee [2010] FCA 972

Elecon Australia Pty Ltd v Brevini Australia Pty Ltd [2009] FCA 1327

Optiver Australia Pty Ltd v Tibra Trading Pty Ltd (2007) 163 FCR 554

Commercial litigation

SSPeetham Pty Ltd as trustee for the CHB CDI Trust v Marcos Accountants Pty Ltd [2020] NSWSC 378

Austral Masonry (NSW) Pty Ltd v Cementech Pty Ltd [2014] FCAFC 72

Michael Wilson & Partners v Nicholls & Ors [2009] NSWSC 1033; [2010] NSWCA 222; [2011] HCA 48