

## Tom Cordiner KC



Tom Cordiner KC holds the dual qualification of barrister and registered patents and trade mark attorney

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### QUALIFICATIONS

Bachelor of Science (Hons)  
Bachelor of Laws (Hons)  
Patent Attorney & Trade Marks  
Attorney

### CORRESPONDENCE

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### CHAMBERS

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### COMMERCIAL LAW

Appellate | Class Actions | Competition | Consumer Law

### INTELLECTUAL PROPERTY

Appellate | Confidential Information | Copyright & Designs | Information Technology | Media & Entertainment | Patents | Trade Marks

### TORT LAW

Product Liability

### PUBLIC LAW

Administrative Law | Appellate

After a short stint as a molecular geneticist in the mid 1990's, Tom has, since 1998, specialised in all aspects of intellectual property law. He was admitted to the bar in 2003 and appointed silk in 2016.

Tom commonly appears in the Federal Court of Australia in trials and appeals throughout Australia, and from time to time the Patents Office and Trade Marks Office. He appears for, and advises, a broad range of clients in all kinds of industries including pharmaceutical, mining, automotive, agricultural, information technology/telecommunications, wagering, and fashion.

Tom has appeared in a number of leading intellectual property cases, is often called on to speak at or chair intellectual property seminars, and also mediates intellectual property disputes.

Tom contributes to *IPForum* each quarter and is the author of *Patent Infringement in Lahores*, published by Lexis Nexis.

Tom holds the current highest ranking (band 1) in the Chambers and Partners' Asia-Pacific Guide 2023 for "[Intellectual Property: The Bar – Australia](#)" and (preeminent) in the Doyles' Guide for "[Leading Intellectual Property Law Senior Counsel – Australia, 2022](#)", "[Leading Intellectual Property Senior Counsel – Australia, 2021](#)", "[Leading Intellectual Property Law Senior Counsel – Victoria, 2022](#)", and "[Leading Technology, Media & Telecommunications Senior Counsel – Victoria, 2022](#)".

Tom is enrolled as a barrister of the High Court of New Zealand.

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## Recent Cases

### SELECTION OF CASES

*Ariosa Diagnostics, Inc v Sequenom, Inc* [2021] FCAFC 101 (18 June 2021) (infringement and validity of patent concerning pre-natal diagnosis with cell-free fetal DNA);

*Janssen Sciences Ireland Unlimited Company v Juno Pharmaceuticals* (for hearing in June 2021, settled) (patent infringement and validity regarding darunavir);

*Henley Arch Pty Ltd v Henley Constructions Pty Ltd* (trial 2021, decision reserved) (trade mark infringement and validity);

*Taxiprop Pty Ltd v Neutron Holdings Inc* [2020] FCA 1565; [2020] FCA 1822; [2021] FCA 274 (trade mark infringement and validity – LIME for transport services);

*CQMS Pty Ltd v ESCO Group LLC* [2020] APO 54; [2020] APO 53 (16 December 2020); [2020] APO 24 (22 May 2020); [2020] APO 14 (16 March 2020); [2020] APO 5 (29 January 2020) (opposition to grant of patents regarding method of mining equipment);

*Toolgen Incorporated v Fisher* (trial 2020 and [2019] FCA 2158 (opposition to first patent for CRISPR gene editing technology);

*Henley Arch Pty Ltd v Del Monaco (No.2)* [2020] FCCA 1911 (15 July 2020) (house plan copyright infringement);

*Mylan Health Pty Ltd v Sun Pharma ANZ Pty Ltd* [2020] FCAFC 116 (3 July 2020) (patent infringement and validity – fenofibrate);

*CQMS Pty Ltd v ESCO Group LLC* (16 December 2020) (opposition to grant of patents regarding method of mining equipment);

*Regeneron Pharmaceuticals, Inc. v Kymab Limited* [2019] APO 36 (31 July 2019) (opposition to patent concerning mouse models for antibody production);

*Liberation Developments Pty Ltd v Lomax Group Pty Ltd* [2019] FCA 1180 (30 July 2019); [2019] FCA 2059 (5 December 2019) (infringement and validity of patent concerning hoarding systems);

*Technological Resources Pty Limited v Tettman* [2019] FCA 1889 (15 November 2019) (patent validity for mining equipment);

*Sequenom, Inc. v Ariosa Diagnostics, Inc.* [2019] FCA 1011 (27 June 2019) (infringement and validity of patent concerning pre-natal diagnosis with cell-free fetal DNA);

*InterPharma Pty Ltd v Hospira, Inc (No 5)* [2019] FCA 960 (20 June 2019) (infringement and validity of patent concerning drug, dexmedetomidine);

*Mylan Health Pty Ltd (formerly BGP Products Pty Ltd) v Sun Pharma ANZ Pty Ltd (formerly Ranbaxy Australia Pty Ltd) (No 2)* [2019] FCA 883 (12 June 2019) (costs of patent proceedings re drug, fenofibrate);

*Juno Pharmaceuticals Pty Ltd v Millennium Pharmaceuticals, Inc* [2019] FCA 526 (16 April 2019) (application to withdraw admission in patent infringement and validity case concerning drug, bortezomib);

*Mylan Health Pty Ltd v Sun Pharma ANZ Pty Ltd (No 2)* [2019] FCA 505 (11 April 2019) (interlocutory application for injunction pending appeal);

*Mylan Health Pty Ltd v Sun Pharma ANZ Pty Ltd* [2019] FCA 411 (25 March 2019) (application to set aside notice to produce);

*Sanofi-Aventis Deutschland GmbH v Alphapharm Pty Ltd* [2019] FCAFC 28 (22 February 2019) (appeal from application for interlocutory injunction re drug dispenser for insulin glargine);

*GM Global Technology Operations LLC v S.S.S. Auto Parts Pty Ltd* [2019] FCA 97 (11 February 2019) (infringement and validity of design registrations for car parts);

*Meat & Livestock Australia Limited v Cargill, Inc (No 2)* [2019] FCA 33 (23 January 2019) (opposition to amendment of patent regarding identifying a trait of a bovine subject from a nucleic acid sample);

*Mylan Health Pty Ltd (formerly BGP Products Pty Ltd) v Sun Pharma ANZ Pty Ltd (formerly Ranbaxy Australia Pty Ltd)* [2019] FCA 28 (22 January 2019) (patent infringement and validity regarding drug, fenofibrate);

*Caesarstone Ltd v Ceramiche Caesar S.p.A. (No 3)* [2019] FCA 7 (14 January 2019) (trade mark oppositions and revocation for mark CAEARSTONE);

*Shen Dian Enterprise Ltd v ARK Corporation Pty Ltd* [2018] APO 92 (21 December 2018) (opposition to patent application regarding battery box with built-in charger);

*Sanofi-Aventis Deutschland GmbH v Alphapharm Pty Ltd (No 3)* [2018] FCA 2060 (19 December 2018) (interlocutory injunction application re patent infringement and validity for drug dispenser for insulin glargine);

*Cantarella Bros Pty Ltd v Koninklijke Douwe Egberts B.V.* [2018] APO 81 (2 November 2018) (opposition to patent application for coffee capsule systems);

*CQMS Pty Ltd. v Esco Group LLC* [2018] APO 80 (30 October 2018) and *Talon Engineering SDN. BHD. v Esco*

*Group LLC* [2018] APO 79 (30 October 2018) (opposition to grant of patent regarding method of shipping wear member of excavating equipment);

*Sanofi-Aventis Deutschland GmbH v Alphapharm Pty Ltd (No 2)* [2018] FCA 1630 (24 October 2018) (interlocutory injunction application re patent infringement and validity for drug dispenser for insulin glargine);

*Reflex Instruments Asia Pacific Pty Ltd v Minnovare Pty Ltd* [2018] APO 70 and 71 (22 October 2018) (opposition to grant of patent application for apparatus for orientation of drilling rods using gyroscopes for mining);

*Domino's Pizza Enterprises Limited v Precision Tracking Pty Ltd (No 7)* [2018] FCA 1160 (8 August 2018) (costs dispute regarding application to amend pleadings in patent infringement and validity and confidential information case concerning pizza tracking systems);

*Caesarstone Ltd v Ceramiche Caesar S.p.A. (No 2)* [2018] FCA 1096 (31 July 2018) (opposition and cancellation of trade marks);

*GlaxoSmithKline Consumer Healthcare Investments (Ireland) (No 2) Limited v Generic Partners Pty Limited (No 2)* [2018] FCAFC 100 (27 June 2018) (appeal on infringement and validity of patent regarding formulation for paracetamol).

## Memberships

Member of the Board of Directors of List G Barristers

Law Council of Australia, Intellectual Property Committee

Commercial Bar Association, IP and Trade Practices Section

Intellectual Property Society of Australia and New Zealand (IPSANZ)

Institute of Patent and Trade Mark Attorneys (IPTA)