

Curriculum Vitae

Jon Gottschall

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Clerk	John Dever
Admission	Supreme Court of Victoria Barrister, May 2008 Admitted (Barrister and Solicitor), 1999 Supreme Court of New South Wales Admitted (Barrister and Solicitor), 1998
Memberships	Victorian Bar Pro Bono Committee IPSANZ (past Trans-Tasman and Victorian Committee member)

Professional profile

General commercial practice with a focus on intellectual property, trade practices, advertising and product labeling.

Commercial practice, including disputes arising out of commercial arrangements, building and construction, consultancies and R&D programs. Other dispute areas include product liability and compliance, public liability and advertising claims.

Intellectual property practice including patents, trademark and branding rights, copyright, design and confidential information. Substantial experience in patents in a range of technical fields, including, pharmaceuticals, biotechnology, mineral processing/metallurgy, chemical and mechanical engineering, industrial chemistry, IT and systems patents. Other areas of intellectual property include trademark disputes, including trademark registration, removal and infringement, copyright infringement matters and intellectual property licensing, franchising and commercialization disputes.

Advice in relation to trade practices issues, advertising and scientific testing in relation to validating and challenging product claims. Advice in relation to product development, packaging and labeling including in relation to nutritional and therapeutic claims.

Education

Graduate

University of New South Wales (1995-1996)

Master of Applied Science in Biopharmaceuticals (biotechnology/pharmaceutical science)

(Amgen Inc, Award for Academic Excellence in Biotechnology)

Thesis: *'Phage display in the development of anti-tumour antibody cancer therapeutics.'*

Undergraduate

University of New South Wales (1988 to 1995)

Bachelor of Laws

University of New South Wales (1988 to 1992), University of Queensland (1987)

Bachelor of Science

Majors: Physiology; Pharmacology; and Biochemistry (biochemistry and recombinant DNA techniques). Honours in pharmacology.

Thesis: *'The effects of opioids on sensory Neurones.'*

Monash University (1985 and 1986)

Bachelor of Engineering (Chemical), discontinued in 1986

Practice at the Bar

Commercial disputes

Commercial and contractual disputes; building and construction; advertising and representations in businesses promotion; franchising and licensing; consultancies and R&D programs; technology commercialisation; defamation; debt recovery.

Liability and compliance

Public liability; product liability; validation and testing of product claims for packaging and advertising; compliance with consumer protection law;

Patents

Infringement and revocation claims; injunctions; opposition to grant; ownership and entitlement disputes. Technical fields have included, pharmaceuticals, biotechnology, mineral processing/metallurgy, chemical and mechanical engineering, industrial chemistry, IT and systems patents. Experimental evidence in patent cases.

Trademark

Infringement; application for removal from Register; opposition to grant; ownership and entitlement to registered and unregistered trade mark rights; passing off and associated claims under consumer protection law. Market protection from counterfeit products.

Copyright

Infringement; Part III and Part IV rights; moral rights and performers rights. Creative fields have included literary, musical and architectural subject matter.

Designs

Infringement and revocation. Fashion goods.

Pharmaceuticals

Substantial engagement with global generic pharmaceutical client relating to freedom to operate and related regulatory issues for early launch of generic products.

Property

Retail tenancy; retirement accommodation.

Solicitor Practice

Allens Arthur Robinson (1998 - 2008)

Senior Associate (2003 - 2008) and Lawyer (1998 to 2002), Litigation and Intellectual Property Departments

Patents

Patent litigation/dispute resolution across broad areas of science and engineering; briefing experts; expert evidence preparation; designing and managing forensic experiments.

Significant matters

- **NutraSweet Australia v Ajinomoto**
 - Patent revocation action; application to amend patent; appeals on revocation and amendment.
 - Technical field: food technology; chemistry; pharmacology.
- **Welcome Real-Time SA v Catuity**
 - Patent infringement action with revocation cross-claim.
 - Technical field: IT/business method.
- **Warner Lambert v Ranbaxy**
 - Patent infringement action with revocation cross-claim.
 - Technical field: medicinal chemistry and pharmacology.
- **Olivetti Engineering Pty Ltd v Reid Construction Systems**
 - Patent infringement action with revocation cross-claim; mediation and settlement.
 - Technical field: construction engineering.
- **Rio Tinto Iron & Titanium opposition to IPCOR patent application**
 - Opposition to the grant of a patent using experimental evidence.
 - Technical field: chemical engineering; metallurgy.
- **Rio Tinto Iron & Titanium patent disputes with RGC Mineral Sands/Iluka**
 - Defending patent opposition and appeal to the Federal Court.
 - Prosecuting opposition on grounds of disputed inventorship.
 - Technical field: chemical engineering; metallurgy.

- **Martek Biosciences opposition to Suntory patent application**
 - Opposition to the grant of a patent using experimental evidence.
 - Technical field: biotechnology; biochemistry; nutrition.
- **Rio Tinto Aluminium opposition to Nauveau Technology Investments patent application**
 - Opposition to Australia and New Zealand patent applications.
 - Technical field: industrial chemistry.

General IP

IP and market protection; border protection; anti-counterfeiting; defending and prosecuting infringement claims.

- Trade mark: dispute resolution on trade mark and trade practices issues; brand protection; merchandising; cybersquatting and domain name rights ; anti-counterfeiting investigations and demands; litigation in relation to counterfeit goods; customs notices.
- Copyright and design disputes.
- IP disputes in relation to fashion.
- Franchising disputes.
- Search Orders.

Commercial

IP aspects of acquisitions; R&D, technology transfer and research collaborations; IP generation and licensing; general commercial advice and advice on compliance issues.

- Due Diligence on IP and IT for share and asset acquisitions and corporate restructures.
- Collaborative R&D arrangements; technology transfer; commercialisation and extension programs.
- IP licensing, product manufacture and international supply arrangements.
- Advertising services agreements; sponsorship agreements; trade mark/know-how licensing.
- IP assignment.
- Advice on public liability.
- Advice restrictive trade practices and supply pricing issues.

Advertising and labelling

Advice on marketing, R&D and product validation for new products and marketing strategies; managing compliance issues in relation to pack labelling and advertising; comparative advertising; advertising disputes.

- Compliance with consumer protection laws, food standards and related food and therapeutic regulatory issues.
- Advertising and product labelling: product testing and support for performance claims; comparative advertising; promotional offers and competitions; advice on competitor advertising.
- Advertising disputes (television, print advertising and pack claims) including comparative advertising and performance claims.
- Therapeutic goods advertising.