

# THREE NEW SQUARE

INTELLECTUAL PROPERTY



TIM AUSTEN

Year of Call: 2012

## PRACTICE AREA

All aspects of intellectual property law, including patents, trade marks, passing off, copyright, confidential information, registered designs, design right, and contractual disputes involving intellectual property or technical subject matter.

Tim qualified as a Solicitor in the Intellectual Property Litigation department at Allen & Overy in 2007. He also went on secondment to Fenwick & West in California, where he joined their patent litigation department for a year. After five years of experience as a Solicitor, Tim was called to the Bar in 2012.

## CASES AND EXPERIENCE

Bauer Consumer Media Limited v Land Rover (proceedings before the Trade Mark registry)  
Hospira UK v Kennedy Trust for Rheumatology Research (antibody patents)  
Martin Coward v Phaestos Limited (hedge fund copyright and trade secret claim)  
VLM Holdings v Ravensworth Digital Services (software licensing dispute)  
Actavis Group hf v Eli Lilly & Company (jurisdiction over foreign patents)  
Omnipharm Limited v Merial (patent proceedings before the Court of Appeal)

## AS A SOLICITOR

- Eli Lilly and Company v Janssen Alzheimer Immunotherapy (antibody patent)
- Honda Motor Co v David Silver Spares (parallel import trade marks)
- Warner-Lambert v Teva UK (ex parte interim injunction and atorvastatin patent)
- The Football Association Premier League v QC Leisure (copyright and foreign decoder cards)
- Dr Reddy's Laboratories v Warner-Lambert (grant of paediatric extension to SPC)
- MedImmune v Novartis Pharmaceuticals UK (ranibizumab antibody patent litigation)
- Beifa Group v OHIM /Schwan-Stabilo (registered design claim before the General Court)
- Hadley Industries Limited v Richter System UK (registered design and patent claim)
- Research in Motion Limited v Visto Corp (email synchronisation patents)
- Honda Motor Co v Guangzhou Wuyang Motor (registered designs)
- Bayer Schering & Regeneron v Genentech (VEGF receptor medical use patents)
- Lidl UK GmbH v Philip Bowden (trade mark infringement and cybersquatting)

## AT FENWICK & WEST

The Laryngeal Mask Company Ltd v Ambu A/S (medical device patent litigation)  
ActivIdentity Corp. v Intercede Group (smart card patent litigation)  
ODS Technologies LP v Magna Entertainment (online gambling patent litigation)

## ADVICE AND OPINIONS INCLUDE

Trade secret protection; trade mark infringement and subsistence; honest concurrent use of trade marks; patent licensing and proprietary estoppel; infringement of copyright in songs used in advertising; resale of computer software; copyright and cloud storage services; defences to copyright infringement and impact of FA Premier League v QC Leisure.

## EDUCATION

- Diploma in Intellectual Property Law & Practice, University of Oxford (2009-2010)
- Seconded at Fenwick & West, San Francisco, California (2008-2009)
- Associate Solicitor at Allen & Overy LLP, London (2007-2012)
- Admitted as Solicitor of the Senior Courts of England & Wales (2007)

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Year of Call: 2012

- Legal Practice Course, University of Oxford (2004-2005)
- Graduate Diploma in Law, College of Law (2003-2004)
- Molecular and Cellular Biochemistry at Somerville College, University of Oxford (1998-2002)

## PROFESSIONAL MEMBERSHIPS

- Intellectual Property Bar Association
- Chancery Bar Association
- AIPPI
- IPSoc

## PERSONAL

Tim is a keen footballer and plays in the Amateur Football Combination league. He has also appeared on several television quiz shows.

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