

REDARC: Notice to Retailers

1 June 2018

1. REDARC Electronics Pty Ltd is the producer of the award winning "REDARC Tow Pro"TM Electric Trailer Brake Controller (product codes EBRH-ACCV2 and EBRHV2) (**REDARC Products**).
2. REDARC has intellectual property rights in the Tow Pro product within Australia including certified Australian Innovation Patent No. 2017100513: "*Brake Controller for Towed Vehicle Braking System and Method*" (**Patent**).
3. Late last year, some other brake controller products have come onto the Australian market with the following product descriptions:
 - "GSL IRBC-12";
 - "GSL IRBC-24";
 - "Powercon LV1407"; and
 - "Baxters BCR-1000"

These products are all supplied by Great South Land Pty Ltd (ACN 053 250 472) (**GSL**). REDARC considers that the supply or sale of these products infringes the Patent.

4. In response to this, REDARC issued a Federal Court proceedings against GSL, claiming that GSL has infringed the Patent by supplying and selling these products.
5. On Friday 4 May 2018, GSL, while not admitting liability, conceded to Federal Court orders restraining GSL, its directors, officers, servants, agents or otherwise, be restrained from engaging in the following acts within the patent area (as defined in the *Patents Act 1990* (Cth)) without the licence of the Applicants:
 - 5.1 selling or otherwise disposing of the Products listed in 3. above;
 - 5.2 offering to sell, hire or otherwise dispose of the Products;
 - 5.3 importing the Products; or
 - 5.4 otherwise procuring, inducing or authorising any other person to do any of the acts specified above.
6. A copy of the Federal Court Order is **attached**.
7. Retailers are asked to note the "Penal Notice" on the front of the Order, which states that any person who knows of this Order and does anything which helps or permits GSL to breach the terms of the Order may be liable to punishment.
8. Please note also that if any retailer offers to sell or sells any of these products, REDARC would consider that retailer directly liable for infringement of the Patent.

Attached: Federal Court Order dated 4 May 2018



Federal Court of Australia

District Registry: South Australia

Division: General

No: SAD309/2017

REDARC ELECTRONICS PTY LTD (ACN 099 971 794) and another/others named in
the schedule
Applicant

GREAT SOUTH LAND PTY LIMITED (ACN 053 250 472)
Respondent

ORDER

JUDGE: JUSTICE WHITE

DATE OF ORDER: 04 May 2018

WHERE MADE: Adelaide

PENAL NOTICE

TO: Great South Land Pty Ltd

If you (being the person bound by this order):

- a. Refuse or neglect to do any act within the time specified in this order for the doing of the act; or**
- b. Disobey the order by doing an act which the order requires you not to do,**

You will be liable to imprisonment, sequestration of property or other punishment.

Any other person who knows of this order and does anything which helps or permits you to breach the terms of this order may be similarly punished.

Definitions

For the purpose of these orders:

“Patent” means Innovation Patent No. 2017100513 entitled “Brake Controller for Towed Vehicle Braking System and Method”.


“Respondent's Products” means the GSL brake control units known by the product codes “IRBC-12” and “IRBC-24”, Powercon brake control units known by the product codes “LV1407” and “LV1408”, and Baxters brake control units known by the product code “BCR-1000”.



BY CONSENT, AND NOTING THAT THE RESPONDENTS' CONSENT IS GIVEN WITHOUT ADMISSIONS AS TO LIABILITY FOR PATENT INFRINGEMENT, THE COURT ORDERS THAT:

1. For the term of the Patent while the Patent remains in force, the Respondent, whether by itself, its directors, officers, servants, agents or otherwise, be restrained from engaging in the following acts within the patent area (as defined in the *Patents Act 1990* (Cth)) without the licence of the Applicants:
 - a. selling or otherwise disposing of the Respondent's Products;
 - b. offering to sell, hire or otherwise dispose of the Respondent's Products;
 - c. importing the Respondent's Products; or
 - d. otherwise procuring, inducing or authorising any other person to do any of the acts specified above.
2. Orders 4 to 10 of the orders made on 19 March 2018 are vacated.
3. The Applicants' solicitors are forthwith to inform the mediation Registrar of these orders and of the vacation of the order for the mediation.
4. The Respondent has leave to discontinue its cross-claim.
5. The Respondent is to bear its costs of and incidental to these proceedings.
6. The Respondent is, within 28 days, to pay the Applicants jointly the sum of \$██████████.
7. The Respondent is, within 84 days, to pay the Applicants jointly the sum of \$██████████ towards their costs and disbursements.
8. The Applicants have leave to discontinue their Originating Application and Statement of Claim within 14 days of receipt of the sums payable under Orders 6 and 7.
9. The proceedings be adjourned to 22 August 2018 at 9 am for mention only, with liberty to the parties to appear at that hearing by videolink.
10. There be liberty to apply.

Date that entry is stamped: 4 May 2018


Registrar



Schedule

No: SAD309/2017

Federal Court of Australia
District Registry: South Australia
Division: General

Second Applicant REDARC TECHNOLOGIES PTY LTD (ACN 099 971 758)

CROSS CLAIM

Cross-Claimant GREAT SOUTH LAND PTY LIMITED (ACN 053 250 472)

Cross Respondent REDARC TECHNOLOGIES PTY LTD (ACN 099 971 758)

ASSISTED DISPUTE RESOLUTION

Applicant REDARC ELECTRONICS PTY LTD (ACN 099 971 794)

Second Applicant REDARC TECHNOLOGIES PTY LTD (ACN 099 971 758)

Respondent GREAT SOUTH LAND PTY LIMITED (ACN 053 250 472)