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Correspondence to:

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Our Ref: NCI

30 November 2000

Mr Klaus Zimmer
58 Island Rd
Blacktown NSW 2148

Dear Mr Zimmer

Your Recent Enquiry

Thank you for contacting us to seek our legal advice relating to a potential professional negligence claim against your former solicitor.

I regret that we are unable to assist you further with your enquiry. We do not practice in the area of professional negligence or intellectual property law.

Please note the law imposes a limit on the time available for commencing court proceedings. The time limit varies for different types of claims. We are unable to advise you on the time limit relevant to your claim as we have not had the benefit of taking detailed instructions from you.

In the circumstances, if you wish to obtain alternative legal advice, I recommend that you contact the Law Society of NSW Community Assistance Helpline on 1800 357 300 or (02) 9373 7300 or visit the Law Society website on www.lawsocnsw.asn.au as soon as possible, for referral to a firm of solicitors that can provide you with advice regarding your claim.

I wish you well in your endeavours.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Vicky Antzoulatos', written over a horizontal line.

Vicky Antzoulatos
SLATER & GORDON



Dominion Building
533 Little Lonsdale Street
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Ph: (03) 9602 6888
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Correspondence to:

Lawyer: Nick Styant-Browne
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MELBOURNE 3001

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Our Ref: NSB:BL:004521

22 August 2001

Mr Klaus Zimmer-Vorhaus
58 Irelands Road
BLACKTOWN NSW 2148

Dear Zimmer-Vorhaus

**Federal Court Proceeding No 867 of 2001
Institute of Patent and Trade Mark Attorneys and John M Slattery v Klaus
Zimmer-Vorhaus**

Please find enclosed Application and Statement of Claim by way of service.

Yours faithfully

A handwritten signature in cursive script that reads "Slater & Gordon".

Nick Styant-Browne
Partner
SLATER & GORDON PTY LTD
Encl.

**IN THE SUPREME COURT OF NEW
SOUTH WALES**

SYDNEY REGISTRY

COMMON LAW DIVISION

DEFAMATION LIST

No. 13229/01

AMENDED STATEMENT OF CLAIM

Filed on behalf of the Plaintiffs

**THE INSTITUTE OF PATENT AND
TRADE MARK ATTORNEYS OF
AUSTRALIA ACN 004 194 263**
First Plaintiff

JOHN M SLATTERY
Second Plaintiff

KLAUS ZIMMER-VORHAUS
Defendant

SLATER & GORDON
Lawyers
Level 22
Piccadilly Tower
133 Castlereagh Street
Sydney 2000

Tel: 8267 0600
Fax: 8267 0650

1. The first plaintiff ("the Institute") is and was at all relevant times an incorporated association under the *Associations Incorporation Act 1981 (Vic.)*.
2. The second plaintiff ("Mr Slattery") was the President of the Institute between March 1998 and April 2000.
3. On or about 12 March 2000, the defendant, ("Mr Zimmer-Vorhaus") published in New South Wales of and concerning the Institute and Mr Slattery the words in Schedule A (the "First Matter Complained Of").

Particulars of Publication

Mr. Zimmer-Vorhaus sent the words in Schedule A by e-mail to Mr. Peter Treloar of Freehill Hollingdale & Page in Sydney, New South Wales.

4. On or about 19 March 2000, Mr. Zimmer-Vorhaus published in South Australia of and concerning the Institute the words in Schedule B (the "Second Matter Complained Of").

Particulars of Publication

Mr. Zimmer-Vorhaus sent the words in Schedule B by e-mail to Mr. Howard Schulze in South Australia.

AUSINVENT VISITORS MESSAGE BOARD

2

3 beautiful women. 2 cowboys. 1 villain.

3

Klaus Zimmer

4

Australia's Patent Scam

5

Sun Apr 1 15:48:35 2001

6 What You Should Know About Australia's Patent Attorneys

7 Mainly, that your patents are at risk, if they have not lapsed altogether.

8 This information is mailed frequently to a few thousand overseas patent attorneys,

9 Trade Commissions and various entities doing business with Australia!

10 Subject:

11 Paul R. Taylor & Associates/Wobbegong Technology Information Pty. Ltd. ACN 066

12 590 163 (10 Inkerman Street, Mosman 2088), a Protege of the "Australian Institute of

13 Patent & Trademark Attorneys" and former partner of Spruson & Ferguson, who has

14 defrauded me by AUD 104,000.-.

15 My ongoing investigation into the criminal activities of the above entity has revealed

16 that "The Fraud" (Paul Robert Taylor) and his wife and partner in crime Wendy

17 Taylor (a failed schoolteacher) are continuing in their activities of defrauding his

18 clients as well as his overseas associates.

19 This is how it is done:

20 ~ Inventor instructs Australian Patent Attorney

21 ~ Australian Patent Attorney then instructs his Overseas Associate

22 ~ Overseas Associate registers the patent application and invoices his Australian

23 Patent Attorney with patent registration number

24 ~ Australian Patent Attorney invoices the inventor for the registration of an overseas

25 patent and notifies him of the overseas registration number

26 ~ Inventor then pays the Australian Patent Attorney the full amount of the overseas

27 patent registration fee

28 ~ Australian Patent Attorney does not forward the monies to his oversea associate, but

29 launders it into an overseas tax haven via a Service Provider (Wobbegong

30 Technology Information Services, a "Taylor Family Trust"). This demonstrates to the

31 Australian Tax Office (ATO) that monies have been paid to Overseas Patent

32 Attorneys and are therefore Tax-deductible.

33 ~ This deviously simple plan is so effective that not even the ATO can crack it.

34 ~ Overseas Associate gets nothing for his efforts, but continues the patent application

35 until he discovers the fraudulent practices of the Australian Patent Attorney

36 ~ Eventually, the patent application lapses and no patent is granted

37 ~ Australian Patent Attorney knowingly withholds this information from the inventor

38 ~ Australian Patent Attorney instead continues to invoice the Australian Inventor each

39 year for the annual renewal fees for each non existing overseas patent

40 ~ Inventor remains totally unaware of this scheme until such time he is requested to

41 provide the patent issue number to a commercially interested party

42

Only at this point the Australian inventor becomes aware that for years he was

E-mail document dated 12 March 2000: marked "A"

- (a) Mr Slattery was unprofessional in that he was solely concerned with commercial aspects of the Institute and not with criminal activities of members of the Institute;
- (b) Mr Slattery is unethical;
- (c) Mr Slattery has committed libel;

E-mail document dated 27 September 2000: marked "C"

- (d) Mr Slattery supports the criminal activities of some of the members of the Institute;

Document dated 1 April 2001: marked "E"

- (e) Mr Slattery supports the criminal activities of its members;
- (f) Mr Slattery is a scumbag;
- (g) Mr Slattery is unethical;
- (h) Mr. Slattery used a "Mafia-like" approach in dealing with Mr. Zimmer-Vorhaus.

10. By reason of the publication of the matters complained of:
- (a) the Institute's reputation has been seriously injured and the Institute has suffered damage;
and
 - (b) Mr. Slattery has been seriously injured in his reputation and feelings and has suffered damage.
11. Further, the matters complained of were published in circumstances entitling the Institute and Mr. Slattery to claim aggravated damages.

PARTICULARS OF AGGRAVATED DAMAGES

- (a) Mr. Zimmer-Vorhaus published the matters complained of without making any or any adequate enquiry as to the truth of the imputations;
- (b) Mr. Zimmer-Vorhaus published the matters complained of with reckless indifference as to the truth of the imputations;
- (c) The matters complained of were calculated and intended to pour ridicule and scorn on the Institute and Mr. Slattery;
- (d) The language used in the matters complained of was extreme;
- (e) Mr. Zimmer-Vorhaus has carried out and continues to carry out a campaign to denigrate the Institute and Mr. Slattery;

- (f) The failure of Mr. Zimmer-Vorhaus to publish an apology to the Institute and Mr. Slattery when reasonably requested to do so; and
- (g) Mr Slattery's hurt to feelings was increased by his knowledge of the falsity of the imputations.

12. Further, unless restrained by this Honourable Court, Mr. Zimmer-Vorhaus will continue to defame the Institute and Mr. Slattery by publishing, or causing to be published, the imputations identified in the matters complained of.

THE PLAINTIFFS CLAIM:

- A. A permanent injunction restraining the defendant from publishing, or causing to be published, the matters complained of or matter containing the imputations pleaded herein.
- B. An injunction compelling the defendant to forthwith inform the Court of the identity and address of any persons to whom the defendant has sent any of the matters complained of or matter containing the imputations pleaded herein.
- C. An injunction compelling the defendant to forthwith inform the Court of the name of any Internet websites to which the defendant has sent any of the matters complained of or matter containing the imputations pleaded herein.
- D. An injunction compelling the defendant to forthwith take all reasonable and necessary steps to request the operators of any Internet websites, that has posted on its website any of the matters complained of or matter containing the imputations pleaded herein.
- E. Damages including aggravated damages.
- F. Costs.
- G. Interest pursuant to Section 94 of the *Supreme Court Act 1970*.
- H. Such further or other orders as the Court thinks fit.

To the defendant:

Mr KLAUS ZIMMER_VORHAUS

58 Irelands Road

Blacktown NSW 2148

You are liable to suffer judgment or an order against you unless the prescribed form of notice of your appearance is received in the Registry on or before the date of hearing fixed and you comply with the rules of court relating to your defence.

Nominated Place for Trial: Sydney

Plaintiffs:

THE INSTITUTE OF PATENT AND TRADE MARK ATTORNEYS OF AUSTRALIA ACN 004

194 263

711 High Street

East Kew

Victoria Australia

JOHN M SLATTERY

711 High Street

East Kew

Victoria Australia

Plaintiffs' Address for Service

c/- SLATER & GORDON

Lawyers

Level 22

Piccadilly Tower

133 Castlereagh Street

Sydney 2000

Tel: 8267 0600

Fax: 8267 0650

Address of Registry

Supreme Court of New South Wales,

From: Linda Tocchet <mail@ipta.com.au>
To: John Slattery <jslattery@davies.com.au>
Date: Tuesday, March 14, 2000 9:58
Subject: Fw: Mail received from Mr Zimmer

1 ~~Original Message~~

2 **From:** Peter Treloar@freehills.com.au <Peter_Treloar@freehills.com.au>
3 **To:** mail@ipta.com.au <mail@ipta.com.au>
4 **Cc:** Paul_Savage@freehills.com.au <Paul_Savage@freehills.com.au>
5 **Date:** Sunday, March 12, 2000 4:15
6 **Subject:** Mail received from Mr Zimmer

>

>

>

7 >Dear Sirs,

8 >I received the following email from Mr Zimmer on Sunday, 12 March, 2000.

9 >Can you please refer this to the president in due course.

10 >

11 >Peter Treloar

12 >Freehills Patent Attorneys

13 >

14 >----- Forwarded by Peter Treloar/Sydney/FHP/AU on

15 12/03/2000 16:15 -----

16 >

17 >

18 >Klaus Zimmer <kwickset@tpg.com.au> on 12/03/2000 15:58:45

19 >

20 >

21 >

22 > To: Peter Treloar/Sydney/FHP/AU

23 >

24 > cc:

25 >

26 >

27 >

28 > Subject: Patent Attorney Listing <http://www.piperpat.co.nz>

29 >

30 >

31 >

32 >

33 >

34 >

35 >

36 >

37 >

38 >The following letter is my response to a letter send to me by the

39 >president of the Institute of

40 >Patent and Trademark Attorneys on December 20/99.

41 >

42 >Copies of this letter are readily available from:

43 >

44 >John M. Slattery

45 >

46 >President of the Institute of Patent and Trademark Attorneys of

47 >Australia

42 >
49 >Davies, Collison, Cave
50 >
51 >Tel. 03 9254 2777
52 >
53 >Fax. 03 9254 2770
54 >
55 >
56 >
57 >To the attention of:
58 >
59 >John M. Slattery
60 >
61 >President
62 >
67 >Dear Sir, March 12, 2000
64 >
65 >In response to your letter of December 20/1999 I have to make the
66 >following statements:
67 >
68 >Your 4 requests will not be complied with, since they are designed to
69 >pressure me into
70 >terminating my investigation into the fraudulent activities of some
71 >members of the Australian
72 >Institute of Patent and Trademark Attorneys, an activity I am eminently
73 >competent to undertake.
74 >
75 >Also be advised that I will continue these activities you so much object
76 >to, since they provide
77 >me with vital information. This information is voluntarily provided by
78 >your overseas associates
79 >who have been severely damaged by the activities of the fraudulent
80 >members of your institute.
81 >
82 >Your sole concern with the commercial aspects of your institute and not
83 >the criminal activities
84 >of your members, as well as your attempts to prevent the victims from
85 >seeking redress, reflects
86 >on the ethics of your organization.
87 >
88 >Informing overseas patent attorneys of the risks of dealing with
89 >Australian patent attorneys can
90 >hardly be described as "calculated to bring the Institute into
91 >disrepute". It is a known and
92 >substantiated fact that a number of Australian patent attorneys are
93 >defrauding their clients as
94 >well as their overseas associates.
95 >
96 >It is also a known and substantiated fact that complaints by overseas
97 >patent attorneys to your
98 >Institute result in no redress of their complaints.
99 >
100 >The action taken by your Ethics and Disputes Committee relating to my
101 >complaint were cavalier
102 >and negligent in their approach.
103 >
104 >The mere fact that you and your ethics committee accept the lies by the
105 >known criminal Paul
106 >Robert Taylor were accepted at face value defies imagination.
107 >
108 >I have to point out here that your repetition of these lies, based on

14/3/00

109 >nothing more than hearsay
110 >evidence, is libelous and calculated to damage my reputation.
111 >
112 >As far as your criminal colleague and fellow institute member Paul
113 >Robert Taylor is concerned
114 >I have since the beginning of my investigations identified another 8
115 >Australian based entities
116 >who have been and still are being defrauded by him on a massive scale.
117 >As a consequence the
118 >protection of their intellectual property is at risk.
119 >
120 >Your threats of taking legal action against me are those of a windbag
121 >full of bullshit.
122 >
123 >Yours sincerely,
124 >
125 >(Klaus Zimmer-Vorhaus)
126 >
127 >
128 >
129 >
130 >
131 >

AUSINVENT VISITORS MESSAGE BOARD

Problem

- 1 Klaus Zimmer
- 2 Patent Fraud
- 3 Wed Sep 27 05:40:45 2000

- 4 Warning to Inventors!
- 5 No.2 September 27, 2000

- 6 Conducting business with Australian Patent Attorneys is a high financial risk.

- 7 Australian Patent Fraud! Tax Evasion! Money Laundering!

- 8 Subject: Paul R. Taylor & Associates/Wobbegong Technology Information Pty.
- 9 Ltd. ACN 066 590 163. A Protegé of the "Australian Institute of Patent &
- 10 Trademark Attorneys", who has defrauded me by AUD 104,000.-.
- 11 My ongoing investigation into the criminal activities of the above entity has
- 12 revealed that "The Fraud" (Paul Robert Taylor) is continuing in his activities of
- 13 defrauding his clients as well as his overseas associates. "The Fraud" and his wife
- 14 and business partner (Wendy Taylor) are busy laundering their ill-gotten gains and
- 15 evading taxes.
- 16 This is how it is done:
- 17 Inventor instructs Australian Patent Attorney
- 18 Australian Patent Attorney then instructs Overseas Associate
- 19 Overseas Associate invoices Australian Patent Attorney
- 20 Australian Patent Attorney invoices inventor
- 21 Inventor pays Australian Patent Attorney
- 22 Australian Patent Attorney keeps all the money
- 23 Overseas Associate gets nothing
- 24 Unwary Inventor gets no patent, but more fraudulent invoices
- 25 Australian Patent Attorney sends money overseas into his very own bank account
- 26 via a Service Provider.
- 27 This proves to the Australian Tax Office (ATO) that monies claimed to have been
- 28 paid to Overseas Associates have been paid and are therefore Tax deductible.
- 29 This deviously simple plan is so effective that not even the ATO can crack it nor
- 30 does it want to do so.

- 31 This mode of protecting intellectual property is so highly regarded that the
- 32 members of Australian Institute of Patent and Trademark Attorneys, through their
- 33 mouthpiece the President John M. Slattery (of Davies Collison and Cave, Tel. +61
- 34 3 9254 2777, Fax +61 3 9254 2770)), have made it perfectly clear that they are in
- 35 total support of the criminal activities of some of their members. The Fraud is not
- 36 the only Australian Patent Attorney who conducts his business in such a manner.

AUSINVENT VISITORS MESSAGE BOARD



1 Klaus Zimmer
2 Patent Fraud Response to Newcomer
3 Sat Feb 3 15:09:53 2001

4 Dear Newcomer,

5 If you go to an Australian Patent Attorney you definitely risk being ripped off in 2
6 ways:

- ()
- 7 1.) When you apply for a patent you initially apply for a provisional patent which
 - 8 gives you 12 months to prepare for
 - 9 the international phase.
 - 10 At this point you have to decide in which countries you wish to have your patent
 - 11 protection. This is again a decision based on where you see your markets.
 - 12 This is where the real rip off occurs.
 - 13 If you have an Australian Patent Attorney prepare your overseas patent application he
 - 14 will recycle this application to every country concerned.
 - 15 Each country's patent attorney will send an invoice to the Australian Patent Attorney
 - 16 (typically about USD3,000.-).
 - 17 The Australian Patent Attorney will then invoice you the above amount and then add
 - 18 another USD3,000.- for his effort and you end up paying USD6,000.-.
 - 19 You can avoid this by approaching an overseas Patent Attorney in each of the country
 - 20 you wish to apply for a patent. This will automatically cut your patent costs in HALF.
- ()
- 21 If you take the patent description from a U.S. Patent Attorney and recycle it yourself
 - 22 you can go to each country's patent attorney and pay them directly.
 - 23 Try this website for a list of patent attorneys worldwide.

24 <http://www.piperpat.co.nz/>
25 or

26 <http://www.uspto.com/>

27 Do not patent too early, make a functional prototype first and study it before starting
28 to patent and be stuck with enormous costs.

29 2.) The other reason to deal with overseas patent attorneys is that you have control
30 over your money and you know where it goes to.

31 With an Australian Patent Attorney you run a very high risk of losing your money as
32 well as your patents, because if the Australian Patent Attorney does not pay the
33 overseas P.A. you will not know for a long time and when you find out
34 it is too late.

5. On or about 27 September 2000, Mr. Zimmer-Vorhaus published of and concerning the Institute and Mr Slattery the words in Schedule C (the "Third Matter Complained Of").

Particulars of Publication

Mr. Zimmer-Vorhaus sent the words in Schedule C to be placed on the Ausinvent Visitors Message Board. The Third Matter Complained of was thereafter downloaded and read. Particulars of such publication will be provided in due course. The plaintiffs are unable to further particularise these publications until completion of relevant interlocutory processes.

6. On or about 3 February 2001, Mr. Zimmer-Vorhaus published of and concerning the Institute the words in Schedule D (the "Fourth Matter Complained Of").

Particulars of Publication

Mr. Zimmer-Vorhaus sent the words in Schedule D to be placed on the Ausinvent Visitors Message Board. The Fourth Matter Complained of was thereafter downloaded and read. Particulars of such publication will be provided in due course. The plaintiffs are unable to further particularise these publications until completion of relevant interlocutory processes.

7. On or about 1 April 2001, Mr. Zimmer-Vorhaus published of and concerning the Institute and Mr Slattery the words in Schedule E (the "Fifth Matter Complained Of").

Particulars of Publication

Mr. Zimmer-Vorhaus sent the words in Schedule E to be placed on the Ausinvent Visitors Message Board. The Fifth Matter Complained of was thereafter downloaded and read. Particulars of such publication will be provided in due course. The plaintiffs are unable to further particularise these publications until completion of relevant interlocutory processes.

8. The matters complained of in their natural and ordinary meaning conveyed the following imputations each of which were defamatory of the Institute.

E-mail document dated 12 March 2000: marked "A"

- (a) the Institute attempted to thwart an investigation into fraudulent activities by members of the Institute;
- (b) the Institute is unethical;
- (c) the Institute by its Ethics and Disputes Committee took a cavalier and negligent approach to the complaint made by Mr. Zimmer-Vorhaus;
- (d) the Institute has committed libel;

E-mail document dated 19 March 2000: marked "B"

- (e) the Institute divulged to Paul R. Taylor & Associates confidential information provided by Mr. Zimmer-Vorhaus to the Institute;

E-mail document dated 27 September 2000: marked "C"

- (f) the Institute supports the criminal activities of some of the members of the Institute;
- (g) the Institute fails in its role as a professional body in that it fails to take any action whatsoever against any of its criminal members;
- (h) the Institute actively aids and abets a common criminal;

Document dated 3 February 2001: marked "D"

- (i) the Institute protects members of the Institute who have engaged in fraudulent activities;
- (j) the Institute is unethical;

Document dated 1 April 2001: marked "E"

- (k) the Institute supports the criminal activities of its members;
- (l) the Institute aids and abets criminal activities of its members;
- (m) the Institute deliberately conducted an incompetent investigation to cover up the fraudulent activities of a member of the Institute;
- (n) the Institute is unethical;
- (o) the Institute has used a "Mafia-like" approach in dealing with Mr. Zimmer-Vorhaus.

9. The matters complained of referred to below in their natural and ordinary meaning conveyed the following imputations each of which were defamatory of Mr Slattery.

Return