



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

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Details of Filing

File Number: S16/2023
File Title: Real Estate Tool Box Pty Ltd & Ors v. Campaigntrack Pty Ltd
Registry: Sydney
Document filed: Form 27B - Appellants' chronology
Filing party: Appellants
Date filed: 11 Apr 2023

Important Information

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**IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY**

No. S16 of 2023

BETWEEN:

REAL ESTATE TOOL BOX PTY LTD ACN 614 827 379
First appellant

BIGGIN & SCOTT PTY LTD ACN 072 450 689
Second appellant

DREAM DESK PTY LTD ACN 604 719 735
Third appellant

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JONATHAN MICHAEL MEISSNER
Fourth appellant

PAUL GEOFFREY STONER
Fifth appellant

MICHELLE BARTELS
Sixth appellant

AND:

CAMPAIGNTRACK PTY LTD ACN 142 537 988
First respondent

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DAVID SEMMENS
Second respondent

APPELLANTS' CHRONOLOGY

Part I: Certification

1. This chronology is in a form suitable for publication on the internet.

Part II: Events

Date	Description	Reference
2006 to 2009	Biggin & Scott used the Campaigntrack software	PJ [16] CAB 16-17 FC [162] CAB 219
2009 to 2013	Biggin & Scott changed to a different advertising platform called "Advenda Pro"	PJ [16] CAB 16-17 FC [162] CAB 219
2013	Biggin & Scott returned to Campaigntrack	PJ [16] CAB 16-17

Date	Description	Reference
		FC [162] CAB 219
November 2014 – March 2015	The DreamDesk venture is established	PJ [13]-[15] CAB 16 FC [171] CAB 221
Until mid 2015	Biggin & Scott was using the Campaigntrack software	PJ [16] CAB 16-17 FC [172] CAB 221
Between March and May 2015	Biggin & Scott agreed to move to the DreamDesk Platform	PJ [17] CAB 17 FC [170], [172] CAB 221
20 May 2015	Agreement between Biggin & Scott Corporate Pty Ltd and Dream Desk (Biggin & Scott – DDPL Agreement) was signed by Mr Stoner (on behalf of Biggin & Scott) and by Mr Meissner (on behalf of DDPL)	PJ [18] CAB 17 FC [172] CAB 221
17 August 2015	Biggin & Scott went “live” with the DreamDesk platform	PJ [19] CAB 17 FC [172] CAB 221
July 2016	Mr Meissner, Campaigntrack and New Litho negotiated the terms of the agreement for the sale of DreamDesk for \$50,000	PJ [29] CAB 19 FC [174] CAB 222
18 July 2016	Mr Meissner signed the Agreement for the Sale of Assets (DreamDesk Sale Agreement) and Binding Heads of Agreement	PJ [32] CAB 20 FC [175]-[176] CAB 222
August 2016	Agreement for the Sale of Process 55 executed by Digital Group, Campaigntrack, New Litho and their respective directors (Process 55 sale agreement)	PJ [74] CAB 33 FC [175] CAB 222
3 August 2016	Mr Stoner met with Mr Semmens and showed Mr Semmens a letter with instructions regarding the development of a web to print delivery system	PJ [38], [297(1)] CAB 23, 101 FC [177]-[180] CAB 222-223

Date	Description	Reference
9 August 2016	Mr Semmens most likely started to develop the Toolbox system	PJ [54] CAB 29 FC [179] CAB 223
18 August 2016	Ms Keys of Campaigntrack met with Ms Bartels to discuss whether Biggin & Scott would transition to Campaigntrack	PJ [71] CAB 32
18 August 2016 – 6 September 2016	Biggin & Scott made enquiries with, and received offers from, other providers of online advertising systems	PJ [72] CAB 32 FC [182] CAB 224
25 August 2016	Completion date for the “Agreement for the Sale of ‘Process 55’”	PJ [74] CAB 33
5 September 2016	DreamDesk sale agreement and the Binding Heads of Agreement were varied	PJ [82] CAB 35
6/7 September 2016	Campaigntrack and New Litho paid the purchase price of \$50,000 under the DreamDesk sale agreement	PJ [83] CAB 35 FC [183] CAB 224
7–19 September 2016	Mr Meissner on cruise ship in Alaska	PJ [94] CAB 39
15 September 2016	Real Estate Tool Box Pty Ltd was incorporated	PJ [91] CAB 39 FC [186] CAB 226
21 September 2016	Mr Stoner seeks extension for access to DreamDesk	PJ [98] CAB 40-41 FC [188] CAB 226
26 September 2016	Mr Stoner emailed Ms Keys and Mr Meissner that Biggin & Scott would not be entering into a contract with Campaigntrack and seeks extension for access to DreamDesk	PJ [197] CAB 65 FC [188] CAB 226
27 September 2016	Mr Stoner repeats his request for the access to DreamDesk to be extended	PJ [112] CAB 45 FC [188] CAB 226

Date	Description	Reference
29 September 2016	Letter from McLean & Associates asserting “ <i>improper access</i> ” and requesting undertakings	FC [189] CAB 63
3 October 2016	License to the DreamDesk system, granted by Campaigntrack to DDPL under the DreamDesk sale agreement to end	PJ [46] CAB 25-26 FC [182] CAB_
3 October 2016	Biggin & Scott asked Campaigntrack for an extension of the DreamDesk licence until 17 October 2016 and confirmed it was willing to provide Campaigntrack certain underakings	PJ [121] CAB 47 FC [191] CAB 224
5 October 2016	<p>“Undertaking as to use of IP of Dream Desk” sent to Mr Meissner and Mills Oakley.</p> <p>Campaigntrack agree to extend the licence to use DreamDesk upon receipt of the undertakings from DDPL and “associated persons” and Biggin & Scott and “associated persons and entities”</p>	PJ [129]–[131] CAB 48-49 FC [191] CAB 228 PJ [132] CAB 49 FC [191] CAB 228
5 October 2016	Mr Meissner and DDPL emailed Campaigntrack’s solicitors confirming he agreed to the terms of the undertaking (i.e. gave the undertaking sought)	PJ [130] CAB 48-49 FC [192] CAB 228-229
6 October 2016	Undertaking signed by Mr Stoner and Ms Bartels	PJ [133] CAB 49 FC [194] CAB 229-230
7 October 2016	Campaigntrack confirms that the DreamDesk licence would not be extended beyond 10 October 2016	PJ [145] CAB 52 FC [196] CAB 230
10 October 2016	Biggin & Scott’s access to DreamDesk is ‘cut off’	PJ [147] CAB 53 FC [197] CAB 230-231
10 October 2016	Toolbox system went live	PJ [148] CAB 54 FC [198] CAB_
End of October 2016	DreamDesk system shut down by Campaigntrack	PJ [151] CAB 54

Date	Description	Reference
		FC [198] CAB 231
November 2016	The parties agreed that an independent forensic IT expert, Mr Geri, would inspect the Toolbox system and report on whether there was any potential copying from the DreamDesk system	PJ [152] CAB 54 FC [199]-[200] CAB 231
19 January 2017	Mr Geri provided his preliminary report	FC [156]-[157], [200]-[203] CAB 215, 231-232
18 May 2017	Campaigntrack commences proceedings against RETB, Biggin & Scott and Mr Semmens in the Federal Court	
June 2018	Real Estate Tool Box Pty Ltd ceased to trade and use the Toolbox system	PJ [162] CAB 57 FC [205] CAB 232-233
19 December 2018	Campaigntrack, by leave, amends its claim and DDPL, Mr Meissner, Mr Stoner and Ms Bartels are joined to the proceeding	

Dated: 11 April 2023



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