



CURRICULUM VITAE

Ben Mee BSc—LLB (Hons I), LLM (Hons I), Barrister

Tel: +61 2 8066 6101

Fax: +61 2 9232 8995

Email: Ben.Mee@5Wentworth.com

Areas of Practice

Intellectual Property	Commercial
Competition and Consumer Protection	Constitutional
Pharmaceutical and biotechnology	Appellate

Date of Admissions

2014 New South Wales Bar

2010 Supreme Court of Victoria and Federal Court of Australia

Professional Recognition

Doyle's Guide, Leading Intellectual Property Barristers 2016, 2017

Qualifications

Master of Laws (Hons I)	University of Cambridge	2014
<ul style="list-style-type: none">• <i>Intellectual Property, International IP, Restitution, Commercial Equity</i>• <i>Thesis on principles of contribution between wrongdoers</i>		
Grad. Dip Legal Practice	College of Law, Victoria	2010
Bachelor of Laws (Hons I)	University of Tasmania	2008
Bachelor of Science (Biochemistry)		
<ul style="list-style-type: none">• <i>University Medallist</i>• <i>Passes with High Distinction in all courses</i>• <i>Unit prizes in Evidence, Professional Conduct, Supervised Research (IP), Constitutional Law 1 and 2, Criminal Law, Contracts, Torts, Civil and Criminal Procedure, Organic Chemistry, Chemistry 1, Calculus and Applications: Specialised</i>		

Other information

- Associate to the Hon Chief Justice R S French AC, High Court of Australia, 2010-2011.
- Solicitor at Allens in Melbourne (Litigation & Intellectual Property group) and Sydney (Competition group), 2010-2013.
- Sessional academic, University of Tasmania, 2009.
- Mentor, Out for Australia, 2015—
- Headnote writer, Intellectual Property Reports, 2015—

Selected cases

- *Pronova BioPharma Norge AS v Naturalis SA*: Patent opposition, unled
- *Roadshow Films Pty Ltd v Telstra Corporation & Ors* [2016] FCA 1503: Copyright, site blocking order litigation, acting for M2 carriage service providers, unled, Federal Court (successful on all contested issues)
- *Clipsal Australia Pty Ltd v Clipso Electrical Pty Ltd (No 3)* [2017] FCA 60: Trade mark infringement and revocation, passing off, misleading and deceptive conduct, patent infringement, registered designs infringement, led by J S Cooke, Federal Court (successful at trial)
- *Clipsal Australia Pty Ltd v Clipso Electrical Pty Ltd (No 4)* [2017] FCA 436: Successfully obtained indemnity costs award based on Respondents' conduct at trial
- *Apotex Pty Ltd v Warner-Lambert Company LLC (No 3)* [2017] FCA 94: Patent infringement and revocation proceedings, led by AJL Bannon SC and C Dimitriadis SC, Federal Court (successfully defended patent validity and established patent infringement, appeal pending)

- *Encompass Corporation Pty Ltd v InfoTrack Pty Ltd*: Patent infringement and validity, led by D K C Catterns QC and C L Cochrane, Federal Court (judgment reserved)
- *ACCC v Woolworths Limited [2016] FCA 44*: Product safety, penalty hearing in February 2016, led by RCA Higgins, Federal Court (penalty of \$3m)
- *Les Laboratoires Servier v Apotex Pty Ltd*: Patents, led by A J L Bannon SC and C L Cochrane, application for special leave to appeal to the High Court of Australia
- *Knott Investments Pty Ltd v Winnebago Industries Inc [2016] ATMO 15*: Trade mark proceedings, led by M Darke SC, Trade Marks Office (successfully resisted opposition to 12 trade marks)
- *Knott Investments Pty Ltd v Winnebago Industries Inc*: Trade mark proceedings, led by M Darke SC and A Shearer, Federal Court (settled before trial)
- *Generic Health Pty Ltd v Otsuka Pharmaceutical Co Ltd*: Patent law, led by AJL Bannon SC and C Cochrane, High Court (special leave refused)
- *Bluescope Steel (AIS) Pty Ltd v Illawarra Coal Holdings Pty Ltd*: Contract law, led by A Myers QC and RCA Higgins, New South Wales Supreme Court
- *Nichia Corporation v Arrow Electronics Australia Pty Ltd*: Patent proceedings, led by S Burley SC and C Cochrane, Federal Court [2015] FCA 699
- *Synlait Milk Limited v Synlait Pty Ltd*: Trade mark and consumer law, led by C L Cochrane, Federal Court (settled before hearing)
- *Keller v Emirates*: Aviation law, unled, New South Wales Local Court
- *Mouti v Nguyen*: Contract law, led by A Tokley SC, New South Wales Court of Appeal (settled after remitter)
- *Roach v William Hill Australia*: Consumer law, unled, NCAT (settled before hearing)

- *Yu v Sportingbet*: Consumer law, unled, NCAT (proceedings dismissed)
- *McCloy v New South Wales* (2015) 257 CLR 178: Implied freedom of political communication, led by DMJ Bennett QC AC, I Faulkner and A Flecknoe-Brown, High Court
- *Christian v Nestlé*: Trade mark infringement proceedings, led by S Burley SC in Federal Court, led and unled appearances in Federal Circuit Court (judgment reserved)
- *Fitzpatrick v Sydney Property Inspections*: Negligence and misleading and deceptive conduct, led by M Lewis, District Court (settled before trial)
- *Kupsch v Zanker*: Special leave application, High Court

Selected Publications

- ‘Gains, Burdens and Unjust Enrichment’ (forthcoming, 2017)
- ‘To Deem or Not To Deem? Bypassing the declaration process under Pt IIIA of the *Competition and Consumer Act*’ (2012) 20(3) *AJCL* 184
- ‘Think Smaller’ (2012) 20(3) *AJCL* 203
- ‘*Prometheus v Mayo Collaborative Services*: Blunt axes and sharp drafting practices’ (2012) 22(1) *Journal of Law, Information and Science* 55
- ‘New PBS reforms to affect pharmaceutical manufacturers’, *Allens Focus*, August 2012
- Submission to the Senate Inquiry on the Marriage Equality Bill 2010 (Cth), 2012
- Submission to the Senate Inquiry on the Patent Amendment (Human Genes and Biological Materials) Bill 2010 (Cth), 2011
- ‘Grand Chamber considers whether testimony of absent witnesses violates fair trial right’ (2012) 70 *Human Rights Law Centre Bulletin*

- 'Court decision brings cold comfort to franchisor', Allens Focus, July 2010
- 'Laughing Matters: Parody and Satire in Australian Copyright Law' (2010) 20(1)
Journal of Law, Information and Science 61

Memberships

- New South Wales Bar Association
- Intellectual Property Society of Australia and New Zealand
- Health and Wellbeing Committee, New South Wales Bar Association