

## MEHER GAVEN - SELECT CASES

### CURRENT OR RECENT

- *Commissioner of Patents v AbbVie Biotechnology Ltd* – Briefed to appear for the Commissioner (led by Christian Dimitriadis SC) in a Full Federal Court appeal heard in February 2017 concerned with whether Swiss type claims are capable of extension under s 70(2)(b) of the *Patents Act*. The decision under review: *AbbVie Biotechnology Ltd Commissioner of Patents* [2016] AATA 682.
- *Primary Health Care Limited v Commonwealth of Australia* – Briefed to appear for the Commonwealth (led by Julia Baird SC) in a trade mark appeal before the Full Federal Court in November 2016 concerned with the registrability of use of the words ‘Primary Health Care’ and a logo mark incorporating such words (relevantly, under s 41, 42 and 44 of the *Trade Marks Act*).
- *Savvas v Council of the City of Botany Bay* – Currently briefed to appear for the Respondent (now Bayside Council) in the Supreme Court (unled) in relation to a real property matter involving contractual arguments and an easement dispute.
- *Jones Tulloch Pty Ltd v Commissioner of Patents* [2016] FCA 1108 - Briefed to appear (unled) in Federal Court proceedings for the Commissioner in an application for judicial review of the Commissioner’s decision concerned with statutory interpretation of s 97(4) of the *Patents Act* (re-examination powers). The matter was successfully defended.
- *Cantarella Bros Pty Ltd v Du Bois* [2016] FCA 1115 - Briefed to appear for the Applicant (led by Michael Green SC) in Federal Court proceedings alleging misuse of confidential information, infringement of copyright, contraventions of the Corporations Act and breach of contractual obligations in relation to employment duties. The matter resolved without admissions. The published decision concerns suppression and non-publication orders following the resolution of proceedings.
- *Domino’s Pizza Enterprises Limited v Commissioner of Patents* – Currently briefed to appear (unled) for the Commissioner in Federal Court proceedings concerned with the statutory construction of s 210 of the *Patents Act* arising out of the refusal of the Deputy Commissioner to exercise the power to summons witnesses and issue notices to produce at the request of the applicant.
- *Hilton v Legal Profession Admission Board* [2016] NSWSC 1617; *Hilton v Legal Profession Admission Board* (No 2) [2016] NSWSC 1842 – Briefed to appear with

respect to matters concerned with an application for re-admission of a lawyer (led by David Bennett AC QC). The matter is due to be heard before the Court of Appeal in July 2017.

- *LG Electronics Australia Pty Limited v Dyson Appliances (Aust) Pty Ltd* – Briefed to appear for the Applicant (led by Michael Hall SC) for injunctive relief arising out of alleged contraventions of section 18, 29(1)(a) and 33 of the *Australian Consumer Law*. The matter resolved by consent judgment.
- *Horticulture Innovations Australia Ltd v Westley* [2015] NSWSC 1292 – Appeared (unled) for twelve interested parties with leave to appear granted in relation to the question of whether the plaintiff should be allowed to trace monies held in Court in circumstances where the interested parties were owed monies by the Defendant.
- *Tiles Sydney Pty Ltd v J2 Pty Ltd and Anor* – Briefed to advise and appear (unled) for the Defendants in Supreme Court proceedings seeking injunctive relief arising out of alleged trade mark infringement. The matter resolved by consent judgment.

#### **OTHER SELECT MATTERS**

- *Apple Inc v Register of Trade Marks* [2014] FCA 1304 – Appeared for Register of Trade Marks in Federal Court proceedings involving an appeal under s 35 of the *Trade Marks Act 1995* (Cth) from a decision of the Registrar of Trade Marks to reject Apple's application for the 'APP STORE' trade mark (led by Julia Baird SC).
- *Preece v Preece* [2014] FCCA 1647– Bankruptcy proceedings – appeared for creditor (unled); also appeared in relation to interlocutory hearings on appeal to the Federal Court of Australia. Also briefed to appear in the appeal to the Federal Court (unled) with the appeal being withdrawn on the day it was to be heard.
- *Dynamite Games Pty Limited v Aruze Gaming Australia Pty Limited* [2013] FCAFC 96 – Appeared for respondent to Full Court appeal concerned with the validity and infringement of a standard patent and an innovation patent relating to electronic gaming machines (led by Tony Bannon SC and Neil Murray).
- *Margan v Australian Human Rights Commission & Ors* [2013] FCA 612 – Appeared for State of NSW (unled) on the hearing of an application for leave to appeal in a discrimination matter.
- *Mylan v Health Services Union NSW* – Briefed for the Health Services Union (HSU) (led by Hugh Stowe) in a Supreme Court civil recovery action against Michael Williamson and others. In a related matter, Meher appeared for HSU in a summary dismissal application for proceedings commenced under the *Fair Work Act* (led by Hugh Stowe).

- *John Christopher Burke v Inspector-General in Bankruptcy* [2014] FCAFC 112 – Appeal concerned with statutory construction of provisions of *Bankruptcy Act* (led by Michael Heath).
- ICAC Inquiry into NSW public sector concerning allegations relating to mining exploration licences (led by Hugh Stowe).
- *Macquarie International Health v South Sydney Area Health Authority* – retained as one of many junior counsel to appear with Greg Burton SC for the defendant in an assessment of damages of case arising out of a finding of trespass (with the plaintiff claiming over 200 million dollars).
- *Brasco Australia Pty Ltd v Chris Papantoniou* (unpublished) – Summary judgment regarding breach of terms of settlement (unled).
- Appeared for Coles Supermarket Pty Ltd (unled) in an interlocutory application for costs with indemnity costs awarded for costs arising out of compliance with a subpoena in Federal Court proceedings.
- Numerous appearances (unled) in the Federal Court and Supreme Court.