

MEHER GAVEN - SELECT CASES

- *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.
- *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*).
- *Domino's Pizza Enterprises Limited v Commissioner of Patents* – 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).
- *Horticulture Innovations Australia Ltd v Westley* [2015] NSWSC 1292 – Briefed to appear (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.

- *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.
- *Apple Inc v Register of Trade Marks* [2014] FCA 1304 – Appeared for Register of Trade Marks (led by Julia Baird, SC) in 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. The Registrar successfully defended the proceeding.
- *Burke v Inspector General in Bankruptcy* [2014] FCAFC 112 – appeal on issue of statutory construction of provisions of the *Bankruptcy Act* (led by Michael Heath).
- *Preece v Preece* [2014] FCCA 1647– Bankruptcy proceedings – appeared for creditor (unled); Appeared in relation to interlocutory hearings in the appeal to the Federal Court of Australia, although the appeal was withdrawn shortly before it was due to be heard.
- *Dynamite Games Pty Limited v Aruze Gaming Australia Pty Limited* [2013] FCAFC 96 – Appearing 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 on the hearing of an application for leave to appeal (unled).
- *Mylan v Health Services Union NSW* [2013] FCA 190 – Appeared for respondent in matter involving summary dismissal of proceedings commenced under the *Fair Work Act* (led by Hugh Stowe).
- ICAC Inquiry into NSW public sector concerning allegations relating to mining exploration licences (led by Hugh Stowe).