



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

Chambers & Partners, Intellectual Property: The Bar, Band 2 Junior

Doyle's Guide, Leading Intellectual Property Barristers (NSW and Australia)

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 (Intellectual Property Law), 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), 2009-2013.
- Sessional academic, University of Tasmania, 2009.
- Mentor, Out for Australia, 2015—

Selected cases

- *Boehringer Ingelheim Animal Health USA Inc v Zoetis Services LLC*: Appeal from Patent Office opposition decision, led by P Flynn SC, Federal Court of Australia (proceedings ongoing)
- *Xiamen Huadian Switchgear Co Ltd v Powins Pty Ltd*: Passing off and misleading and deceptive conduct proceedings, unled, Federal Court of Australia (trial March 2022)
- *Novartis AG v Pharmacor Pty Limited*: Patent proceedings, led by C Dimitriadis SC, Federal Court of Australia (proceedings ongoing);
- *Commscope LLC v Schneider Electric*: Patent proceedings, led by J Cooke, Federal Court of Australia (settled at mediation);
- *Neurim Pharmaceuticals (1991) Ltd v Generic Partners Pty Ltd*: Patent proceedings, acted for both respondents, led by N Murray SC, Federal Court of Australia (judgment reserved)
- *Australian Fifty Leaders Pty Ltd v Lawcover Insurance Pty Ltd*: Copyright infringement proceedings, acted for respondent, led by C Burgess (settled before final hearing)

- *H Lundbeck A/S v Alphapharm Pty Ltd; Aspen Australia Pty Ltd; Apotex Pty Ltd; Sandoz Pty Ltd*: Patent proceedings, acted for three respondents, led by D K Catterns QC, C Dimitriadis SC, N Murray (settled before final hearing in respect of those respondents)
- *Regeneron Pharmaceuticals Inc v Kymab Limited*: Appeal from Patent Office, acted for respondent, led by T Cordiner QC, Federal Court of Australia (settled before hearing)
- *Apotex Pty Ltd v Warner-Lambert Company LLC (No 3)* [2018] FCAFC 26; [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, successful on appeal, special leave refused)
- *Encompass Corporation Pty Ltd v InfoTrack Pty Ltd* [2019] FCAFC 61; [2018] FCA 421: Patent infringement and validity, led by D K C Catterns QC and C L Cochrane (trial), S J Goddard SC and C L Cochrane (appeal), Federal Court and Full Federal Court (successful at trial and on appeal—patents revoked for lack of manner of manufacture)
- *Authentics Australia Pty Ltd v The Academy Brand Pty Limited*: Trade mark infringement proceedings, acted for respondent, led by J S Cooke (settled before hearing)
- *Pharma Mar SA* [2020] APO 8: Patent term extension, acted unled for patentee
- *Dyno Nobel v Orica*: Patents, acted for alleged infringer/revoking party, led by A J L Bannon and C L Cochrane (settled)
- *Pronova BioPharma Norge AS v Naturalis SA*: Patent opposition, unled (settled after written submissions, before hearing)
- *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)

- *Dinzel Construction System Pty Limited v AFS Systems Pty Ltd* [2018] FCAFC 157; [2017] FCA 791: Patent, acted for alleged infringer, led by P Flynn (trial) and D Shavin QC and P Flynn (appeal), Federal Court and Full Federal Court (successful at trial—patent not infringed) and on appeal)
- *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
- *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)
- *Otsuka Pharmaceutical Co Ltd v Generic Health Pty Ltd (No 2)* [2016] FCAFC 111: Patent law, led by AJL Bannon SC and C Cochrane, Full Federal Court
- *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 (settled before hearing)

- *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* [2015] NSWCA 93: 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 of Australia
- *Société Des Produits Nestlé v Christian* [2014] FCCA 2368: Trade mark infringement proceedings, led by S Burley SC in Federal Court, led and unled appearances in Federal Circuit Court
- *Fitzpatrick v Sydney Property Inspections*: Negligence and misleading and deceptive conduct, led by M Lewis, District Court (settled before trial)

Selected Publications

- 'To Deem or Not To Deem? Bypassing the declaration process under Pt IIIA of the *Competition and Consumer Act*' (2012) 20(3) *AJCCCL* 184
- 'Think Smaller' (2012) 20(3) *AJCCCL* 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, Wellbeing Committee and Technology Committee
- Intellectual Property Society of Australia and New Zealand