

Areas of Practice

- Intellectual Property
- Pharmaceuticals and biotechnology
- Competition law
- Consumer law
- Commercial
- Appellate
- Equity

Education

University Name – Degree

Juris Doctor (with Distinction) – University of New South Wales | 2018

- Order of Merit

B Science (Hons 1) | University of Sydney | 2013

- First Class Honours in biology and molecular biology

Experience

Barrister, 5 Wentworth Chambers | 2024 – Present

Senior Associate / Solicitor, DLA Piper | 2023 – 2024

- Secondment (part-time), Vertex Pharmaceuticals | 2024

Associate / Graduate, Allens | 2019 – 2023

Summer Clerk, Allens | 2018

Research Assistant, UNSW Medicine Faculty | 2015 – 2016

Research Assistant, Garvan Institute of Medical Research | 2013 – 2015

Appointments

Barrister, NSW | 2024

Solicitor, Supreme Court of NSW and High Court of Australia | 2019

Notable Cases

Patents

Cipla Australia Pty Ltd v Novo Nordisk A/S [2024] FCA 1414. Application regarding whether patent term extension wrongly granted. Led by David Larish.

**Notable Cases
(as a solicitor)**

Commercial

Nguyen v Northern Sydney Local Health District & Anor (No 2) [2024] NSWSC 1533. Breach of an IP Assignment Deed relating to the commercialisation of a proposed monoclonal antibody. Led by David Larish.

Patents

CPC Patent Technologies Pty Ltd v Apple Pty Limited & Anor (judgment reserved). Patent for a remote entry system which CPC alleges is infringed by Apple's biometric system (Face ID and Touch ID). Invalidity cross-claim.

Jusand Nominees Pty Ltd v Rattlejack Innovations Pty Ltd & Ors [2024] HCASL 105. Patent for a safety system for failure of mining drill. Special leave refused with costs.

Boehringer Ingelheim Animal Health USA Inc. v Zoetis Services LLC [2022] APO 42. Opposition of patent for method of canine vaccine administration.

Trade Marks and Passing Off

Redbubble v Hells Angels Motorcycle Corporation (Australia) Pty Ltd [2024] FCAFC 15. Appeal of decision in relation to trade mark infringement by an online platform before enlarged appeals bench.

Hells Angels Motorcycle Corporation (Australia) Pty Limited v Redbubble Ltd (No 5) (2022) 168 IPR 217; [2022] FCA 837 – judgment on trade mark infringement by an online platform; damages and additional damages; scope of injunctions.

- ***Hells Angels Motorcycle Corporation (Australia) Pty Limited v Redbubble Limited (No 4) (2022) 166 IPR 144; [2022] FCA 190*** – separate question on application of releases in a settlement agreement before Jagot J.
- ***Hells Angels Motorcycle Corporation (Australia) Pty Limited v Redbubble Ltd (No 3) [2021] FCA 1530*** – redactions of a judgment.
- ***Redbubble Ltd v Hells Angels Motorcycle Corporation (Australia) Pty Limited [2021] FCA 1467*** – appeal of decision in relation to amend defence to rely on releases in a settlement agreement before McKerracher J.
- ***Hells Angels Motorcycle Corporation (Australia) Pty Limited v Redbubble Ltd (No 2) [2021] FCA 1246*** – seeking leave to amend defence to rely on releases in a settlement agreement.
- ***Hells Angels Motorcycle Corporation (Australia) Pty Limited v Redbubble Ltd (2021) 162 IPR 463; [2021] FCA 1090*** – re-opening of proceeding following judgment being reserved.

O'Brien Glass Industries Limited v O'Brien Boiler Services Pty Ltd (NSD55/2023 and NSD136/2023). Application for removal of marks; cross-claim for infringement; appeal of Trade Marks Office decision.

Pro-Pac Packaging (Aust) Pty Ltd v Linhua Packaging Pty Ltd & Ors. Passing off; misleading or deceptive conduct; breach of confidence. Settled.

Copyright

Secure Electronics (Australia) Pty Ltd v Bosch Security Systems B.V. & Anor (2024/00074841 – Commercial List). Breach of contract; copyright infringement; breach of equitable duties; breach of confidence.

Lift Shop Pty Ltd v Next Level Elevators Pty Ltd (No 4) [2024] FedCFamC2G 554 – judgment on copyright infringement; breach of confidence; misleading or deceptive conduct.

- ***Lift Shop Pty Ltd v Next Level Elevators Pty Ltd (No 3) [2023] FedCFamC2G 394*** – costs
- ***Lift Shop Pty Ltd v Next Level Elevators Pty Ltd (No 2) [2023] FedCFamC2G 268*** – notice to produce set aside.

Confidential information

See above:

- ***Secure Electronics (Australia) Pty Ltd v Bosch Security Systems B.V. & Anor***
- ***Lift Shop Pty Ltd v Next Level Elevators Pty Ltd***
- ***Pro-Pac Packaging (Aust) Pty Ltd v Linhua Packaging Pty Ltd & Ors***

Consumer Law

Invisalign Australia Pty Ltd v SmileDirectClub LLC & Anor [2024] FCAFC 46. Appeal of decision in relation to misleading or deceptive conduct.

See also above:

- ***Lift Shop Pty Ltd v Next Level Elevators Pty Ltd***
- ***Pro-Pac Packaging (Aust) Pty Ltd v Linhua Packaging Pty Ltd & Ors***

Commercial

GCS Agile Pty Ltd v Infosys Technologies Limited. Breach of contract. Settled.

Other – Pharmaceuticals and biotechnology

Fidge v Pfizer Australia Pty Ltd [2024] FCA 161. Application for summary dismissal granted.

Construction and infrastructure

Maoneng Australia (Sunraysia Solar Farm) v Decmil Group Limited.

Arbitration in relation to the construction and completion of the Sunraysia Solar Farm EPC Project. Settled (public).

Scientific Publications

- Farrowell N, Bax M, McAlary L, **McKenna J**, Rayner S, Blair I, Chung R, Yerbury J, Ooi L, Saunders D (2023) '*ALS-linked CCNF variant disrupts motor neuron ubiquitin homeostasis*' Hum Mol Genet 4; 32(14): 2386-2398. DOI: 10.1093/hmg/ddad063.
- Opazo C, Lotan A, Xiao Z, Zhang B, Greenoug M, Lim C, Trytell H, Ramirez A, Ukuwela A, Mawal C, **McKenna J**, Saunders D, Burke R, Gooley P and Bush A (2021) '*Copper signaling promotes proteostasis and animal development via allosteric activation of ubiquitin E2D conjugases*' bioRxiv, preprint DOI: 10.1101/2021.02.15.431211
- Bax M, **McKenna J**, Do-Ha D, Stevens CH, Higginbottom S, Balez R, Cabral-da-Silva MEC, Farrowell NE, Engel M, Poronnik P, Yerbury JJ, Saunders DN and Ooi L (2019) '*The Ubiquitin Proteasome System Is a Key Regulator of Pluripotent Stem Cell Survival and Motor Neuron Differentiation*' Cells 13;8(6):581. doi: 10.3390/cells8060581. PMID: 31200561; PMCID: PMC6627164
- Shearer R, Frikstad K, **McKenna J**, McCloy R, Deng N, Burgess A, Stokke T, Patzke S and Saunders D (2018) '*The E3 ubiquitin ligase UBR5 regulates centriolar satellite stability and primary cilia*' Mol Biol Cell. 2018 Jul 1; 29(13): 1542–1554. DOI: 10.1091/mbc.E17-04-0248.
- Farrowell N, Lambert-Smith I, Mitchell K, **McKenna J**, McAlary L, Ciryam P, Vine K, Saunders D and Yerbury J. (2018) '*SOD1 A4V aggregation alters ubiquitin homeostasis in a cell model of ALS*' Journal of Cell Science 131. DOI: 10.1242/jcs.209122.
- Nagarajan SR*, Brandon AE*, **McKenna JA***, Shtein HC, Nguyen TQ, Suryana E, Poronnik P, Cooney GJ, Saunders DN and Hoy AJ (March 2017) '*Insulin and diet-induced changes in the ubiquitin-modified proteome of rat liver*' PLOS One, DOI: <<https://doi.org/10.1371/journal.pone.0174431>> (***equal first authors**)
- Hardie RA, van Dam E, Cowley M, Han TL, Balaban S, Pajic M, Pinese M, Ionomou M, Shearer RF, **McKenna J**, Miller D, Waddell N, Pearson JV, Grimmond SM, Australian Pancreatic Genome Initiative, Sazanov L, Biankin A, Villas-Boas S, Hoy AJ, Turner N and Saunders DN (January 2017) '*Mitochondrial mutations and metabolic adaptation in pancreatic cancer*' Cancer & Metabolism 5, 2, DOI: <10.1186/s40170-017-0164-1>
- Croucher D, Ionomou M, Hastings J, Kennedy S, Han J, Shearer R, **McKenna J**, Wan A, Lau J, Aparicio S and Saunders D (2016) '*Bimolecular complementation affinity purification (BiCAP) reveals dimer-specific protein interactions for ERBB2 dimers*' Science Signaling 9(436), 69. DOI: <10.1126/scisignal.aaf0793>