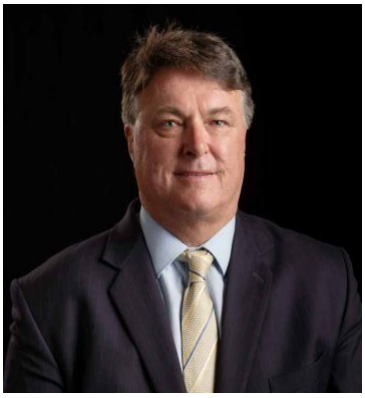
LIST G
BARRISTERS

Benjamin Fitzpatrick



Benjamin Fitzpatrick specialises in all aspect of intellectual property law

QUALIFICATIONS

Bachelor of Science (First Class Hons)
Bachelor of Laws
Patent Attorney & Trade Mark Attorney

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INTELLECTUAL PROPERTY

Appellate | Confidential Information | Copyright & Designs | Information Technology | Media & Entertainment | Patents | Privacy & Data Protection | Telecommunications | Trade Marks

Ben has appeared before the Federal Court, the Supreme Court and the Patent and Trade Marks Office. In particular, Ben has settled evidence and appeared before the Patents Office and the Courts in relation to patent litigation, including enforcement of intellectual property rights against third parties, defending clients against claims of intellectual property infringement, applications for urgent interlocutory relief including injunctions and undertakings, enforcement of judgments, patent oppositions and filing and prosecution of appeals against Patent Office decisions.

Before joining the Bar, Ben practised as a solicitor and patent attorney with Davies Collison Cave, specialising in trade marks, patents, designs, copyright and the Trade Practices Act. Ben also practised as a commercial litigator with Corrs Chambers Westgarth in Sydney.

Ben is a Senior Fellow-Postgraduate Intellectual Property, at the Faculty of Law, Melbourne University. Ben is also on the Intellectual Property Advisory Board at Monash University.

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Recent Cases

FEDERAL COURT OF AUSTRALIA

AstraZeneca v Ranbaxy – VID 426 of 2013

Acting for AstraZeneca in Full Federal Court appeals and cross appeals from Federal Court's first instance decision.

Celgene v Commissioner of Patents VID 102/2012

Acting for the Commissioner of Patents in an appeal against a refusal to grant patent on the basis that it did not constitute a manner of manufacture (business method relating to dispensing of thalidomide)

AstraZeneca v Ranbaxy VID 1008/ 2011

Acting for AstraZeneca in revocation and infringement proceedings concerning three patents covering the enantiomers of omeprazole

RPL Central v Commissioner of Patents VID 817/2011

Acting for the Commissioner of Patents in an appeal against a refusal to grant patent on the basis that it did not constitute a manner of manufacture (business method)

H Bion Inc v Commissioner of Patents [2010] FCA 539 (1 June 2010)

Acting for the Commissioner of Patents in an appeal from the Commissioner's decision to revoke acceptance of the application on the basis of a finding of scientific fraud made against the inventor

Humphries v SAS Signage Accessories Supplier Pty Ltd (No 2) [2009] FCA 1238 (26 October 2009)

Humphries v SAS Signage Accessories Supplier Pty Ltd [2009] FCA 671 (27 May 2009)

Application of s 117 of the Patents Act (indirect infringement)

Martino v The Mac Services Group Limited [2009] FCA 546 (27 May 2009)

Patent infringement and revocation proceedings concerning transportable buildings.

ITW AFC Pty Ltd v Loi and Tran Pty Ltd [2008] FCA 552 (23 April 2008)

Patent infringement and revocation proceedings concerning screw fasteners.

Sherman v Commissioner of Patents [2008] FCA 1026 (9 July 2008);

Commissioner of Patents v Sherman [2008] FCAFC 182 (20 November 2008)

Acting for the Commissioner of Patents in appeal against refusal of patent application for lack of entitlement, novelty and inventive step.

Northern Territory v Collins [2008] HCA 49 (16 October 2008)

Acting for Collins in special leave application concerning s. 117 of the Patents Act.

Smithkline Beecham Biologicals (S.A.) v Novartis Vaccines and Diagnostics Inc [2007] FCA 1837 (23 November 2007)

Acting for Novartis in appeal concerning patentability of triple vaccine.

Prejay Holdings Ltd v Commissioner of Patents [2003] FCAFC 77 (30 April 2003)

Acting for the Commissioner of Patents in appeal concerning extension of term of pharmaceutical patents.

Boehringer Ingelheim International GmbH v Commissioner of Patents [2001] FCA 647 (6 June 2001)

Acting for the Commissioner of Patents in appeal concerning extension of term of pharmaceutical patents.

PATENT OFFICE OPPOSITIONS

Mainline Corporate Holdings Limited v FEXCO Merchant Services and ORS [2011] APO 95 (22 November 2011)

Mars Incorporated v Cadbury Adams USA LLC [2011] APO 99 (24 November 2011)

Amazon.com, Inc. [2011] APO 28 (9 May 2011)

Meda Pharma GmbH & Co. KG v Arakis Ltd [2010] APO 26 (27 October 2010)

Societe Des Produits Nestle S.A. v Cadbury Holdings Limited [2010] APO 9 (24 June 2010)

William A. Newman v Solutions-IES, Inc. [2009] APO 14 (30 July 2009)

Aristocrat Technologies, Inc. v IGT [2008] APO 33

Arakis Ltd v Media Pharma GMBH & Co KG [2008] APO 34 (16 December 2008)

Delta EMD Australia Pty Limited v Tronox LLC [2008] APO 30 (27 November 2008)

Bionomics Limited v McGill University (CORRECTED VERSION No 2) [2007] APO 6 (29 January 2007)

SmithKline Beecham Biologicals (S.A.) v Novartis Vaccines and Diagnostics Inc [2006] APO 37 (12 December 2006)

Genentech, Inc v Ludwig Institute for Cancer Research and Human Genome Sciences, Inc (CORRECTED VERSION) [2006] APO 20 (5 June 2006)

Chiron Corporation v SmithKline Beecham Biologicals (S.A.) [2005] APO 57 (16 December 2005)

Eli Lilly and Company v Merial Ltd [2005] APO 46 (17 October 2005)

Bresagen Ltd and St Vincent's Hospital v The Austin Research Institute [2003] APO 48 (6 November 2003)

Memberships

Intellectual Property Society of Australia and New Zealand

Fellow of the Institute of Patent and Trade Mark Attorneys of Australia

Law Institute of Victoria

Asian Patent Attorneys Association