

Joe Petry

Barrister-at-law, Nigel Bowen Chambers

Practice Overview

Joe accepts briefs in all areas of law. He focuses particularly on intellectual property, media, commercial litigation, and all areas of public law.

Admissions

Barrister	2024
High Court of Australia	2018
Supreme Court of NSW	2018

Education

Master of Laws (Public Law) London School of Economics and Political Science	2023
<i>Dissertation:</i> 'Secret Evidence and Special Advocates: Australia on the Precipice'	
Bachelor of Laws (Honours Class I) University of Newcastle	2017
Bachelor of Communication (Journalism, with Distinction) University of Newcastle	2015

Professional Experience

Australian Government Solicitor	Senior Lawyer	2020-24
Federal Court of Australia	Associate to Hon. Justice Burley	2019-20
Office of the Director of Public Prosecutions	Solicitor	2018-19
William Roberts Lawyers	Solicitor	2018

Current Professional Memberships

NSW Bar Association
Australian Association of Constitutional Law
Australian Institute of Administrative Law
Intellectual Property Society of Australia and New Zealand

Selected Cases as Barrister

- Munro v Wheeler (District Court, judgment reserved)***: Defamation, led by P Larkin SC. Appeared for 2nd D (a pet detective), in trial about a missing dog and related social media posts.
- Dyson Technology Ltd v SharkNinja Pty Ltd (Federal Court, ongoing)***: Patents, led by P Flynn SC. Acting for SharkNinja in defending Dyson's allegations of infringement. Cross-Claim for invalidity.

Selected Cases as Solicitor at AGS

Patents

- ***Commissioner of Patents v Thaler (2022) 289 FCR 45***: whether an artificial intelligence can be an “inventor” for the purpose of the *Patents Act*. Instructed S Goddard SC and H Bevan SC.
- ***Commissioner of Patents v Ono Pharmaceutical Co. Ltd (2022) 291 FCR 1*; *Merck Sharp & Dohme Corp. v Sandoz Pty Ltd (2022) 291 FCR 26***: two cases about the proper construction of the pharmaceutical patent term extension scheme. Instructed C Moore SC and F Roughley.
- ***Repipe Pty Ltd v Commissioner of Patents (2021) 164 IPR 1*; *Repipe Pty Ltd v Commissioner of Patents [2022] HCATrans 084***: manner of manufacture. Instructed C Dimitriadis SC and M Evetts.
- ***Airco Fasteners Pty Ltd v Commissioner of Patents [2021] FCA 1594***: the Commissioner successfully opposed applications for judicial review of, and an out of time appeal from, the Commissioner’s decision to allow amendments. Instructed L Thomas.
- ***Advanta Seeds Pty Ltd v Commissioner of Patents & Anor (AAT)***: merits review of the Commissioner’s decision to refuse an extension of time to pay patent renewal fees.
- ***Dei Gratia v Commissioner of Patents (2024, judgment reserved)***: manner of manufacture case – patent claiming logistics method. Instructed C Dimitriadis SC and M Evetts.

Public law

- ***Minister for Home Affairs v Pender [2021] NSWSC 1644***: first continuing detention order application in NSW under the Criminal Code. Instructed P Herzfeld SC, Z Heger and C Ernst.
- ***R v Duong (Magistrates’ Court of Victoria, unreported)***: first prosecution for foreign interference offence under Div 92 of the Criminal Code. Acted for the Director-General of Security in setting aside subpoena and making PII claims. Instructed R Sharp.
- ***R v Collaery (Supreme Court of ACT, discontinued)***: application of the *National Security Information Act 2004* (Cth) to the prosecution. Instructed J Kirk SC and T Glover in hearing concerning AG’s proposed reliance on court-only evidence.
- ***R v Campbell (District Court of NSW, unreported)***: criminal drug trial. Acted for the AFP in setting aside subpoenas. Instructed R Bhalla.
- ***Alexander Abramov v Minister for Foreign Affairs (No 2) [2023] FCA 1099***: judicial review of Minister’s decision to sanction a Russian billionaire. Briefed P Herzfeld SC and B Lim.
- ***R v Savage (District Court of NSW, ongoing)***: prosecution for foreign bribery under the Criminal Code. Acted for the AFP at s 82 hearing and in response to subpoena. Instructed P Melican.