

# Joe Petry

Barrister-at-law, Nigel Bowen Chambers

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## 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.

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## Admissions

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

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## 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

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## 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

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## 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 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.