

Jesmini Ambikapathy

Barrister-at-law, Nigel Bowen Chambers

PRACTICE OVERVIEW AND BACKGROUND

Jesmini accepts briefs in all areas of law with a particular focus on intellectual property, equity and commercial litigation, inquiries and administrative law.

Jesmini has significant experience in the public and private sector and in the pharmaceutical and life science industries.

Prior to coming to the Bar, she worked in the patent litigation team of a top tier Australian law firm and as in-house counsel for the CSIRO and two listed global pharmaceutical companies. Jesmini was the associate to the Hon. Justice A. C. Bennett AC of the Federal Court of Australia and a Gates scholar at the University of Cambridge, where she completed an MPhil in Bioscience Enterprise.

ADMISSIONS

2017	Barrister, New South Wales
2002	Legal Practitioner, Supreme Court of New South Wales

EDUCATION

2006	University of Cambridge Masters in Philosophy – BioScience Enterprise Gates Cambridge Trust Scholar Institute of Biotechnology Commendation
2001	Australian National University Bachelor of Laws (Honours) Bachelor of Science (Honours) – Biochemistry and Molecular Biology

PROFESSIONAL EXPERIENCE

2017- Present	Barrister PRACTICE AREAS: intellectual property, commercial and corporate law, equity, Inquiries, administrative law Counsel Assisting , Royal Commission into National Natural Disaster Arrangements (2020)
2012 – 2016	Aspen Pharmacare Australia Pty Ltd Senior Lawyer PRACTICE AREAS: commercial and contract law, pharmaceutical regulation, consumer and competition law, intellectual property, privacy
2009 – 2012	Eli Lilly Australia Legal Counsel PRACTICE AREAS: commercial law, pharmaceutical regulation, consumer law, intellectual property, privacy
2004 – 2009	CSIRO Legal Counsel PRACTICE AREAS: intellectual property (including international enforcement), commercial law
2004	Australian Government Solicitor Lawyer PRACTICE AREAS: litigation, employment, administrative law
2003 - 2004	The Hon. Justice Annabelle C. Bennett AC Associate Federal Court of Australia
2001 - 2003	Mallesons Stephen Jaques Solicitor/Graduate PRACTICE AREAS: patent litigation, privacy, banking and financial services

SELECTED CASES

Patents

Orikan Group Pty Ltd v Vehicle Monitoring System Pty Ltd (No 2) [2026] FCA 407
(unled, with E Thompson; on appeal), patent infringement, invalidity cross claim and issue estoppel

The Advanced Technology Group Pty Ltd v Foxtel Cable Television Pty Ltd & Anor
(led by C Dimitriadis SC; proceedings dismissed 2026), patent infringement, invalidity cross claim.
Interlocutory decision: [2025] FCA 408

Orikan Group Pty Ltd v Vehicle Monitoring System Pty Ltd (2023) 177 IPR 319
(unled; IA dismissed), interlocutory application for a stay based on an abuse of process and/or *Anshun* estoppel

Vehicle Monitoring System Pty Ltd v SARB Management Group Pty Ltd (No. 8) [2023] FCA 182
(led by R Cobden SC and P Arcus SC; ongoing), patent infringement, cross claim for invalidity, quantum inquiry. Interlocutory decisions include [2020] FCA 1243; (2020) 150 IPR 554; (2020) 151 IPR 1; [2020] FCA 819; [2020] FCA 1243; [2020] FCA 1866. Appeal decisions include: (2024) 176 IPR 391

Blade Pile Group Pty Ltd & Ors v Blade Pile Victoria Pty Ltd & Anor (unled; ongoing)
Patent infringement, trade mark infringement, misleading and deceptive conduct, breach of contract

Redarc Technologies Pty Ltd v Renogy New Energy Co., Ltd (led by E Heerey KC with M Evetts; ongoing)
Patent infringement, invalidity cross claim

Dyson Technology Ltd v Jemella Ltd (unled; ongoing)
APO patent opposition

New Zealand AutoTraps Ltd v Hokowhitu IP (unled; ongoing)
APO patent opposition

Vuly Pty Ltd v Wei Yang [2020] APO 13 (unled)
Application for declaration of entitlement to a patent.

Trade Marks

Ceramiche Caesar SpA v Caesarstone Ltd (unled; ongoing)
Trade mark opposition, appeal to FCA from ATMO. ATMO decision: [2025] ATMO 171

Sentient Impact Group Pty Ltd, Re v Sentient Finance Pty Ltd (2024) 187 IPR 481
APO trade mark opposition.

Agency Group Australia Ltd v HAS Real Estate Pty Ltd (2023) 174 IPR 153 (led by J Beaumont SC)
Trade mark infringement, misleading and deceptive conduct, passing off. Costs decision: [2023] FCA 652.
Appeal decision: [2024] FCAFC 44

Boost Tel Pty Ltd v Singtel Optus Pty Ltd (2023) 170 IPR 246 (led by E Heerey KC)
Application for an interlocutory injunction, trade mark infringement

Energy Beverages LLC v. Cantarella Bros Pty Ltd (led by N Murray SC and S Ryan KC; 2023)
Applications for special leave to appeal to the High Court.

Vets First Choice Pty Ltd v Vet1 Pty Ltd (led by L Thomas; settled 2023)
Trade mark infringement; cross claim for cancellation, removal for non-use, misleading and deceptive conduct and passing off

Patriot Campers Pty Ltd v Sunshine Forrest International Trading Pty Ltd (unled; settled 2022)

Importation and sale of replica products – trade mark infringement, passing off, misleading and deceptive conduct

Austin John Watson ATF Watson Family Trust v Cosmetic Warriors Ltd (2020) 156 IPR 1 (unled)

Application to remove a trade mark for non-use.

Rolex SA v Spooks GmbH [2018] ATMO 200 (unled)

Trade mark office, opposition to registration of a trade mark

SUMOL+MARCAS, S.A. v Sumo IP Holdings Pty Ltd (2018) 145 IPR 98 (unled)

Opposition to an application to remove a trade mark

Copyright, Designs and Confidential Information

Hytera Communications Corporation Ltd v Motorola Solutions Inc [2024] FCAFC 168

(led by C Dimitriadis SC and J Cooke SC; appeal ongoing), patent infringement, copyright infringement

Moriarty v Jumbana Pty Ltd & Anor (unled; ongoing)

Copyright ownership and infringement, employment entitlements, misleading and deceptive conduct

UrbanX Pty Ltd v Plum Partners Pty Ltd (led by J Beaumont SC; settled 2024)

Copyright infringement, breach of equitable duty of confidence

Crafted Furniture Pty Ltd v Burden & Cura Furniture Pty Ltd (unled; settled, 2022)

Copyright infringement, misleading and deceptive conduct, misuse of confidential information

Foxtel Management Pty Limited v TPG Internet Pty Ltd (2017) 349 ALR 154 (led by J Beaumont)

Copyright infringement, injunction requiring carriage service providers to take reasonable steps to disable access to online locations outside Australia

Commercial, Corporate and Equity

Federal Court

Bodum AG v H.A.G Import Corp'n (Australia) Pty Ltd [2026] FCA 238 (led by E Heerey KC; on appeal)

Misleading and deceptive conduct and passing off

PCT Global Pty Ltd v Drumond & Anor (unled; ongoing)

Misleading and deceptive conduct and passing off

Godolphin Australia Pty Ltd & Anor v Pace Development Group Pty Ltd (led by C Dimitriades SC)

Misleading and deceptive conduct and passing off (settled; 2022)

Lawton Pty Ltd v FHMC Pty Ltd (2021) 163 IPR 266 (led by J Beaumont SC)

Application for interlocutory injunction, breach of contract, misleading and deceptive conduct, passing off

Kolodziej v Cynosure Pty Ltd (unled; settled at hearing, 2018-2019)

Misleading and deceptive conduct

Supreme Court

Irminger-Finger & Anor v BARD1 Life Sciences Limited (led by P Liondas; settled 2022)

Claim for breach of terms of share sale agreements relating to performance milestones (cancer diagnostic)

Welsh v Halloran (led by T Alexis SC; settled, 2019-2021)

Misleading and deceptive conduct, participating in breach of fiduciary duties, professional negligence

Ha Tiang Noon v George Ha Hau Cheng (led by J Giles SC; settled, 2019-2020)
Settlement Deed – interpretation and rectification

Discovery Technology Pty Ltd v Shopper Media Group Pty Ltd (led by S Grey; settled, 2018-2020)
IT dispute – existence of a contract, breach of contract, convention estoppel

Welsh v Welsh & Ors (led by T Alexis SC and M Cairns; settled, 2018-2019)
Promissory estoppel, breach of fiduciary duties, partnership, family provision application

Protein Plus Pty Ltd v Pederick & Pederick (unled; settled, 2018-2019)
Compensation for improvements, *Agricultural Tenancies Act 1990* (NSW)

Administrative Law

Administrative Review Tribunal

H Wilberforce Pty Ltd v Registrar of Trade Marks (unled; ongoing)
Review of a decision of delegate of the Registrar

NSW Civil and Administrative Tribunal

Council of the Law Society of NSW v Petrovich [2019] NSWCATOD 44 (led by E Muston SC)
Professional misconduct

DQD v Children's Guardian [2019] NSWCATAD 84 (unled)
Application for an enabling order under s 28(1) of the *Child Protection (Working with Children) Act 2012* (NSW)

Federal Court

BDR18 v Minister for Home Affairs [2020] FCA 212 (unled)
Appeal from Federal Circuit Court, decision of the Immigration Assessment Authority (IAA)

Minister for Immigration and Border Protection v BBS16 (2017) 257 FCR 111 (led by D Hughes)
Appeal from Federal Circuit Court, decision of the Immigration Assessment Authority (IAA), “exceptional circumstances” under s 473DD(b) of the *Migration Act 1958*, application of the ICCPR to complementary protection claims

Federal Circuit Court

EZM17 v Minister for Immigration, Citizenship & Multicultural Affairs [2022] FEDCFAMC2G 633 (unled)
Judicial review application, decision of the Immigration Assessment Authority

ETR17 v Minister for Immigration, Citizenship & Multicultural Affairs [2022] FEDCFAMC2G 632 (unled)
Judicial review application, decision of the Immigration Assessment Authority

Inquiries

Royal Commission into National Natural Disaster Arrangements (2020)
Counsel Assisting – subject areas of focus included science and technology, land management, land use planning and building regulation, emergency warnings and risk information.

Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry (2017)
Briefed by National Australia Bank for document review and advice