

Background and Practice Overview

Megan has substantial experience in litigation and advisory work in all aspects of intellectual property law. She has been involved in many landmark pharmaceutical patent cases; acted for numerous luxury brands in trade mark and Australian Consumer Law cases, including Louis Vuitton, Hugo Boss and Giorgio Armani; and acted in multiple copyright licensing and infringement cases for musical collecting societies Australasian Performance Rights Association and Phonographic Performance Company of Australia. Examples of significant cases that she has been involved in include the High Court appeal of *AstraZeneca AB v Apotex Pty Ltd*, regarding pharmaceutical patents for cholesterol drug rosuvastatin (Crestor); the first patent repair case in Australia, *Seiko Epson Corporation v Calidad Pty Ltd*; and the trade mark dispute *In-N-Out Burgers, Inc v Hashtag Burgers Pty Ltd*.

Prior to being called to the Bar, Megan was Associate to the Hon Justice Burley of the Federal Court of Australia. During that time, she had exposure to a wide variety of legal cases, in both first instance and appellate jurisdictions. Megan has also previously been a Senior Associate in MinterEllison's intellectual property disputes team; in-house IP Counsel for generic pharmaceutical company Hospira, (now Pfizer); and solicitor at King & Wood Mallesons.

Megan is a qualified Trade Mark Attorney and holds a Bachelor of Biomedical Science and Bachelor of Laws (Hons).

Megan is recognised by Doyles Guide as a Preeminent Intellectual Property Junior Counsel – NSW and Australia; Chambers and Partners (Global and Asia Pacific 2024): Intellectual Property: The Bar; Legal 500: Rising Star; and Best Lawyers: Rising Star.

Admissions

Barrister	2019
High Court of Australia	2012
Supreme Court of Victoria	2012

Professional Experience

Barrister Sydney	Nigel Bowen Chambers	2019 - current
Federal Court of Australia Sydney	Associate to the Hon Justice Burley	2018-2019
MinterEllison Melbourne	Senior Associate Associate	2016-2018 2014-2015
Lipman Karas Adelaide	Associate	2015-2016
Hospira (now Pfizer) Melbourne	IP Legal Counsel (Seconded, then part-time employee)	2014-2015
King & Wood Mallesons Melbourne	Solicitor	2012-2013
Houlihan² Melbourne	Trade Mark Attorney Technical Assistant	2008-2012
Monash University, Physiology Dep. Melbourne	Scientific Research Assistant	2006-2009

Selected Work as Junior Counsel

Patents

Allied Pumps Pty Ltd v LAA Industries Pty Ltd (2023) 179 IPR 1

Led by A Bannon SC and T Cordiner KC. Acted for Allied Pumps in both patent office and federal court proceedings pertaining to the revocation of patents relating to water pumps and patent infringement claims.

Cipla Australia Pty Ltd v Novo Nordisk A/S [2024] FCA 1414

Led by J Cooke SC. Acted for Novo Nordisk. The case concerned the eligibility of pharmaceutical formulation patents for extensions of term under the *Patents Act 1990* (Cth).

Dei Gratia Pty Ltd v Commissioner of Patents [2024] FCA 1145

Led by C Dimitriadis SC. Acted for the Commissioner of Patents. The case concerned whether a patent for a logistics facility and related systems and methods for the provision of goods or services was a manner of manufacture.

Fuchs Lubricants (Australasia) Pty Ltd v Quaker Chemical (Australasia) Pty Ltd – S75/2021

Led by A Bannon SC, C Dimitriadis SC and R Clark. Acted for Quaker in its special leave application concerning the scope of the reasonable trials grace period.

Hanwha Solutions Corporation & Ors v Jinko Solar Australia Holdings Co. Pty Ltd – NSD395/2019

Led by P Flynn SC. Acted for Jinko, respondent in a patent infringement claim and invalidity cross-claim of a patent pertaining to solar cells and methods of manufacturing same.

Juno Pharmaceuticals Pty Ltd & Natco Pharma Limited v Celgene Corporation – VID718/2020

Led by D Shavin KC. Acted for Juno Pharmaceuticals & Natco Pharma in their action for revocation of an API Patent and multiple method of treatment patents concerning particular hematological disorders; and defence of a cross-claim for infringement.

Lundbeck A/S v Sandoz Pty Ltd – NSD647/2014

Led by C Dimitriadis SC. Acting for Sandoz in the long-running proceeding relating to escitalopram. The matter has been remitted back to the Federal Court to determine damages and interest payable following the High Court's decision in *H Lundbeck A/S v Sandoz Pty Ltd; CNS Pharma Pty Ltd v Sandoz Pty Ltd* [2022] HCA 4; and there is presently an appeal to the Full Federal Court of Australia in relation to a decision to grant Sandoz a licence pursuant to s 223(9) of the *Patents Act 1990* (Cth).

Merck Sharp & Dohme Corp. & Anor v Sandoz Pty Ltd [2021] FCA 947; *Merck Sharp & Dohme Corp. v Sandoz Pty Ltd* [2022] FCAFC 40

Led by C Dimitriadis SC. Acted for Sandoz in its cross-claim concerning a wrongful extension of the patent term and defence of patent infringement and ACL claims.

Neurim Pharmaceuticals (1991) Ltd v Generic Partners Pty Ltd (No 6) [2024] FCA 480

Led by D Shavin KC and L Thomas. Acted for Neurim Pharmaceuticals in its claim against two generic pharmaceutical companies for patent infringement of a method of treatment patent concerning the use of melatonin to treat primary insomnia characterised by non-restorative sleep. The case also involved a cross-claim for revocation.

Pfizer Ireland Pharmaceuticals & Anor v Samsung Bioepis Co. Ltd & Ors – NSD 331 of 2022

Led by C Cochrane SC. Acting for Pfizer in its patent infringement claim against Samsung Bioepis in relation to a process patent for etanercept; and an application to amend the patent in suit.

Trade Marks / Australian Consumer Law / Passing Off

AGL Energy Limited v Greenpeace Australia Pacific Limited [2021] FCA 625

Led by J Hennessy SC. Acted for AGL in a trade mark and copyright infringement action in the Federal Court with respect to Greenpeace's advertising campaign concerning AGL.

Avante Australia Pty Ltd v Mills Brands Pty Ltd & Anor – SYG1036/2020

Unled. Acted for the respondents, defending a trade mark infringement, ACL and passing off claim in the Federal Circuit Court; and seeking revocation of the trade mark.

Carray Group Pty Ltd v Cirrus Communications Pty Ltd – VID 256 of 2021

Led by R Cobden SC. Acted for Cirrus, defending a trade mark infringement, ACL and passing off claim with respect to Cirrus' use of SWOOP and SWOOP DIGITAL in relation to particular internet services.

Clark v Hyper Bicycles, Inc (2022) 173 IPR 129
Unled. Acted for Hyper Bicycles in its non-use application.

FCA US LLC & FCA Australia Pty Ltd v Mahindra Automotive Australia Pty Ltd [2021] FCA 1091
Led by P Flynn SC. Acted for FCA in a misleading or deceptive conduct and design infringement action in the Federal Court with respect to Mahindra's "Thar" motor vehicle, which is alleged to incorporate key features of the Jeep® Wrangler® and adopt the same distinctive overall appearance.

Goodman Fielder Pte Ltd v Conga Foods Pty Ltd [2020] FCA 1808; [2021] FCA 307
Led by E Heerey KC. Successfully acted for Goodman Fielder in relation to its claims for trade mark infringement, and defence of a cross-claim to revoke five trade marks.

In-N-Out Pty Ltd v Hashtag Burgers Pty Ltd [2020] FCA 193; [2020] FCA 772; *Hashtag Burgers Pty Ltd v In-N-Out Burgers, Inc* [2020] FCAFC 235
At first instance, led by C Burgess. Acted for In-N-Out regarding claims for trade mark infringement, misleading or deceptive conduct and passing off; as well as defending an application to stay the injunction and costs orders.

On appeal, led by C Dimitriadis SC and C Burgess. Successfully defended the appeal and succeeded on In-N-Out's cross-appeal concerning joint tortfeasorship.

In-N-Out Pty Ltd v Rich Asians Pty Ltd & Anor [2022] FCA 1573
Unled. Acted for In-N-Out in its claim for trade mark infringement, misleading or deceptive conduct and passing off.

Louis Vuitton Malletier v Bags World Angie Pty Ltd – NSD1338/2023
Unled. Acted for Louis Vuitton in relation to its trade mark infringement and Australian Consumer Law claim regarding counterfeit handbag and jewellery goods.

Metricon Homes Pty Ltd v Zac Homes Pty Ltd [2021] FCCA 394
Led by J Beaumont. Acted for Zac Homes Pty Ltd, defending a trade mark infringement claim in the Federal Circuit Court.

Mylan Health Pty Ltd v Cipla Australia Pty Ltd & Anor – VID766/2019
Led by T Cordiner KC. Acted for Mylan Health Pty Ltd in a packaging get-up misleading or deceptive conduct and passing off action in the Federal Court. The case settled prior to trial.

New Aim Pty Ltd v Leung (2023) 171 IPR 511
Led by P Crutchfield KC and L Merrick SC. Acting for New Aim in a breach of confidence claim against a former employee.

Procter and Gamble Pty Ltd v Colgate Palmolive Pty Ltd – NSD730/2019
Led by J Cooke. Acted for Procter and Gamble Pty Ltd in a misleading or deceptive conduct action in the Federal Court.

Richemont Australia Pty Ltd & Ors v Duo Jewellery Pty Ltd & Anor
Led by J Hennessy SC. Acting for Richemont in a trade mark, ACL, passing off and design infringement action with respect to Richemont's Alhambra jewellery collection.

Wesbeam Holdings Ltd, Re (2022) 175 IPR 102
Unled. Acted for Wesbeam in relation to its application for a colour trade mark.

Copyright

APRA AMCOS v Netflix & Ors – CT1/2021
Led by M Hall SC and R De Stoop. Acting for APRA AMCOS in the Copyright Tribunal in relation to a licence scheme with subscription video on demand service providers.

Australasian Performing Right Association Limited v Hustle Boxing – SYG1776/2023
Unled. Acted for APRA in relation to its copyright infringement claims against various fitness centres and directors.

Australasian Performing Right Association Limited v Sweat 1000 Bondi Junction Pty Limited – SYG24/2024
Unled. Acting for APRA in relation to its copyright infringement claims against various fitness centres and sole director.

Copyright Agency Limited v The University of Adelaide & 38 other universities (2022) 173 IPR 105
Led by R Cobden SC and L Thomas. Acted for the universities in the Copyright Tribunal proceeding concerning the amount of equitable remuneration payable by the universities for licensed copying and communication pursuant to s 113 of the Copyright Act.

Free TV v Phonographic Performance Company of Australia – CT2/2022

Led by R Cobden SC; F Roughly SC and briefed with T Rogan. Acting for PPCA in the Copyright Tribunal in relation to a licence scheme with free to air television service providers.

Guider v Royal Botanic Gardens and Domain Trust & State of NSW, Development of Planning, Industry and Environment – SYG2535/2020

Led by R Cobden SC. Acted for the Trust and State of NSW, defending claims of infringement of the author's moral rights in a public mural.

Pilatus Training Solutions Australia Pty Ltd v Secure & Innovate Group Pty Ltd [2024] FCA 1294

Led by N Murray SC. Acted for Pilatus in its preliminary discovery application in relation to suspected copyright infringement and misuse of confidential information concerning Pilatus' PC-21 aircraft trainer.

Phonographic Performance Company of Australia v Commercial Radio Australia – CT1 and CT2/2023

Led by C Dimitriadis SC. Acting for PPCA in the Copyright Tribunal in relation to a licence scheme with commercial radio operators.

Private Arbitration regarding quantification of licence fees

Led by M Hall SC and R De Stoop. Acted for a collecting society in a private arbitration concerning the quantification of licence fees.

Shawn Carter v The Little Homie Pty Ltd – VID1273/2019

Led by E Heerey KC. Acted for The Little Homie Pty Ltd, defending claims of trade mark infringement, copyright infringement, misleading or deceptive conduct and passing off. The case settled prior to trial.

Migration

CVO17 v Minister for Immigration and Border Protection [2019] FCA 1612

Led by HPT Bevan. Acted for the Minister in an appeal from a decision of the Federal Circuit Court on the ground of legal unreasonableness.

Commercial

Croghan v Blacktown City Council [2019] NSWCA 248

Led by M Hall SC. Acted for the appellant in its appeal against the primary judge's indemnity costs order pursuant to UCPR 42.15.

Yacht Club Sopot SP. Z.O.O. v The Yacht "Monster Project" (No. 2) [2019] FCA 1425

Led by P Larkin SC. Acted for the vessel, and its owner, following the arrest and sale of the vessel pursuant to the Admiralty Act 1988 (Cth).

Selected Work as a Solicitor

Patents

AstraZeneca AB v Apotex Pty Ltd [2015] HCA 30

Acted for Actavis Australia Pty Ltd (formerly Watson Pharma Pty Ltd) and Ascent Pharma Pty Ltd in defending infringement proceedings and pursuing a revocation cross-claim relating to two method of treatment patents and one formulation patent concerning the cholesterol drug rosuvastatin (Crestor); and advising on matters relating to the Commonwealth of Australia's subsequent claim for damages against AstraZeneca pursuant to an undertaking as to damages.

Seiko Epson Corporation v Calidad Pty Ltd [2017] FCA 1403

Acted for Calidad Pty Ltd in defending allegations of patent infringement and pursuing a cross-claim for unjustified threats in the context of repairing and modifying used printer cartridges.

Trade Marks and other

Seiko Epson Corporation v Calidad Pty Ltd [2017] FCA 1403

Acted for Calidad Pty Ltd in defending allegations of trade mark infringement, breach of contract, breach of statutory duty and misleading or deceptive conduct for repairing and modifying used printer cartridges.

Singtel Optus Pty Limited v Optum Inc [2018] FCA 575

Acted for Singtel Optus Pty Ltd in its appeal from a decision of the Registrar of Trade Marks to allow the trade mark OPTUM and defend a cross-claim for non-use.

Glenmark Pharmaceuticals Europe Limited v Mayne Pharma International Pty Ltd, No 20458/CYK (ICC. Arbitration)
Acted for Mayne Pharma in a contractual dispute concerning a supply agreement for pharmaceutical products in Europe that was arbitrated in June 2015.

Carlyle Capital Corporation Ltd (In Liquidation) and Others v Conway and Others [2013] 2 Lloyd's Rep. 179
Acted for the liquidators in an action in Guernsey against the former Directors. The case involved allegations of breach of fiduciary duty and various sections of the Companies (Guernsey) Law 1994.

The Florey Institute of Neuroscience and Mental Health v Kleiner Perkins Caufield & Byers et al case No CV 12-6504
Acted for the Florey Institute in its unjust enrichment claim in the United States District Court for the Northern District of California. The parties settled prior to trial.

In-house IP Counsel for Hospira (now Pfizer)

Responsible for determining the global patent strategy for a large number of prospective small molecule pharmaceutical products that were in early to mid-stage development. The role was a global role involving multiple jurisdictions (including the United States, Europe, Australia, India, Taiwan and China).

Presentations and Publications

- Bennett A. AC SC., Cobden R. SC, Murray N. SC. "How (Not) To Litigate". Copyright Society Australia December 2024.
- Evetts M. (2021). "By the Grace of s 24 – Grace Period Overview and Developments". AIPPI November 2021.
- Evetts M., White E., Lambert D. (2021). "Burger Wars: Down and Out". IPSANZ 13 May 2021.
- Evetts M., Heerey E. QC. (2020). "Survey Evidence: wasted opportunity or waste of time?". IPSANZ Journal, 120, pp 12-22.
- Evetts M. (2019). "Survey evidence: wasted opportunity or waste of time?". IPSANZ Conference 2019 (paper accompanying presentation by Ed Heerey QC).
- McMaster W., Kelp J., Evetts M. (2014). "AstraZeneca cholesterol patents held invalid". Intellectual Property Magazine, Oct, 66-68.
- Evetts M., Lim C., Swinson M. (2012). "Restraint of Trade and Restrictive Covenants". The Australian Law Journal, 86(11), 729-731.
- Verty ANA., Evetts MJ., Crouch GJ., McGregor I.S., Stefanidis A., Oldfield B.J. (2011) "Δ9-Tetrahydrocannabinol (THC) attenuates weight loss in an activity based model of anorexia nervosa". Journal of Neuropsychopharmacology, 36(7), pp 1349-58.
- Hollis J., Lemus M., Evetts MJ., Oldfield B.J. (2010) "Central interleukin-10 attenuates lipopolysaccharide-induced changes in metabolism and Fos expression in the arcuate nucleus and within orexin neurons". Neuropharmacology, 58(4-5), 730-738.
- Evetts MJ., Verty ANA., Oldfield B.J. (2009) "Δ9-Tetrahydrocannabinol (THC) attenuates weight loss in an activity based model of anorexia nervosa". Podium presentation made at the Endocrine Society Annual General Meeting, Adelaide.
- Evetts MJ., Verty ANA., Oldfield B.J. (2009) "Δ9-Tetrahydrocannabinol (THC) attenuates weight loss in an activity based model of anorexia nervosa". Poster presented at the Society for Study of Ingestive Behaviour Annual Conference, United States of America.

Recommendations

Chambers and Partners 2024 – Intellectual Property Junior Counsel – Global and Asia Pacific

“Meg Evetts is highly intelligent. She is a key junior counsel at the Bar, a hard worker who is very strategic and easy to deal with. She has great scientific background in bio-science”.

Doyles Guide 2024 – Leading Intellectual Property Junior Counsel – New South Wales and Australia

Legal 500 2024 – Leading juniors

“Megan is a very talented and diligent lawyer. She has excellent technical knowledge and outstanding judgment for the real issues in a case. She is unfailingly helpful and always makes a very valuable contribution to the team”

Chambers and Partners 2023 – Intellectual Property Junior Counsel – Global and Asia Pacific

“Megan Evetts brings notable experience to her work, having practiced privately and in-house before joining the Bar. Her practice covers a wide range of intellectual property rights, but she is singled out for her expertise with trade marks and patents, particularly within the life sciences sector.”

Doyles Guide 2023 - Leading Intellectual Property Junior Counsel – New South Wales and Australia

Doyles Guide 2022 - Leading Intellectual Property Junior Counsel – New South Wales