

Jessie McKenzie

Barrister-at-law, Nigel Bowen Chambers

Background and Practice Overview

Jessie practices in all areas of commercial litigation, including intellectual property and defamation.

Prior to being called to the Bar, Jessie was Associate to the Hon Justice John Nicholas of the Federal Court of Australia and a solicitor at two boutique commercial litigation firms. As a solicitor, Jessie acted in a broad range of disputes including complex patent proceedings, significant defamation proceedings, disputes concerning trade marks and copyright, and substantial construction disputes.

Jessie holds a Bachelor of Communications and Bachelor of Laws (Hons) from the University of Newcastle and a Master of Laws (Intellectual Property) (Dist) from the University of Technology Sydney.

Professional Experience

Nigel Bowen Chambers	Barrister	2020
Company (Giles) Sydney	Solicitor	2020
Federal Court of Australia Sydney	Associate to the Hon Justice Nicholas	2018 - 2020
LexisNexis Australia	Headnote Reporter	2018 - 2020
Australian National University Canberra	Casual Sessional Academic	2019
Wilde Legal Newcastle	Solicitor	2015 - 2018
University of Newcastle Newcastle 2014 – 2015	Research Assistant to Prof Sandeep Gopalan Dean of University of Newcastle Law School	2014 - 2015

Admissions

2020	Barrister
2015	Solicitor, Supreme Court of New South Wales

Education

2020	Master of Laws (Intellectual Property) (Dist) University of Technology Sydney
2014	Bachelor of Communications/Bachelor of Laws (Hons) University of Newcastle

Selected Cases as a Barrister

Intellectual Property

Brien Holden Vision Institute v Nthalmic Holding Pty Ltd & Ors NSD 931/2020 (settled)
Confidential information – for respondents Led by A R Lang SC (instructed by FCB Law)

Preformed Line Performance v Martin & Anor NSD 387/2021
Preliminary discovery – confidential information – for prospective applicant Led by A R Lang SC (instructed by Schweizer Kobras)

Preformed Line Performance v Martin & Anor (ongoing) NSD 269/2022
Confidential information – for applicant Led by A R Lang SC (instructed by Schweizer Kobras)

Jubilant Generics v Generic Partners Pty Ltd NSD 1342/2020 (settled)
Urgent interlocutory injunction – copyright and confidential information – for applicant Led by J M Beaumont (instructed by Bird & Bird)

Arbitration under the Commercial Arbitration Act 2012 Contract and Patent (validity) dispute Led by H P T Bevan (instructed by Williams + Hughes)

Defamation

Erin Molan v DailyMail.com Australia Pty Ltd NSD 1023/2020 (judgment reserved) Defamation – for applicant Led by K Smark SC (instructed by Kennedys)

Nassif & Anor v Seven Network Limited NSD 1184/2019 Defamation – for applicants Led by S Chrysanthou SC (instructed by Company (Giles))

Herron & Anor v HarperCollins Publishers Australia NSD 1387/2020 Defamation – for appellants Led by B Walker SC, S Chrysanthou SC, B Dean and S Hartford-Davis (instructed by Company (Giles))

McLachlan v Whelan Browne & Ors NSW Supreme Court 2018/34257 and 2018/34244 Defamation – for plaintiff Led by K Smark SC (instructed by Mark O'Brien Legal)

Federal Court – Commercial

Dyer v Chrysanthou & Porter NSD 426/2021 (ongoing) Urgent injunction – application to restrain counsel – for first respondent Led by N Hutley SC and A Horvath SC (instructed by Kennedys)

Maersk A/S v Maurice Patti NSD 1291/2021 Urgent interlocutory application – search orders – for applicant Led by J M Beaumont (instructed by HWL Ebsworth)

Watson v Greenwoods & Herbert Smith Freehills & Anor NSD 288/2022 (ongoing) Employment/contract – for first respondent Led by Y Shariff SC (instructed by Kennedys)

Tertiary Education Quality & Standards Agency v Telstra Corporation Limited NSD 655 of 2021 Application under s 127 TEQSA Act 2011 – for applicant Led by J M Beaumont

Planning and Environment

Penrith City Council v Settlers Estate & Ors NSWLEC 2020/170844 Planning – unlawful works – for applicant Led by P Larkin SC (instructed by HWL Ebsworth)

Council of the City of Ryde v Azizi & Ors NSWCA 2021/136736 Planning – compulsory acquisition of land - for appellants Led by M Hall SC (instructed by Bartier Perry Lawyers)

Selected Cases as a Solicitor

Gill & Herron v Harper Collins and Cannane NSD 1620/2017 and NSD 1621/2017 - reserved - (instructed S Chrysanthou and B Dean)

Acted for applicants in defamation proceedings concerning a chapter in a book that related to the use of a psychiatric medical treatment in the 1960s and 1970s. The proceedings involved the extent to which findings of a Royal Commission and evidence given at a Royal Commission could be relied on in the context of a truth and/or fair report defence.

Sandvik Intellectual Property AB v Quarry Mining Construction Equipment Pty Ltd [2017] FCAFC 138 (instructed C Dimitriadis SC and C Burgess)

Acted for Quarry Mining, the respondent to the appeal. Sandvik appealed the primary judge's findings of lack of novelty, inventive step and utility, and that Sandvik failed to describe the best method known to it. The appeal was dismissed.

Sandvik Intellectual Property AB v Quarry Mining & Construction Equipment Pty Ltd (2016) 118 IPR 42 (instructed S Burley SC, C Dimitriadis SC and C Burgess)

Acted for Quarry Mining in defending infringement proceedings and pursuing a revocation cross-claim relating to a patent for an extension drilling system for use on semi-automatic drilling rigs used in underground mining.

Scott-Dibben Pty Ltd v Canterbury District Health Board NSD 136/2016 (instructed C Burgess)

Acted for Scott-Dibben Pty Ltd in its appeal from a decision of the Registrar of Trade Marks ordering removal of trade mark registrations on the basis of non-use. The case settled.