

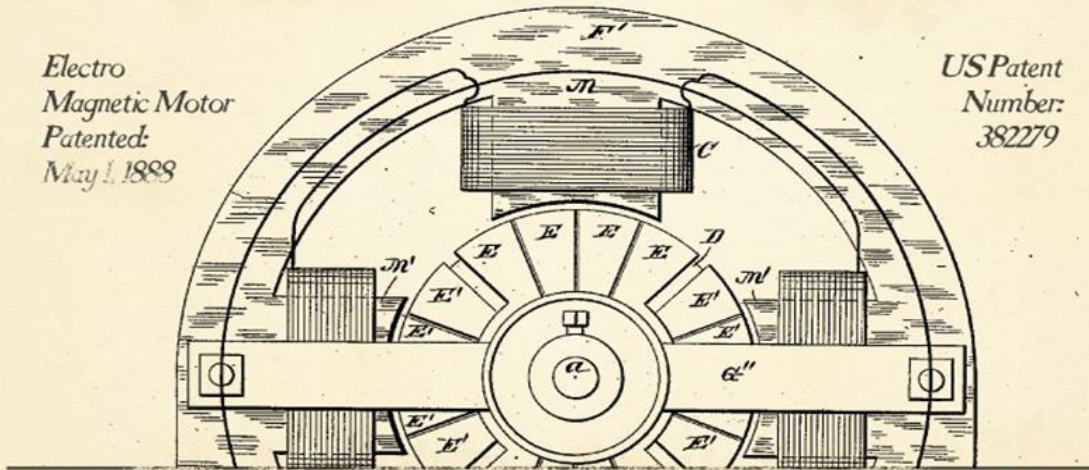
EIGHTH ANNUAL

UNIVERSITY OF TORONTO, FACULTY OF LAW

PATENT COLLOQUIUM

*Electro
Magnetic Motor
Patented:
May 1, 1888*

*US Patent
Number:
382279*



File Wrapper History

REGISTER NOW!

The Ins and Outs of Non-Infringing Alternatives

Protective Agreements and Confidentiality Orders

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NOV 15, 2019
9:00AM-4:00PM



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UNIVERSITY OF TORONTO
FACULTY OF LAW



CENTER FOR
INNOVATION LAW
AND POLICY

**Eighth Annual University of Toronto Patent Colloquium
Friday, 15 November 2019**

PROGRAM

Registration & Continental Breakfast **8:30 - 9:00 am**

Opening Remarks **9:00 am**

Prof. Simon Stern, University of Toronto Faculty of Law
Chief Justice Paul Crampton, Federal Court of Canada

Panel 1: The Ins and Outs of Non-Infringing Alternatives **9:00 – 10:30 am**

Sheldon Hamilton, Smart & Biggar
Jordana Sanft, Norton Rose Fulbright
Sandon Shogilev, Goodmans LLP

Moderator:
Justice Robert Barnes
Federal Court of
Canada

Morning Break **10:30 – 10:45 am**

**Panel 2: Protective Agreements and Confidentiality Orders –
The State of Play** **10:45 – 12:15 pm**

Trent Horne, Aird & Berlis LLP
Kavita Ramamoorthy, Fineberg Ramamoorthy LLP
Kamleh Nicola, Baker McKenzie

Moderator:
Justice George Locke
Federal Court of
Canada

Lunch **12:15 – 1:30 pm**

**Panel 3: File Wrapper History (coming to a theatre near you: what it
will mean)** **1:30 – 3:00 pm**

Michael Crinson, Aitken Klee LLP
Nancy Pei, Smart & Biggar
Joshua Spicer, Bereskin & Parr LLP

Moderator:
**Prothonotary
Angela Furlanetto**
Federal Court of
Canada

Closing Remarks and Adjournment **3:00 pm**

For Ontario lawyers, this program is eligible for up to 6 Substantive Hours.

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Panelists' and Moderators' Biographies

Chief Justice Paul Crampton (Federal Court of Canada) was appointed Chief Justice of the Federal Court on December 15, 2011. He was appointed to the Court on November 26, 2009 and to the Competition Tribunal on March 18, 2010. He was recently appointed to his second term on the Executive Committee of the Canadian Judicial Council. From 2004 to 2009, he was a partner in the Competition and Foreign Investment Law Group at Osler, Hoskin & Harcourt LLP, Toronto. Between 2002 and 2004, he was responsible for overseeing the OECD's work in the competition field with developing and transitioning countries. From 1992 to 2002, he was a partner in the Competition and Foreign Investment Law Group at Davies, Ward, Phillips and Vineberg LLP.

Panel 1: The Ins and Outs of Non-Infringing Alternatives

Justice Robert Barnes (Federal Court of Canada) attended Acadia University (BA Hons. 1974) and Dalhousie University (LLB 1977). He was called to the bars of British Columbia and Nova Scotia in 1978. He was appointed Queens Counsel in 1995, as a Judge of the Court Martial Appeal Court of Canada on September 21, 2006 and as Judge of the Federal Court and ex officio member of the Federal Court of Appeal on November 22, 2005. From 1985 to 2005, he was a Partner of Burchell, Hayman, Parish in Halifax, Nova Scotia. He was a part-time lecturer at Dalhousie University Faculty of Law in 1986-1995.

He served as Vice-President of the International Federation of Red Cross and Red Crescent Societies, Geneva, Switzerland (2004-2005) and President of the Canadian Red Cross Society (2001-2004). He chaired the Nova Scotia Barristers' Liability Claims Fund from 1993 to 1998) and was a member of the Canadian Lawyers' Insurance Association Advisory Board (1993-1998).

He was a recipient of the Nova Scotia Barristers' Society Distinguished Service Award (2005), the Dalhousie University Weldon Award for Unselfish Public Service (2006) and the Order of Red Cross (2006).

Sheldon Hamilton (Smart & Biggar) is a partner at Smart & Biggar LLP, focusing on pharmaceutical patent litigation for more than 24 years. Sheldon graduated from the University of Toronto in chemical engineering (1987) and law (1990), and was called to the Ontario Bar in 1992. During his off-hours, Sheldon is an avid runner, finishing 26 marathons including Boston, New York, Chicago, Prague and Keene (New Hampshire).

Jordana Sanft (Norton Rose Fulbright, Partner, Lawyer, Trademark Agent, Patent Agent) practises in all areas of intellectual property law, with an emphasis on complex patent and trademark litigation. She is a registered patent and trademark agent.

Ms. Sanft has particular experience in matters involving the pharmaceutical industry, including proceedings under the Patented Medicines (Notice of Compliance) Regulations as well as patent infringement and impeachment actions. Her experience also extends to patent damages actions.

Ms. Sanft's recent successes include matters on behalf of Roche, Genentech, Gilead and Pfizer. Her trademark experience includes advocating before the courts and specialized tribunals as well as advising clients on portfolio strategy and management. Her copyright practice focuses on authorship and ownership disputes and the enforcement of copyright. She regularly works with clients concerning the protection of their intellectual property portfolios and enforcement of their intellectual property rights.

Ms. Sanft is a frequent speaker on matters relating to IP and the legal profession. She is also active in numerous committees within the IP and legal communities.

Sandon Shogilev (Goodmans LLP) is a partner in the Litigation Group at Goodmans. Sandon has extensive experience litigating patent infringement actions, matters under the Patented Medicines (Notice of Compliance) Regulations and judicial review proceedings. He regularly appears before the Federal Court and the Federal Court of Appeal on such matters. In addition, Sandon has provided strategic advice to clients in various areas including the sale and protection of technology and intellectual property assets.

Sandon has also recently lectured in patent law at the Queen's University Faculty of Law.

Outside the intellectual property context, Sandon has provided strategic advice to clients on matters related to the Competition Act and the Investment Canada Act, Canada's foreign investment review legislation. In addition, Sandon recently was counsel in a successful appeal to the Supreme Court of Canada that overturned a Supreme Court tax law precedent that had existed for over 30 years.

Panel 2: Protective Agreements and Confidentiality Orders – The State of Play

Justice George Locke (Federal Court of Canada) studied at McGill University, obtaining a B. Eng. in Mechanical Engineering in 1987, and LL. B. and B.C.L. degrees in 1991. He was called to the Bar in Ontario in 1993 and in Quebec in 1995. He was also certified as a specialist in Intellectual Property Law (Patents) by the Law Society of Upper Canada.

Justice Locke was appointed Judge of the Federal Court and an ex-officio member of the Federal Court of Appeal on April 10, 2014. He was appointed Judge of the Court Martial Appeal Court of Canada on May 28, 2015 and Judge of the Federal Court of Appeal on March 7, 2019.

Prior to his judicial appointment, Justice Locke was an associate and then a partner in the Intellectual Property Group at the Montreal office of Norton Rose Fulbright Canada LLP, formerly Ogilvy Renault LLP. He was registered as a trademark agent in 1993 and as a patent agent in 2000. He was also a member of the Ordre des ingénieurs du Québec and of the Intellectual Property Section of the Canadian Bar Association.

Justice Locke is a Fellow of the Intellectual Property Institute of Canada, and was acting as its Treasurer at the time of his appointment to the Federal Court. Before and since his appointment,

Justice Locke has written and spoken frequently on intellectual property issues, both in Canada and abroad.

Trent Horne (Aird & Berlis LLP) is a member of the Intellectual Property and Litigation & Dispute Resolution Groups at Aird & Berlis LLP. He has been certified as a specialist in all areas of intellectual property by the Law Society of Ontario and has appeared as lead counsel in a wide range of intellectual property matters at the tribunal, trial and appellate level.

He has particular expertise in patent litigation in a variety of technologies, ranging from genetically modified plants to manufacturing equipment. Trent is also a registered trademark agent in Canada and is involved in trademark prosecution, summary cancellation and opposition proceedings.

Trent is frequently asked to present on intellectual property and advocacy issues. He is a contributing author to two publications on Federal Court practice and procedure (Federal Courts of Canada Service and Canadian Federal Courts Practice) and is a regular contributor to the Supreme Court Law Review.

He is a member of the Intellectual Property Institute of Canada (serving as Chair of the Intervention Committee) and the Canadian Bar Association (serving on the Court Practice and Trademark Committees).

Kavita Ramamoorthy (Fineberg Ramamoorthy LLP) is a Partner of the firm Fineberg Ramamoorthy LLP and has been practicing pharmaceutical patent law, particularly in the area of litigation, since 2003. Kavita has extensive experience in proceedings under the Patented Medicines (Notice of Compliance) Regulations (on behalf of both innovators and generics) as well as patent actions and judicial reviews.

Kavita's practice includes litigation management, preparation of expert evidence and both oral and written advocacy. Kavita has appeared frequently before the Federal Court and the Federal Court of Appeal. Her practice also includes invalidity and infringement opinions and advising on a variety of regulatory matters. In addition to being a lawyer, Kavita is a registered Canadian Patent Agent and holds a Ph.D. in Toxicology. In 2016 and 2017, she was named one of the Top 250 Women in IP globally. She frequently speaks on patent and litigation matters.

She is also an active member of WING (Women in IP Networking Group) which seeks to provide advancement, career advice and networking opportunities for Canadian women in IP. In addition, Kavita is part of the IPIC mentorship program.

Kamleh Nicola's (Baker McKenzie) practice focuses on intellectual property litigation, with an emphasis on all aspects of patent, trademark and copyright disputes, especially in the field of pharmaceuticals. She has successfully navigated cases through to resolution in a manner that maximizes benefits to her clients. She has the ability to efficiently manage the complexities of litigation without losing sight of the overall case strategy, especially where the case is being

litigated in multiple jurisdictions around the globe. In those instances where a case is litigated in multiple jurisdictions, she works collaboratively with counsel and client contacts in those jurisdictions to ensure consistency in strategic approach.

Ms. Nicola also advises clients on the regulatory aspects of pharmaceuticals and medical devices, including strategic advice relating to product approval and launch, marketing, labelling and pricing. She works with her clients to minimize risk and navigate the often complex Canadian regulatory regime.

Ms. Nicola is an active member of the firm's North American Diversity and Inclusion Committee. As such, she is an avid champion of diversity and inclusion both within the firm and the community-at-large.

Ms. Nicola is listed in Who's Who Legal 2019 for Patent Litigation in Canada and has been recognized in Legal Media Group's Guide to the World's Leading Women in Business Law from 2013-2019 and their Guide to the World's Leading Patent Practitioners from 2013-2018. Her commitment to excellence in client service was recognized by Baker & McKenzie's Global IP Group when she was twice the recipient of an award for being "Passionately Client Driven".

Ms. Nicola is a Past Chair of the CBA's National IP Section Executive Committee and current Chair of the CBA's Federal Courts Bench & Bar Liaison Committee.

Panel 3: File Wrapper History (coming to a theatre near you: what it will mean)

Madam Prothonotary Angela Furlanetto (Federal Court of Canada) was appointed to the Federal Court on March 7, 2019. Prior to her appointment, she was a partner with DLA Piper (Canada) LLP, and prior to that with Dimock Stratton LLP, where she practised intellectual property litigation. Prothonotary Furlanetto received many accolades for her work in the area of intellectual property, particularly in patent litigation and in the field of life sciences and was repeatedly recognized by many peer-reviewed directories as a leading lawyer in Canada in these areas. She appeared regularly before the Federal Courts, handling all aspects of intellectual property and a variety of technical subject matter. Dedicated to practice development, she was a regular speaker on topics such as litigation practice, procedure and advocacy. She was an active member of the Canadian Bar Association, serving as a former Chair of the National IP Section, member of the Court Practice Committee, one of the original members of the Federal Court IP User's Committee and as IP Section representative of the Federal Court Bench and Bar Committee. She was also a Fellow of the Intellectual Property Institute of Canada and a former Chair of their Litigation Committee. Prothonotary Furlanetto helped found the Harold G. Fox Moot, Canada's only intellectual property moot, where she served as Chair for ten years.

Michael Crinson (Aitken Klee LLP) is an experienced intellectual property law trial counsel. His clients range from not-for profit organizations to start-ups to multinational corporations. In his "spare time", he volunteers in his local community. As an escape from the contentious world of litigation, he is an active qualified soccer referee as his decisions are never wrong on the field.

Nancy Pei (Smart & Biggar) is a partner at Smart & Biggar LLP and has been a litigator for over 20 years, representing innovative pharmaceutical companies primarily in patent litigation, including proceedings under the *Patented Medicines (Notice of Compliance) Regulations*. Nancy received a B Sc Pharmacy (1991) and LLB (1995) from the University of Toronto.

Joshua Spicer (Bereskin & Parr LLP) is a partner in Bereskin & Parr's litigation group where has practiced since completing his articles with the firm in 2004. His practice focuses on patent infringement and technology related disputes over trademark rights, copyright and trade secrets. Josh has experience acting as trial counsel in several significant patent infringement proceedings in the Federal Court and Federal Court of Appeal, and appears regularly on matters in the Ontario Superior Court. He represents a diverse portfolio of clients ranging from individual inventors to large multinational corporations. Josh is recognized in *Best Lawyers* for Intellectual Property Law, and authors publications on patent law, monetary remedies and civil procedure.