



Steven Mason

Partner

Toronto

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Bar Admission

California, USA 2001
Ontario 1994

Law School

University of Ottawa

Practices

Appellate Litigation
IP Litigation
Intellectual Property

Industries

Life Sciences
Pharmaceutical
Technology

With a storied record of success, Steven is a highly regarded litigator, recognized for his leading expertise in complex intellectual property matters

Head of the firm's National Intellectual Property Litigation Group, Steven acts as lead counsel on some of the largest, most high profile intellectual property cases in Canada. His focus is on developing creative, client-focused strategies and solutions that help clients protect their interests and achieve their objectives.

What differentiates him is his creative legal mind; he's always pushing the boundaries and is very persistent. He's aggressive but in a very seasoned and elegant way. Steve is up there in the best lawyers I've interacted with in my career.

— CLIENT, CHAMBERS CANADA

As a litigator first and foremost, Steven is an experienced trial and appellate lawyer who brings an unconventional way of thinking to contentious IP matters. He is trusted by clients to resolve complicated patent, copyright, regulatory, and trade secrets disputes and respected for his litigation skills by peers of the IP Bar. *Chambers Canada: Canada's Leading Lawyers for Business* remarked that Steven "is widely regarded by the market as a 'great courtroom litigator'" in their 2018 edition.

Supporting in-house counsel at multinational organizations across a range of industries, Steven has acted as lead counsel in many prominent cases, appearing before the Supreme Court of Canada, the Superior and Appellate Courts of British Columbia and Ontario and the Federal Court of Canada. Some of his notable experience includes:

- successfully represented the National Football League and Bell as lead counsel in a historic Supreme Court of Canada case challenging the CRTC's decision to ban substitution of Canadian commercials during the Super Bowl;
- securing one of the largest patent damages award in Canadian history as lead counsel for Merck in *Merck v Apotex*;
- successfully represented Bell Canada as lead counsel in a patent infringement action involving Bell's IPTV service FibeTV;
- represented an international group of copyright organizations and professors in *American Broadcasting Cos., Inc. v. Aereo, Inc.*, 573 U.S. ___ (2014) before the Supreme Court of the United States;

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- successfully represented Bell Media in a copyright infringement action against VMedia that raised the issue of whether streaming live television over the internet is permissible under the Copyright Act without the copyright owner's consent; and
- represents a number of innovative pharmaceutical companies in high stakes, mission critical patent litigation matters, regularly achieving positive, often precedent-setting, outcomes.

He is extremely strategic, very thorough and he understands our business. He is very innovative in his way of thinking, aggressive, extremely smart and he will focus on the results.

— CLIENT, CHAMBERS CANADA

Steven is an adjunct Professor at Osgoode Hall Faculty of Law where he has taught intellectual property law for more than a decade. Frequently invited to speak about topics in the field of intellectual property litigation, he enjoys sharing his wealth of experience to mentor young lawyers. He also co-authored *Intellectual Property Law in Canada: Cases and Commentary* (Carswell, 2nd ed. 2013) as well as *Copyright: Cases and Commentary on the Canadian and International Law* (Carswell, 2nd ed. 2013).

Steven also practised for several years at a large law firm in San Francisco and Palo Alto, California where he specialized in patent litigation.

Steven is admitted to practice before all courts in Canada, as well as the United States District Court (N.D. Cal.), the Court of Appeals for the Ninth Circuit, the Federal Circuit Court of Appeals, the Court of International Trade and the United States Supreme Court. He is a Fellow of the Litigation Counsel of America and a member of the Law Society of Upper Canada and the State Bar of California.

Recent Appellate Experience

Supreme Court of Canada:

- *Bell Canada v. Canada*, 2019 SCC 66
- *Reference re Broadcasting Regulatory Policy CRTC 2010-167 and Broadcasting Order CRTC 2010-168*, 2012 SCC 68
- *Communications, Energy and Paperworkers Union of Canada, Local 30 v. Irving Pulp & Paper, Ltd.*, 2013 SCC 34

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- *Sanofi-Aventis Canada Inc. v. Apotex Inc.*, 2015 SCC 20
- *National Football League v. Attorney General of Canada*
- *Bell Canada and Bell Media Attorney General*, SCC (argued on December 5-7, 2018 and currently under reserve)

Supreme Court of the United States:

- *American Broadcasting Co.'s v. Aereo Inc.*, 573 US ___ (2014)

Federal Court of Appeal:

- *Janssen Inc. v. Abbvie Corporation*, 2014 FCA 241 and 242
- *Apotex v. Merck Inc.*, 2015 FCA 151
- *Apotex v. Allergan Inc.*, 2015 FCA 137
- *National Football League v. Attorney General of Canada*, 2016 FCA 217
- *Bristol Myers Squibb Canada Co. Teva Canada Ltd.*, 2017 FCA 76
- *Bristol-Myers Squibb Canada Co. v. Apotex Inc.*, 2017 FCA 190
- *Bell Canada and National Football League v. Attorney General of Canada*, 2017 FCA 249
- *Bell Canada and Bell Media v. 7262591 Canada Ltd., et al*, 2018 FCA 174
- *Elson v. Canada (Attorney General)*, 2019 FCA 27
- *Mediatube Corp. v. Bell Canada*, 2019 FCA 176

Ontario Court of Appeal:

- *Sabre Inc. v. International Air Transport Association*, 2011 ONCA 747
- *Apotex Inc. v. Abbott Laboratories Ltd.*, 2013 ONCA 555
- *Apotex Inc. v. Abbott Laboratories Ltd.*, 2018 ONCA 332

British Columbia Court Appeal:

- *isoHunt Web Technologies Inc. v. EMI Group Canada Inc.*, 2009 BCCA 618

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Awards & Rankings

Chambers Global

Leading Lawyer: Intellectual Property Litigation - Canada

Chambers Canada

Leading Lawyer: Intellectual Property: Litigators; Life Sciences: IP/Patent Litigation

Chambers Canada

Leading Lawyer: Intellectual Property Litigation - Nationwide Canada

Lexpert / American Lawyer Guide to the Leading 500 Lawyers in Canada - 2019

The Lexpert Special Edition – Canada's Leading Litigation Lawyers - 2018

Lexpert Guide to US/Canada Cross-Border Lawyers in Canada - 2018

The Canadian Legal Lexpert Directory

Most Frequently Recommended: Litigation - Intellectual Property

The Canadian Legal Lexpert Directory

Repeatedly Recommended: Intellectual Property

The Legal 500 – Canada

Leading Lawyer: Intellectual Property

Benchmark Litigation - 2014

Canadian IP Litigator of the Year

Best Lawyers in Canada

Leading Lawyer in the areas of Biotechnology Law and Intellectual Property Law

LMG Life Science Awards - 2017

Canadian Patent Litigation Attorney of the Year

Intellectual Asset Management (IAM) Patent 1000

Leading Lawyer: Patent Litigation

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Managing Intellectual Property Magazine: IP Stars

Patent Star

Recent Experience

- **Bell appeals CRTC decision to impose the “Wholesale Code**
October 01, 2018

Recent Insights

- **The Supreme Court of Canada simplifies the standard of review analysis in historic Super Bowl trilogy**
December 20, 2019
- **The Supreme Court of Canada simplifies the standard of review analysis in historic Super Bowl trilogy**
December 19, 2019
- **Canadian Government’s IP Strategy Seeks to Boost Innovation, Increase IP Literacy, and Rein-in Patent Trolls**
April 26, 2018
- **Revised NOC Regulations to Come Into Force on September 21, 2017**
September 07, 2017