



## Bart M. Nowak

### Associate

Toronto

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t. +1 416-601-7769

### Bar Admission

Ontario 2015

### Law School

University of Western Ontario

### Practices

IP Litigation  
Intellectual Property

### Industries

Pharmaceutical  
Life Sciences  
Technology

Bart is an associate in our Intellectual Property Litigation Group in Toronto. He practises exclusively in the area of Intellectual Property Litigation, with an emphasis on complex, high-stakes patent disputes. His industry expertise spans various sectors, including telecommunication, pharmaceuticals, high-tech, oil and gas, and heavy industrial. Bart regularly provides strategic advice on all aspects of intellectual property disputes, and has successfully represented clients before the Ontario courts, the Federal Court of Canada, and the Federal Court of Appeal.

Bart has extensive expertise with patent litigation involving telecommunications technologies and standards, including Internet protocol, 3G/4G/LTE wireless, and xDSL. Bart also recently represented Bell Canada in the first Canadian patent infringement trial involving a non-practising entity (NPE).

Bart received his JD (with distinction) from Western Law in 2014. Prior to law school he obtained an Honours Bachelor of Science from the University of Toronto, and a Master of Science in chemistry from the University of Victoria. His graduate research focused on the synthesis and analysis of a unique class of organometallic compounds.

While at Western Law, Bart was the President of the Western Intellectual Property Association and represented his school at the 2013 Harold G. Fox Intellectual Property Moot. He was named to the Dean's list each year of his legal studies and received several awards for his accomplishments, including the Law Society of Upper Canada Prize, the McCarthy Tétrault Award, the Aird & Berlis Award in Contracts, and the BLG Professional Excellence Award.

Bart was called to the Ontario Bar in 2015. He is a member of the Law Society of Ontario, the Ontario Bar Association and the Canadian Bar Association.

## REPRESENTATIVE WORK

- **MediaTube Corp. v. Bell Canada (T-705-13, A-35-17, A-37-17, A-112-18)**  
Represented defendant Bell in patent infringement actions relating to audio/video redistribution technology in Internet protocol television systems.
- Reported decisions:
- *Mediatube Corp. v. Bell Canada*, [2017 FC 6](#) (trial decision dismissing MediaTube's action)

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- *Mediatube Corp. v. Bell Canada*, [2017 FC 495](#) (costs quantification awarding Bell \$2,114,582 in costs)
- *Mediatube Corp. v. Bell Canada*, [2018 FC 355](#) (motion relating to confidentiality issues successfully opposed by Bell)
- *Mediatube Corp. v. Bell Canada*, [2018 FCA 127](#) (motion relating to conflict of interest issues successfully opposed by Bell)
  
- **Rovi Guides Inc. and TiVo Solutions Inc. v Bell Canada et. al. (T-113-18) and TELUS Communications Company et. al. (T-206-18)**  
Represented defendants Bell and TELUS in patent infringement actions relating to electronic program guide, personal video recording, and video-on-demand technology in Internet protocol and mobile television systems.
  
- **TracBeam, LLC v. Bell Mobility Inc. et. al. (T-1425-18)**  
Represented defendants Bell, TELUS and Rogers in patent infringement action relating to mobile device location estimation technology.
  
- **Two-Way Media Ltd. v. Bell Canada and TELUS Communications Company (T-809-13)**  
Represented defendants Bell and TELUS in patent infringement action relating to audio-video streaming technology in Internet protocol television systems.
  
- **Cives Corporation et. al. v. Les Produits Metalliques A.T. Inc. (T-2101-16), Phil Larochelle Equipment Inc. (T-2102-16), and Tenco Inc. (T-1137-18)**  
Represented plaintiff Cives in several patent infringement actions relating to snow-removal and material spreading technology.
  
- **Bristol-Myers Squibb Canada Co. et. al. v Apotex Inc. (T-350-18, T-351-18)**  
Represented plaintiff BMS in patent infringement action under the PMNOC Regulations pertaining to the drug ELIQUIS®.
  
- **Allergan Inc. v. Sandoz Canada Inc. (T-2023-18)**  
Represented plaintiff Allergan in patent infringement action under the PMNOC Regulations pertaining to the drug RAPAFLO®.
  
- **Allergan Pharma Co. et. al. v. Apotex Inc. (T-830-17, T-831-17)**

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Represented applicant Allergan in prohibition applications under the PMNOC Regulations pertaining to the drug RAPAFLO®.

- **Pharmascience Inc. v. Schering-Plough Canada Inc. et. al. (T-1807-11)**  
Represented defendant Schering in section 8 damages proceeding under the PMNOC Regulations pertaining to the drug AERIUS®.
- **Astro Thermal Tec Ltd. v. Enviroflame Technologies et. al. (T-135-18)**  
Represented plaintiff Astro Thermal Tec in patent infringement action relating to industrial water heater technology.
- **Emerson Electric Co. v. Canadian Tire Corporation, Limited (T-1543-15)**  
Represented defendant Canadian Tire in patent infringement action relating to vacuum cleaner technology.

## Awards & Rankings

Law Society of Upper Canada Prize

McCarthy Tétrault Award

Aird & Berlis Award in Contracts

BLG Professional Excellence Award

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## Recent Insights

- **USMCA: Four Important Changes to Intellectual Property Rights**  
October 05, 2018
- **It's Settled Then: Federal Court Enforces Settlement where Parties Disagreed on Terms of Formal Settlement Agreement**  
July 17, 2018
- **Canadian Government's IP Strategy Seeks to Boost Innovation, Increase IP Literacy, and Rein-in Patent Trolls**  
April 26, 2018
- **Did the Québec Court Apply a Lower Standard for Interlocutory Injunctions in a Patent Case? Probably Not.**  
March 16, 2018