



Steven Tanner

Partner

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Bar Admission

Ontario 2006

Law School

University of Toronto

Practices

IP Litigation
Intellectual Property

Industries

Pharmaceutical
Oil & Gas

Steven is a partner in our Intellectual Property Litigation Group in Toronto. With a focus on patent litigation, he represents clients in the pharmaceutical, oil and gas, and telecommunications sectors. He appears frequently in the Federal Court and Federal Court of Appeal, primarily in patent disputes.

Steven is an adjunct professor at Osgoode Hall Law School where he teaches patent law.

As Co-Lead of McCarthy Tétrault's Oil and Gas Patent Litigation practice, Steven has been successful in significant oil and gas patent litigation mandates, including for Enbridge, Aux Sable, Preferred Sands, Clean Harbors, Astro Thermal Tec and Pulse Directional Technologies. The technologies at issue have included the steam-assisted gravity drainage ("SAGD") of bitumen, transportation of natural gas, downhole tools, waste cleanup and efficient heaters.

A selection of Steven's recent notable work includes:

- obtaining orders of prohibition preventing the launch of generic versions of Allergan's ophthalmic drugs COMBIGAN[®] and LUMIGAN RC[®];
- obtaining an injunction prohibiting launch of a generic version of Allergan's cosmetic drug LATISSE[®];
- successfully concluding infringement actions relating to generic versions of Allergan's ALPHAGAN[®] P (0.15%) and ASACOL 800[®] treatments;
- successfully concluding applications brought pursuant to the *PM(NOC) Regulations* relating to Allergan's BPH treatment RAPAFLOR[®];
- successfully invalidating key claims of JL Energy's patent relating to the transportation of natural gas by pipeline (*Aux Sable Liquid Products LP et al. v. JL Energy Transportation Inc.*);
- leading and co-leading judicial reviews for pharmaceutical clients, including Allergan and AbbVie Biotechnology in relation to LUMIGAN RC[®] and HUMIRA[®];
- successfully representing AbbVie Corp. and AbbVie Inc. in litigation regarding a treatment for Hepatitis C virus;
- successfully defending Bell Canada and TELUS communications against multiple patent infringement actions relating generally to IPTV (Internet Protocol television); and
- representing clients in patent infringement actions relating to consumer products (as counsel for Costco Wholesale, Wal-Mart Canada and Canadian Tire), cannabis (as counsel for Fresh Headies Internet Sales) and farm machinery (as counsel for Beverly Turf Farms and John

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Vanderwoude Sod Farms).

In his spare time, Steven has competed in numerous triathlons throughout North America and Europe at the sprint, Olympic, IRONMAN 70.3, and IRONMAN distances. Steven is an avid runner and has completed various races at the 10k, half marathon and marathon distances. He is also an avid guitar player. Steven is also a dedicated downhill skier who has challenged the slopes in B.C., Alberta, Quebec, Colorado, Wyoming, Vermont, New York, Arizona, New Mexico and Utah.

Steven received his Honours Co-operative Biochemistry (Biotechnology option) BSc from the University of Waterloo in 2001 and his JD from the University of Toronto Faculty of Law in 2005.

Awards & Rankings

Intellectual Asset Management (IAM) Patent 1000

Leading Lawyer: Patent Litigation

Managing IP - 2013-2015

Patent Contentious Team of the Year - Canada

Managing IP - 2015

Milestone Case of the Year - Canada

Recent Experience

- **Aux Sable wins patent impeachment action against JL Energy at the Federal Court**

May 06, 2019

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Recent Insights

- **Ontario Court Dismisses Apotex Patent Damages Case Grounded in 400 Year Old Statute of Monopolies**
March 15, 2021
- **Mining in the Courts, Vol. XI**
March 09, 2021
- **Canadian Federal Court's Notice of Experimental Testing is Inapplicable to Testing Conducted Prior to Litigation**
April 23, 2020
- **Mining in the Courts Vol X – March 2020**
March 03, 2020

Events

- **Patent Litigation in the Oil & Gas Sector**
June 17, 2019