



# Steven Tanner

## Partner

Toronto

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t. 416-601-8193

## Bar Admission

Ontario 2006

## Law School

University of Toronto

## Practices

IP Litigation  
Intellectual Property

Steven Tanner is a partner in our Intellectual Property Litigation Group in Toronto.

Steven practices exclusively in the areas of Intellectual Property and Litigation, with an emphasis on pharmaceutical patent litigation, oil and gas patent litigation and telecommunications patent litigation. He appears frequently in the Federal Court and Federal Court of Appeal, primarily in patent disputes.

A primary focus of Steven's practice relates to pharmaceutical litigation brought pursuant to the *PM(NOC) Regulations*. A selection of Steven's significant counsel work at hearings on behalf of innovative drug companies includes the following past cases:

- Allergan Inc. et al v. Sandoz Canada Inc. et al (T-154-10) Re: COMBIGAN®
- Allergan Inc. et al v. Apotex Inc. et al (T-1560-10 / A-312-12) Re: COMBIGAN®
- Allergan Inc. et al v. Cobalt Pharmaceuticals Company et al (T-1125-12 / A-321-14) Re: LUMIGAN RC®
- Allergan Inc. et al v. Apotex Inc. et al (T-1151-12 / A-299-14) Re: LUMIGAN RC®
- Allergan Inc. et al v. Sandoz Canada Inc. et al (T-2068-15) Re: LATISSE®
- Allergan Inc. et al v. Apotex Inc. et al (T-1098-15) Re: ALPHAGAN® P (0.15%)
- Allergan Inc. at al v. Apotex Inc. et al (T-830-17/T-831-17) Re: RAPAFLO®
- Allergan Inc. at al v. Tillotts Pharma AG (T-503-18) Re: ASACOL® 800
- Abbott Laboratories Limited et al v. Apotex Inc. et al (T-585-06) Re: PREVACID®
- Merck & Co. Inc. et al v. Pharmascience Inc. et al (T-1476-08) Re: PROPECIA®
- Schering-Plough Canada Inc. et al v. Pharmascience Inc. et al (T-2102-07) Re: AERIUS®
- Fournier Pharma Inc. et al v. Sandoz Canada Inc. et al (T-1184-10) Re: LIPIDIL EZ®

Along with Timothy St. J. Ellam QC, Steven leads McCarthy Tétrault's oil and gas patent litigation practice. Steven has been lead or co-lead

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counsel for significant oil and gas patent litigation mandates, including for MEG Energy (T-1069-14), Enbridge (T-1964-17), Aux Sable (T-1612-16), Wenzel Downhole Tools (A-477-11), Preferred Sands (T-668-17), Clean Harbors (T-568-15), Drill-Tek MWD Services (T-1524-13) and Pulse Directional Technologies (T-1668-13). The technologies at issue have included the steam-assisted gravity drainage (“SAGD”) of bitumen, transportation of natural gas, transportation of oil, downhole tools and efficient heaters. In 2019, Steve and Tim successfully invalidated 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.*, [2019 FC 581](#)).

Steven’s practice also focuses on patent infringement and impeachment actions relating to pharmaceuticals. His significant efforts include AbbVie Corporation and others’ litigation against Janssen Inc. involving the biologic drug STELARA® (T-1310-09). His past work for AbbVie Corporation and AbbVie Inc. involves litigation in respect of a treatment for Hepatitis C virus (T-1330-15, T-1332-15 and T-1990-15). Steven has also represented Merck in patent impeachment proceedings in respect of vaccines (T-1184-17).

Steven has been lead or co-lead counsel on judicial review’s for pharmaceutical clients, including for Allergan (ACQB 1701-05590) and AbbVie Biotechnology (T-1094-14).

Steven has represented Bell Canada and TELUS communications to defend against patent infringement actions relating generally to IPTV (T-809-14, T-113-18 and T-206-18).

Steven has also represented 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 machinery (as counsel for Beverly Turf Farms and John Vanderwoude Sod Farms).

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 Law School in 2005. He was called to the Ontario bar in 2006.

Steven is a member of the Intellectual Property Institute of Canada (IPIC), the Law Society of Upper Canada (LSUC), the Ontario Bar Association (OBA) and the Canadian Bar Association (CBA).

In 2019 Steven was nationally ranked for patent litigation in IAM PATENTS 1000. Steven is an adjunct professor at the Osgoode Hall Law School where he teaches patent law.

In his spare time, Steven has competed in numerous triathlons

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throughout North America at the sprint, Olympic and IRONMAN 70.3 distances. Steven is an avid runner and has competed in various races at the 10k, half marathon and marathon distances. Steven is an avid guitar player. His band has released two albums and has performed at the El Mocambo and elsewhere in southern Ontario. Steven is also a dedicated downhill skier who has challenged the slopes in BC, Alberta, Quebec, Colorado, Wyoming, Vermont, New York, Arizona, New Mexico and Utah.

## Awards & Rankings

### IAM PATENT 1000

Nationally ranked for 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

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## Recent Insights

- **New Canadian Trademarks Law – Avoid Government Fee Increases by Filing or Renewing Now**  
June 06, 2019
- **Federal Court Abolishes ‘Reasonably Diligent Search’ Test and Invalidates Claims 9-10 in Aux Sable Patent Action**  
May 13, 2019
- **Bill C-86 Update**  
April 03, 2019
- **Mining in the Courts Vol IX – March 2019**  
March 01, 2019

## Events

- **Patent Litigation in the Oil & Gas Sector**  
May 30, 2019