



## Steven Mason

Associé

Toronto

[smason@mccarthy.ca](mailto:smason@mccarthy.ca)

t. +1 416-601-7703

### Admission au barreau

Californie (É.U.) 2001  
Ontario 1994

### Faculté de droit

University of Ottawa

### Domaines de pratique

Litiges en appel  
Litige en propriété intellectuelle  
Propriété intellectuelle

### Secteurs d'activité

Sciences de la vie  
Industrie pharmaceutique  
Technologie

*Disponible en Anglais seulement*

**With a storied record of success,  
Steve 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, Steve 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, Steve 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 Steve "is widely regarded by the market as a 'great courtroom litigator'". Steve and his team won the 2020 *Canadian Law Award* for "Commercial Litigation Team of the Year" for successfully representing Bell and the National Football League before the Supreme Court of Canada in the historic Administrative Law Trilogy. In addition, he is consistently recognized among the best IP litigation lawyers in Canada by the *Canadian Legal Lexpert Directory*.

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Supporting in-house counsel at multinational organizations across a range of industries, Steve 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 acted as lead counsel to AbbVie in a patent infringement action involving HUMIRA®. The Court found AbbVie's patent to be valid and infringed and a remedies trial will be held to determine the quantum of damages. *AbbVie v. JAMP Pharma*, [2023 FC 1520](#)
- Successfully acted as lead counsel for Allergan in a patent infringement action involving the drug LUMIGAN. The Court found Allergan's patent to be valid and infringed. *Allergan v Juno*, [2023 FC 1686](#)
- Successfully acted as lead counsel to BCE Inc. and TELUS in a patent infringement trial involving their IPTV systems against Rovi Guides Inc. The Court dismissed Rovi's case and found all four asserted patents to be invalid. *Rovi Guides et al v. Bell Canada and TELUS*, [2022 FC 1388](#)
- Successfully acted as lead counsel to Bristol-Myers Squibb and Pfizer in a patent infringement trial against two generic drug companies (Sandoz and Pharmascience) involving the anticoagulant ELIQUIS®. The Court upheld the validity of BMS and Pfizer's patents and Pharmascience's appeal was dismissed. *BMS v Pharmascience and Sandoz*, [2021 FC 1](#); *Pharmascience Inc. v. Bristol-Myers Squibb Canada Co.*, [2022 FCA 142](#)
- Successfully acted as lead counsel to Merck Sharp & Dohme Corp. and Merck Canada Inc. in patent impeachment trial against Wyeth Pfizer Inc. to clear the path for Merck's pneumococcal vaccine VAXNEUVANCE. The Federal Court invalidated 2 of Pfizer's patents and found that the third did not cover Merck's product. *Merck v. Wyeth*, [2021 FC 317](#)
- Acted as lead counsel to Eli Lilly in multiple appeals before the Federal Court of Appeal relating to its drug CIALIS. *Eli Lilly Canada Inc. v. Apotex Inc.*, [2023 FCA 125](#) and [2024 FCA 72](#)
- Successfully acted as lead counsel to the National Football League and Bell Media in the landmark decision of the Supreme Court of Canada. Steve was successful in overturning the decision of the Canadian Radio Telecommunications Commission (CRTC) to ban substitution of U.S. commercials during the Canadian broadcast of the Superbowl. *National*

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*Football League v. Canada (Attorney General)*, [2019 SCC 66](#)

- Successfully acted as lead counsel to Bell Canada in a patent infringement action against Mediatube involving its IPTV system. Decision upheld on appeal *Mediatube Corp. v. Bell Canada*, [2017 FC 6](#); [2018 FCA 127](#)
- 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
- Secured one of the largest patent damages award in Canadian history as lead counsel for Merck against Apotex involving the drug MEVACOR. *Merck v. Apotex*, [2013 FC 751](#)
- Successfully acted as lead counsel for Sam Smith, Normani, and Stargate, and their record label and music publishers in a copyright infringement action involving their top-selling song "Dancing with a Stranger"
- Represented Nickelback in successfully defending a copyright infringement claim involving the song Burn it to the Ground
- Acted as lead counsel to Apple in a patent infringement action brought by Wi-LAN involving Apple's iPhones, iPads and watches [settled before trial]
- Acted as lead counsel for Akebia Therapeutics, Inc. against Fibrogen Inc in patent litigation surrounding the launch of its new product, Vadadustat [settled before trial]
- Currently acting as lead counsel for Ericsson, MediaKind and Bell Canada in a patent infringement action brought by Adeia Inc. involving IPTV and Satellite TV systems
- 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

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Steve 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).

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

Steve 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 Ontario and the State Bar of California.

## Recent Appellate Experience

### Supreme Court of Canada:

- *Bell Canada and National Football League v. Canada*, 2019 SCC 66
- *Sanofi-Aventis Canada Inc. v. Apotex Inc.*, 2015 SCC 20
- *Communications, Energy and Paperworkers Union of Canada, Local 30 v. Irving Pulp & Paper, Ltd.*, 2013 SCC 34
- *Broadcasting Order CRTC 2010-168*, 2012 SCC 68

### Supreme Court of the United States:

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

### Federal Court of Appeal:

- *Bell Canada et al. v. British Columbia Broadband Association et al.*, 2020 FCA 140
- *Elson v. Canada (Attorney General)*, 2019 FCA 27

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- *Mediatube Corp. v. Bell Canada*, 2019 FCA 176
- *Bell Canada and Bell Media v. 7262591 Canada Ltd., et al*, 2018 FCA 174
- *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
- *National Football League v. Attorney General of Canada*, 2016 FCA 217
- *Apotex v. Merck Inc.*, 2015 FCA 151
- *Apotex v. Allergan Inc.*, 2015 FCA 137
- *Janssen Inc. v. Abbvie Corporation*, 2014 FCA 241 and 242

## Ontario Court of Appeal:

- *People for the Ethical Treatment of Animals v. City of Toronto and Astral Media Outdoors Ltd.*, 2020 ONSC 2356 (Div. Ct.)
- *Apotex Inc. v. Abbott Laboratories Ltd.*, 2018 ONCA 332
- *Apotex Inc. v. Abbott Laboratories Ltd.*, 2013 ONCA 555
- *Sabre Inc. v. International Air Transport Association*, 2011 ONCA 747

## British Columbia Court Appeal:

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

## Prix et distinctions

### Chambers Global

Band 1: Intellectual Property: Litigation - Canada

### Chambers Canada

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Band 1: Intellectual Property: Litigation

## **The Canadian Legal Lexpert Directory**

Leading Lawyer: Life Sciences & Health; Intellectual Property; Litigation -  
Intellectual Property; Telecommunications

## **Lexpert Special Edition: Technology and Health Sciences**

Leading Lawyer

## **Lexpert Special Edition: Litigation**

Leading Lawyer

## **The Legal 500 Canada**

Leading Lawyer: Intellectual Property

## **Benchmark Litigation Canada**

Litigation Star

## **Canadian Law Awards - 2020**

Lead Counsel - Commercial Litigation Team of the Year (Bell Canada and  
NFL v. Canada (Attorney General)); Excellence Award - Litigator of the Year

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

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

## **Benchmark Litigation - 2014**

Canadian IP Litigator of the Year

## **Managing Intellectual Property: IP Stars**

Patent Star and Copyright Star

## **Intellectual Asset Management (IAM) Patent 1000**

Leading Lawyer: Patent Litigation

## **Intellectual Asset Management (IAM) Global Leaders**

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Global Leader

## LMG Life Science Awards - 2017

Canadian Patent Litigation Attorney of the Year

## LMG Life Sciences

Star: IP

## Who's Who Legal

Leading Lawyer: Patent Litigation, Life Sciences

## Best Lawyers in Canada

Leading Lawyer: Biotechnology and Life Sciences Practice; Intellectual Property Law

## Mandats récents

- **Allergan, Inc. et Corporation AbbVie ont obtenu gain de cause dans le litige en propriété intellectuelle, Allergan, Inc. v. Juno Pharmaceuticals Corp., 2023 FC 1686**

18 décembre 2023

- **Apple et WiLAN règlent leur litige lié aux brevets concernant la téléphonie mobile au Canada**

22 mars 2022

