



Adam Bobker
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Experience

Adam is a partner at Bereskin & Parr LLP with over 20 years of IP litigation experience. Adam keeps clients happy by resolving intellectual property disputes efficiently and effectively, either by settlement or ruling from the Court. His practice focuses on the resolution of a wide range of patent, trademark and copyright disputes, as well as intellectual property related commercial disputes. Adam has successfully obtained and defended interim and interlocutory injunction motions, motions for summary trial and summary judgment, trials, and appeals.

Prior to joining the firm, Adam spent several years practicing commercial litigation. Before taking his law degree, Adam was an electrical engineer at the General Motors car-body assembly plant in Oshawa, Ontario.

Adam is Vice Chair of the ABA International Patent Law Committee.

Reported decisions in cases in which Adam helped clients obtain favourable rulings include:

- *Desnoes & Geddes Ltd. v. Hart Breweries Ltd.*, 2002 FCT 118 (finding of contempt in contempt proceeding for breach of injunction);
- *Video Box Enterprises Inc. v. Lam*, 2006 FC 546 (summary judgment for injunction and damages in copyright infringement action);
- *Lendingtree, LLC v. Lending Tree Corp.*, 2006 FC 373 affirmed 2007 FCA 70 (dismissal of judicial review of interlocutory decision of Registrar of Trademarks);
- *Biosig Instruments Inc. v. Sears Canada Inc.*, 2006 FC 206 (interlocutory order striking patent claim);
- *Bridgeview Manufacturing Inc. v. 931409 Alberta Ltd. (Central Alberta Hay Centre)*, 2009 FC 50 affirmed (in part) 2010 FCA 188 (trial judgment of invalidity and obviousness in patent infringement action, finding of non-infringement upheld on appeal);
- *Glaston Services Ltd. Oy v. Horizon Glass & Mirror Ltd.*, 2010 FC 1191 (trial judgment of infringement in patent

Practice Groups

Copyright & Digital Media
COVID-19
Dispute Resolution
Industrial Designs
Litigation
Oil & Gas
Patents

Education

LL.B., Queen's University, 1995
B.Sc. (Elec. Eng.), Kettering University, 1990

Qualifications

Admitted to the Ontario Bar, 1997

Professional Memberships

Intellectual Property Institute of Canada (IPIC),
Fellow
Law Society of Ontario (LSO)
The Advocates' Society



infringement action);

- *Weatherford Canada Ltd. v. Corlac Inc.*, 2010 FC 602 affirmed (in part) 2011 FCA 228 (trial judgment of validity and infringement in patent infringement action, upheld on appeal);
- *E. Mishan & Sons, Inc. v. Supertek Canada Inc.*, 2014 FC 326 affirmed 2015 FCA 163 (trial judgment of invalidity (obviousness) in a patent infringement action, upheld on appeal);
- *E. Mishan & Sons, Inc. v. Supertek Canada Inc.*, 2016 FC 613 (summary judgment of invalidity (functionality) in an action for design infringement);
- *Cascade Corporation v. Kinshofer GmbH*, 2016 FC 1117 (summary trial judgment of non-infringement (claims construction) in patent infringement action);
- *Arysta LifeScience North America, LLC v. AgraCity Crop & Nutrition Ltd.*, 2019 FC 530 varied 2020 FC 388 (interim injunction in patent infringement action); and
- *Canada Goose Inc. v. Vertical Axis Inc. et al.*, T-571-13, (successfully defended motion to remove personal defendant in a trademark infringement action relating to the <canadagoose.com> domain name).

Published Journal Articles authored by Adam include:

- Patent Litigation in Canada – The Use of the Protocol Questions in Light of Lord Hoffman’s Decision in *Kirin-Amgen v. Hoechst Marion Roussel Ltd.*, 2006 85-*Canadian Bar Review* 153, 2006 *CanLIIDocs* 144

Adam coauthored *Chapter 7 – Infringement* in *Canadian Patent Law Benchbook, Third Edition* with Don Cameron, published in July 2019.

Recent Articles

- Federal Court Awards Elevated Costs on the Basis of Refusal to Bifurcate
- No Harm, No Foul: FCA Reaffirms No Mandatory Correlation Between Statutory Damages and Actual Damages
- A Losing Venture: Cost-Revenue Analysis Has Producers of Illicit Pre-Loaded Set-Top Boxes Coming Out \$38M in the Red
- 2021 Year in Review: IP Litigation
- Inconsistency remains the key to unlocking the file history. The Federal Court of Appeal cautions against an over broad interpretation of Section 53.1 in *Bauer Hockey Ltd. v. Sport Maska Inc.*

Accolades

- Bereskin & Parr Recognized in IAM Patent 1000 2022
- 25 Bereskin & Parr Lawyers Listed in 2022 Best Lawyers in Canada
- Bereskin & Parr Recognized in IAM Patent 1000 2021



- 21 Bereskin & Parr Professionals Listed in 2021 Best Lawyers in Canada
- Bereskin & Parr Recognized in IAM Patent 1000 2020