



Andrew McIntosh
B.Sc. (Chem.), J.D., LL.B.

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Experience

Andrew McIntosh is a partner with Bereskin & Parr and leader of the Litigation practice group. His practice focuses on intellectual property litigation relating to patents, trademarks and trade secrets.

Andrew has significant litigation experience as trial and appellate counsel in a wide range of technologies including pharmaceutical, chemistry and polymer science, biotechnology, oilfield services, military defence, electronics, electronic document imaging, mechanical arts, and a variety of consumer products. He has pharmaceutical patent litigation experience including *Patented Medicines (Notice of Compliance)* proceedings, as well as infringement and impeachment actions. Between 2009 and 2011, Andrew was a founding partner in a boutique firm that focused pharmaceutical patent litigation. He has appeared as counsel before the Federal Court, Federal Court of Appeal, Ontario Superior Court and Ontario Court of Appeal.

Some of Andrew's representative trial and appeal decisions include:

- *Westaim Corp v Royal Canadian Mint* 2002 FCT 1217
- *Illinois Tool Works Inc v Cobra Anchors Co* 2002 FC 829, 2003 FCA 358
- *Janssen-Ortho Inc v Novopharm* 2006 FC 1234; 2007 FCA 217
- *Janssen-Ortho Inc v Apotex* 2008 FC 744; 2009 FCA 212
- *Dow Chemical Company v Nova Chemicals Corporation* 2014 FC 844; 2016 FCA 216
- *E. Mishan & Sons v Supertek Canada Inc* 2014 FC 326; 2015 FCA 163
- *Dow Chemical Company v Nova Chemicals Corporation* 2017 FC 754

Andrew also advises clients in evaluating and obtaining

Practice Groups

Chemical
Dispute Resolution
Life Sciences
Litigation
Patents

Education

2L J.D. Joint Program, University of Windsor, University of Detroit, 1993
B.Sc. (Chem.), Western University, 1990

Qualifications

Registered Canadian Trademark Agent, 2005
Registered United States Patent Agent, 1997
Registered Canadian Patent Agent, 1996
Admitted to the Ontario Bar, 1995

Professional Memberships

American Bar Association (ABA)
American Intellectual Property Law Association (AIPLA)
Intellectual Property Institute of Canada (IPIC), Fellow
Law Society of Ontario (LSO)
Litigation Counsel of America, Fellow



patents for chemical and mechanical inventions, and with respect to intellectual property due diligence issues.

He has written articles and given lectures on intellectual property litigation, and is the lead author on two chapters in a prominent textbook on Remedies in intellectual property litigation.

In free time Andrew can usually be found at a hockey rink, lacrosse field, or other minor sports venue either coaching or cheering on his two boys.

Recent Articles

- Federal Court of Appeal Offers Further Guidance on Elevated Costs Awards
- 2021 Canadian Pharma Litigation Mid-Year Recap: Key Takeaways from the Year So Far
- Federal Court of Appeal Affirms Site-Blocking Order in Teksavvy Case
- Federal Court of Appeal Affirms Minister's Decision that CSP Eligibility Requires Claim for Active Ingredients and Excludes Formulations Claims
- Nearly 400-Year-Old English Statute of Monopolies Not Applicable to Damage Claim Under Canada's Patented Drug Regime

Accolades

- Bereskin & Parr Recognized in IAM Patent 1000 2021
- Bereskin & Parr recognized in Benchmark Litigation 2021
- 20 Bereskin & Parr Professionals Listed in the Canadian Legal Lexpert Directory 2020
- Bereskin & Parr Recognized in IAM Patent 1000 2020
- Bereskin & Parr recognized in Benchmark Litigation 2020