



**Andrew McIntosh**  
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## Experience

Andrew McIntosh is a partner with Bereskin & Parr and head 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)



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**

- [Balancing Efficiency and Compressed Timelines: Two Years into the Amended Patented Medicines \(Notice of Compliance\) Regulations](#)
- [2018 Year in Review: Litigation](#)
- [Advantages Making the Federal Court of Canada an Increasingly Desirable Forum for Intellectual Property Disputes](#)
- [HERCEPTIN Patents Survive Preliminary Non-Infringement Challenge in the First Motion Under Section 6.08 of the Patented Medicines \(Notice of Compliance\) Regulations](#)
- [Did You Unintentionally Just Settle? A Cautionary Reminder to be Objectively Clear in Your Negotiations](#)

### **Accolades**

- [Thirteen Bereskin & Parr Professionals Recognized in Who's Who Legal Patents 2019](#)
- [22 Bereskin & Parr Professionals Listed in the Canadian Legal Lexpert Directory 2019](#)
- [Bereskin & Parr recognized in Benchmark Litigation 2019](#)
- [5 Professionals Recognized in the 2018 Edition of Expert Guides: Life Sciences](#)
- [Bereskin & Parr recognized in Benchmark Litigation 2018](#)