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EMPLOYMENT

Professor, University of New Brunswick Faculty of Law, July 2006-
Present
Associate Professor, University of New Brunswick Faculty of Law, July
1999 - June 2006
Assistant Professor, University of New Brunswick Faculty of Law, July
1993 - July 1999
Olin Fellow in Law and Economics, University of Toronto, January - June
1997
Supreme Court of Canada, Law Clerk to Madame Justice Beverley
McLachlin, 1991-1992
Schlumberger Oil Field Services, Field Engineer Trainee, October 1985 -
April 1986
Bell Northern Research, Hardware Design Engineer, May 1983 - March
1985

EDUCATION

LL.M. 1993, The University of Chicago Law School
LL.B. 1991, Queen's University, Faculty of Law
B.Sc.(Eng. Physics) 1982, Queen's University, Faculty of Engineering
Philosophy/ Physics (part time), 1987-88, Queen's University, Faculty of
Arts and Science
Economics/ Politics, 1982-83, Queen's University, Faculty of Arts and
Science

PUBLICATIONS

—, *Nova v Dow*: Intuition or Principle in the Accounting of Profits
Remedy Part II (forthcoming) Intellectual Property Journal
—, *Nova v Dow*: Intuition or Principle in the Accounting of Profits

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- , Evidentiary Problems of Multidisciplinarity in the Litigation of Business Method Patents, Ch 21, pp 440–55, in Doagoo, Goudreau, Saginur & Scassa (eds), *Intellectual Property Law for the 21st Century: Interdisciplinary Approaches to IP* (Irwin Law, Toronto, 2014)
 - , The Duty to Disclose “The Invention”: The Wrong Tool for the Job, (2013) 25 *Intellectual Property Journal* 269–301

- , The False Doctrine of False Promise, (2013) [29\(1\) Canadian Intellectual Property Review 3-56](#)
- , Business Method Patents and Patent Trolls, (2013) 54(1) Canadian Business Law Journal 38-57
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- , 2011 in Review: Patent Law, (2012) 24 Intellectual Property Journal 119-32
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BOOKS

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- AstraZeneca Canada Inc. v Apotex Inc.* [2017 SCC 36](#) at ¶ 33, 34, 35: The False Doctrine of False Promise
- Southcott Estates Inc v Toronto Catholic District School Board*, [2012 SCC 51](#) at ¶ 36: Damages in Lieu of Specific Performance: *Semelhago v Paramadevan*
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Apotex Inc v ADIR [2020 FCA 60](#) at ¶ 41: A Remedial Benefit-Based Approach to the Innocent User Problem

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Inmet Mining Corp v Homestake Canada Inc, 2003 BCCA 610, 24 BCLR (4th) 1 at ¶ 189: Damages in Lieu of Specific Performance: *Semelhago v Paramadevan*

CCH Canadian Ltd v Law Society of Upper Canada, 2002 FCA 187, 18 CPR (4th) 161 at ¶ 52: Copyright in Facts and Information

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Rosenberg v Canada (Attorney General), (1998) 38 OR (3d) 577, 158 DLR (4th) 664 at ¶ 21: The Oakes Test: An Old Ghost Impeding Bold New Initiatives

Tele-Direct (Publications) Inc v American Business Information, Inc, [1998] 2 FC 22, 154 DLR (4th) 328, 76 CPR (3d) 296 (CA) at ¶ 32: Copyright in Facts and Information

Courts of First Instance

AbbVie Corporation v JAMP Pharma Corporation [2023 FC 1520](#) ¶ 160–64 McVeigh J
Sufficient Description blog
“Construction of the Inventive Concept is Determinative of Obviousness” ([27 August 2014](#))
“Time to Abandon the Doctrine of Selection Patents?” ([26 July 2013](#))
“Teaching Away Irrelevant to Anticipation” ([23 May 2019](#))
“Time to Abandon the Doctrine of Selection Patents?” ([26 July 2013](#))

NCS Multistage Inc v Kobold Corporation [2023 FC 1486](#) ¶ 1658 McVeigh J
Patent Remedies and Complex Products at

Guest Tek Interactive Entertainment Ltd v Nomadix Inc [2021 FC 276](#) ¶ 60–61 McHaffie J
“Contributory Infringement in Canadian Law”

Rovi Guides, Inc v Videotron Ltd [2021 FC 19](#) ¶ 22 Lafrenière J
Sufficient Description blog “[Nova v Dow](#): A Radical Departure from Established Law” (October 6, 2020)

Bristol-Myers Squibb Canada Co v Pharmascience Inc [2021 FC 1](#) Zinn J
Sufficient Description blog “Time to Relegate *IG Farbenindustrie* to the Dustbin of History” (September 25, 2020) at ¶ 102

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<https://ssrn.com/abstract=3393044> (updated July 19, 2019) at ¶ 168

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Interlocutory Injunctions and Irreparable Harm in the Federal Courts, at ¶ 56-57

Apotex Inc v Abbott Laboratories, Ltd [2018 ONSC 7736](#) ¶ 18 Lederman J

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Apotex Inc v Abbott Laboratories, Ltd [2018 ONSC 5199](#) ¶ 28 Quigley J
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The Oakes Test: An Old Ghost Impeding Bold New Initiatives

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Dow Chemical Co v NOVA Chemicals Corp [2017 FC 350](#) ¶ 138 Fothergill J

Monetary Relief—Quantum in Dimock, Intellectual Property Disputes: Resolutions and Remedies (Toronto: Thomson Reuters, 2016)

Airbus Helicopters SAS v Bell Helicopter Textron Canada Limitée [2017 FC 170](#) Martineau J: Damages Calculations in Intellectual Property Cases in Canada, at ¶ 147, 235, 287; A Remedial Benefit-Based Approach to the Innocent-User Problem, at ¶ 172, 283, 286, 287; A New Framework for Determining Reasonable Royalties in Patent Litigation, at ¶ 281, 290, 304, 365

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 Patents and Patent Appeal Board)

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 World and Whirlpool in Light of Kirin-Amgen

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[Is overlooking a fact an error of principle?](#)
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Approach (Siebrasse)
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LaForest at the Supreme Court of Canada 1985-1997 (University of
Manitoba) (2000).
- and Catherine Walsh, A Comparison of the Uniform Land Security
Interests Act and the Proposed Land Security Act for the Province of
New Brunswick, 20 Nova Law Review 1133-1163 (invited) (1996).
- and John D. McLaughlin, Contestable Markets and the Optimal Breadth
of Copyright Protection for Works of Fact and Information, in
Proceedings of the 1994 National Center for Geographic Information
and Analysis Conference on Law and Information Policy for Spatial
Databases (NCGIA, University of Maine, 1995) 193-196.

SELECTED CONFERENCES, SEMINARS & PRESENTATIONS

Toronto IP Group, “Patent Potpourri,” 6 November 2019, Toronto
European Law Institute Annual Conference and Meetings, “Injunctions in
Patent Law: Trans-Atlantic Dialogues on Flexibility and Tailoring:
Canada Country Report,” 4-6 September 2019, Vienna, Austria
PatCon 9: The Annual Patent Conference, “Comparative Patent Scope,”
Switching Costs and Patent Holdup,” 5-6 April 2019, University of
Kansas School of Law, Lawrence, KS
Seoul National University, Asia-Pacific Law Institute & Center for Law and
Technology, “The Impact of the FRAND Declaration on Patent
Remedies,” 7 November 2018, Seoul, South Korea
PatCon 8: The Annual Patent Conference, “Switching Costs and Patent
Holdup,” 2-3 March 2018, University of San Diego School of Law, San

Diego, CA

PatCon 8: The Annual Patent Conference, “International Patent Remedies for Complex Products Chapter 4: Injunctions and Exclusionary Remedies,” 2-3 March 2018, University of San Diego School of Law, San Diego, CA

Intellectual Property Institute of Canada Advanced Series Webinar: “Interlocutory Injunctions: The Unicorns of Canadian Patent Law,” 10 November 2017, Montreal

Sixth Annual University of Toronto Patent Colloquium, Panelist, “Comity, Stare Decisis, and the Optimal Development of Patent Doctrine,” 3 November 2017, Toronto

American Law and Economics Association, Annual Meeting, “Switching Costs, Path Dependence, and Patent Holdup,” 11-12 May 2017, Boston, MA

PatCon 7: The Annual Patent Conference, “Injunctive Relief and the Willing Licensor,” 7-8 April, 2017, Northwestern University Pritzker School of Law, Chicago, IL

The International Patent Remedies for Complex Products (INPRECOMP) Project, 23-24 March, 2017 Phoenix, AZ, (Steering Committee Member)

Fifth Annual University of Toronto Patent Colloquium, Panelist, “Non-infringing Alternatives in Patent Remedies,” 4 November 2016, Toronto

The International Patent Remedies for Complex Products (INPRECOMP) Project, 27-28 October, 2016 London, UK (Steering Committee Member)

American Law and Economics Association, Annual Meeting, “The Value of the Standard,” 20-21 May 2016, Boston, MA

PatCon 6: The Annual Patent Conference, “Bottom-Up and Top-Down Approaches to FRAND Royalty Determinations,” 8-9 April, 2016, Boston, MA

Fordham IP Conference 2016, Speaker, “The Value of the Standard,” 30 March - 1 April, 2016, New York, NY

IEEE-SIIT 2015, The 9th International Conference on Standardization and Innovation in Information Technology, “Ex Post Shapley Pricing as the Solution Concept for Reasonable and Non-Discriminatory Royalties,” and “Standard Value Holdup” (with Prof Thomas Cotter), 6-8 October 2015, Sunnyvale CA

PatCon 5: The Annual Patent Conference, “Standard Value Hold-Up,” 10-11 April, 2015, University of Kansas School of Law, Lawrence, KS

Security Interests over Intellectual Property Rights, “Challenges related to

security interests over IP rights under the Canadian PPSA system,” 27 March 2015, London, UK

Annual Review of Insolvency Law, 12th Conference, Panelist, “Intellectually Challenging: Dealing with IP in Insolvency Cases” 6 February 2015, Toronto

Third Annual University of Toronto Patent Colloquium, Panelist, “Standards- Essential Patents: Enforcement Options with FRAND Terms,” 21 November 2014, Toronto

Public Citizen & American University Washington College of Law, “Secondary Use Pharmaceutical Patents: Litigation and Trade Policy Briefing,” 5 June 2014, Washington DC

PatCon 4: The Annual Patent Conference, “Compensation and Deterrence in Monetary Patent Remedies,” 4-5 April, 2014, University of San Diego School of Law, San Diego, CA

Second Annual University of Toronto Patent Colloquium, Panelist, “Views from the Top,” 22 November 2013, Toronto

IPIIC Webinar, US Supreme Court Decision *Association for Molecular Pathology v Myriad Genetics*, Panelist, 9 July 2013

International Economic Forum of the Americas, Conference of Montreal, 2013, Panelist, “Innovation: The Importance of Intellectual Property Protection,” 12 June 2013, Montreal

United Nations Ad Hoc Open-ended Informal Working Group to Study Issues Relating to the Conservation and Sustainable Use of Marine Biological Diversity Beyond Areas of National Jurisdiction (ABNJ Working Group), General Assembly Workshop on Marine Genetic Resources, Presentation on Panel 5, Intellectual Property Rights Issues, 2 -3 May 2013, New York

Patent Trolls, Canadian Bar Association, New Brunswick Branch, Continuing Legal Education, Saint John, NB, 25 April 2013

9th Shanghai International IP Forum, Keynote speaker, “The Capitalization and Commercialization of Intellectual Property Rights,” Shanghai, China, 9 November 2012

Business Method Patents and Patent Trolls, Consumer and Commercial Law Workshop, Halifax, NS, November 2012

Current Issues in Construction of a Patent, Panelist, 11 October 2012, Vancouver, Intellectual Property Institute of Canada, Annual General Meeting

Presentation to Standing Committee on Industry, Science and Technology of the House of Commons regarding the Intellectual Property Regime in Canada, October 4, 2012.

Comparative Intellectual Property Law Symposium – Utility

Requirements: Converging and Diverging Approaches, 4 April 2012, Ottawa, Panel Moderator, “Canada and the World” (AIPLA / IPIC / AIPPI / FICPI accredited)

Comparative Multidisciplinary Approaches to Intellectual Property Law, 23-25 May 2012, Ottawa, Presenter, “Evidentiary Problems of Multidisciplinarity in Litigation” (SSHRC funded)

Osgoode Professional Development Critical Case Update, 2 Feb 2012, “Business Methods and Patentable Subject Matter: Canada (A.G) v Amazon.com, Inc., Fed CA,” panelist (telephone seminar)

UNCITRAL [Working Group VI](#): Legislative Guide on Secured Transactions: Supplement on Security Rights in Intellectual Property (15th session, 27 April - 1 May 2009, New York; 16th session, 2-6 November 2009, Vienna; 17th session, 8-12 February 2010, New York), as member of Independent Film and Television Alliance delegation

Workshop on Marine Biodiversity Beyond National Jurisdiction, 28 March 2008, Ottawa, held by the Department of Foreign Affairs and International Trade

Roundtable on Human Genetic Materials, Intellectual Property and the Health Sector, held by the Canadian Biotechnology Advisory Committee, 12 January 2005, Toronto

Workshop on the Science and Technology-related Issues of the Development of a Canadian Policy for Access and Benefit Sharing of Genetic Resources, held by Biodiversity Convention Office of Environment Canada, 2 December 2004, Ottawa

Interlocutory Injunctions presented at the National Judicial Institute Federal Court Annual Education Seminar, 7-9 October 2009, Montreal, Quebec

Canadian Patent Law Related to Marker Assisted Breeding presented at Marine Iconic Species in the Genomics Era: Cod and Salmon, 28-29 May 2009, St Andrews, NB

An Agent-Based Computational Model of the Predatory State, CLEA 2008

The Implications of the Experimental Use Defence to Patent Infringement on Basic Research: A Comparative Perspective, presented at the Canadian Law and Economics Association Conference, 23-24 September 2005, Toronto, Ontario

Leveraging Knowledge Assets, presented at the Canadian Bar Association Intellectual Property Section Breakfast Meeting, 29 June, 2005

Farmers’ Privilege and the Patenting of Higher Life Forms, presented at the Genome Canada GE³LS Symposium 2004, 13-15 March 2005, Toronto

The Implications of the Experimental Use Defence to Patent Infringement

on Basic Research: A Comparative Perspective, presented at the Innogen Conference on the Evolution of the Life Science Industries, 23-25 February 2005, Edinburgh, Scotland

The Experimental Use Defence to Patent Infringement, presented at the University of Western Ontario Intellectual Property Workshop, January 2005, London, Ontario

Land Titles and Title Insurance: A Perfect Match? presented at the American Real Estate and Urban Economics Association 13th Annual International Conference, 29-31 July 2004

Obviousness in Biotechnology, presented at the Canadian Law and Economics Association Conference, September 19-20, 2003

Ideas and the Evolution of Efficient Behaviour, presented at the Canadian Law and Economics Association Conference, September 22-23, 2000

Are Legal Concepts Legal Fictions ? From Realism to Cognitive Psychology, presented at l'Université de Montréal as part of the Cycle de conférences 1999-2000, “Les fictions du droit” organized by the Centre de recherche en droit public et la Faculté de droit de l'Université de Montréal, November 1999

TEACHING RESPONSIBILITIES

Legal Ethics (2023)

Patent Law, 2018 – present (alternate years)

Competition and Trade Regulation, 2014 – 2017, 2019 – present (alternate years)

Intellectual Property Law, 1995-96 – present

Remedies, 2007 – present

Commercial Law, 1997-98 – present

Secured Transactions, 2003 – 2014

Real Estate Transactions, 1993-94 – 2001

Advanced Intellectual Property Law, 2000

Critical Approaches to Law, 1997-98 – 1998-1999

Legal Method, 1995-96, 1996-97

Municipal and Planning Law, 1993-94, 1994-95

PROFESSIONAL AND SCHOLARLY ACTIVITIES

IPIC (Intellectual Property Institute of Canada), Patent Committee 2019-
21

IPIC Life Sciences (Biotechnology) Patents Committee 2011 - 2019

IPIC Patent Legislation Committee 2012 - 2019

Canadian Business Law Journal, Editorial Advisory Board Member – Sept
2014 - 2018

IPIC Information, Communication & Technology Committee, 2014

IPIC Competition Committee 2012 - 2013, 2014 - 2018

IPIC Licensing Committee 2011 - 12

