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May 11, 2020

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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

—, Liability of Corporate Officers in Intellectual Property Law, Canadian
Business Law Journal (forthcoming)

Thomas F Cotter, Erik Hovenkamp & —, Demystifying Patent Holdup (2020) [76
Washington and Lee Law Review 1501-65](#)

—, Contributory Infringement in Canadian Law, Canadian Intellectual Property
Review (print forthcoming; [online](#))

- , Protection Extending Beyond the Language of the Claim: What does *Actavis v Lilly* Mean for Canadian Law? (Part II) (2019) 31 Intellectual Property Journal 267-309
- , Protection Extending Beyond the Language of the Claim: What does *Actavis v Lilly* Mean for Canadian Law? (Part I) (2019) 31 Intellectual Property Journal 217-265
- & Thomas F Cotter, The Value of the Standard, (2017) [101 Minnesota Law Review 1159-1246](#)
- & Thomas F Cotter, A New Framework for Determining Reasonable Royalties in Patent Litigation, (2016) [68 Florida Law Review 929-999](#)
- & Anthony Duggan, Intellectual Property Dealings and the PPSA: *Contech Enterprises Ltd v Vegherb, LLC.*, (2015) 28(1) Intellectual Property Journal 21-31 (invited publication)
- , Form and Function in the Law of Utility: A Reply to Gold & Shortt, (2015) [30\(2\) Canadian Intellectual Property Review 109-66](#)
- & Anthony Duggan, Protection of Creators' Rights in Insolvency, (2014) 26(3) Intellectual Property Journal 269-85
- Duggan, A & —, Disclaimer, Affirmation and Assignment of Intellectual Property Licences, (2014) 3 Journal of the Insolvency Institute of Canada 163-87.
- Duggan A & —, The Protection of Intellectual Property Licences in Insolvency: Lessons from the Nortel Case, (2015) [4 Penn St J L & Int'l Aff 2](#) & Annual Review of Insolvency Law 2014
- , 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)
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- , “Secondary” Evidence of Obviousness is Not Secondary, (2012) 28 Canadian Intellectual Property Review 279-87
- , Must the Factual Basis for Sound Prediction Be Disclosed in the Patent?, (2012) 28 Canadian Intellectual Property Review 39-80
- , 2011 in Review: Patent Law, (2012) 24 Intellectual Property Journal 119-32
- , Restricted application of ‘obvious to try’ (case note) (2012) 7(5) Journal of Intellectual Property Law & Practice 304-06

- , What is the State of the Art for the Purpose of an Obviousness Attack? ([2012](#)) [27 Canadian Intellectual Property Review 385-94](#)
- , *HGS v Lilly*: How Soon Is Too Soon to Patent? (2011) 24 Intellectual Property Journal 41-52
- , The Rule Against Abstract Claims: A Critical Perspective on US Jurisprudence, (2011) [27 Canadian Intellectual Property Review 3 - 30](#)
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- , The Structure of the Law of Patentable Subject Matter, (2011) [23 Intellectual Property Journal 169 - 204](#)
- , The Essential Elements Doctrine in Patent Infringement: Free World and Whirlpool in Light of *Kirin-Amgen*, (2011) 22 Intellectual Property Journal 223 - 250
- , Intellectual Property Protection for Higher Life Forms: Current Law and Policy Issues, (2010) 10 Integrated Assessment Journal 23 - 39
- , Interlocutory Injunctions and Irreparable Harm in the Federal Courts, (2010) 88 Canadian Bar Review 517 - 543
- , et al, Damages Calculations in Intellectual Property Cases in Canada, 24 Canadian Intellectual Property Review 153 - 188 (2008)
- , Alexander J Stack, and the Cole & Partners IP Litigation Support Group (Andrew Harington, Scott Davidson, William Dovey, and Stephen Cole), Accounting of Profits in Intellectual Property Cases in Canada, 24 Canadian Intellectual Property Review 83-136 (2008)
- , Liability of Public Authorities and Duties of Affirmative Action, 57 University of New Brunswick Law Review, 84-101 (2007)
- Craik, N, K Culver, and —, Genetically Modified Crops and Nuisance: Exploring the Role of Precaution in Private Law, 27(3) Bulletin of Science, Technology & Society 202-214 (June 2007)
- and K Culver, The Experimental Use Defence to Patent Infringement: A Comparative Assessment 56 University of Toronto Law Journal 333-369 (2006)
- , Patent Use, Intent and Remedy in Light of *Monsanto v Schmeiser* 22(1) Canadian Intellectual Property Review 453-494 (2005)
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- , The Innocent Bystander Problem in the Patenting of Higher Life Forms, 49(2) McGill Law Journal 349 - 392 (2004)

- , A Remedial Benefit-Based Approach to the Innocent User Problem in the Patenting of Higher Life Forms, 20(1) Canadian Intellectual Property Review 79-134 (2004)
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- , A Property Rights Theory of the Limits of Copyright, 51(1) University of Toronto Law Journal 1-61 (2001)
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- , Damages in Lieu of Specific Performance: *Semelhago v Paramadevan*, 76 Canadian Bar Review 551-568 (1998)
- , The Choice between Implied Warranty and Tort Liability for Recovery of Pure Economic Loss in “Contract-Torts”: A Comparison of Judicial and Private Ordering in the Real Property Market, 19 Dalhousie Law Journal 247-305 (1996)
- , The Doctrine of Conventional Lines, 44 University of New Brunswick Law Journal 229-262 (1995)
- , Third-party Beneficiaries in the Supreme Court: Categorization and the Interpretation of Ambiguous Contracts, 45 University of Toronto Law Journal 47-75 (1995)
- , Copyright in Facts and Information: *Feist Publications* is Not and Should Not be the Law in Canada, 11 Canadian Intellectual Property Review 191-202 (1994)
- , Economic Analysis of Economic Loss: Fault, Deterrence and Channelling of Losses in *CNR v Norsk Pacific Railway*, 20 Queen's Law Journal 1-56 (1994)
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- , The *Oakes* Test: An Old Ghost Impeding Bold New Initiatives, 23 Ottawa Law Review 99-137 (1991)
- , *Malette v Shulman*: The Requirement of Consent in Medical Emergencies, 34 McGill Law Journal 1080-98 (1989)

BOOKS

Biddle, Contreras, Love & — (eds), [Patent Remedies and Complex Products: Towards a Global Consensus](#) (Cambridge University Press, 2019)

BOOK CHAPTERS

- Thomas F Cotter, John M Golden, Oskar Liivak, Brian J Love, —, Masabumi Suzuki, and David O Taylor, Reasonable Royalties, in Biddle, Contreras, Love & — (eds), Patent Remedies and Complex Products: Towards a Global Consensus (Cambridge University Press, 2019), Chapter 1
- Christopher B Seaman, Thomas F Cotter, Brian J Love, —, and Masabumi Suzuki, Lost Profits and Disgorgement, in Biddle, Contreras, Love & — (eds), Patent Remedies and Complex Products: Towards a Global Consensus (Cambridge University Press, 2019), Chapter 2
- Colleen V Chien, Jorge L Contreras, Thomas F Cotter, Brian J Love, Christopher B Seaman, and —, Enhanced Damages, Litigation Cost Recovery, and Interest, in Biddle, Contreras, Love & — (eds), Patent Remedies and Complex Products: Towards a Global Consensus (Cambridge University Press, 2019), Chapter 3
- , Rafal Sikorski, Jorge L Contreras, Thomas F Cotter, John Golden, Sang Jo Jong, Brian J Love, and David O Taylor, Injunctive Relief, in Biddle, Contreras, Love & — (eds), Patent Remedies and Complex Products: Towards a Global Consensus (Cambridge University Press, 2019), Chapter 4
- Jorge L Contreras, Thomas F Cotter, Sang Jo Jong, Brian J Love, Nicolas Petit, Peter Picht, —, Rafal Sikorski, Masabumi Suzuki, and Jacques de Werra, The Effect of FRAND Commitments on Patent Remedies, in Biddle, Contreras, Love & — (eds), Patent Remedies and Complex Products: Towards a Global Consensus (Cambridge University Press, 2019), Chapter 5
- , Holdup, Holdout, and Royalty Stacking: A Review of the Literature, in Biddle, Contreras, Love & — (eds), Patent Remedies and Complex Products: Towards a Global Consensus (Cambridge University Press, 2019), Chapter 7
- & Thomas F Cotter, Judicially Determined FRAND Royalties, in Jorge L Contreras (ed), The Cambridge Handbook of Technical Standardization Law: Competition, Antitrust, and Patents (Cambridge University Press, 2017), Chapter 23
- Duff & Phelps Canada Ltd Financial Litigation Support Group, — & Alexander J Stack, “Monetary Relief—Quantum,” in Dimock, Intellectual Property Disputes: Resolutions and Remedies (Toronto: Thomson Reuters, 2016), Chapter 19
- , Canada Chapter, in Wolk & Szkalej (eds), The AIPPI Guide to Employees’ Intellectual Property Rights (2015, Kluwer Law International)
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JUDICIAL CITATIONS

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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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Appellate Courts

Apotex Inc v ADIR [2020 FCA 60](#) at ¶ 41: A Remedial Benefit-Based Approach to the Innocent User Problem

Hospira Healthcare Corporation v Kennedy Trust for Rheumatology Research [2020 FCA 30](#) at ¶ 53: Sufficient Description blog (“A Rule Without a Principle: Patentability of Methods of Medical Treatment” 19 January 2015)

Apotex Inc v Servier Canada Inc [2017 FCA 23](#) at ¶ 26, 27: A Remedial Benefit-Based Approach to the Innocent User Problem

Mylan Pharmaceuticals ULC v Eli Lilly Canada Inc [2016 FCA 119](#) at ¶ 44, 50: Sufficient Description blog (“Disagreement on Date for Assessing Obviousness-type Double Patenting,” 14 August 2015)

Gallagher v Gallagher [2016 NSCA 2](#) at ¶ 26: The Doctrine of Conventional Lines

Cobalt Pharmaceuticals Company v Bayer Inc [YAZ] [2015 FCA 116](#) at ¶ 101: Sufficient Description blog (“A Rule Without a Principle: Patentability of Methods of Medical Treatment” 19 January 2015)

Paradis Honey Ltd v Canada [2015 FCA 89](#) at ¶ 145: Liability of Public Authorities and Duties of Affirmative Action

Sanofi-Aventis v Apotex Inc [PLAVIX] [2013 FCA 186](#) concurring reasons of Gauthier JA at ¶ 132: Must the Factual Basis for Sound Prediction be Disclosed in the Patent?

Potash Corp of Saskatchewan Inc v Mosaic Potash Esterhazy Limited Partnership, [2011 SKCA 120](#) at ¶ 58: Interlocutory Injunctions and Irreparable Harm in the Federal Courts

Monsanto Canada Inc v Rivett, [2010 FCA 207](#), 325 DLR(4th) 107, 87 CPR(4th) 444 (CA) at ¶ 28 (derivative of *Schmeiser* SCC), 41: A Remedial Benefit-Based Approach to the Innocent User Problem

New Brunswick (Department of Natural Resources) v Aiken, [2009 NBCA 54](#), 348 NBR (2d) 169, 311 DLR (4th) 248 (CA) at ¶ 37: McKinney v Tobias 'Now you Own It, Now You Don't'

Fallowka v Royal Oak Ventures Inc, 2008 NWTCA 4 at ¶ 127, fn 209: Liability of Public Authorities and Duties of Affirmative Action

Durepos v Desjardins, 2006 NBCA 86, 303 NBR (2d) 224 at ¶ 21: The Doctrine of Conventional Lines

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*

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Parlee v McFarlane, (1999) 171 DLR (4th) 292, 210 NBR (2d) 284, 23 RPR (3d) 205 (CA) at ¶ 32: The Doctrine of Conventional Lines

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

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Apotex Inc v Abbott Laboratories, Ltd [2018 ONSC 5199](#) Quigley J: Sufficient Description blog (“Promise Doctrine Zombie Watch” series of posts) at ¶ 28

Canada Without Poverty v AG Canada, [2018 ONSC 4147](#) Morgan J: The Oakes Test: An Old Ghost Impeding Bold New Initiatives, at ¶ 65

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

Monetary Relief—Quantum, at ¶ 138

Airbus Helicopters S.A.S. 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

Eli Lilly Canada Inc v Apotex Inc [2015 FC 875](#) Gleason J at ¶ 127: Sufficient Description blog (“Date for Assessing Obviousness-Type Double Patenting Is Priority Date of Earlier Patent,” 23 January 2015)

Astrazeneca Canada Inc v Apotex Inc [NEXIUM] [2014 FC 638](#) Rennie J at ¶ 158 - 59: Must the Factual Basis for Sound Prediction be Disclosed in the Patent?

Merck & Co Inc v Apotex Inc [2013 FC 751](#) Snider J at ¶ 98 - 106: A Remedial Benefit-Based Approach to the Innocent-User Problem; Damages Calculations in Intellectual Property Cases in Canada

Re IGT Patent Application No 2,237,438 [Decision 1346](#) (Com’r of Patents and Patent Appeal Board): The Essential Elements Doctrine in Patent Infringement: Free World and Whirlpool in Light of Kirin-Amgen

Apotex Inc v H Lundbeck A/S (CIPRALEX) [2013 FC 192](#), 111 CPR(4th) 171 at ¶ 281: A Remedial Benefit-Based Approach to the Innocent-User Problem

Black v Norris [2012 NBBR 346](#) at ¶ 367, 419: McKinney v Tobias: Now You Own It, Now You Don't

Robichaud v Ellis, 2011 NSSC 86, 300 NSR (2d) 350 at ¶ 27, 36; The Doctrine of Conventional Lines

Monsanto Canada Inc v Rivett, [2009 FC 317](#) at ¶ 41 (derivative of *Schmeiser* SCC), 43, 45, 46, 48, 55: A Remedial Benefit-Based Approach to the Innocent-User Problem

McKinney v Tobias, 2006 NBQB 290, 306 NBR (2d) 282, 47 RPR (4th) 110 (QB) at ¶ 49, 50, 51, 55 - 57: Boundary Law under the New Brunswick Land Titles Act

Spraggs v Coldstream Court Resort (1966) Ltd, 2006 BCSC 37, 39 RPR (4th) 141 at ¶ 13: The Doctrine of Conventional Lines

John E Dodge Holdings Ltd v 805062 Ontario Ltd, (2001) 56 OR (3d) 341, 46 RPR (3d) 239 (SC) at ¶ 49, fn 9: Damages in Lieu of Specific Performance: *Semelhago v Paramadevan*

Robertson v Alberta (South Alberta Land Registration District), 2000 ABQB 1020 at ¶ 6: The Doctrine of Conventional Lines

Bérubé v Levesque, (1999) 211 NBR (2d) 373 (QB): Forced Sales Price in Dispositions Under a Power of Sale

Hager v ECW Press Ltd, [1999] 2 FC 287, 85 CPR (3d) 289 (FC) at ¶ 43, fn 9: Copyright in Facts and Information

Derivative citations

Appellate Courts

Wylie v McCarron [2020 NBCA 28](#) at ¶ 99 quoting *Parlee v McFarlane France Animation, sa c Robinson* 2011 QCCA 1361 at ¶ 197, quoting *Schmeiser*

Court of First Instance

Les Laboratoires Servier v Apotex Inc [2019 FC 616](#) at ¶ 238 quoting *Apotex Inc v Abbott Laboratories, Ltd*

Hospira Healthcare Corporation v Kennedy Trust for Rheumatology Research [2018 FC 259](#) at ¶ 145, quoting *Cobalt v Bayer*

Catalyst Capital Group Inc v Dundee Kilmer Developments Limited Partnership [2016 ONSC 7365](#) [Commercial List] at ¶ 96, quoting *Paradis Honey v Canada*

Groves v Onda 2016 NSSC 51, at ¶ 18 quoting *Robichaud v Ellis*

ADIR v Apotex Inc [2015 FC 721](#), at ¶ 103 quoting *Schmeiser SCC*, at ¶ 110 quoting *CIPRALEX*, at ¶ 120 quoting *Rivett FC*

CanMar Contracting Ltd v Labourers International Union of North America, Local 615 [2015 NSSC 36](#) at ¶ 12, quoting *Potash Corp SKCA*

Le v Cowessess TLE Holdings Inc [2013 SKQB 65](#) McMurtry J at ¶ 26, quoting *Potash Corp SKCA*

Roberge v 1102940 Alberta Ltd 2012 ABQB 717 at ¶ 93, quoting *Southcott SCC*

Mattress Mattress Inc v Mattress Mattress (Sask) Inc 2012 SKQB 159 at ¶ 13, quoting *Potash Corp SKCA*

Eurocopter v Bell Helicopter Textron Canada Limitée 2012 FC 113, 100 CPR(4th) 87 at ¶ 413, quoting *Schmeiser SCC*

Édutile Inc v Automobile Protection Assn [2000] 4 FC 195, 188 DLR (4th) 132, 6 CPR (4th) 211 (CA) at ¶ 8, quoting *Tele-Direct FCA*

Other jurisdictions

HTC Corp v Ericsson Inc Case 6:18-cv-00243-JRG, 2019 U.S. Dist. LEXIS 2872, 2019 WL 126980 (ED Tex): Judicially Determined FRAND Royalties

Desktop Marketing Systems Pty Ltd v Telstra Corporation Ltd [\[2002\] FCAFC 112](#) at ¶ 18: Copyright in Facts and Information

AWARDS AND RECOGNITION

University of New Brunswick Faculty of Law Teaching Excellence Award, 2017-18

University Research Professor, University of New Brunswick, July 2002 – June 2005

University of New Brunswick Merit Award, 2016-17

SELECTED REPORTS

Anthony Duggan and —, (2013) *The Treatment of Intellectual Property Rights in Insolvency*, for Industry Canada

Biotechnology Patents Committee, Intellectual Property Institute of Canada, Submission to Environment Canada responding to Discussion Document for the Further Development of a Federal Access and Benefit Sharing Policy, August 2014

Biotechnology Patents Committee, Intellectual Property Institute of Canada, Submission to CIPO regarding *Amazon.com* Practice Notice Public Consultation, April 2012

Biotechnology Patents Committee, Intellectual Property Institute of Canada, A Comparative Overview of Canadian, US and European Pharmaceutical Patent Systems, September 2012

Biotechnology Patents Committee, Intellectual Property Institute of Canada, Submission to the Department of Foreign Affairs and International Trade regarding WIPO Negotiations on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, June 2012

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— and Catherine Walsh, *Leveraging Knowledge Assets: Reducing Uncertainty*

for Security Interests in Intellectual Property, (2004) 98 pages, for the Law Commission of Canada

The Legal Requirements for the Business Registry System including a Draft Business Registry Act, (2001) 68 pages, for Service New Brunswick

Electronic Registration for the Real Property Registry, (2001) 28 pages, for Service New Brunswick

Internet Filing of International Fuel Tax Agreement Returns, (2000) 13 pages, for Service New Brunswick

Reform of POPA Tickets & Fine Collection/Enforcement, (2000) 15 pages, for Service New Brunswick

— and Catherine Walsh, Amendments Consequential to the Proposed Land Security Act, (1999) 73 pages, for Service New Brunswick

Legal Aspects of the Land Gazette including a Draft Land Gazette Act, (1999) 40 pages, for Service New Brunswick

Government Liability with Respect to Property Boundary Descriptions and the Duty of the Registrar under the Registry and Land Titles Acts (1998) 39 pages, for the New Brunswick Geographic Information Corporation

R MacKenzie, W MacLauchlan, G Post, —, and C Walsh, Legislative Reform and Related Institutional Strengthening: Jamaican Land Administration and Management Program (1998) 77 pages, for the Inter-American Development Bank. Primary responsibility for drafting of Part IV: Land Titling, Tenure and Adjudication and Part VI: Government Land Information: Pricing, Data Protection & Freedom of Information

Building Code Liability and Administration (1998) 67 pages, for The Ontario Ministry of Municipal Affairs and Housing, Housing Development and Buildings Branch

A Review of Secured Lending Theory (1997) 73 pages, for The World Bank

— and Catherine Walsh, Proposed Amendments to the New Brunswick Land Titles Act Relating to the Establishment of a Parcel Identifier Databank and Conversion to Land Titles (1997) 36 pages, for the New Brunswick Geographic Information Corporation

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— and R Dwight Hubley, A Marketable Title Act for New Brunswick (1996) 31 pages, for the New Brunswick Geographic Information Corporation

Proposed Amendments to the Assessment Act and Related Acts (1995) 26 pages, for the New Brunswick Geographic Information Corporation

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Risk Management in the Conversion to Land Titles (1994) 60 pages, for the New Brunswick Geographic Information Corporation

Surveyor's Copyright in Plans of Survey: Law and Policy (1993) 60 pages, for the New Brunswick Geographic Information Corporation

BLOGGING

Primary Blog

Siebrasse, [Sufficient Description](#): blog on current Canadian cases in patent law – Jan 2011 - present

Guest Blogging

[IPKat](#) (*European Intellectual Property Law*): guest blogger Jan - Jun 2012

[Friday fantasies](#) (Introducing me)

[Double Recovery in Transnational Patent Litigation](#)

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["Obvious to try" is obviously not obvious](#)

[A hint of a suggestion of a possibility of confusion](#)

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["\[T\]he issue of principle . . . is that there is no issue of principle."](#)

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[Comity and ex turpi causa: Servier v Apotex \[2012\] EWCA Civ 593](#)

[What one hand gives, the other takes away? A deeper look at Myriad Monday,](#)

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[The wrong tool for the wrong job: time to keep the US courts away from patentable subject matter?](#)

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Comparative Patent Remedies

[A Critique](#) of the Federal Circuit's Recent Decision in *Aqua Shield v Inter Pool Cover Team*

- Judge Davis's [Damages Calculation in CSIRO v Cisco](#)
- [Astrazeneca AB v Apotex Corp.](#): U.S. District Court Awards Drug Company \$76 Million in Patent Infringement Damages
- [Comments on Sidak, Part 4](#): Closing Thoughts (Cotter and Siebrasse)
- [Comments on Sidak Part 2](#): The Ex Ante Contingent Incremental Value Approach (Siebrasse)
- [Comments on Sidak, Part 1](#): The Ex Ante Incremental Approach (Siebrasse)
- [Antitrust & Competition Policy Blog](#),
- [Online Symposium](#) on Professor Thomas Cotter, "Comparative Patent Remedies: A Legal and Economic Analysis," April 30 2013

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- , *Forced Sales Price in Dispositions Under a Power of Sale*, *Solicitor's Journal*, Fall 1996
- , *Educative Formalism: A Comparison of the Private Law Jurisprudence of Justices La Forest and McLachlin in Johnson, et al eds., Gerard V 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

IPIC 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 Multidisciplinary 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; 16 th session, 2-6 November 2009, Vienna; 17 th 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

Patent Law, 2018 – present

Competition and Trade Regulation, 2014 – 2017. 2019 – present

Intellectual Property Law, 1995-96 – present

Remedies, 2007 - 2019

Secured Transactions, 2003 – 2014

Commercial Law, 1997-98 – present

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

