



## Fiona Legere

### Associée

Toronto

[flegere@mccarthy.ca](mailto:flegere@mccarthy.ca)

t. +1 416 601-8134

### Admission au barreau

Ontario 2011

### Faculté de droit

Osgoode Hall Law School

### Domaines de pratique

Litige et résolution des différends

Litige en propriété intellectuelle

Propriété intellectuelle

### Secteurs d'activité

Industrie pharmaceutique

Santé

Fiona Legere is a partner in McCarthy Tétrault LLP's Toronto Litigation group and co-lead of the firm's National Pharmaceutical Industry Group. Fiona's intellectual property practice involves litigation and strategic advice in the areas of patent and *Patented Medicines (Notice of Compliance)* proceedings, as well as regulatory, trademark and copyright matters. She maintains a significant trial and appellate litigation practice, with a focus on complex commercial litigation almost exclusively in the area of intellectual property.

Fiona is a trusted advisor to a number of the world's largest pharmaceutical companies. Fiona has worked extensively with pharmaceutical companies on patent strategy, regulatory and commercial cases. She has had years of experience acting alongside in-house counsel for a major pharmaceutical company, and this unique client-side perspective allows her to deliver practical advice for clients with an understanding of their internal realities. Known for her highly personable and practical approach, Fiona has managed and coordinated multi-jurisdictional patent enforcement actions.

Fiona also advises global telecommunication companies on patent matters. She successfully acted as counsel in the first NPE (non-practicing entity) telecommunication patent case in Canada. Fiona provides strategic pre-litigation advice to clients on how to effectively deal with NPEs.

In addition to counseling on a range of patent, trademark and copyright issues, Fiona is depended on to negotiate complex strategic settlements and business agreements, with an eye to positive business and litigation outcomes.

Fiona has a record of success in many significant cases before the Ontario Superior Court, Ontario Court of Appeal, the Federal Court of Canada, and the Federal Court of Appeal.

Some of her recent notable experiences include representing:

- **EMD Serono** and **Merck Serono** in ongoing patent litigation involving the drug, MAVENCLAD (cladribine).

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- **Regeneron** and **Bayer** in several ongoing patent infringement actions involving the blockbuster drug, EYLEA (afibercept).
- **AbbVie** in several ongoing patent infringement actions involving the blockbuster drug, HUMIRA (adalimumab). AbbVie was successful in finding that the formulation patent was valid and infringed. *AbbVie Corporation v Jamp Pharma Corporation*, 2023 FC 1520.
- **Merck** in a patent impeachment trial against Pfizer related to a pneumococcal conjugate vaccine (V114). Merck successfully cleared the path to launch its V114 vaccine in Canada. *Merck v Wyeth*, 2021 FC 317.
- **Bell Canada** and **TELUS** in a patent infringement trial involving their IPTV systems against Rovi. The Court dismissed Rovi's case and found all four asserted patents to be invalid. *Rovi Guides et al v. Bell Canada and TELUS*, 2022 FC 1388.
- **Bell Canada** in a trademark infringement lawsuit involving Bell's FIBE trademark.
- **Bell Canada, TELUS and Rogers** in a patent infringement action commenced by TracBeam involving wireless telecommunication services.
- **Bell Canada** in a patent infringement trial relating to FIBE TV against Mediatube. The Court dismissed Mediatube's case and found the patent to be not infringed. *Mediatube v. Bell Canada*, 2017 FC 6 (aff'd 2019 FCA 176).

Fiona obtained a B.Sc. with Distinction in Biochemistry from the University of Western Ontario in 2006. She obtained a J.D. from the Osgoode Hall Law School in 2010 and was called to the Ontario bar in 2011. After law school, Fiona clerked at the Federal Court for Justices Snider, Crampton and Boivin.

Fiona is a member of the American Intellectual Property Law Association (AIPLA), the Intellectual Property Institute of Canada (IPIC), the Law Society of Ontario (LSO), the Ontario Bar Association (OBA) and the Canadian Bar Association (CBA).

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## Prix et distinctions

### Chambers Canada

Leading Lawyer: Intellectual Property: Litigation

### The Legal 500

Next Generation Partner: Intellectual Property

### The Canadian Legal Lexpert Directory

Leading Lawyer: Litigation - Intellectual Property

### Lexpert Special Edition: Technology & Health Sciences

Leading Lawyer

### Lexpert Rising Star 2023

Leading Lawyers Under 40

### Benchmark Litigation Canada

Litigation Star: Intellectual Property

### Benchmark Litigation Canada

40 & Under

### Managing Intellectual Property: IP Stars

Patent Star

### Who's Who Legal: Canada

Leading Lawyer: Patents

### Intellectual Asset Management (IAM) Patent 1000

Leading Lawyer: Patent Litigation

### Managing Intellectual Property Magazine - 2015

Patent Contentious Team of the Year, Canada

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## Managing Intellectual Property Magazine - 2015

Milestone Case of the Year, Canada - Representing Abbvie Corporation and others in Canada's first patent infringement trial relating to biologics

**She is a superstar and a powerhouse.**

— CHAMBERS REVIEW

**Fiona is a seasoned litigator and has great, practical suggestions.**

**She provides fresh and valuable advice.**

— CHAMBERS REVIEW