



# Steven Tanner

## Associé

Toronto

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

t. +1 416-601-8193

## Admission au barreau

Ontario 2006

## Faculté de droit

University of Toronto

## Domaines de pratique

Litige en propriété intellectuelle

Propriété intellectuelle

## Secteurs d'activité

Industrie pharmaceutique

Pétrole et gaz

Communications

*Disponible en anglais seulement*

Steven is a partner in our Intellectual Property Litigation Group, Toronto Lead for the Abilities Action Group, and adjunct professor at Osgoode Hall Law School. With a focus on patent litigation, he represents clients in a broad range of sectors with a focus on the pharmaceutical, oil and gas, and telecommunication sectors. He appears frequently in the Federal Court and Federal Court of Appeal, primarily in patent disputes.

In 2023, Steven's patent litigation experience included:

- Co-lead for Allergan's successful patent infringement action against Juno in respect of the drug LUMIGAN RC<sup>®</sup> [[2023 FC 1686](#)].
- Co-lead for Lilly's appeal to the Federal Court of Appeal in respect of the drug CIALIS<sup>®</sup> [[2023 FCA 125](#)].
- Co-lead for Enbridge's successful defence against a patent infringement action in respect of pipeline pigging technology [T-1268-22].

As Co-Lead of McCarthy Tétrault's Oil and Gas Patent Litigation practice, Steven has led successful and significant oil and gas patent litigation mandates, including recent high profile mandates:

- **MEG Energy:** This patent infringement action involved a patent that allegedly claimed an improved method of practicing SAGD to recover bitumen from oil sands. The Plaintiffs claimed over a billion dollars in the action and sought an injunction. Steven helped lead MEG Energy's defence, which resulted in the Federal Court invalidating every asserted claim and issuing a declaration of non-infringement [[2021 FC 10](#)]. Steven co-led MEG Energy's appeal which resulted in a complete dismissal and costs to MEG Energy in excess of half a million dollars [[2022 FCA 118](#)].
- **Aux Sable:** This patent impeachment action related to an alleged improved method of transporting natural gas by pipeline. Steven helped lead Aux Sable's claim and obtained an order invalidating key claims of JL Energy's patent [[2019 FC 581](#)].

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- **Enbridge:** The Plaintiff brought an action for patent infringement and various other forms of relief relating to monitoring systems. Steven successfully led Enbridge's defence, which resulted in the action being struck before Enbridge was required to plead in response [2019 FC 504]

Additionally, Steven has led or helped lead numerous actions and applications for innovative pharmaceutical companies. A selection of Steven's mandates in this sector includes:

- **Allergan:** This patent infringement action involved patents to crystal forms and formulations containing the medicine silodosin (RAPAFLO®) for the treatment of BPH. Steven helped lead Allergan's action which resulted in the Federal Court upholding the validity of Allergan's 002 Patent [[2020 FC 1189](#)]
- **Sunovion:** Steven helped lead patent infringement actions against Pharmascience [T-315-20], JAMP [T-891-20] and Taro [T-671-20] relating to multiple patents to Sunovion's drug LATUDA®, which treats schizophrenia and bipolar disorder.
- **Allergan:** Steven helped lead Allergan's successful efforts to obtain a preliminary injunction to prevent Apotex from launching its generic version of Allergan's cosmetic drug LATISSE® [CV-12-459810]
- **Allergan:** Steven successfully led Allergan's infringement actions relating to its drugs ALPHAGAN® P (0.15%) and ASACOL 800® [T-503-18 and T-1098-15]
- **AbbVie:** Steven helped lead Allergan's successful efforts to judicially review the Commissioner's decision not to issue a patent in relation to AbbVie's blockbuster drug, HUMIRA® [[2014 FC 1251](#)]

Steven has helped lead numerous actions in the telecommunications sector. He has successfully defended Bell Canada, TELUS, Ericsson and MediaKind in patent infringement actions relating to (Internet Protocol television) [[2022 FC 1388](#), T-809-14, T-1184-21].

Steven has been an active teacher and mentor throughout his career. Steven is an adjunct professor at Osgoode Hall Law School. For many years, Steven taught the patent section of Osgoode Hall's survey course on intellectual property. In 2024, Steven will be teaching "Litigating Intellectual Property Cases". Steven has also led the firm's sponsorship of the Fox IP

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Moot and has been a guest Judge for many years.

In 2024, Steven became the Toronto Lead for the Abilities Action Group. The Abilities Action Group is part of the firm's innovative [Inclusion Now](#) program and focuses on supporting mental health and accessibility. Steven has been a leader for these initiatives for year, including supporting mental health "peer panels", suicide prevention, Bell Let's Talk, and CAMH initiatives.

In his spare time, Steven has competed in numerous triathlons at the sprint, Olympic, IRONMAN 70.3, and IRONMAN distances. In the past few years, he joined a team of lawyers from the firm to participate in and raise money for the Enbridge Ride to Conquer Cancer. Steven is working to complete the Abbott World Marathon Majors.

Steven is also an avid guitar player. He regularly joins forces with fellow members of the firm (and alumni) as "Chambers Band One" which plays at firm charitable events and special occasions.

Steven received his Honours Co-operative Biochemistry (Biotechnology option) BSc from the University of Waterloo in 2001 and his JD from the University of Toronto Faculty of Law in 2005.

## Prix et distinctions

### Chambers Global

Leading Lawyer - Intellectual Property: Litigation - Canada

### Chambers Canada

Leading Lawyer - Intellectual Property: Litigation

### Intellectual Asset Management (IAM) Patent 1000

Litigation: Gold

### Managing Intellectual Property: IP Stars

Patent Star

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## Managing IP - 2013-2015

Patent Contentious Team of the Year - Canada

## Managing IP - 2015

Milestone Case of the Year - Canada

## Mandats récents

- **Allergan, Inc. et Corporation AbbVie ont obtenu gain de cause dans le litige en propriété intellectuelle, Allergan, Inc. v. Juno Pharmaceuticals Corp., 2023 FC 1686**

18 décembre 2023

## Publications récentes

- **Mining in the Courts, Vol. XIV**

5 mars 2024

- **Mining in the Courts, Vol. XIII**

23 mars 2023

- **Mining in the Courts, Vol. XII**

1 avril 2022