



# Representative Legal Matters

William (Bill) Richardson

## Arbitrations

- Acted on behalf of a biotech start-up as a claimant against a private equity investor who breached an investment agreement to fund a Phase 2 clinical trial for a novel compound. Arbitrated before a single arbitrator under domestic arbitration legislation. Successful in obtaining an award equal to the PE investor's committed investment.
- Acted for a Norwegian based clinical stage biotech, as claimant, in an International Commercial Arbitration before a three person panel against the licensor of a key compound, seeking a declaration confirming our client's interpretation of the License Agreement. Successful. Value of claim USD 1 billion.

## Patent Litigation - three "Case of the Year"

- Defended the world's largest oil and gas company in two significant patent infringement actions in Canada involving automotive lubricants, resulting in a successful resolution of the patentee's claim for \$1B in damages.
- Successfully represented the patent holder, one of the world's largest multinational consumer goods companies, against its most significant global competitor, involving patented break-through technology, resulting in a finding of infringement for 17 years and upholding the validity of the patent.
- Represented a multinational brand pharmaceutical company in a landmark patent infringement action against Canada's largest generic drug manufacturer, successfully upholding the patent's validity after a 16-week trial and resulting in one of the largest damages awards in Canadian patent litigation history.

## Other Patent Litigation Matters

- Defeated a generic manufacturer's claim for damages under Section 8 of the Patented Medicines (Notice of Compliance) Regulations.
- Represented a multinational brand pharmaceutical company in defense of a claim for damages allegedly caused by mis-labelling of an OTC product. Claim dismissed.
- Counsel to a multinational brand pharmaceutical company in proceedings under the Patented Medicines (Notice of Compliance) Regulations against multiple Canadian generic drug manufacturers involving patents covering a leading antibiotic. Obtained an order prohibiting market entry until patent expiry.
- Successfully represented a multinational brand pharmaceutical company in patent infringement proceedings involving a 'block buster' anti-hypertensive medication against



Canada's largest generic drug manufacturer. Successful in having Health Canada repeal the generic's market authorization.

### **Representative Trademark litigation matters**

- Represented several major multinational consumer brand companies in trademark cases before the Federal Court, the Ontario Superior Court, as well as the Trademarks Office involving consumer goods, food and beverages, personal goods (e.g., mouthwash), apparel, etc.

### **Representative copyright litigation matters**

- Counsel to the Canadian Broadcasting Corp. in the first class action for copyright infringement in Canada brought by the CMRRA, a copyright collective representing music publishers in Canada. CMRRA alleged CBC infringed copyright in music each time any music was broadcast during news reporting. We defended the Claim on the basis of the defence of fair dealing and a novel defence of "news reporting". Ultimately, we were successful in knocking out the entire claim.
- Represented the world's largest online media monitoring service after a consolidated claim was launched against them by a consortium of Canada's largest newspaper publishers, alleging copyright infringement of the newspaper's articles and headlines by scraping the publishers' websites and reproducing the headlines in media monitoring reports to clients. Claim discontinued by majority of publishers' following our motion for judgment.
- Represented copyright owner in an action in damages for copyright infringement of software source code. Our client alleged that the defendants had reverse engineered the computer program and covertly "rewrote" the code by reorganizing the original source code. Schedule for a 30 day bench trial, the case settled on the eve of trial in favor of our client.
- Represented an international consortium of art publishers in a claim of copyright infringement against an organized 'black-market' syndicate in Canada who distributed and sold copies of the clients' artwork through street vendors across Canada. Successfully obtained an Anton Pillar order and shut down the syndicate.
- Acted for a consortium of international music publishers, including EMI and others, to shut down a network of businesses that distributed and sold infringing CDs. Successfully obtained an Anton Pillar order which we enforced with the assistance of the police to shut down the infringers.
- Engaged by a Canadian copyright collective that represents Canadian Publishers, to shut down a string of 'photocopy shops' that were selling infringing copies of academic text books. Successfully obtained and enforced an Anton Pillar order against infringers, shutting down their businesses.
- Acted for a Canadian author and publisher against a private college for infringement of text books, teachers' guides, student work books and related materials. Obtained a permanent injunction, an order for delivery up and destruction, and monetary damages.