

# Frank Tosto

## Senior Counsel

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Intellectual Property Litigation
Government Procurement
Commercial Litigation
Defamation & Media Law
Contract Disputes
Defence & National Security
Indigenous Power

Frank focuses his practice primarily on intellectual property litigation and directors' and officers' liability.

Frank litigates patent, trade secret, industrial design, trademark, and copyright matters, including several "Bet-the-Company" actions. He also has extensive experience in public procurement including arbitrations under the New West Partnership Trade Agreement in addition to judicial reviews of complex public procurements.

Frank has appeared at all levels of court throughout Canada — including acting as counsel in numerous motions and trials in the Ontario Superior Court of Justice, Alberta Court of Queen's Bench, and Federal Court of Canada.

## Experience

- Represented both plaintiffs and defendants in "Bet-the-Company" patent and trade secret litigation concerning well-servicing equipment.
- Obtained an Order striking the Statement of Claim in a patent infringement computer software case concerning drones which service the defence industry.
- Represented corporation in a trademark dispute concerning a national advertising campaign.
- Represented U.S. Corporation in trademark and passing-off dispute permitting company to enter the Canadian marketplace.
- Obtained copyright protection for marine seismic data.
- Litigated case which determined the test for authorship of computer software programs in Canada.

- Obtained an *ex parte* interlocutory injunction requiring any and all persons or other legal entities appearing to be in control of client's domain name, website and email hosting account and a company's social media accounts (including but not limited to, its Twitter and LinkedIn accounts) to allow the client to change the username and passwords without the rogue's authorization.
- Obtained an *ex parte* injunction shutting down a foreign website.
- Conducted an 18-month trial concerning defective cement and associated insurance coverage issues.
- Represented insurers in significant directors' matter including third-party liability and insurance coverage issues.
- Represented private school in high-profile Fatality Inquiries Act matter.
- Represented radiological technician in medical malpractice matter.
- Represented defendants in litigation concerning the medication Ephedrine.
- Represented both plaintiffs and defendants in high-profile defamation law suits.
- Represented defendant concerning the electrical remediation of a high-rise building.
- Conducted several procurement matters including an arbitration under the New West Partnership Trade Agreement.

## Insights & Events

- Author, "Protecting confidential information in the remote working environment", BLG Article, May 2020

## Beyond Our Walls

### Professional Involvement

- Member, Law Society of Alberta
- Former Member, Law Society of Ontario (2017-2024)
- Member, Canadian Bar Association
- Associate, Intellectual Property Institute of Canada (IPIC)

## Awards & Recognition

- Recognized in the 2027 edition of *The Best Lawyers in Canada* (Corporate and Commercial Litigation) and since 2018 (Intellectual Property Law).
- Recognized in the 2026 edition of *The Canadian Legal Lexpert Directory* (Intellectual Property).
- Recognized in the 2026 edition of *Lexpert Special Edition: Technology*
- Recognized in the 2026 edition of *Lexpert Special Edition: Health Sciences*

## Bar Admission & Education

- Ontario, 1997
- Alberta, 2004

- LLB, University of Windsor, 1993
- JD, University of Detroit, 1993

- Intellectual Property Law Institute, University of Windsor, 1993

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