



Beverley Moore

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[Intellectual Property Litigation](#)

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Beverley is national leader of BLG's Intellectual Property Litigation Group. She practises in all areas of intellectual property litigation, with a focus on complex patent litigation and actions under the Patented Medicines (Notice of Compliance) Regulations.

Beverley also advises clients on patent portfolio management, including how to navigate IP regulatory issues such as listing patents on the Patent Register, and reporting patents to the Patented Medicines Prices Review Board, Certificates of Supplementary Protection, and the Register of Innovative Drugs as it relates to data protection. In addition, Beverley advises on patentability, validity, and freedom-to-operate issues, and aids in the prosecution of patent applications in Canada.

Beverley advises on Access to Information requests, in particular those made to Health Canada by pharmaceutical clients.

Beverley consulted on the implementation and application of the intellectual property provisions of the Comprehensive Economic and Trade Agreement (CETA) between Canada and the European Union and has also advised on the United States-Mexico-Canada Agreement (USMCA).

Beverley has advocated before the Federal Court and Federal Court of Appeal, as well as the Patented Medicine Prices Review Board. Beverley is one of the co-vice chairs of IPO's Pharmaceutical and Biotechnology Committee and chairs that group's Drug Pricing Subcommittee. Beverley also serves on the BLG's Thought Leadership Committee and mentors several of the firm's students and associates.

Experience

- **Counsel for innovative companies asserting validity and infringement of patents** during proceedings brought pursuant to the *NOC Regulations*.
- **Counsel for innovative companies challenging and judicially reviewing the Minister of Health's refusal** to list patents on the Patent Register.
- **Counsel for innovative companies defending generic companies' claims for damages pursuant to s. 8** of the *NOC Regulations*.
- Counsel for innovative companies in patent infringement and validity proceedings involving claims to **compounds, formulations and uses of drugs and the processes to make them**.
- Advising clients on **patent portfolio issues relating to data protection**, listing patents on the Patent Register and reporting to the Patented Medicines Prices Review Board.
- Preparing **freedom-to-operate, infringement and validity opinions** with respect to intellectual property matters.
- **Counsel for clients seeking leave to intervene and intervening in proceedings before the Supreme Court** of Canada.
- Counsel for clients seeking leave to intervene and intervening in proceedings before the Patented Medicines Prices Review Board.

Insights & Events

- SCC provides clarity on accounting of profits remedy in patent infringement, BLG Article, November 2022
- Navigating new excess claims fees and double patenting risk in Canadian patent prosecution: The devil and the deep blue sea, BLG Article, September 2022
- NOC Regulations do not apply to biosimilars when reference products are not marketed, BLG Article, August 2022
- Supreme Court confirms that making copyrighted works available online is not a stand-alone interest, BLG Article, July 2022
- Innovative pharmaceutical companies need to be aware of the Competition Act , BLG Article, July 2022
- World IP Day: A primer on Canadian intellectual property rights, BLG Article, April 2022
- 2030 Emissions reduction plan and Canada's journey to net zero, BLG Article, April 2022
- Intellectual property highlights in the Federal Budget 2022, BLG Article, April 2022
- Greening up Canadian patent rights by expediting green technologies, BLG Article, April 2022
- New prior user rights provision in the Patent Act: first judicial consideration, BLG Article, January 2022
- Trade secrets: The unsung hero of IP strategy, BLG Article, January 2022
- Regulatory context for patented pharmaceuticals and biotechnology drugs in Canada, BLG Article, December 2021
- Scope of patent agent privilege provided by new section 16.1 considered by Court, BLG Article, December 2021
- Protecting intellectual property: IP enforcement as part of a commercial strategy, BLG Article, October 2021
- Section 53.1 of the Patent Act – An update on the Canadian version of file wrapper estoppel , BLG Article, June 2021
- Patent validity challenges in Canada, BLG Article, June 2021
- FCA allows defendant to amend pleadings to allege grounds of invalidity not in NOA, BLG Article, June 2021

- Intellectual property and your business: What you need to know, BLG Article, April 2021
- Federal Court of Appeal interprets CSP regulations and denies patent term restoration, BLG Article, April 2021
- FCA provides much needed clarification on obviousness and anticipation , BLG Article, March 2021
- Ontario Superior Court dismisses Apotex's claims for damages under Statutes of Monopolies, BLG Article, March 2021
- Pharmaceutical and Biotechnology Litigation in the Federal Court of Canada, BLG Article, December 2020
- Federal Court of Appeal clarifies standard for granting leave in NOC cases, BLG Article, December 2020
- IP litigation in Canada, BLG Article, July 2020
- Co-lecturer, "Biotechnology and Pharmaceutical Patents," "Understanding Patents" course as part of the IPIC/McGill Summer Courses in Intellectual Property, July 2020

Beyond Our Walls

Professional Involvement

- Vice Co-Chair, Intellectual Property Owners Association (IPO), Pharmaceutical & Biotechnology Issues Committee
- Member, Intellectual Property Institute of Canada (IPIC), IPIC Editorial Board for the Canadian Intellectual Property Review, IPIC Competition Law
- Director, "Understanding Patents" course as part of the IPIC/McGill Summer Courses in Intellectual Property, 2020-2021
- Assistant Director, "Understanding Patents" course as part of the IPIC/McGill Summer Courses in Intellectual Property, 2018-2020
- Member, Canadian Bar Association (CBA), Court Practice Committee
- Member, Advocate's Society
- Member, County of Carleton Law Association
- Member, BIOTECanada's Health Advisory Board and Subsequent Entry Biologics Task Force
- Member, Chiefs in Intellectual Property (ChIPs)

Awards & Recognitions

- Recognized in the 2023 edition (and since 2019) of *The Best Lawyers in Canada*® (Intellectual Property Law) and in 2020 (Biotechnology).
- Recognized in the 2022 edition of *Lexpert Special Edition: Technology & Health Sciences*.
- Selected by peers for inclusion in the 2022 edition of *Canadian Legal Lexpert Directory*® (Life Sciences & Health [since 2019]; Intellectual Property [since 2019]; and Litigation – Intellectual Property [since 2020]).
- Recognized in the 2022 edition (and since 2021) of *Who's Who Legal Canada - Life Sciences*.
- Recognized in the 2021 edition of *Lexpert Special Edition: Health Sciences*.
- Recognized in the 2021 edition of *Lexpert Special Edition: Technology*.
- Recognized in the 2020 - 2022 editions of *Managing Intellectual Property's IP Stars (Patent)*.

Bar Admission & Education

- Ontario, 2003
- LLB, Queen's University, 2002
- MSc, Biochemistry, Queen's University, 2000
- BSc (Hons.), Biochemistry, Queen's University, 1997

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As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

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