



Joshua W. Spicer
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Experience

Josh Spicer is a partner in Bereskin & Parr LLP's litigation group. His practice focuses on patent and technology related litigation and disputes over trademark rights, copyright and trade secrets. Josh has significant experience acting as trial counsel in high value, patent infringement proceedings in the Federal Court and Federal Court of Appeal. He represents a diverse portfolio of clients ranging from individual inventors to large multinational corporations. Josh has been recognized in *Best Lawyers* for Intellectual Property Law since 2019.

Josh acts for plaintiffs and defendants in a wide range of technologies. He has particular experience in litigation relating to oilfield services, polymer science, telecommunications, pharmaceuticals and mechanical equipment. Josh's practice involves litigating cases in both liability and assessment of damages phases of proceedings.

In addition to his role as litigation counsel, Josh provides strategic advice to clients in assessing their intellectual property rights and potential risks faced by clients in view of rights held by others.

Josh has a degree in chemical engineering from McGill University and worked in the Canadian offshore oil industry before attending law school at the University of British Columbia. In his spare time, Josh volunteers as an adaptive alpine ski instructor with the Ontario Track 3 Ski Association and is an avid road cyclist.

Representative trial and appellate level decisions include:

- *Janssen-Ortho Inc v Novopharm Ltd*, 2006 FC 1234
<http://canlii.ca/t/1psh3>
- *Novopharm Limited v Janssen-Ortho Inc*, 2007 FCA 217
<http://canlii.ca/t/1rr1z>
- *Janssen-Ortho Inc v Apotex Inc*, 2008 FC 744
<http://canlii.ca/t/1xmj0>
- *Market Traders Institute Inc v Mahmood*, 2008 CanLII 65770 (ON SC) <http://canlii.ca/t/21w56>

Practice Groups

Artificial Intelligence (AI)
Cannabis
Chemical
Dispute Resolution
Litigation
Mechanical & Industrial Processes
Patents

Education

LL.B., University of British Columbia, 2003
B.Eng. (Chem. Eng.), McGill University, 1999

Qualifications

Admitted to the Ontario Bar, 2004

Professional Memberships

Intellectual Property Institute of Canada (IPIC), Associate
Law Society of Ontario (LSO)
The Advocates' Society
Toronto Intellectual Property Group (TIPG)
Toronto Lawyers Association



- *Weatherford Canada Ltd v Corlac Inc*, 2010 FC 602
<http://canlii.ca/t/2b1xt>
- *Glaston Services Ltd Oy v Horizon Glass & Mirror Ltd*, 2010 FC 1191 <http://canlii.ca/t/2dq0l>
- *Halliburton Energy Services, Inc v BJ Services Company* (15 November 2010), Federal T-1969-08 (FC)
- *Dow Chemical Company v NOVA Chemicals Corporation*, 2014 FC 844 <http://canlii.ca/t/gdrm1>
- *Nova Chemicals Corporation v Dow Chemical Company*, 2016 FCA 216 <http://canlii.ca/t/gvl21>
- *Mediatube Corp v Bell Canada*, 2017 FC 6 <http://canlii.ca/t/gwtf1>
- *Packers Plus Energy Services Inc v Essential Energy Services Ltd*, 2017 FC 1111 <http://canlii.ca/t/hp6wx>

Recent Articles

- Form II: Anticipation and Obviousness of Crystal Form Patents in the Federal Court of Canada
- Form I: Crystal Form Patents in the Federal Court of Canada – A Review of Case Law on Claims Construction and Selection Patents
- Federal Court Rules that Patent Agent Privilege Does Not Apply to Freedom to Operate Opinions
- Federal Court of Appeal Affirms Award of Damages for Compound Interest that “Would Have” and “Could Have” Been Earned in Patent Infringement Litigation Involving Cefaclor
- “Potential” For Inconsistent Results Supports Staying Re-Examination of MS Drug Patent

Accolades

- Bereskin & Parr Partners Listed in 2023 Best Lawyers in Canada
- Bereskin & Parr Recognized in IAM Patent 1000 2022
- Bereskin & Parr recognized in Benchmark Litigation 2022
- 25 Bereskin & Parr Lawyers Listed in 2022 Best Lawyers in Canada
- Bereskin & Parr Recognized in IAM Patent 1000 2021