



## Beverley Moore

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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 and trademark disputes. Beverley also has significant experience with actions brought under the **Patented Medicines (Notice of Compliance) Regulations**.

Beverley represents clients in a multitude of sectors including life sciences, technology, gaming and mining for patent litigation. She is also interested in the intersection of IP with artificial intelligence and the metaverse as well as other emerging technologies.

Beverley regularly provides strategic advice to clients in all sectors on patent portfolio management and trade secrets. She works closely with [BLG's Beyond IP Strategy group](#), bringing her litigation expertise to their unique services. In addition, Beverley advises on patentability, validity and freedom-to-operate issues, and aids in the prosecution of patent applications in Canada.

Having worked with life sciences and biotechnology companies throughout her career, Beverley uses that experience to provide strategic advice on navigating Canada's IP regulatory issues including listing patents on the Patent Register, 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 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 advised on the United States-Mexico-Canada Agreement (USMCA).

Beverley has advocated before the Federal Court and Federal Court of Appeal, the Patent Appeal Board and the Patented Medicine Prices Review Board.

Throughout her career, Beverley has been very active in the legal profession. She is one of the founding Co-chairs of the Eastern Canada Chapter of ChIPs. Beverley is the current chair of the CBA IP Section's Court Practice Committee. She sits on the Steering Committee for DRI's IP Litigation Committee and is one of the co-vice chairs of IPOwner's Pharmaceutical and Biotechnology Issues Committee. In addition, she is a regular speaker and writer on IP issues, and serves on the BLG's Thought Leadership Committee. In addition, she is both a formal and informal mentor to students and associates at BLG.

## 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

- Author, "PMPRB's decision that patent pertains to drug held to be reasonable by Federal Court", BLG Article, January 2024
- Author, "Court of Appeal finds abuse of process for second notice of allegation", BLG Article, January 2024
- Author, "The Patented Medicines Prices Review Board is consulting on new guidelines", BLG Article, November 2023
- Author, "Active consultation: Amendments to the Copyright Act relating to generative artificial intelligence", BLG Article, October 2023
- Author, "To intervene or not to intervene before the Federal Courts", BLG Article, October 2023
- Author, "Much anticipated FCA decision in Benjamin Moore removes prescriptive test ordered by FC", BLG Article, August 2023
- Author, "Patent term restoration in Canada", BLG Article, August 2023

- Author, "Accounting of profits remedy for patent infringement in Canada", BLG Article, June 2023
- Author, "Canada's new excess claims fees vs double patenting", BLG Article, June 2023
- Author, "Patent term adjustment is coming to Canada", BLG Article, April 2023
- Medical device litigation trends in Canada and the U.S., BLG Video, April 2023
- Author, "SCC provides clarity on accounting of profits remedy in patent infringement", BLG Article, November 2022
- Author, "Navigating new excess claims fees and double patenting risk in Canadian patent prosecution: The devil and the deep blue sea", BLG Article, September 2022
- Author, "NOC Regulations do not apply to biosimilars when reference products are not marketed", BLG Article, August 2022
- Author, "Supreme Court confirms that making copyrighted works available online is not a stand-alone interest", BLG Article, July 2022
- Author, "Innovative pharmaceutical companies need to be aware of the Competition Act ", BLG Article, July 2022
- Author, "World IP Day: A primer on Canadian intellectual property rights", BLG Article, April 2022
- Author, "2030 Emissions reduction plan and Canada's journey to net zero", BLG Article, April 2022
- Author, "Intellectual property highlights in the Federal Budget 2022", BLG Article, April 2022
- Author, "Greening up Canadian patent rights by expediting green technologies", BLG Article, April 2022
- Author, "New prior user rights provision in the Patent Act: first judicial consideration", BLG Article, January 2022
- Author, "Trade secrets: The unsung hero of IP strategy", BLG Article, January 2022
- Author, "Regulatory context for patented pharmaceuticals and biotechnology drugs in Canada", BLG Article, December 2021
- Author, "Scope of patent agent privilege provided by new section 16.1 considered by Court", BLG Article, December 2021
- Author, "Protecting intellectual property: IP enforcement as part of a commercial strategy", BLG Article, October 2021

## 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 2024 edition (and since 2019) of *The Best Lawyers in Canada*® (Intellectual Property Law) and in 2020 (Biotechnology).
- Selected by peers for inclusion in the 2023 edition of *Canadian Legal Lexpert Directory*® (Intellectual Property; Life Sciences & Health; Litigation – Intellectual Property).
- Recognized in the 2023 and previous editions of *IAM Patent 1000* (Bronze - Litigation)
- Recognized in the 2023 edition (and since 2022) of *Lexpert Special Edition: Technology & Health Sciences*.
- Recognized in the 2023 edition of *Lexpert Special Edition Litigation*
- Recognized in the 2023 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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