



Andrew Skodyn

Partner

Contact Information

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Office

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Expertise

- Intellectual Property
- Litigation

Biography

Andrew Skodyn (he/him/his) is a partner in the Intellectual Property Group at Cassels. Andrew is a very experienced intellectual property and commercial litigator, with particular emphasis on patent litigation, trademark litigation, complex commercial disputes, product liability defence and class actions. His intellectual property litigation experience covers a wide range of industries, including pharmaceuticals and life sciences, information technology and social media, professional services, manufacturing, agribusiness, and oil and gas.

Andrew is particularly well-known for litigating pharmaceutical patents. He has been counsel in numerous lengthy trials, high-profile appeals, and proceedings under the *Patented Medicines (Notice of Compliance) Regulations*. He is at home in the courtroom and his extensive trial experience sets him apart from most counsel and provides significant benefit to his clients.

Andrew also regularly provides strategic advice on the management, value, and enforcement of intellectual property assets, evaluating patents and portfolios and resolving regulatory issues for a wide range of clients.

Andrew's broad commercial litigation experience includes complex cases and class actions, usually in highly technical areas. He has acted for clients in sectors such as pharmaceuticals and life sciences, information technology, manufacturing, automotive, banking, and cannabis.

Andrew's experience as counsel includes trials, applications and appeals before all levels of the Ontario and Federal courts, including the Supreme Court of Canada, as well as in numerous mediations and private arbitrations.

Andrew's experience includes:

- Acting for Janssen and Actelion in multiple actions and appeals relating to Opsumit (macitentan), a medicine used to treat pulmonary arterial hypertension (*Janssen Inc. v. Apotex*

Inc.; Janssen Inc. v. Sandoz Canada; Janssen Inc. v. JAMP Pharma)

- Acting for Janssen and the Kennedy Trust in a patent impeachment and infringement action related to Remicade (infliximab), a biologic treatment for rheumatoid arthritis; this was the first patent infringement action in Canada relating to a biosimilar (*Janssen Inc v. Pfizer Canada Inc.*)
- Acting for IBM in a passing-off action relating to IBM's cloud computing services and technologies (*Smart Cloud Inc v. International Business Machines Corporation*)
- Acting for Auxly in a commercial dispute relating to a distribution agreement for cannabis products (*Auxly Cannabis Group Inc. v. Care Group of Pharmacies Inc., et al.*)
- Acting for Bausch Health and Valeant in a class action relating to the marketing and sale of products containing opioids (*The Province of British Columbia v. Apotex Inc., et al.*)
- Acting for Cedarlane Corporation in a patent infringement action relating to biotechnology molecules (*ExCellThera Inc. v. Cedarlane Corp., et al.*)
- Acting for Janssen in proceedings pursuant to the PM(NOC) Regulations relating to Prezista (darunavir), an antiretroviral medication (*Janssen Inc. v. Apotex Inc.*)
- Acting for Valeant in proceedings pursuant to the PM(NOC) Regulations relating to Glumetza (metformin), a medication used to treat type 2 diabetes (*Valeant Canada LP v. Generic Partners Canada Inc.*)
- Acting for Valeant in proceedings pursuant to the PM(NOC) Regulations relating to Wellbutrin XL (bupropion hydrochloride), a medication used to treat depression (*Valeant Canada LP v. Ranbaxy Pharmaceuticals Canada Inc.*)
- Acting for Valeant, Orexo and Meda in multiple proceedings pursuant to the PM(NOC) Regulations relating to Sublinox (zolpidem), a medication used to treat insomnia (*Pharmascience Inc. v. Valeant Canada LP*)
- Acting for Venngo in an appeal to the Federal Court of Appeal of a decision relating to trademark infringement and passing off (*Venngo Inc. v. Concierge Connection Inc. c.o.b. as Perkopolis*)

Prior to joining Cassels, Andrew was a partner in the Litigation Group

at another national full-service firm, specializing in intellectual property and commercial litigation.

Achievements

- *Benchmark Canada* (Litigation Star)
- *Best Lawyers in Canada* (Corporate and Commercial Litigation, Intellectual Property, Biotechnology)
- *Canadian Legal Lexpert Directory* (Intellectual Property, Litigation: Intellectual Property, Life Sciences & Health)
- *Chambers Canada* (Intellectual Property: Litigation)
- *Chambers Global* (Intellectual Property: Litigation)
- *IAM Patent 1000* (Patent Litigation)
- *Thomson Reuters* (Stand Out Lawyer)
- *Who's Who Legal: Canada* (Life Sciences and Patents)
- *Who's Who Legal: Global* (IP – Patents, Life Sciences – Patent Litigation)
- *Who's Who Legal: Life Sciences* (Patent Litigation)
- *Who's Who Legal: Patents*
- *WTR1000* (Enforcement and Litigation)

Insights

- PMPRB “What We Learned Report” Released
- Canadian Patent Law in Review 2023: Notable Cases and Trends for 2024
- Federal Court Provides Guidance on Artificial Intelligence in Court Proceedings

Education / Bar Admissions

- LL.B., Queen's University, 1997
- B.Sc. (Chemistry), University of Calgary, 1994
- Ontario, 1999

Associations

- American Bar Association (Intellectual Property Law Section)
- Canadian Bar Association (Court Practice Committee and Professional Development Committee)
- Canadian Intellectual Property Review (Editorial Board)
- Intellectual Property Institute of Canada (Litigation and Life

Sciences Committees)

- The Advocates' Society