



Sana Halwani

SANA HALWANI

is a partner at Lenczner Slaght.

Sana's practice is primarily focused on intellectual property litigation. In patent matters, she has experience with numerous industries, including pharmaceutical and biologics, information technology (including software), telecommunications, gaming, oil and gas, and heavy industrial. In copyright, trademark, and trade secret matters, Sana has represented diverse clients including software companies, furniture manufacturers, fashion designers, and media companies.

Sana has represented clients at all levels of the Ontario and Federal courts, including the Supreme Court of Canada, and regularly provides strategic patent and regulatory advice.

She has also acted pro hac vice in patent actions in the United States, and has extensive experience as part of international teams litigating large cross-border disputes.

Sana is frequently invited to speak on topics in intellectual property, advocacy and diversity in the profession. She teaches trial advocacy at the University of Toronto, and is a co-chair of its Academic Tribunal. Sana is Chair of the Litigation committee of the Intellectual Property Institute of Canada (IPIC), as well as co-Chair of IPIC's Women in IP Networking Group. Sana is also fluent in French.

Prior to entering private practice, Sana clerked for Justice Rosalie Abella of the Supreme Court of Canada. Sana is a registered US and Canadian patent agent, as well as a Canadian trademark agent.

Education

University of Toronto Faculty of Law (2004) JD (Dean's Honours List and Awarded Dean's Key)
University of Sheffield, School of Law (2001) Master of Arts in Biotechnological Law and Ethics with Distinction; Special Commendation for Outstanding Performance
Queen's University (2000) Bachelors of Science in Biochemistry (First Class Degree; Arts and Science Honour Roll)

Bar Admissions

Ontario (2005)

Practice Areas

Intellectual Property
Commercial Litigation
Public Law
Appeals

Contact

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RECOGNITION

- ▶ Chambers Global (2019)
Intellectual Property: Litigation (Canada) (Recognized Practitioner)
- ▶ Chambers Canada (2019)
Intellectual Property: Litigation (Nationwide – Canada) (Recognized Practitioner)
- ▶ Lexpert Rising Stars (2018)
Leading Lawyers Under 40
- ▶ Lexpert/ROB Special Edition: Canada's Leading Litigation Lawyers (2018)
- ▶ Canadian Legal Lexpert® Directory (2018)
Litigation - Intellectual Property (Consistently Recommended)

- Who's Who Legal: Canada (2018)
Patents
- IAM Patent 1000 (2016-2018)
Patent Litigation: Recommended Individual (Bronze)
- The Legal 500 Canada (2018-2019)
Intellectual Property (Recommended Lawyer)
- Managing Intellectual Property: IP STARS (2017-2018)
Top 250 Women in IP, Patent Star - Canada, Trade-mark Star - Canada
- Best Lawyers (2018-2019)
Intellectual Property
- Benchmark Litigation (2018)
Top 25 Women in Canadian Litigation
- Benchmark Canada (2017-2019)
Litigation Star - Intellectual Property
- Benchmark Litigation (2017-2019)
Under 40 Hotlist
- LMG Life Sciences (2016)
Canadian Impact Case of the Year (CHEO case at previous firm)
- University of Toronto Faculty of Law (2012)
Arbor Award (alumni volunteerism)
- Chatelaine's 80 Women to Watch (2008)
- Action Canada Fellowship (2006-2007)
- Martindale-Hubbell AV Preeminent Peer Rating

SELECT CASES

- **Rovi Guides and TiVo Solutions v Bell Canada** – Counsel to TiVo Solutions and its subsidiary Rovi Guides in a patent infringement action, involving patents relating to interactive television program guides, DVR technology, and related technologies.
- **Rovi Guides and TiVo Solutions v Telus Corporation** – Counsel to TiVo Solutions and its subsidiary Rovi Guides in a patent infringement action, involving patents relating to interactive television program guides, DVR technology, and related technologies.
- **Rovi Guides and TiVo Solutions v Videotron** – Counsel to TiVo Solutions and its subsidiary Rovi Guides in a patent infringement action, involving patents relating to interactive television program guides, DVR technology, and related technologies.
- **Mock Appeal** – Retained by appeal counsel to conduct a mock appeal for an infringement case involving a patented wellbore completion method.
- **Risk Management** – Counsel to an integrated oil and gas client in developing a risk matrix for management of patent risk in development of new technologies.
- **Mass Engineering Design v Ingram Micro** – Counsel to Ingram in a patent infringement action involving patents to monitor stands.
- **Flair Airlines v Gregor LLC** – Counsel to Gregor LLC in a commercial and domain name dispute. Successfully resisted a motion for interlocutory injunction by having the action dismissed for lack of jurisdiction.
- **Robert Simon v Toshiba Global Commerce Solutions Holdings Corporation** – Counsel to Toshiba in a software licensing dispute involving point-of-sale systems.

- **Valeant Canada LP v Ranbaxy Pharmaceuticals Canada Inc.** – Counsel to Valeant in proceedings pursuant to the *PM(NOC) Regulations* relating to Wellbutrin XL (bupropion hydrochloride), a medication used to treat depression.
- **The Estate of Vivian Maier v Stephen M. Bulger** – Counsel to the Stephen Bulger Gallery in an action for copyright infringement in fine art photographs taken by the posthumously-discovered photographer Vivian Maier.
- **Purdue Canada v Collegium Pharmaceutical Inc.** – Counsel to Collegium Pharmaceutical Inc. against Purdue Pharma in an application under the *Patented Medicines (Notice of Compliance) Regulations*, as well as a patent infringement action, involving the medicine XTAMPZA ER® (a tamper-resistant oxycodone product used in pain management).
- **Pharmascience Inc. v Valeant Canada LP** – Counsel to Valeant in an action for damages under section 8 of the *PM(NOC) Regulations* relating to Sublinox (zolpidem), a medication used to treat insomnia.
- **Valeant Canada LP v Generic Partners Canada Inc.** – Counsel to Valeant in proceedings pursuant to the *PM(NOC) Regulations* relating to Glumetza (metformin), a medication used to treat type 2 diabetes.
- **Rosseau Asset Management v The Rosseau Group** – Counsel to Rosseau Asset Management in a trade-mark infringement and passing off action.
- **Subway Franchise Systems of Canada Inc v Canadian Broadcasting Corporation** – Counsel to Subway in a \$210 million defamation action against the CBC and others relating to a Marketplace episode.
- **Venngo Inc v Concierge Connection Inc cob as Perkopolis** – Counsel to Venngo in an appeal to the Federal Court of Appeal and a leave to appeal application to the Supreme Court of Canada of a decision relating to...
- **Xerox Corporation v Infinite Media Inc.** – Counsel to Xerox in a software licensing dispute encompassing allegations of copyright infringement.
- **Children's Hospital of Eastern Ontario v Transgenomic Inc** – Counsel to the children's Hospital of Eastern Ontario ("CHEO") in an action seeking to invalidate several human gene patents preventing...
- **Eli Lilly Canada Inc v Mylan Pharmaceuticals ULC** – Counsel to Mylan in multiple related NOC proceedings and appeals relating to patents over CIALIS® (tadalafil); first generic challenge to CIALIS®...
- **Teva Pharmaceutical Industries Ltd v Mylan Pharmaceuticals ULC** – Counsel to Mylan in a NOC proceeding relating to a composition of matter patent over COPAXONE® (glatiramer acetate – a random polypeptide); this...
- **In the matter of the Patent Act RSC 1985, c P-4, as amended and in the matter of Sandoz Canada Inc** – Counsel to Board Staff at the Patented Medicines Prices Review Board, in matter and appeal involving questions of whether generic subsidiaries of inno...
- **Safe Gaming System Inc v Atlantic Lottery Corporation** – Counsel to Safe Gaming System in patent infringement litigation against the Nova Scotia Gaming Corporation and its agents over a patent covering respo...
- **Rogers Communications Inc v Society of Composers, Authors and Music Publishers of Canada** – Counsel to Cineplex as intervener before the Supreme Court of Canada on case relating to copyright tariffs for various uses of musical works over the...

- **Halliburton Energy Services Inc v BJ Services Company** – Counsel to Halliburton Energy Services in patent infringement litigation regarding wellbore completion patented methods used in North American shale...
- **Research in Motion Limited v Visto Corporation** – Counsel to Visto Corporation (now Good Technology) in patent infringement litigation in Federal Court of Canada regarding wireless “push technology”...

SELECT PUBLICATIONS AND PRESENTATIONS

- **Basics of Law – Evidence: From Key Principles to Digital Evidence** – Sana Halwani will be presenting at the Intellectual Property Institute of Canada's webinar called “Basics of Law – Evidence: From Key Principles to Digital Evidence”. The program will discuss fundamental principles of evidence, the latest strategies in collecting digital evidence, and tips on presenting evidence before courts and tribunals.
- **Intellectual Property Institute of Canada's 92nd Annual Meeting** – Sana Halwani was the moderator for the "The Paperless Office and Other Legal Tech (R)evolutions" panel at IPIC's 92nd Annual General Meeting.
- **Dealing with Self-Represented Litigants** – Sana Halwani presented at the Law Society of Ontario's program “Professionalism Issues in Appearing before Administrative Boards and Tribunals”. She shared expert strategies on dealing with self-represented litigants.
- **The Surprising Dangers of Going Paperless** – Paul-Erik Veel and Sana Halwani co-authored the article *The surprising dangers of going paperless* that appeared in Precedent Magazine's summer issue.
- **IPIC Patent Case Law Series** – Sana Halwani once again presented on the topic of "Infringement" at the Intellectual Property Institute of Canada's 2018 Patent Case Law Series.
- **Your First Civil Trial** – Sana Halwani spoke at OBA's Young Lawyers Division program *Your First Civil Trial*. Her panel was titled “Use of Discovery Transcripts at Trial and Appeal Proofing Your Case”.
- **LSUC's 22nd Annual IP Law, the Year in Review** – Sana Halwani spoke on the topic “Reaching the (No) Promised Land: The striking down of the promise doctrine and its effect on Canadian patent litigation and prosecution”.
- **Federation of Asian Canadian Lawyers Annual Conference** – Sana Halwani spoke on the panel "IP Without Tears: An Intellectual Property Law Update for the Uninitiated". This panel discussed how recent major Canadian and foreign cases in the areas of patent, trademark, copyright, and technology will impact companies doing business in Canada.
- **Strategies and Tips for Maximizing Your Expert Evidence** – Sana Halwani spoke at OBA's Civil Litigation Program on "Strategies and Tips for Maximizing Your Expert Evidence". She discussed choosing the right expert, properly retaining and preparing the expert and strategies for working on and reviewing the expert's report.
- **Patent Case Law Series** – Sana Halwani presented at the Intellectual Property Institute of Canada's webinar on Patent Infringement.
- **Federal Court Practice** – Sana Halwani served on the panel at the 21st Annual Intellectual Property Law: The Year in Review hosted by the The Law Society of Upper Canada. (Prior to...
- **University of Toronto Female Litigators** – Sana Halwani participated on the panel of female litigators at the University of Toronto Women and the Law event. (*Prior to joining Lenczner Slaght*)

- **Reflecting Back on the CHEO Case** – Sana Halwani spoke at the The 13th Forum on Pharma Patents. *(Prior to joining Lenczner Slaght)*
- **Building the Foundation of Your Case: Affidavit Evidence** – Sana Halwani presented at the Ontario Bar Association's Pharma and Biosimilar Litigation in Canada - Navigating the PM (NOC) Regulations event. *(Prior to...*
- **Diversity on the Federal Court: A Call for Action** – Sana Halwani presented at the Intellectual Property Institute of Canada's 90th Annual Meeting. *(Prior to joining Lenczner Slaght)*
- **Patent Case Law Series: Infringement** – Sana Halwani presented in the Intellectual Property Institute of Canada's webinar. *(Prior to joining Lenczner Slaght)*
- **The 2016 IP Debates** – Sana Halwani presented at the CBA IP Day. *(Prior to joining Lenczner Slaght)*
- **Pharmaceutical Regulation and Patent Linkage** – Sana Halwani lectured at Osgoode Professional Development LLM. *(Prior to joining Lenczner Slaght)*
- **Oral Advocacy Workshop** – Sana Halwani presented at the Ontario Bar Association's Oral Advocacy Bootcamp. *(Prior to joining Lenczner Slaght)*
- **Confusion and Contradiction: Untangling Drug Importation and Counterfeit Drugs** – 36 Cal. W. Int'l L.J. 41 *(Prior to joining Lenczner Slaght)*
- **Getting the Deal Done: Unlocking Innovation Within Canadian Universities** – Action Canada Task Force Report *(Prior to joining Lenczner Slaght)*
- **Her Majesty's Research Subjects, Law And Ethics in Biomedical Research: Regulation, Conflict of Interest and Liability** – eds. Duff Waring and Trudo Lemmens *(Prior to joining Lenczner Slaght)*
- **Patents and Pills: Linkage, Litigation and Generic Drug Approval** – Sana Halwani lectured at the Faculty of Law, University of Toronto, Pharmaceutical Governance Course. *(Prior to joining Lenczner Slaght)*
- **Self-Plagiarism: A Misnomer, American Journal of Obstetrics and Gynecology** – (forthcoming, with Robin Thurman, Frank A. Chervenak, Lawrence B. McCullough, and Dan Farine) *(Prior to joining Lenczner Slaght)*
- **The Genetic Defense: The Impact of Genetics on the Concept of Criminal Responsibility** – 12 Health L.J. 35 *(Prior to joining Lenczner Slaght)*
- **The Future of Generic Drugs: Challenges & Opportunities** – Sana Halwani presented at the Pharma Patents Conference, Toronto. *(Prior to joining Lenczner Slaght)*

BLOG POSTS

- **Procedural Skirmishes and Unintended Effects: The Proposed NOC Regulations** – The proposed regulations amending the *Patented Medicines (Notice of Compliance) Regulations* were released on July 14, 2017. These Proposed Regulations are a dramatic change from the existing Regulations, both substantively and procedurally.

- **The Death Knell of the Rocket Docket** – For those of us who take an interest in American patent litigation, the US District Court for the Eastern District of Texas (also known as the “Rocket Docket”) has been a fabled place where a third (or more) of US patent suits are heard, cases get to trial in two years or less, and patentees are king. It has also been the venue of choice for patent suits brought by non-practicing entities (NPEs...

SELECT NEWS ARTICLES

- **Benchmark Canada Highlights Lenczner Slaght’s Litigation Excellence** – Benchmark Canada 2019 not only recognizes Canada’s leading litigation firm with the top tier ranking of “Highly Recommended in Ontario”, 17 Lenczner Slaght litigators are also ranked for their expertise.
- **Lenczner Slaght Recognized for Dispute Resolution by World-Renowned Directory** – The Chambers Global rankings are the culmination of extensive research and interviews with firm clients and legal professionals around the world who have recognized Lenczner Slaght for its extensive trial experience and commitment to delivering the best results for its clients.
- **The Promise of Possibilities** – Sana Halwani is a featured alumni in the latest issue of U of T’s Nexus Magazine. In this article, Sana discusses the University of Toronto’s Excellence Without Barriers campaign.
- **Lenczner Slaght Recognized as a Top-Tier Litigation Firm by Legal 500** – Legal 500 recognizes Lenczner Slaght as the “best litigation boutique in Canada.”
- **Lexpert Recognizes Lenczner Slaght’s Excellence in Litigation** – Our expert litigators continue to be recognized as the foremost litigators in their fields by peers and senior members of the legal profession.
- **Who’s Who Legal: Canada 2018 Highlights Lenczner Slaght’s Litigation Strength** – Seven Lenczner Slaght litigators are once again recognized for their exceptional expertise.
- **Sana Halwani Named a 2018 Lexpert Rising Star** – Sana Halwani was recognized as a 2018 Lexpert Rising Star at last night’s gala dinner at the Fairmont Royal York in Toronto.
- **Portable Productivity: Lawyers on Integrating Tech Into Practice** – Tom Curry, Sana Halwani, and Paul-Erik Veel were quoted in Sean Robichaud’s latest blog post dated October 24, 2018. The blog post provides tips from lawyers who have integrated technology into their practice and have, as a result, streamlined their productivity.
- **Lenczner Slaght Recognized as a “Litigation Powerhouse”** – Canada’s leading litigation firm and its expert litigators continue to be recognized by world-renowned directory, Chambers & Partners.
- **Lenczner Slaght Litigators Ranked as the Best in their Fields** – Canada’s leading litigation firm is proud to announce that 25 of the firm’s 58 lawyers have been recognized in the *Best Lawyers in Canada 2019* publication across multiple categories.
- **Lenczner Slaght Partners Featured in Latest Benchmark Recognitions** – Benchmark Canada has recognized six Lenczner Slaght partners as the most talented litigators under 40 and two partners recognized as two of the top female litigators in Canada.

- **Lenczner Slaght's IP Team Receives Worldwide Recognition** – Canada's leading litigation firm and all three of its Intellectual Property partners are ranked in the 2018 edition of IAM Patent 1000 – The World's Leading Patent Professionals.
- **Lenczner Slaght Partners Named Global IP Stars** – Andrew Skodyn and Sana Halwani have once again been recognized for their patent and trademark expertise in *Managing Intellectual Property's* 2018 IP STARS Handbook, a leading guide to the world's foremost IP firms and practitioners
- **Sana Halwani is a Globally Recognized IP Star** – For the second year in a row, Sana Halwani has been named in *Managing Intellectual Property's* Top 250 Women in IP list, featuring lawyers from across the world!
- **Lexpert Recognizes Lenczner Slaght's Professional Excellence** – An increasing number of the firm's lawyers have been ranked by their peers as leading practitioners in their field.
- **Lenczner Slaght Receives Top Tier Ranking in Benchmark Litigation** – 19 Lenczner Slaght leading litigators are ranked in Benchmark Litigation's 2018 directory, including 7 new additions since last year. Three of the firm's litigation stars are also recognized as a Top 50 Trial Lawyer in Canada.
- **Lenczner Slaght Ranked as a Top Firm for Patent Work by IP STARS** – Lenczner Slaght has once again been recognized as a top patent contentious firm in Canada by the 2018 *Managing Intellectual Property's* IP STARS publication, a leading guide to the world's foremost IP firms and practitioners.
- **Lenczner Slaght is Named a Top-Tier Firm in Legal 500 Rankings** – Along with the firm's Tier 1 ranking in Dispute Resolution with four leading lawyers and one next generation lawyer recognized, Lenczner Slaght is also ranked in Intellectual Property, Labour and Employment, and Competition and Antitrust.
- **International Recognition for Lenczner Slaght's Expert IP Team** – Canada's leading litigation firm is delighted to announce that its IP team won three awards at the 2017 LMG Life Sciences Awards, where the preeminent lawyers and law firms in the US and Canada were recognized for their work in the life sciences industry.
- **Acclaimed photos of late Chicago photographer Vivian Maier at centre of Canadian court fight** – Sana Halwani is mentioned in an article in *The Star* regarding an action for copyright infringement in fine art photographs taken by the posthumously-discovered photographer Vivian Maier. Sana is counsel to the Stephen Bulger Gallery in this case.
- **Lenczner Slaght Ranked Among the Best** – Almost half of the leading litigation firm's lawyers are recognized in the *Best Lawyers in Canada*.
- **Seven Lenczner Slaght Partners Named in Benchmark's Under 40 Hotlist 2017** – Benchmark Litigation has recognized seven Lenczner Slaght partners as the most promising emerging talent in their respective fields.
- **Lenczner Slaght Recognized Internationally in IP Litigation** – Canada's leading litigation firm and two of its IP partners, Sana Halwani and Andrew Skodyn, are ranked in the 2017 edition of IAM Patent 1000.
- **Sana Halwani Named a Global Female IP Star** – Sana Halwani has been recognized in *Managing Intellectual Property's* 2017 edition of IP STARS Top 250 Women in IP.

- **23 Percent of Lenczner Slaght Lawyers ranked in Benchmark Litigation 2017** – 12 Lenczner Slaght leading litigators are ranked in Benchmark Litigation's 2017 directory.
- **Sana Halwani Joins Lenczner Slaght** – Newest partner brings together science, law, and advocacy.
- **CHEO reaches 'groundbreaking' settlement with gene patent owner** – Sana Halwani is mentioned in the article, which appeared in Canadian Lawyer Magazine. *(Prior to joining Lenczner Slaght)*
- **Can you patent the 'map of life'?** – Sana Halwani is mentioned in the article, which appeared in the University of Toronto Faculty of Law publication, Nexus Magazine. *(Prior to joining Lenczner Slaght)*
- **Canadian Pediatric Hospital Challenges Gene Patenting for Long QT Syndrome** – Sana Halwani is quoted in the article posted at genomeweb.com. *(Prior to joining Lenczner Slaght)*

PROFESSIONAL ACTIVITIES

- University of Toronto Alumni Association
Board of Directors (2016 - present)
- Governing Council, University of Toronto
College of Electors (2015 - present)
- University of Toronto
Academic Tribunal (student discipline matters), Co-Chair (2013-present)
- University of Toronto Faculty of Law
Adjunct Professor, Trial Advocacy (2010 - present)
- Advisory Committee on Prothonotary Appointments
Bar Representative (September 2017 - present)
- Federal Court IP Users Committee
Member (2018 - present)
- Intellectual Property Owners Association
Pharmaceutical & Biotechnology Issues Committee (voting), Women in IP Committee (non-voting), Canada Practice Group (non-voting)
- Harold G. Fox Moot in Intellectual Property
Judge (factums and oral argument)(2011 - present)
- University of Toronto
Law Alumni Association (2010 - 2018)
- Intellectual Property Institute of Canada
Fellow; Chair of the Litigation Committee; Co-Chair of the Women in IP Networking Group (WING); Forums and Seminars Committee; Life Sciences Committee
- Rouge Valley Health System
Research Ethics Board (2014 - 2017)
- The Advocates' Society
- Canadian Bar Association
Ontario
- American Bar Association
Intellectual Property Law Section