



Keith Bird

Toronto

416.307.4205

keith.bird@mcmillan.ca

education and year of call

- Called to the Ontario bar - 1999
- Registered Canadian and US Patent Agent
- Registered Canadian Trade-mark Agent
- University of Windsor, LLB - 1997
- University of Windsor, M.Sc. Physics - 1994
- University of Windsor, B.Sc. (Hons.) Physics - 1990

practice areas

patents
trademarks
copyright
industrial designs
confidential information
intellectual property
intellectual property litigation
licensing

industries

applied technology
automotive
energy
media, communications and
entertainment
life sciences

profile

Keith Bird is a partner in the firm's Toronto office and practices exclusively intellectual property law. Keith advises clients about all aspects of IP including licensing, patent freedom to operate, infringement and validity opinions, due diligence and patented medicines regulatory advice. He has successfully advised and represented clients in complex patent prosecution and litigation matters involving such diverse technologies as: engine oil additives, mass spectrometers, television audience measuring devices, postage meters, modular housing, fire simulators, fibre optic communication systems, pharmaceuticals, inventory control systems, farm machinery, oil patch and tar sand advancements, cell phones, animation engines, OLED screens, water coolers, mobile commerce applications and telecommunications security. Keith has been involved in the conduct of patent, industrial design, trademark and copyright litigation before the Federal Court of Canada, the Federal Court of Appeal, the Ontario Superior Court and Court of Appeal, and the Supreme Court of Canada.

Keith has assisted a variety of clients in commercializing their intellectual property in sectors such as health care, consumer products, entertainment and sports, information technology and manufacturing and is known for building valuable patent and trademark portfolios for many companies.

Keith is well respected by his clients and colleagues for his ability to analyze and interpret complex patents. Keith's background as a research physicist specializing in thin films and magneto-resistance has resulted in a deep understanding of a broad spectrum of technologies.

Keith was qualified as an expert in Canadian patent law by the Royal Courts of England and Wales in December 2009 when he testified as an expert witness in the important patent agent

negligence case, Andrew Robert England Kerr v. Laurence Shaw & Associates Limited, [2010] Case No: HC08 C02343.

representative matters

Selected Patent Counsel Matters:

- *Scott Blair v. Attorney General of Canada and the Commissioner of Patents*, Court File No.: T-1745-12
- *M & I Transfer Products Limited v. Mafna Air Technologies Inc.*, Court File No. T-1032-08
- *Scott Blair v. Attorney General of Canada and the Commissioner of Patents*, Court File No. T-649-08
- *Tamglass Ltd. OY v. Horizon Glass & Mirror Ltd. et al.*, Court File No. T-1108-07
- *Scott Blair v. Attorney General of Canada and the Commissioner of Patents*, Court File No. T-1176-06
- *Pitney Bowes Inc. et al. v. Neopost, S.A. et al.*, Court File No. T-1817-02
- *Nielson Media Research Inc. et al v. Taylor Nelson Sofres PLC and BBM Bureau of Measurement* Court File No. T-2298-00
- *Accardis Systems, Inc. v. Transformix Engineering Inc.*, Court File No. T-1105-00
- *Colt Engineering Corporation et al v. UIL Inc. et al.*, Court File No. T-928-00
- *Dana Canada Inc. v. Lubrizol Corporation et al.*, Court File No. 00-CV-190003CM
- *Symtron Systems Inc. v. ICS International Code Fire Services Inc.*, Court File No. T-1244-99
- *Elkay Manufacturing Company v. Les Produits Thermo-Concepts Inc.*, Court File No. T-1939-98
- *Elkay Manufacturing Company v. Addico Products Inc.*, Court File No. T-1938-98
- *ONEAC Corporation v. Raychem*, Court File No. T-484-97
- *Intellectual Property Developments Inc. et. al. v. Rogers Communications Inc. et. al.*, Court File No. T-2300-96
- *Halford et al. v. Seed Hawk Inc. et al.*, Court No. T-2406-93
- *Imperial Oil Ltd. et al. v. Lubrizol Corp. et al.*, Court File No. T-577-87

awards and rankings

- Recognized by *Best Lawyers in Canada (2020)* as a leading lawyer in the area of Intellectual Property Law
- Listed in *2019 Managing Intellectual Property's IP Stars* -

Keith Bird
t: 416.307.4205
keith.bird@mcmillan.ca

- The Guide to the World's Leading IP Firms and Practitioners
- Recognized by *Best Lawyers in Canada (2019)* as a leading lawyer in the area of Intellectual Property Law
- *Martindale-Hubble* Peer Review rated AV – Preeminent – 2013 to present
- Listed in *Best Lawyers in Canada* as a leading practitioner in Intellectual Property Law 2016 to present
- Selected as one of the world's leading patent practitioners and included in the *Guide to the World's Leading Patent Law Practitioners* by Legal Media Group/Managing Intellectual Property from 2007 - 2017
- Finalist, Lexpert's Rising Stars Top 40 Under 40 - 2007

teaching engagements

- Adjunct Professor - Patent Law, Faculty of Law, University of Windsor, 2004 - 2010
- Lecturer, Intellectual Property Institute of Canada's Patent Agent Training Course – 2013 to present
- Instructor, distance-learning component of the Intellectual Property Institute of Canada's Patent Agent Training Course, 2010 to present

community involvement

- Captain and coach of Toronto Forest men's competitive recreational soccer team – 1997 to present
- Captain of O'Connor Hills inter-county B tennis team – 2008 – 2010; member of team 2005 - present

publications

July 2020

Out with the New, In with the Old: The F.C.A. provides Clarity on its Ability to interpret Contracts
Intellectual Property and Litigation Bulletin

May 2020

Clorox v Chloretec: The Application of *Vavilov* in the Trademarks Context
Intellectual Property Bulletin

March 27, 2020

Bill C-13 Receives Royal Assent: Change to the Canadian Patent Landscape in Response to COVID-19
Intellectual Property Bulletin

March 2020

Bill C-4 Receives Royal Assent: Incoming Changes to the Intellectual Property Landscape
Intellectual Property and International Trade Bulletin

Keith Bird
t: 416.307.4205
keith.bird@mcmillan.ca

January 2020

Trademark Law: Change in Practice Regarding Extensions of
Time in Examination
Intellectual Property Bulletin

August 2019

Last Chance for Late National Phase Entry into Canada
Intellectual Property Bulletin

June 2019

TOP TWELVE THINGS TO KNOW - New Canadian
Trademarks Act June 17, 2019
Intellectual Property Bulletin

November 2018

The Hague System For Industrial Designs is in Force in Canada
Intellectual Property Bulletin

November 2018

Short Window of Opportunity to Take Advantage of Canada's
Late National Phase Entry Regime
Intellectual Property Bulletin