

# KEITH BIRD

**Categories:** [People](#), [Lawyers](#)

Keith Bird is an experienced intellectual property (IP) lawyer with expertise in all aspects of IP including licensing, patent freedom to operate, infringement and validity opinions, due diligence, and regulatory matters. He advises and represents startups and established companies in complex patent prosecution and litigation matters.

Having worked as a research physicist, Keith has a deep understanding of a wide range of technologies. Clients appreciate his ability to break down complex intellectual property matters, and peers respect his success in helping clients build and protect valuable patent and trademark portfolios.

Keith assists clients in a range of industries including manufacturing, payments and fintech, and technology. His extensive experience encompasses matters relating to engine oil additives, mobile commerce applications, telecommunications security, television audience measuring devices, modular housing, pharmaceuticals, and oil patch and tar sand advancements.

A seasoned litigator, Keith has argued disputes relating to conduct of patent, industrial design, and trademarks and copyright before Ontario's Superior Court of Justice and Court of Appeal, as well as the Federal Court of Canada, the Federal Court of Appeal and the Supreme Court of Canada.

A variety of legal directories have consistently recognized Keith as a leading IP lawyer, including *Best Lawyers in Canada* and the 2019 edition of *Managing Intellectual Property's MIP IP STARS*.

**Email:** [keith.bird@mcmillan.ca](mailto:keith.bird@mcmillan.ca)

**Expertise:** Intellectual Property, Manufacturing, Payments & Fintech, Startups & Emerging Companies, Technology

**Location:** Toronto

**Phone:** 416.307.4205

**Position/Title:** Partner, Intellectual Property

### **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:**

- "Patents; Industrial Design," Contributor, (2006-2008)
- "Ultimate Corporate" Counsel Guide, CCH (January 2008)
- "Intellectual Property (Patent) Litigation: Recent Developments of Importance," The 2008 Guide to the Leading 500 Lawyers in Canada, ALM/Lexpert (2008)
- "Supreme Court Dismisses Application for Leave to Consider Small Entity Status," Lang Michener Intellectual Property Brief (Spring 2004)
- "Dutch Industries to be Statutorily Overruled," Lang Michener Intellectual Property Brief (October 2003)
- "Choosing a Domain Name May Require More Homework," Lang Michener Intellectual Property Brief (November 2002)
- "Tips on Conducting Your Own Patent Search," BIOTECH (May 2002)
- "New Time Limit for Filing National Patents Under the Patent Cooperation Treaty," Lang Michener Intellectual Property Brief (April 2002)
- "Domain Name Issues in Commercial Transactions," Lang Michener Intellectual Property Brief (July 2001)
- "TRIPs Amendment May Extend Term of Protection," The Lawyers Weekly, Vol. 20, No. 46 (April 2001)
- "Bill Introduces Additional Retroactive Patent Protection," Lexology (April 2001)
- "Anticipated Patent Act Amendment May Extend Term of Protection for Certain Patents," Lang Michener Intellectual Property Brief (March 2001)
- "Giant Magnetoresistance in Electrodeposited Ni/Cu and Co/Cu Multilayers," Journal of the Electrochemical Society, Vol. 142, No. 4 (April 1995)
- "Giant Magnetoresistance in Electrodeposited Nickel-Copper and Cobalt-Copper Multilayers," University of Windsor Press (January 1994)
- Anticipated Patent Act Amendment May Extend Term of Protection for Certain Patents, Lang Michener Intellectual Property Brief (March 2001)
- Giant Magnetoresistance in Electrodeposited Ni/Cu and Co/Cu Multilayers, Journal of the Electrochemical Society, Vol. 142, No. 4 (April 1995)
- Giant Magnetoresistance in Electrodeposited Nickel-Copper and Cobalt-Copper Multilayers, University of Windsor Press (January 1994)

### Education & Admissions:

**Degree:** Called to the Ontario bar

**Year:** 1999

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**Degree:** Registered Canadian and US Patent Agent

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**Degree:** Registered Canadian Trademark Agent

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**Degree:** LLB

**University:** University of Windsor

**Year:** 1997

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**Degree:** M.Sc., Physics

**University:** University of Windsor

**Year:** 1994

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**Degree:** B.Sc. (Honours), Physics

**University:** University of Windsor

**Year:** 1990

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### Rankings & Recognition:

- Recognized by *Best Lawyers in Canada (2022)* as a leading lawyer in the area of Intellectual Property Law
- Recognized by the *Best Lawyers in Canada (2021)* as a leading lawyer in the area of Intellectual Property Law
- 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 - 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

### **Speaking Engagements:**

- Intellectual Property Ownership Issues - Lang Michener 5 O'clock Lecture Series
- March 2003

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- Practicing Intellectual Property Law University of Toronto and Osgoode Hall Career Day
  - March 2003

### **Representative Matters:** Selected Patent Counsel Matters:

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

### **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

**Industries:** Manufacturing, Payments & Fintech, Startups & Emerging Companies, Technology

**Practices:** Intellectual Property