

## Urszula Wojtyra

Partner

Toronto

Barrister and Solicitor



### CONTACT

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### YEAR OF CALL

Ontario Bar 2008

### QUALIFICATIONS

- University of Guelph B.Sc. (Hons. (Applied Biochemistry) 1998
- University of Toronto M.Sc. (Biochemistry) 2003; thesis titled *Characterization of the N-Terminal Domain of the Chaperone ClpX*
- University of Toronto J.D. 2007

### PRACTICE AREAS

Litigation  
Pharmaceutical  
Life Sciences  
Patents  
Chemical & Industrial  
Biotechnology  
Life Sciences — Regulatory & Compliance

### PROFILE

## Turning highly technical information into a compelling courtroom story

When representing innovative pharmaceutical and biopharmaceutical companies in patent litigation, Urszula offers a unique ability to tell the story behind highly technical inventions in a clear, concise and convincing way before the courts.

Clients benefit from and appreciate the combination of her advanced technical expertise, sharp courtroom advocacy skills and effective long-term strategic planning of their complex litigation matters. Her technical expertise in biochemistry, chemistry, molecular biology, immunology and genetics further empowers Urszula to effectively advise and represent her clients.

## IP litigation experience coupled with expertise in regulatory matters

Urszula practices in the field of life sciences including pharmaceuticals and biologics. She regularly represents clients in patent infringement and validity actions, including under the *Patented Medicines (Notice of Compliance) Regulations*, before both the Federal Court and the Federal Court of Appeal of Canada.

Her extensive experience and skills in strategic litigation management make Urszula a valued and key member of the litigation team. Most recently, Urszula was a member of the Smart & Biggar team that successfully represented AstraZeneca in its patent infringement action and quantification reference against Apotex: *AstraZeneca Canada Inc v Apotex Inc*, [2015 FC 322](#) and [2017 FC 726](#) (LOSEC, omeprazole).

Urszula also advises clients on regulatory due diligence, regulatory compliance issues and has broad expertise in regulatory matters — including data protection and patent listing — in Canada.

Prior to attending law school, Urszula obtained her Master of Science in biochemistry from the University of Toronto and worked in an immunology research laboratory in Toronto's Hospital for Sick Children.

Urszula is a regular contributor to *Rx IP Update*, the firm's monthly pharmaceutical and biopharmaceutical intellectual property and regulatory newsletter. She is also the Chair for the IPIC Competition Law Committee.

## Rankings and recognition

- Recognized as a 'Rising Star' for Intellectual Property Law in North America by *Euromoney Legal Media Group* at the 2018 Americas Women in Business Law Awards
- Recognized as an 'Rising Star' in Life Sciences since the inaugural edition in 2015 of *LMG Expert Guides: Rising Stars*

### EXPERIENCE

*AstraZeneca Canada Inc v Apotex Inc*, 2017 FC 726

*AstraZeneca Canada Inc v Apotex Inc*, 2015 FC 671

*AstraZeneca Canada Inc v Apotex Inc*, 2015 FC 322, rev'd in part 2017 FCA 9, leave to appeal dismissed

*AstraZeneca Canada Inc v Apotex Inc*, 2014 FC 638, aff'd 2015 FCA 158, overturned 2017 SCC 36

*AstraZeneca Canada Inc v Apotex Inc*, 2011 FC 862

*AstraZeneca Canada Inc v Novopharm Limited*, 2009 FC 902

## PROFESSIONAL INVOLVEMENT

### Memberships

- Associate, Intellectual Property Institute of Canada; member of the Competition Law Committee; member of the Women in IP Network
- Member, Toronto Intellectual Property Group
- Member, The Advocates' Society

### Speaking engagements

- "Women and the Law," panel at the University of Toronto Faculty of Law, Toronto, November 2018
- "Top 10 Patent Cases of the Year," panel at the 7th Annual University of Toronto Patent Colloquium, Toronto, November 2018

## MEDIA

### Publications

- ["Proposed Amendments to Food and Drug Regulations: Generic drug equivalence, labeling, and related terminology," Rx IP Update, April 29, 2019](#)
- ["Abbott/Takeda permitted to plead that a third party's patent would be infringed by alleged non-infringing alternative" Rx IP Update, January 25, 2019](#)
- ["Amended PMNOC Regulations: First Anniversary Update"](#) (co-author: Katie Lee), Rx IP Update, September 28, 2018
- ["Federal Court dismisses first motion for early dismissal under amended PMNOC Regulations," Rx IP Update, August 27, 2018](#)
- ["Update on biosimilars," Rx IP Update, June 27, 2018](#)
- ["AstraZeneca succeeds in omeprazole patent infringement profits case," IP Update — Canada, September 12, 2017](#)
- ["Publication of Final Regulations on Patent Linkage and Term Restoration related to CETA" \(co-authors: Nancy Pei and Daphne Lainson\) Rx IP Update, September 7, 2017; International Law Office Intellectual Property Newsletter, October 18, 2017](#)
- ["Bayer prevails in drospirenone/ethinyl estradiol infringement action against Apotex and Cobalt," Rx IP Update, September 2016](#)
- ["Federal Court requires patent to disclose the factual basis and sound line of reasoning to support a sound prediction of utility of a compound claim," Rx IP Update, February 2016](#)
- ["Ontario Court dismisses Eli Lilly's motion to strike Apotex's claim for damages under almost 400-year-old Statute of Monopolies," Rx IP Update, September 2015](#)
- ["Competition Bureau's draft Intellectual Property Enforcement Guidelines \(IPEGs\) address PMNOC Regulations litigation settlement," Rx IP Update, June 2015](#)
- ["Court of Appeal upholds Order prohibiting Cobalt NOC for generic of Bayer's YAZ, comments on standard of review for construction," Rx IP Update, May 2015](#)
- ["Health Canada launches two initiatives related to recent Vanessa's Law amendments to the Food and Drugs Act," Rx IP Update, April 2015; Lexology, April 14, 2015](#)
- ["Federal Court dismisses Janssen's applications to prohibit NOC for Teva's bortezomib product," Rx IP Update, March 2015](#)
- ["Health Canada liable for damages to Apotex for misfeasance in public office and negligence in review of Apo-Trazodone submission," Rx IP Update, December 2014](#)
- ["Protecting Canadians from Unsafe Drugs Act \(Vanessa's Law\) receives royal assent," Rx IP Update, November 2014](#)
- ["Competition Bureau releases White Paper on Patent Litigation Settlements," Rx IP Update, October 2014](#)
- ["Health Canada and Federal Court make important biologic decisions," IP Update — Canada, January 20, 2014; Lexology, January 20, 2014; Mondaq, January 21, 2014; CCCA Members Knowledge Centre, January 2014](#)
- ["Apotex awarded section 8 damages regarding pantoprazole," Rx IP Update, January 2014](#)
- ["Federal Court upholds Lundbeck's escitalopram patent, grants injunction and accounting of profits," Rx IP Update, April 2013; Lexology, April 9, 2013; International Law \(International Law Office Intellectual Property Newsletter\), April 22, 2013](#)
- ["Federal Court of Appeal upholds Minister's decision denying data protection for the enantiomer DEXILANT," Rx IP Update, February 2013; Mondaq, February 14, 2013; International Law Office Intellectual Property Newsletter, March 4, 2013](#)
- ["Federal Court of Appeal provides further clarity on approach to inventive concept," Rx IP Update, December 2012; Lexology, December 4, 2012; International Law Office Intellectual Property Newsletter, December 17, 2012](#)
- ["Federal Court issues prohibition Order despite finding allegation of obviousness justified," Rx IP Update, July 2012](#)
- ["Federal Court finds PLAVIX patent invalid," Rx IP Update, January 2012; Mondaq, January 17, 2012](#)

- "Analyzing the Latest Developments in the Law to Identify Emerging Trends, Opportunities and Threats" (co-authors: G. Gaikis, A. Mandlsohn and J. Scopa), presented at the 8th Annual Forum on Pharma Patents, October 2009
- "Selecting the Right Expert" (co-author: N. Pei), presented to the CBA's Advocacy Before the Federal Court in Intellectual Property Matters, May 2008
- "The Interaction Between Competition Law and Intellectual Property Rights" (co-author: G. Gaikis), Presented at Insight Information's Drug Patents and Legal Forum, February 2008
- "Authorized Generic Pharmaceutical Products" (co-authors: G. Gaikis and J. Sutton), Presented at the Canadian Institute's 6th Annual Forum on Pharma Patents - The Legal & Strategic Guide, October 2007