



## David Reive

Partner | Toronto

416.595.8655

dreive@millerthomson.com

### RELATED SERVICES

Commercial Litigation  
Intellectual Property  
Marketing, Advertising & Product  
Compliance

### RELATED INDUSTRIES

Agribusiness & Food Production  
Life Sciences

### RELATED FOCUS AREAS

Artificial Intelligence

## Biography

David Reive is a partner and a national leader in intellectual property at Miller Thomson. David primarily practises intellectual property litigation. He represents clients in all types of IP cases and has litigated patent cases involving diverse technology such as oil field equipment, medical devices, software, and pharmaceutical products. He has experience with trademark cases involving food products, footwear, apparel, and benefits programs.

David's expertise and advocacy skills have been widely recognized. David is listed in *Best Lawyers of Canada* for both Biotechnology Law (since 2008) and Intellectual Property Law (since 2015). He is listed in the *Canadian Legal Expert Directory* as "repeatedly recommended" for intellectual property. David has been listed in Intellectual Property Magazine's *IAM Patent 1000—The World's Leading Patent Practitioners* since 2012, in which he has been described as:

"consistently giv[ing] highly effective courtroom performance"

"combative and well informed"

a "tenacious pharmaceutical litigator" and "the preferred counsel of several multinational generics."

David regularly acts for pharmaceutical companies in proceedings under the Patented Medicines (Notice of Compliance) Regulations as well as in patent infringement and invalidity actions.

In addition to extensive experience as counsel in patent litigation, David has experience as an expert witness on Canadian patent law in a multijurisdictional arbitration proceeding.

As an active member of the IP legal community, David is a regular presenter and contributor to intellectual property conferences and seminars. David has spoken extensively on many issues related to patent litigation and pharmaceutical patents.

## Professional achievements & leadership

- *The Best Lawyers in Canada* – Biotechnology Law, 2008 – 2020
- *The Best Lawyers in Canada* – Intellectual Property Law, 2015 – 2020
- Intellectual Property Magazine's *IAM Patent 1000—The World's Leading Patent Practitioners*, 2012 – 2016
- *The Canadian Legal Expert Directory*, Intellectual Property Law, 2015 – 2016
- CV-Rated in Martindale-Hubbell

## Notable matters

- Litigating patents on a wide range of technologies, including oil field equipment, database architecture, lottery tickets, vaccines, food processing, construction equipment, explosive manufacturing, medical devices, pharmaceuticals, and printing processes.
- Acting as counsel in trade secret and breach of confidence actions on software, high technology devices, and explosives manufacturing technology.
- Litigating trademark and copyright matters.

## **Thought leadership**

- “The Evolving Landscape in IP Monetization: Innovation will not be Postponed”, the 2015 Chief IP Counsel Exchange, September 2015
- “The Promise of the Patent”, Commons Institute “Pharmaceuticals, Life Sciences and the Law”, February 2015
- “Canada” chapter in *Getting the Deal Through—Patents*, Law Business Research, 2014 – 2016
- “The Care and Feeding of Expert Witnesses,” Canadian Institute 9th Annual Forum on Pharma Patents, November 2010
- “Selection Patents and Sound Prediction: What is Required?” Insight Information 9th Edition Drug Patents in Canada, May 2010
- “Hot Issues in pharmaceutical litigation,” Insight Information Drug Patents and Legal Forum, May 2009
- “Latest on standards of review,” Canadian Bar Association, Advocacy before the Federal Court in Intellectual Property Matters—Appeal Proceedings, April 2009

## **Professional memberships**

- American Intellectual Property Law Association
- Intellectual Property Institute of Canada
- Canadian Bar Association
- American Bar Association

## **Bar admissions & education**

- Ontario Bar, 1992
- LL.B., Osgoode Hall Law School, York University, 1990
- M.A.Sc. (chemical engineering), University of Ottawa, 1985
- B.Sc. (chemical engineering), Queen’s University, 1983