



Emily P. Kettel

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EDUCATION

University of Guelph, BSc (Eng), 2005,
with distinction

University of Toronto, JD, 2008

BAR ADMISSIONS

Ontario, 2009

Emily Kettel is an experienced intellectual property litigator and registered Canadian trademark agent with more than fifteen years of experience in patent validity, infringement, trademark litigation, and intellectual property advisory work for clients in the pharmaceutical, biotechnology, mining, oil and gas, and other science-based industries. She approaches problems in a creative and commercially-minded manner, working with clients to understand their ultimate objectives and craft strategies based on those objectives. Emily works with patentees, licensees and patent challengers, and she has significant experience in complex, multi-party patent matters involving concurrent litigation in Canada and the U.S., including advising on trademark prosecution and strategy.

Emily was counsel on the first patent validity trial in the amended Patented Medicines (Notice of Compliance) Regulations in 2020 in the Federal Court and its subsequent appeal and is counsel on a related appeal and damages suit, and has advised on strategy and prepared many Notices of Allegation and acted on subsequent litigation, and for both small-molecule generic drugs and biosimilar products. Emily has extensive knowledge of Canadian drug markets, including generic and biosimilar entry mechanisms and pricing considerations. Emily works with Canadian and international clients to achieve their business objectives: she advises on patent and trademark litigation strategy, provides advice regarding the Food and Drugs Act, Medical Devices Regulations and Food and Drugs Regulations, negotiates pre-litigation market entry for pharmaceutical products, drafts and responds to notice letters for biosimilar and generic pharmaceutical entrants, advises on pharmaceutical pricing considerations, and related regulatory matters.

Emily is The Advocates Society (TAS) representative on the Federal Court IP Users Committee. She is active on the IPIC Litigation Committee and Women's Intellectual Property Networking Group (WING), chairing an annual women's networking event. Emily also sits on the Advocates Society Mid-Career Advocates Committee, chairing the Mentorship Working Group and sitting on the TAS Education Committee. Emily has presented on many topics related to intellectual property litigation, including the PM(NOC)

Regulations. Emily is an adjunct mooting advisor at the University of Toronto Faculty of Law, coaching the school's Harold G. Fox Intellectual Property Moot team. She also sits on a local not-for-profit board of directors.