

FEDERAL COURT DISMISSES BAUER HOCKEY'S PATENT INFRINGEMENT ACTION AGAINST CCM

15 May 2020

Bauer Hockey Ltd. v. Sport Maskas Inc. (CCM Hockey), 2020 FC 624

On May 15, 2020, the Federal Court dismissed a patent infringement action brought by Bauer Hockey Ltd. ("Bauer") against Sport Maskas Inc. dba CCM Hockey ("CCM") and allowed CCM's counterclaim of patent invalidity.

A number of issues were before the Court, including patent validity, liability, and damages, all of which were canvassed in detail by the parties over the course of the six-week trial. Ultimately, two issues were determinative of the entire action, namely construction of the patent at issue and its validity. The Court sided with the construction of the patent advanced by CCM and subsequently found the patent invalid on the ground of obviousness.

Despite the finding of invalidity, CCM was tasked with responding to infringement claims concerning well over a hundred skate models and as well, any monetary remedies that might result. This undertaking by CCM entailed significant documentary production and required extensive technical and financial expert evidence.

Gowling WLG represented Sport Maskas Inc. with a team that included Jay Zakaïb, Frédéric Lussier, Erin Creber, Alexander Camenzind, and Cole Meagher.

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