



PATENTED MEDICINE PRICES REVIEW BOARD

**IN THE MATTER OF the Patent Act, R.S.C. 1985, c. P-4,
as amended**

**AND IN THE MATTER OF Apotex Inc.,
Apotex Pharmachem Inc. and Apotex Technologies Inc.**

ORDER

FURTHER TO the Notice of Application dated December 27, 2007 (the "**Application**") and filed by Board Staff seeking an order requiring Apotex Inc., Apotex Pharmachem Inc. and Apotex Technologies Inc. (the "**Respondents**") to report information to the Patented Medicine Prices Review Board (the "**Board**") pursuant to the reporting requirements in the *Patent Act*, R.S.C. 1985, c. P-4, as amended, and *Patented Medicines Regulations*, SOR/94-688;

AND FURTHER TO the Notice of Motion filed by Board Staff requesting a discontinuance of the Application;

AND FURTHER TO the written submissions to the hearing panel of the Board seized with this proceeding (the "**Panel**") from counsel for Board Staff and counsel for the Respondents, and submissions made during the Pre-Hearing Conference held on September 13, 2017;

WHEREAS continuing the Application would not be in the public interest given that: (i) the Application was commenced in 2007 and has been held in abeyance for more than nine years; (ii) Board Staff submits that because of the passage of time since the commencement of the Application, Board Staff would face significant evidentiary challenges in continuing with the Application; (iii) there is no evidence of any complaints to the Board with respect to the Respondents; and (iv) Board Staff submits that the decision of the Federal Court of Appeal in *Canada (Attorney General) v. Sandoz Inc.*; *Canada (Attorney General) v. Ratiopharm Inc.* has addressed the jurisdictional issues raised in the Application;

AND WHEREAS the Respondents do not oppose Board Staff's request for a discontinuance of the Application and agree with Board Staff that it is not in the public interest to continue the Application;

The Panel directs the parties as follows:

1. The Panel hereby orders that this Application be discontinued.

Dated at Ottawa, this 21st day of September, 2017.

Original signed by

Signed on behalf of the Panel by
Dr. Mitchell Levine

COUNSEL:

For Board Staff:

David K. Wilson
Calina Ritchie
Isabel Jaen Raasch

For the Respondents:

Katherine Kay
Daniel S. Murdoch