

CONWAY

Litigation/Litige

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June 26, 2017

VIA EMAIL

Katherine L. Kay
Daniel Murdoch
Stikeman Elliot
5300 Commerce Court West
199 Bay Street
Toronto ON M5L 1B9

Dear counsel:

**RE: IN THE MATTERS OF THE MEDICINE APO-SALVENT CFC FREE AND APOTEX INC. (FAILURE TO FILE)
OUR MATTER ID: 1360-003 & 1360-004**

We are writing in respect of the Apo-Salvent CFC Free and Apotex matters (the "Apotex" Matters).

Our client has instructed us to bring motions before the Panel of the Patented Medicine Prices Review Board (the "Board") seeking to discontinue the Apotex Matters. We have prepared motion materials which set out the relevant background information, the impact of *Ratiopharm Inc. v. Canada (Attorney General)*¹ and *Sandoz v. Canada ((Attorney General)*² on the issues raised in the Apotex Matters as well as Board Staff's rationale for seeking to discontinue the proceedings.

These motions will be filed with the Board on or about July 4, 2017. We are writing to inquire as to whether Apotex will consent to the motions to discontinue. We would ask you to please communicate Apotex's response by June 30, 2017.

¹ 2014 FC 502.

² 2014 FC 501.

If you have any questions, please do not hesitate to contact us.

Yours very truly,

Original signature redacted

David K. Wilson