

Federal Court



Cour fédérale

**Date: 20210106**

**Docket: T-182-19**

**Citation: 2021 FC 5**

**Ottawa, Ontario, January 6, 2021**

**PRESENT: The Honourable Mr. Justice Phelan**

**BETWEEN:**

**JANSSEN INC, JANSSEN ONCOLOGY, INC  
AND BTG INTERNATIONAL LTD**

**Plaintiffs**

**and**

**PHARMASCIENCE INC**

**Defendant**

**JUDGMENT**

**THIS COURT ADJUDGES, ORDERS AND DECLARES that:**

1. Canadian Patent No. 2,661,422 is, and has always been, invalid, void and of no effect by reasons of obviousness/obvious to try as asserted by the Defendant and is to be removed from the Patent Register.
2. Except for this declaration of invalidity, the making, constructing, using or selling of PMS-ABIRATERONE orally administered tablets containing 250 mg abiraterone acetate by Pharmascience Inc in accordance with its Abbreviated New Drug Submission No. 220472 would infringe the Asserted Claims.

3. This action is dismissed with costs to the Defendant, the whole of which is to be the subject of a further determination by the Court.

“Michael L. Phelan”

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Judge