

Federal Court



Cour fédérale

Date: 20210106

Docket: T-84-19

Citation: 2021 FC 3

Ottawa, Ontario, January 6, 2021

PRESENT: The Honourable Mr. Justice Phelan

BETWEEN:

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

Plaintiffs

and

APOTEX 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 APO-ABIRATERONE, orally administered tablets containing abiraterone acetate in dosage strengths of 250 mg and 500 mg film-coated tablets by Apotex

Inc in accordance with its Supplemental Abbreviated New Drug Submission No. 222284 would infringe the Asserted Claims.

3. This action and counterclaim are 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”

Judge