

Federal Court



Cour fédérale

Date: 20131220

Docket: T-280-12

Citation: 2013 FC 1271

Ottawa, Ontario, December 20, 2013

PRESENT: The Honourable Mr. Justice Barnes

BETWEEN:

**BRISTOL-MYERS SQUIBB & GILEAD
SCIENCES LLC AND
GILEAD SCIENCES, INC.**

Applicants

and

**THE MINISTER OF HEALTH AND
TEVA CANADA LIMITED**

Respondents

REASONS FOR JUDGMENT AND JUDGMENT

[1] For the Reasons given in Federal Court file T-8-12, citation 2013 FC 1270 this application is similarly decided.

JUDGMENT

THIS COURT'S JUDGMENT is that:

- a) The application is allowed in part;

- b) The Minister is prohibited from issuing a Notice of Compliance to Teva in respect of its tenofovir disoproxil fumarate product until the expiry of Canadian Letters Patent 2,261,619;
and

- c) The issue of costs is reserved pending further written submissions from the parties.

"R.L. Barnes"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: T-280-12

STYLE OF CAUSE: BRISTOL-MYERS SQUIBB & GILEAD SCIENCES
LLC ET AL v THE MINISTER OF HEALTH ET AL

PLACE OF HEARING: Toronto, ON

DATE OF HEARING: September 9 to 16, 2013

REASONS FOR JUDGMENT: BARNES J.

DATED: December 20, 2013

APPEARANCES:

Patrick E. Kierans
Louisa Pontrelli
Brian Daley
Nisha Anand
Brian John Capogrosso

FOR THE APPLICANTS

Jonathan Stainsby
William P. Mayo
Lesley Caswell
Andrew McIntyre

FOR THE RESPONDENT
TEVA CANADA LIMITED

SOLICITORS OF RECORD:

Norton Rose Fulbright Canada LLP
Toronto, ON

FOR THE APPLICANTS

Heenan Blaikie LLP
Toronto, ON

William F. Pentney
Deputy Attorney General of Canada
Montreal, QC

FOR THE RESPONDENT
TEVA CANADA LIMITED

FOR THE RESPONDENT
THE MINISTER OF HEALTH