

Federal Court of Appeal



Cour d'appel fédérale

Date: 20140909

Docket: A-144-14

Citation: 2014 FCA 194

**CORAM: NOËL J.A.
GAUTHIER J.A.
NEAR J.A.**

BETWEEN:

HOSPIRA HEALTHCARE CORPORATION

Appellant

and

**THE MINISTER OF HEALTH
ATTORNEY GENERAL OF CANADA
SANOFI-AVENTIS CANADA INC.**

Respondents

Heard at Ottawa, Ontario on September 9, 2014.
Judgment delivered from the Bench at Ottawa, Ontario, on September 9, 2014.

REASONS FOR JUDGMENT OF THE COURT BY:

GAUTHIER J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Ottawa, Ontario, on September 9, 2014).

GAUTHIER J.A.

[1] The appellant essentially reiterates before us the same arguments it advanced before Mactavish J. and the Prothonotary before her.

[2] In our view, Mactavish J. did not err in finding that the question raised by the motion is not vital to the final issue in the case. Like Mactavish J., (see paragraph 8 of her Reasons), we agree that Prothonotary Tabib was not clearly wrong when she concluded for the reasons she gave at paragraphs 16 to 20 that Sanofi was directly affected.

[3] Finally, we agree with Mactavish J. that the decisions of the Federal Court and this Court in *Lundbeck Canada Inc. v. The Minister of Health*, 2008 FC 1379, affirmed 2009 FCA 134 is properly distinguishable given the present set of facts.

[4] The appeal is therefore dismissed with costs.

“Johanne Gauthier”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-144-14

STYLE OF CAUSE: HOSPIRA HEALTHCARE CORPORATION v. THE MINISTER OF HEALTH, ATTORNEY GENERAL OF CANADA, SANOFI-AVENTIS CANADA INC.

PLACE OF HEARING: Ottawa, Ontario

DATE OF HEARING: SEPTEMBER 9, 2014

REASONS FOR JUDGMENT OF THE COURT BY: NOËL J.A.
GAUTHIER J.A.
NEAR J.A.

DELIVERED FROM THE BENCH BY: GAUTHIER J.A.

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INC.

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CANADA

FOR THE RESPONDENT,
SANOFI-AVENTIS CANADA
INC.