Date: 20090205

**Docket: A-571-07** 

**Citation: 2009 FCA 32** 

CORAM: LÉTOURNEAU J.A.

BLAIS J.A. TRUDEL J.A.

**BETWEEN:** 

PANASONIC CANADA INC.

**Appellant** 

and

PRESIDENT OF THE CANADA BORDER SERVICES AGENCY

Respondent

Heard at Montréal, Quebec, on February 5, 2009.

Judgment delivered from the Bench at Montréal, Quebec, on February 5, 2009.

REASONS FOR JUDGMENT OF THE COURT BY:

BLAIS J.A.

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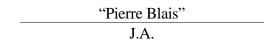
Respondent

## <u>REASONS FOR JUDGMENT OF THE COURT</u> (Delivered from the Bench at Montréal, Quebec, on February 5, 2009).

## **BLAIS J.A.**

[1] This is an appeal of a decision of the Canadian International Trade Tribunal (CITT) dated October 19, 2007.

- [2] This litigation concerns the classification for tariff purposes of four models of Panasonic digital disk recorders that are a combination of two machines: a) a video multiplexer and b) a hard disk recorder.
- [3] In our view, there was ample and cogent evidence upon which the CITT could reasonably conclude that the principal function of the composite machine was the recording of images, a function which the video multiplexer had the capacity of enhancing.
- [4] It was therefore opened to the Tribunal to arrive at its conclusion. Consequently, the appeal will be dismissed with costs.



## FEDERAL COURT OF APPEAL

## NAMES OF COUNSEL AND SOLICITORS OF RECORD

**DOCKET:** A-571-07

Appeal from a decision of the Canadian International Trade Tribunal, October 19, 2007.

STYLE OF CAUSE: PANASONIC CANADA INC.

v. PRESIDENT OF THE

CANADA BORDER SERVICES

AGENCY

PLACE OF HEARING: Montréal, Quebec

**DATE OF HEARING:** February 5, 2009

REASONS FOR JUDGMENT OF THE COURT BY: (LÉTOURNEAU, BLAIS,

TRUDEL, JJ.A.)

**DELIVERED FROM THE BENCH BY:**BLAIS J.A.

**DATED:** February 5, 2009

**APPEARANCES**:

Michael Kaylor FOR THE APPELLANT

Derek Rasmussen FOR THE RESPONDENT

Andrew Gibbs

**SOLICITORS OF RECORD:** 

Lapointe Rosenstein LLP FOR THE APPELLANT

Montréal, Quebec

John H. Sims, Q.C. FOR THE RESPONDENT

Deputy Attorney General

Ottawa, Ontario