

Federal Court of Appeal



Cour d'appel fédérale

Date: 20200408

Docket: A-15-20

Citation: 2020 FCA 72

**CORAM: DE MONTIGNY J.A.
WOODS J.A.
LASKIN J.A.**

BETWEEN:

TEVA CANADA LIMITED

Appellant

and

**BAYER INC. and BAYER INTELLECTUAL
PROPERTY GMBH, APOTEX INC., TARO
PHARMACEUTICALS INC. and SANDOZ
CANADA INC.**

Respondents

Heard by teleconference at Ottawa, Ontario, and Toronto, Ontario, on April 1, 2020.

Judgment delivered at Ottawa, Ontario, on April 8, 2020.

REASONS FOR JUDGMENT BY:

LASKIN J.A.

CONCURRED IN BY:

**DE MONTIGNY J.A.
WOODS J.A.**

Federal Court of Appeal



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CANADA INC.**

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REASONS FOR JUDGMENT

LASKIN J.A.

[1] The attached copy of the reasons for judgment in file A-16-20 shall constitute the reasons for judgment in this appeal.

“J.B. Laskin”

J.A.

“I agree.

Yves de Montigny J.A.”

“I agree.

Judith Woods J.A.”

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-15-20

STYLE OF CAUSE: TEVA CANADA LIMITED v. BAYER INC.
and BAYER INTELLECTUAL PROPERTY
GMBH, APOTEX INC., TARO
PHARMACEUTICALS INC. and SANDOZ
CANADA INC.

PLACE OF HEARING: BY TELECONFERENCE AT OTTAWA,
ONTARIO, AND TORONTO, ONTARIO

DATE OF HEARING: APRIL 1, 2020

REASONS FOR JUDGMENT BY: LASKIN J.A.

CONCURRED IN BY: DE MONTIGNY J.A.
WOODS J.A.

DATED: April 8, 2020

APPEARANCES:

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Faylene Lunn
FOR THE APPELLANT

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Natalia Thawe
FOR THE RESPONDENTS BAYER INC. and
BAYER INTELLECTUAL PROPERTY GMBH

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FOR THE RESPONDENT TARO
PHARMACEUTICALS INC.

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CANADA INC.

SOLICITORS OF RECORD:

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FOR THE APPELLANT

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BAYER INTELLECTUAL PROPERTY GMBH

FOR THE RESPONDENT APOTEX INC.

FOR THE RESPONDENT TARO
PHARMACEUTICALS INC.

FOR THE RESPONDENT SANDOZ
CANADA INC.