



## PATENTED MEDICINE PRICES REVIEW BOARD

IN THE MATTER OF the Patent Act, R.S.C. 1985, c. P-4,  
as amended

AND IN THE MATTER OF Apotex Inc.,  
Apotex Pharmachem Inc. and Apotex Technologies Inc.

### ORDER

**FURTHER TO** the Notice of Motion filed by Board Staff requesting a discontinuance of the proceeding seeking an order requiring Apotex Inc., Apotex Pharmachem Inc. and Apotex Technologies Inc. (the "**Respondents**") to report information to the Patented Medicine Prices Review Board (the "**Board**") pursuant to the reporting requirements in the *Patent Act* and *Patented Medicines Regulations*;

**AND FURTHER TO** paragraph 22 of the Notice of Motion requesting direction from the hearing panel (the "**Panel**") of the Board seized with this proceeding regarding the process for the request for a discontinuance and related issues;

**AND UPON** having considered the Notice of Motion and the allegations that the Respondents failed to report information as set out in the Notice of Application dated December 27, 2007 filed by Board Staff;

The Panel directs the parties as follows:

1. Provide additional submissions and/or evidence in respect of paragraph 21 of the Notice of Motion addressing the issue that discontinuing this proceeding is in the public interest; including, the following:
  - i. Evidence and/or additional submissions regarding whether the Respondents complied with the reporting requirements found in the *Patent Act* and *Patented Medicines Regulations* during the relevant period; and
  - ii. Evidence and/or additional submissions relating to paragraph 21 of the Notice of Motion demonstrating why seeking an order requiring the Respondents to comply with the reporting requirements found in the

*Patent Act* and *Patented Medicines Regulations* is not an appropriate use of the Board's time and resources or otherwise not in the public interest.

2. The additional submissions and/or evidence referenced above shall be served and filed with the Panel by September 8, 2017.
3. Counsel for the parties are requested to indicate to the Board Secretariat by September 1, 2017 the times they are available for a teleconference to be held on September 13 in the afternoon, or September 15 in the morning, 2017 to address the request of Board Staff to discontinue this matter.

Dated at Ottawa, this 28th day of August, 2017.

Original signed by

---

Signed on behalf of the Panel by  
Dr. Mitchell Levine

Counsel:

For the Board Staff:

David Wilson  
Calina Ritchie  
Isabel Jaen Raasch

For Apotex:

Katherine L. Kay  
Daniel Murdoch