

Federal Court



Cour fédérale

**Date: 20131220**

**Docket: T-1708-12**

**Citation: 2013 FC 1272**

**Ottawa, Ontario, December 20, 2013**

**PRESENT: The Honourable Mr. Justice Barnes**

**BETWEEN:**

**GILEAD SCIENCES, INC. AND  
GILEAD SCIENCES CANADA, 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"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** T-1708-12

**STYLE OF CAUSE:** GILEAD SCIENCES, INC. AND GILEAD SCIENCES  
CANADA, INC.  
v  
THE MINISTER OF HEALTH AND TEVA CANADA  
LIMITED

**PLACE OF HEARING:** Toronto, ON

**DATE OF HEARING:** September 9 to 16, 2013

**REASONS FOR JUDGMENT:** BARNES J.

**DATED:** December 20, 2013

**APPEARANCES:**

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