

**Date: 20080612**

**Docket: A-555-07**

**Citation: 2008 FCA 213**

**CORAM: SEXTON J.A.  
BLAIS J.A.  
EVANS J.A.**

**BETWEEN:**

**PHARMASCIENCE INC.**

**Appellant**

**and**

**SANOFI-AVENTIS CANADA INC.**

**Respondent**

**and**

**SCHERING CORPORATION**

**Respondent**

**and**

**THE MINISTER OF HEALTH**

**Respondent**

Heard at Toronto, Ontario, on June 12, 2008.

Judgment delivered from the Bench at Toronto, Ontario, on June 12, 2008.

**REASONS FOR JUDGMENT OF THE COURT BY:**

**SEXTON J.A.**

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**THE MINISTER OF HEALTH**

**Respondent**

**REASONS FOR JUDGMENT OF THE COURT**  
**(Delivered from the Bench at Toronto, Ontario, on June 12, 2008)**

**SEXTON J.A.**

[1] We are not persuaded that there is any error in the very well reasoned decision of Madam Justice Mactavish.

[2] The appeal will therefore be dismissed with costs.

“J. Edgar Sexton”

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-555-07

**(AN APPEAL FROM THE ORDER OF THE HONOURABLE MADAM JUSTICE  
MACTAVISH, DATED NOVEMBER 27, 2007, IN FEDERAL COURT FILE DOCKET NO.  
T-2300-06.)**

**STYLE OF CAUSE:** PHARMASCIENCE INC. v.  
SANOFI-AVENTIS CANADA INC.  
v. SCHERING CORPORATION v.  
THE MINISTER OF HEALTH

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** JUNE 12, 2008

**REASONS FOR JUDGMENT OF THE COURT BY:** (SEXTON, BLAIS & EVANS JJ.A.)

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

**APPEARANCES:**

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Paul Lomic

FOR THE APPELLANT

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Mark G. Biernacki

FOR THE RESPONDENT (Sanofi-  
Aventis Canada Inc.)

Marc Richard

FOR THE RESPONDENT (Schering  
Corporation)

**SOLICITORS OF RECORD:**

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FOR THE RESPONDENT (Sanofi-  
Aventis Canada Inc.)

FOR THE RESPONDENT (Schering  
Corporation)