

Federal Court of Appeal



Cour d'appel fédérale

Date: 20201028

Docket: A-103-19

Citation: 2020 FCA 183

[ENGLISH TRANSLATION]

**CORAM: NADON J.A.
BOIVIN J.A.
LEBLANC J.A.**

BETWEEN:

CAMSO INC.

Appellant

and

SOUCY INTERNATIONAL INC.

and

KIMPEX INC.

Respondents

Heard by online video conference hosted by the Registry

on October 28, 2020

Judgment delivered from the Bench at Ottawa, Ontario, on October 28, 2020.

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

NADON J.A.

Federal Court of Appeal



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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Ottawa, Ontario, on October 28, 2020.)

NADON J.A.

[1] The appellant is asking us to reverse a Federal Court judgment rendered by Justice Locke (the judge) on March 1, 2019 (2019 FC 255) in which he concluded that all the claims at issue

were invalid on the grounds of obviousness and anticipation. Consequently, the judge dismissed the appellant's action against the respondents for infringement of patents 2,388,294 and 2,825,509 and 2,822,562.

[2] In our view, the appeal cannot be allowed.

[3] Considering that it is not our role to reassess the evidence unless we are convinced that the trial judge made a palpable and overriding error, of which we are not satisfied in this case, we are of the opinion that there is no ground to intervene.

[4] Despite Mr. Guay's very able argument for the appellant, there is no doubt that the judge's conclusions, which the appellant is challenging, are supported by the evidence and, therefore, the judge could reasonably conclude as he did.

[5] Moreover, we are satisfied that the judge correctly applied the law.

[6] For these reasons, the appeal will be dismissed with costs.

“M. Nadon”

J.A.

Certified true translation
François Brunet, Revisor

FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-103-19

STYLE OF CAUSE: CAMSO INC. v. SOUCY
INTERNATIONAL INC. AND
KIMPEX INC.

PLACE OF HEARING: BY ONLINE
VIDEOCONFERENCE

DATE OF HEARING: OCTOBER 28, 2020

**REASONS FOR JUDGMENT OF THE COURT
BY:** NADON J.A.
BOIVIN J.A.
LEBLANC J.A.

DELIVERED FROM THE BENCH BY: NADON J.A.

APPEARANCES:

François Guay FOR THE APPELLANT
Jean-Sébastien Dupont
Camille Lachance Gaboury

Éric Ouimet FOR THE RESPONDENTS
Pascal Lauzon

SOLICITORS OF RECORD:

SMART & BIGGAR FOR THE APPELLANT
Montreal, Quebec

BCF L.L.P. FOR THE RESPONDENTS
Montreal, Quebec