

Date: 20070904

Docket: A-189-07

Citation: 2007 FCA 275

**CORAM: RICHARD C.J.
SEXTON J.A.
SHARLOW J.A.**

BETWEEN:

NOVOPHARM LIMITED

Appellant

and

**THE MINISTER OF HEALTH, ATTORNEY GENERAL OF CANADA
and SANOFI-AVENTIS CANADA INC.**

Respondents

Heard at Ottawa, Ontario, on September 4, 2007.

Judgment delivered from the Bench at Ottawa, Ontario, on September 4, 2007.

REASONS FOR JUDGMENT OF THE COURT BY:

RICHARD C.J.

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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Ottawa, Ontario, on September 4, 2007)

RICHARD C.J.

[1] We have determined that the appeal is moot and have decided not to exercise our discretion to hear the appeal.

[2] The motion to dismiss the appeal for mootness will be allowed and the appeal will be dismissed with costs.

"J. Richard"

Chief Justice

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-189-07

APPEAL FROM A DECISION OF JUSTICE HUGHES DATED MARCH 20, 2007

STYLE OF CAUSE: Novopharm Limited
v.
Minister of Health, Attorney General
Of Canada and Sanofi-Aventis
Canada Inc.

PLACE OF HEARING: Ottawa

DATE OF HEARING: September 4, 2007

REASONS FOR JUDGMENT OF THE COURT BY: Richard C.J.

DELIVERED FROM THE BENCH BY: Richard C.J.

APPEARANCES:

Mr. Jeffrey Leon
Mr. Robert Staley
Ms. Dominique Hussey

FOR THE APPELLANT

Mr. Rick Woyiwada
Mr. David Cowie

FOR THE MINISTER OF HEALTH
AND AGC

Mr. Gunars Gaikis
Mr. Robert Staley
Ms. Dominique Hussey

FOR SANOFI-AVENTIS CANADA

SOLICITORS OF RECORD:

Bennett Jones LLP, Toronto, Ontario

FOR THE APPELLANT

John Sims, Deputy Attorney General of Canada,
Ottawa, Ontario

Smart & Biggar, Toronto, Ontario

FOR THE MINISTER OF
HEALTH AND AGC

FOR SANOFI-AVENTIS
CANADA

Date: 20070904

Docket: A-189-07

Ottawa, Ontario, September 4, 2007

**CORAM: RICHARD C.J.
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SHARLOW J.A.**

BETWEEN:

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Appellant

and

**THE MINISTER OF HEALTH, ATTORNEY GENERAL OF CANADA
and SANOFI-AVENTIS CANADA INC.**

Respondents

JUDGMENT

The motion to dismiss the appeal for mootness is allowed and the appeal is dismissed with costs.

"J. Richard"
Chief Justice