



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. and the medicine
"Apo-Salvent CFC Free"**

ORDER

FURTHER TO the Notice of Motion filed by Board Staff seeking a discontinuance of the excessive pricing proceeding in respect of Apotex Inc. (the "**Respondent**") and Apo-Salvent CFC Free ("**Apo-Salvent**");

AND FURTHER TO paragraph 24 of the Notice of Motion requesting direction from the hearing panel (the "**Panel**") of the Patented Medicine Prices Review Board (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 of excessive pricing in respect of Apo-Salvent as set out in the Statement of Allegations dated June 17, 2008 filed by Board Staff;

The Panel directs the parties as follows:

1. Provide additional submissions and/or evidence in respect of paragraph 23 of the Notice of Motion addressing the issue that discontinuing this proceeding is in the public interest; including, the following:
 - i. Confirmation that the amounts set out in the "Revised Compliance Status" chart found at attachment 8 of the Statement of Allegations of Board Staff represent the amount by which the cumulative revenues of the Respondent allegedly exceeded the maximum non-excessive price for Apo-Salvent during the period January 1, 2004 to December 31, 2007; and

- ii. Evidence and/or additional submissions relating to paragraph 23 of the Notice of Motion demonstrating why seeking the amount of the alleged excessive revenues for Apo-Salvent referenced above 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