

# Federal Court of Appeal

Appellate Cases Argued by Active McCarthy Tétrault Lawyers

NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
1.	FCA	<i>Canada (Privacy Commissioner) v. Facebook, Inc.</i>	09/09/24	[2024] F.C.J. No. 1713, 2024 FCA 140, 496 D.L.R. (4 <sup>th</sup> ) 540, 540 CarswellNat 3514	Sookman, Barry Feder, Michael Glover, Daniel Kerr, Gillian Bildfell, Connor	Respondent	ON	Appeal		Privacy law – Personal Information Protection and Electronic Documents Act – privacy measures – meaningful consent - safeguards
2.	FCA	<i>President's Choice Bank v. Canada</i>	08/21/24	[2024] F.C.J. No. 1566, [2024] A.F.C. no 1566, 2024 FCA 135	Koshal, Anu Chia-yi, Chua Douville, Simon MacDonald, Almut	Appellant	Federal	Appeal		Tax law - Excise Tax Act – financial services – commercial activity
3.	FCA	<i>Rovi Guides, Inc. v. Telus Corp.</i>	08/06/24	[2024] F.C.J. No. 1550, 2024 FCA 126	Mason, Steven	Respondents	ON	Appeal		Intellectual property law – Patents – Evidence – Standard of Review on Obviousness and Anticipation
4.	FCA	<i>Teksavvy Solutions Inc. v. Bell Canada</i>	07/22/24	2024 FCA 121	Mason, Steven Kain, Brandon Lizius, Richard Goldenberg, Adam	Respondent	ON	Appeal		CRTC – Telecommunications Act – rate-setting – vary order
5.	FCA	<i>Eli Lilly Canada Inc. v. Apotex Inc</i>	04/16/24	[2024] F.C.J. No. 693, 2024 FCA 72	Mason, Steven Tanner, Steven Mok, Edwin	Appellants	ON	Appeal		Intellectual property law – Patents – “physiologically acceptable” term – standard of review
6.	FCA	<i>Bayer Inc. v. BGP Pharma ULC (c.o.b. Viatrix Canada)</i>	02/13/24	[2024] F.C.J. No. 243, 2024 FCA 29, 2024 A.C.W.S. 793, 206 C.P.R. (4 <sup>th</sup> ) 97, 2024 CarswellNat 310	Tait, David Holtom, James S.S.	Appellants	ON	Appeal		Health law — Health care professionals — Discipline — Appeal or judicial review

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7.	FCA	<i>China Mobile Communications Group Co. v. Canada (Attorney General)</i>	10/05/23	[2023] F.C.J. No. 1419, 2023 FCA 202	Iatrou, Nikiforos Stern, Akiva	Appellants	ON	Appeal		Investment Canada Act – Notice of Application for Judicial Review – Canada Evidence Act
8.	FCA	<i>Société du Vieux-Port de Montréal Inc. c. Montréal (Ville)</i>	06/05/23	2023 CarswellNat 1807, 2023 FCA 126	Cloutier, Nicolas Bernier-Trudeau, Mathieu	Appellant	QC	Appeal		Municipal law - Municipal tax assessment- Tax exemption- Crown-Occupiers of Crown-owned land-Crown employee or agent
9.	FCA	<i>Eli Lilly Canada Inc. v. Apotex Inc.</i>	06/02/23	[2023] F.C.J. No. 739, 2023 FCA 125, 2023 A.C.W.S. 2492, 202 C.P.R. (4 <sup>th</sup> ) 373, 2023 CarswellNat 1758	Mason, Steven Tanner, Steven Mok, Edwin	Appellants	ON	Appeal		Intellectual property law – Patents – standard of review - obviousness
10.	FCA	<i>Telus Communications Inc. v. Federation of Canadian Municipalities</i>	04/13/23	[2023] F.C.J. No. 498, [2023] A.C.F. no 498, 2023 FCA 79, 2023 CAF 79, 480 D.L.R. (4 <sup>th</sup> ) 709, 16 Admin. L.R. (7 <sup>th</sup> ) 32, 2023 A.C.W.S. 1470, 41 M.P.L.R. (6 <sup>th</sup> ) 19, 2023 CarswellNat 1012	Kain, Brandon Goldenberg, Adam	Respondent	Federal	Appeal	Leave to the SCC dismissed 2023 CanLII 115637	Telecommunications Act – CRTC – Jurisdiction – Wireless services – Radiocommunication Act
11.	FCA	<i>Jog v. Bank of Montreal</i>	03/02/23	[2023] F.C.J. No. 266, 2023 FCA 44	Lonsdale, Christine	Respondent	ON	Appeal		Civil litigation — Civil procedure — Applications and motions — Time requirements — Appeals — Time to appeal — Extension of time — Quashing or dismissal of
12.	FCA	<i>Grant v. Unifor</i>	11/01/22	2022 CarswellNat 24, 2022 FCA 6, 340 A.C.W.S. (3d) 227	Baril, André	Respondent	QC	Appeal		Labour and employment - Unfair labour practices - Timeliness of complaint

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13.	FCA	<i>BCE Inc. v. Québecor Média Inc.</i>	09/07/22	[2022] F.C.J. No. 1282, [2022] A.C.F. no. 1282, 2022 FCA 152, 2022 CarswellNat 3531, 2022 CarswellNat 3532, 2022 CAF 152	Mason, Steven, Vendette, Isabelle	Applicants	QC	Application		Communications – Broadcasting – Judicial Control – CRTC – Undue preference – Discretionary sports service – Fairness of a pre-assembled packaging
14.	FCA	<i>Pharmascience Inc. v. Bristol-Myers Squibb Canada Co.</i>	08/04/22	[2022] F.C.J. No. 1177, 2022 FCA 142	Mason, Steven Tait, David Mendis, Sanjaya Holtom, James	Respondents	ON	Appeal	Leave to the SCC dismissed 2023 CanLII 24507	Intellectual property law – Patents – Application – Claims – Selection patents – Procedure – Appeals – Judicial review - Grounds
15.	FCA	<i>Fibrogen, Inc. v. Akebia Therapeutics Inc.</i>	07/19/22	[2022] F.C.J. No. 1073, 2022 FCA 135, 471 D.L.R. (4 <sup>th</sup> ) 746	Batner, Sarit Burgess, Michael	Respondents	ON	Appeal		Civil litigation – Interlocutory proceedings – Federal Court – Confidential Agreement – Protective Order – Challenged confidentiality designations – Failure to dismiss appeal on basis of mootness
16.	FCA	<i>Swist v MEG Energy Corp.</i>	6/20/22	[2022] F.C.J. No. 919, 2022 FCA 118, 2022 CarswellNat 2208	Ellam, Timothy S. J. Tanner, Steven Levasseur, Kendra	Respondent	ON	Appeal	Leave to the SCC dismissed 2023 CanLII 19749	Intellectual property law – Patents – Infringement – Defences to infringement – Anticipation - Procedure
17.	FCA	<i>Farmers Edge Inc. v. Farmobile, LLC</i>	6/16/22	[2022] F.C.J. No. 938, 2022 FCA 116	Tait, David Holtom, James Levasseur, Kendra	Appellant	ON	Appeal		Civil litigation – Civil procedure – Pleadings – Amendment of – Statement of defence – Leave to amend - Appeals
18.	FCA	<i>CSX Transportation, Inc. v. ABB Inc.</i>	5/31/22	[2022] F.C.J. No. 870, 2022 FCA 96	Hubbard, Chris	Appellant	ON	Appeal		International law – Proceedings – Appeals and judicial review – Natural justice – Procedural fairness

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19.	FCA	<i>Airbnb, Inc. v. Lin</i>	01/06/22	[2022] F.C.J. No. 2, 2022 FCA 3	Yates, Jill Williams, Patrick	Appellants	BC	Appeal		Civil litigation – Civil procedure – Parties – Class or representative actions – Certification Settlements – Approval – Appeals – Quashing or dismissal of
20.	FCA	<i>McNeeley v. Canada</i>	11/15/21	[2021] F.C.J. No. 1868, 2021 FCA 218	Chua, Chia-yi Koshal, Anu	Appellants	ON	Appeal		Income tax – Employee benefit plans – Employee trusts
21.	FCA	<i>Portnov v. Canada (Attorney General)</i>	08/23/21	[2021] F.C.J. No. 898, 2021 FCA 171	Hall, Geoff R. Boscariol, John Glasgow, Robert	Appellant	ON	Appeal		Government law – Federal parliament – Statutory instruments – Freezing Assets of Corrupt Foreign Officials Act
22.	FCA	<i>TVA Group Inc. v. Bell Canada</i>	07/28/21	[2021] F.C.J. No. 799, [2021] A.C.F. no 799, 2021 FCA 153	Mason, Steven Kain, Brandon Levasseur, Kendra	Respondents	ON	Appeal		Media and Communications Law – impugned decisions – Broadcasting Act – withholding signal
23.	FCA	<i>Sunovion Pharmaceuticals Canada Inc. v. Taro Pharmaceuticals Inc.</i>	06/09/21	[2021] F.C.J. No. 564, 2021 FCA 113, 183 C.P.R. (4 <sup>th</sup> ) 167, 2021 CarswellNat 1766	Tait, David Holtom, James	Appellants	ON	Appeal		Intellectual property law – Patents – Procedures - Amendment
24.	FCA	<i>Société de fiducie Blue Bridge Inc. c. Canada (Revenu national)</i>	06/09/21	2021 CAF 114, 2021 CarswellNat 1765 2021 D.T.C. 5072, 333 A.C.W.S. (3d) 219	Cloutier, Nicolas X. Joizil, Karine	Appellant	QC	Interlocutory	Application for leave to appeal and motion for a stay of execution dismissed on 2021-12-16 (docket 39682)	Procedure on appeals - Stay of execution - Tax - Income tax - Foreign income - Tax treaties - Double taxation - Exchange of information

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25.	FCA	<i>Teksavvy Solutions Inc. v. Bell Media Inc</i>	05/26/21	[2021] F.C.J. No. 486, 2021 FCA 100	Sookman, Barry Mason, Steve Glove, Dan Levasseur, Kendra	Interveners	ON	Appeal		Media and Communications Law – transmission of copyright works – site-blocking order was just and equitable - Canadian Charter of Rights and Freedoms
26.	FCA	<i>Canadian Imperial Bank of Commerce v. Canada</i>	05/20/21	[2021] F.C.J. No. 504, 2021 FCA 96, 2021 CarswellNat 1597, [2021] G.S.T.C. 43, 2021 D.T.C. 5059	Nanji, Al-Nawaz	Appellant	Federal	Appeal		Taxation — Goods and Services Tax (GST) — Supply — Taxable supply
27.	FCA	<i>Société de fiducie Blue Bridge Inc. c. Canada (Revenu national)</i>	03/24/21	2021 FCA 62, 2021 CAF 62, 2021 CarswellNat 4972, 2021 CarswellNat 764, 2021 D.T.C. 5035, 2021 D.T.C. 5134, 330 A.C.W.S. (3d) 218	Cloutier, Nicolas X.	Appellant	QC	Final	Application for leave to appeal and motion for a stay of execution dismissed on 2021-12-16 (docket 39682)	Tax - Income tax - Foreign income - Tax treaties - Double taxation - Exchange of information
28.	FCA	<i>Canadian Imperial Bank of Commerce v. Canada</i>	01/22/21	[2021] F.C.J. No. 59, 2021 FCA 10, 456 D.L.R. (4 <sup>th</sup> ) 722, 2021 CarswellNat 103, [2021] G.s.T.C. 6, 327 A.C.W.S. (3d) 139	Nanji, Al-Nawaz	Appellant	Federal	Appeal		Excise Tax Act – financial service definition – Bank Act – administrative service – person at risk
29.	FCA	<i>Jog v. Bank of Montreal</i>	12/16/20	[2020] F.C.J. No. 1201, 2020 FCA 218	McNeill-Keller, Kate Aberant, Benjamin Lindner, Justine	Respondent	ON	Appeal		Administration law – Bodies under review – Practice and procedure
30.	FCA	<i>Bell Canada v. British Columbia Broadband Assn.</i>	09/10/20	[2020] F.C.J. No. 910, 2020 FCA 140	Mason, Steven Kain, Brandon Lizius, Richard Goldenberg, Adam	Appellant	ON	Appeal		Administrative law – Bodies under review – Nature of body – Media and communications

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31.	FCA	<i>3510395 Canada Inc. v. Canada (Attorney General)</i>	06/05/20	[2020] F.C.J. No. 64, 2020 FCA 103	Sookman, Barry Morgan, Charles Glover, Daniel	Appellant	ON	Appeal		Constitutional law – Division of powers – Federal jurisdiction
32.	FCA	<i>ING Bank N.V. c. Canpotex Shipping Services Limited</i>	05/05/20	[2020] F.C.J. No. 571, 2020 FCA 83	Feder, Michael Williams, Patrick	Appellant	BC	Appeal		Contracts - Interpretation
33.	FCA	<i>ING Bank N.V. c. Canpotex Shipping Services Limited</i>	05/05/20	[2020] F.C.J. No. 570, 2020 FCA 84	Feder, Michael Williams, Patrick	Appellant	BC	Appeal		Civil litigation – Civil procedure - Costs
34.	FCA	<i>Toronto-Dominion Bank v Canada</i>	04/29/20	[2020] F.C.J. No. 569, 2020 FCA 80, 2020 CAF 80, [2020] G.S.T.C. 16, 2020 D.T.C. 5042, 78 C.B.R. (6 <sup>th</sup> ) 104, 2020 CarswellNat 1443	Lonsdale, Christine	Appellant	ON	Appeal		Taxation – GST – Collection and remittance – Deemed Trust
35.	FCA	<i>Bank of Montreal v Li</i>	01/24/20	[2020] F.C.J. No. 95, 2020 FCA 22, 2020 CLLC para 210-028, 443 D.L.R. (4 <sup>th</sup> ) 688, 60 C.C.E.L. (4 <sup>th</sup> ) 1, 2020 CarswellNat 126	Kain, Brandon Kapur, Sunil Pengelly, Patrick	Appellant	ON	Appeal		Labour arbitration – Process and procedure – Bars – Prior settlement
36.	FCA	<i>Apotex v. Bristol-Myers Squibb Canada Co.</i>	06/27/19	2019 FCA 194, 2019 CarswellNat 3391, 165 C.P.R. (4 <sup>th</sup> ) 241, 307 A.C.W.S. (3d) 488	Tait, David Mendis, Sanjaya	Respondents	ON	Appeal		Civil practice and procedure – Discovery – Examination for discovery
37.	FCA	<i>Mediatube Corp. v. Bell Canada</i>	06/11/19	[2019] F.C.J. 684, 2019 FCA 176, 166 C.P.R. (4 <sup>th</sup> ) 95, 2019 CarswellNat 2404	Mason, Steve	Respondent	ON	Appeal		Intellectual property law – Patents – Infringement -- Procedure
38.	FCA	<i>CIBC World Markets Inc. v. Canada</i>	05/15/19	[2019] F.C.J. No. 560, [2019] A.C.F. no. 560, 2019 FCA 147, [2019] G.S.T.C. 36, 2019 CarswellNat 1741	Nanji, Al-Nawaz	Appellant	Federal	Appeal		Statutory interpretation — Statutes — Construction — By context — Legislative intent Taxation — Goods and

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										Services Tax (GST) — Interpretation — Principles of statutory interpretation
39.	FCA	<i>Packers Plus Energy Services Inc. v. Essential Energy Services Ltd.</i>	04/24/19	[2019] F.C.J. No. 459, 2019 FCA 96, 164 C.P.R. (4 <sup>th</sup> ) 191, 2019 CarswellNat 1338	Burgess, Michael	Appellants	Federal	Appeal		Intellectual property law (Patents) — Patents — Defences to infringement — Invalidity of patent — Obviousness
40.	FCA	<i>Administration de pilotage des Laurentides c. Corporation des pilotes du Saint-Laurent Central Inc.</i>	04/16/19	2019 CAF 83, 2019 CarswellNat 1232, 306 A.C.W.S. (3d) 229, 52 Admin. L.R. (6th) 209	Lortie, Jean	Respondent	QC	Appeal		Judicial review - Standing - Maritime and admiralty law --- Pilots and pilotage authorities - Pilotage authorities - Powers - Disciplinary action
41.	FCA	<i>Fonds de solidarité des travailleurs du Québec c. Canada</i>	02/22/19	2019 CAF 36, 2019 CarswellNat 512, 2019 D.T.C. 5024, 302 A.C.W.S. (3d) 432	Cloutier, Nicolas X.	Appellant	QC	Appeal		Tax - Income Tax - Business and property income - Expenses - Purpose of gaining or producing income
42.	FCA	<i>Elson v. Canada (Attorney General)</i>	02/08/19	2019 FCA 27, 2019 CarswellNat 280, 301 A.C.W.S. (3d) 652	Mason, Steven Kain, Brandon Lizius, Richard	Appellant	ON	Appeal		Natural resources – Fish and wildlife – Practice and procedure – Judicial review
43.	FCA	<i>Bell Canada v. 7262591 Canada Ltd. (d.b.a. Gusto TV)</i>	10/01/18	[2018] F.C.J. No. 970, [2018] A.C.F. no 970, 2018 FCA 174	Mason, Steven Kain, Brandon Lizius, Richard	Appellants	ON	Appeal		Appeal – CRTC
44.	FCA	<i>Mediatube Corp. v. Bell Canada</i>	06/28/18	2018 FCA 127, 2018 CarswellNat 3399, 156 C.P.R. (4 <sup>th</sup> ) 289, 293 A.C.W.S. (3d) 726	Mason, Steven	Respondents	ON	Appeal		Civil practice and procedure – Practice on appeal – Notice of appeal - Amendments
45.	FCA	<i>Laurentian Pilotage Authority v. Corporation des Pilotes du Saint-Laurent Central Inc.</i>	06/13/18	2018 CAF 117, 2018 FCA 117, 2018 CarswellNat 2888, 2018 CarswellNat 2889, 299 A.C.W.S.	Baril, André L. Theophilopoulos, Diana	Respondent	QC	Appeal		Labour law - Arbitration - Guidelines on conducting final offer arbitration - Distinction from interest arbitration

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				(3d) 235						
46.	FCA	<i>Iggillis Holdings Inc. v. Canada (National revenue)</i>	03/06/18	[2018] F.C.J. No. 231, 2018 FCA 51, 2018 D.T.C. 5027, 288 A.C.W.S. (3d) 681, [2018] 4 C.T.C. 1, 16 C.P.C. (8 <sup>th</sup> ) 267, 80 B.L.R. (5 <sup>th</sup> ) 85, 2018 CarswellNat 702, 420 D.L.R. (4 <sup>th</sup> ) 477	Feder, Michael Williams, Patrick	Intervener	BC	Appeal		Solicitor-client privilege – Common interest privilege
47.	FCA	<i>Bell Canada v. Canada (Attorney General)</i>	12/18/17	[2017] F.C.J. No. 1252, 2017 FCA 249	Mason, Steven Kain, Brandon Glover, Daniel Lizius, Richard	Appellants	ON	Appeal		Intellectual property law – Copyright – Transfer or assignment – Media and communications law – Broadcasting policy – Distribution undertakings – Simultaneous substitution – Advertising
48.	FCA	<i>Bristol-Myers Squibb Canada Co. v. Apotex Inc.</i>	09/18/17	[2017] F.C.J. No. 885, 2017 FCA 190	Mason, Steven Tait, David	Appellant	ON	Appeal		Intellectual property law – Patents – Infringement – Invalidity of Patent - Obviousness
49.	FCA	<i>Club Intrawest v. Canada</i>	07/11/17	[2017] F.C.J. No. 702, 2017 FCA 151, [2017] G.S.T.C. 51, 281 A.C.W.S. (3d) 7, 2017 CarswellNat 3241,	Chua, Chia-yi	Appellant	ON	Appeal		Taxation – Goods and Services Tax – Place of supply – Real or immovable property situated in Canada
50.	FCA	<i>Re:Sound v. Canadian Association of Broadcasters</i>	06/28/17	[2017] F.C.J. No. 646, 2017 FCA 138, 20 Admin. L.R. (6ht) 179, 282 A.C.W.S. (3d) 599, 148 C.P.R. (4 <sup>th</sup> ) 91, 2017 CarswellNat 2963	Sookman, Barry	Applicant	ON	Judicial Review		Intellectual property (Copyright) – Royalties – Copyright Board – Tariff hearings



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51.	FCA	<i>Bristol-Myers Squibb Canada Co. v. Teva Canada Limited</i>	04/11/17	[2017] F.C.J. No. 358, 2017 FCA 76, 146 C.P.R. (4 <sup>th</sup> ) 216, 2017 CarswellNat 1330, 277 A.C.W.S. (3d) 827,	Mason, Steven Tait, David Mendis, Sanjaya	Appellant	ON	Appeal		Intellectual property law – Criteria for patent prosecution – Non-obviousness – inventive ingenuity
52.	FCA	<i>Swist v. Meg Energy Corp.</i>	11/15/16	[2016] F.C.J. No. 1327, 2016 FCA 283, s2016 CarswellNat 6184	Ellam, Timothy Tanner, Steven	Respondent	ON	Appeal		Civil litigation – costs – security for costs – where plaintiff insolvent or impecunious
53.	FCA	<i>Bell Canada v. Canada (Attorney General)</i>	09/02/16	[2016] F.C.J. No. 964, 2016 FCA 217, 2016 CarswellNat 4080, 270 A.C.W.S. (3d) 71, 487 N.R. 251, 402 D.L.R. (4 <sup>th</sup> ) 551	Mason, Steven Kain, Brandon Lizius, Richard	Appellants Interveners	ON	Appeal		Media and communications law – CRTC -
54.	FCA	<i>Bell Mobility Inc. V. Klass</i>	06/20/16	[2016] F.C.J. No. 633, 2016 FCA 185, 2016 CarswellNat 2319, 486 N.R. 287, 270 A.C.W.S. (3d) 517, 401 D.L.R. (4 <sup>th</sup> ) 353	Kain, Brandon Lizius, Richard	Appellant	ON	Appeal		Administrative law – media and communications law – telecommunications - bodies under review – nature of body – powers or function – legislative framework
55.	FCA	<i>Merck &amp; Co., Inc. v. Apotex Inc.</i>	07/23/15	[2015] F.C.J. No. 900, 2015 FCA 171	Mason, Steven Tait, David	Respondents	ON	Appeal		Intellectual property law (patents) – appeal by Apotex from award of damages in favour of Merck dismissed – Trial judge found appellant infringed respondent's patent between 1997 and 2001 by preparing 60 per cent of lovastatin it sold using respondent's patented process

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56.	FCA	<i>Apotex Inc. v. Allergan Inc.</i>	06/03/15	[2015] F.C.J. No. 953, 2015 FCA 137	Mason, Steven Tanner, Steven Mendis, Sanjaya	Respondents	ON	Appeal		Intellectual property law – defences to infringement – anticipation (lack of novelty) – obviousness – appeal by Apotex from order prohibiting issuance of notice of compliance with respect to generic eye drops dismissed
57.	FCA	<i>Abbvie Corp. V. Janssen Inc.</i>	10/28/14	[2014] F.C.J. No. 1082, 2014 FCA 242	Mason, Steven	Respondent	ON	Appeal		Intellectual property law – defences to infringement – obviousness – appeal by Janssen Inc. from decision dismissing its motion to amend its defence and counterclaim in action for patent infringement by adding new prior art references contained in its expert report allowed
58.	FCA	<i>Canada (National Revenue) v. Sifto Canada Corp.</i>	10/10/14	[2014] F.C.J. No. 567, [2014] A.C.F. no.567, 2014 FCA 140, [2014] C.T.C. 26, 68 Admin.L.R. (5 <sup>th</sup> ) 215, 241 A.C.W.S. (3d) 487, 2014 D.T.C. 5083, 461 N.R. 184, 2014 CarswellNat 1865	Nanji, Al-Nawaz	Respondent	Federal	Appeal		Taxation — Federal income tax — Appeals — Federal Courts — Judicial review applications
59.	FCA	<i>Sanofi-Aventis Canada Inc. v. Apotex Inc.</i>	03/14/14	[2014] F.C.J. No. 294, 2014 FCA 66	Mason, Steven Tait, David Medis, Sanjaya	Appellants	ON	Appeal		Civil litigation – appeals by Sanofi from dismissal of appeal from denial of motion to amend statement of defence and from order striking portions of expert reports dismissed – opinion

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										evidence – admission of reports
60.	FCA	<i>Sanofi-Aventis Canada Inc. v. Teva Canada Limited</i>	03/14/14	[2014] F.C.J. No. 255, 2014 FCA 69	Mason, Steven Medis, Sanjaya	Appellants	ON	Appeal		Intellectual property law – appeal by Sanofi from dismissal of defence regarding validity of s. 8 of Patented Medicines (Notice of Compliance) Regulations dismissed
61.	FCA	<i>Teva Canada Limited v. Sanofi-Aventis Canada Inc.</i>	03/14/14	[2014] F.C.J. No. 286, 2014 FCA 67	Mason, Steven Mendis, Sanjaya	Respondent	ON	Appeal		Intellectual property law (patents) – Accounting of profits – appeal by innovator and generic drug manufacturer from award of damages for loss of sales of generic ramipril dismissed
62.	FCA	<i>Sanofi-Aventis Canada Inc. v. Teva Canada Ltd.</i>	03/14/14	[2014] F.C.J. No. 254, 2014 FCA 65	Mason, Steven Mendis, Sanjaya	Appellants	ON	Appeal		Civil litigation – amendment of statement of defence – appeal by Sanofi from dismissal of appeal from denial of motion to amend statement of defence dismissed
63.	FCA	<i>Apotex Inc. v. Sanofi-Aventis</i>	03/14/14	[2014] F.C.J. No. 295, 2014 FCA 68	Mason, Steven Tait, David Mendis, Sanjaya	Appellants	ON	Appellants		Intellectual property law (patents) – Appeals by generic drug manufacturer and innovator drug manufacturer from judgment ordering innovator to compensate generic for lost profits resulting from delayed market entry allowed in

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										party
64.	FCA	<i>Canada (Attorney General) v. Canadian Human Rights Commission</i>	03/11/13	[2013] F.C.J. No. 249, 2013 FCA 75	Tanner, Steven	Intervener	ON	Appeal		Aboriginal law – Aboriginal status and rights – Duties of the Crown – Government benefits, services and programs – Appeal by Attorney General from successful application by First Nations organizations
65.	FCA	<i>BCE Inc. v. Telus Communications Company</i>	02/26/13	[2013] F.C.J. No. 206, 2013 FCA 58	Kain, Brandon	Appellants	ON	Appeal		Administrative law – judicial review and statutory appeal – when available – moot or academic issues – Appeal by Bell from CRTC's decision
66.	FCA	<i>Wenzel Downhole Tools Ltd. V. National-Oilwell Canada Ltd.</i>	12/20/12	[2012] F.C.J. No. 1654, 2012 FCA 333	Ellam, Timothy S. Smyth, Kara Tanner, Steven	Appellants	ON	Appeal		Intellectual property law – patents – infringement – defences to infringement – invalidity of patent – application (lack of novelty) – obviousness – prior use or knowledge
67.	FCA	<i>Apotex Inc. v. Allergan Inc.</i>	11/23/12	[2012] F.C.J. 1467, 2012 FCA 308	Mason, Steven Tanner, Steven	Respondents	ON	Appeal		Intellectual property law – patents – criteria for patent protection - Civil litigation – Civil procedure – Courts – Stare decisis – Use of precedents – Prior decisions of same court – Appeal by generic drug manufacturer from prohibition order

NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
										preventing it from marketing generic version of drug to prevent glaucoma dismissed
68.	FCA	<i>BCE Inc. v. Telus Communications Inc.</i>	06/28/12	[2012] F.C.J. No. 970, 2012 FCA 198	Kain, Brandon	Appellants	ON	Motion		Civil litigation – civil procedure – publication bans and confidentiality orders – Motion by Bell for confidentiality order respecting material filed in appeal from CRTC decision allowed
69.	FCA	<i>Apotex Inc. v. Merck &amp; Co. Inc.</i>	12/19/11	[2011] F.C.J. No. 1866, 2011 FCA 363	Mason, Steven G. Tait, David	Respondent	ON	Appeal		Intellectual property law – patents – infringement – procedure – evidence - experts
70.	FCA	<i>Apotex Inc. v. Merck &amp; Co. Inc.</i>	12/19/11	[2011] F.C.J. No. 1865, 2011 FCA 364	Mason, Steven G.	Respondent	ON	Appeal		Intellectual property law – patents – infringement – remedies – damages - compensatory
71.	FCA	<i>Air Canada v. Toronto Port Authority</i>	12/12/11	[2011] F.C.J. No. 1725, 2011 FCA 347	Batner, Sarit Kain, Brandon Shaw, Byron	Appellant	ON	Appeal		Administrative law — transportation law — judicial review and statutory appeal — jurisdiction of the court to review
72.	FCA	<i>Canada Revenue Agency v. Tele-Mobile Company Partnership</i>	03/08/11	[2011] F.C.J. No. 336, 2011 FCA 89	Chua, Chia-Yi	Appellant	ON	Appeal		Tax — administration and enforcement — civil procedure — motion to strike
73.	FCA	<i>Reference re Broadcasting Act (Can.)</i>	02/28/11	[2011] F.C.J. No. 197, 2011 FCA 64	Mason, Steven Glover, Daniel	Intervenor	ON	Reference		Intellectual property — copyright — media and communications law — broadcasting

NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
74.	FCA	<i>Sirius Canada Inc. v. CMRRA/Sodrac Inc.</i>	12/16/10	[2010] F.C.J. No. 1604, 2010 FCA 348	Glover, Daniel	Respondent	ON	Judicial Review		Intellectual property — copyright infringement — telecommunications
75.	FCA	<i>Maple Leaf Foods Inc. v. Consorzio Del Prosciutto Di Parma</i>	10/27/10	[2010] F.C.J. No. 1205, [2010] A.C.F. no 1205, 2010 FCA 247, 2010 CAF 247, 407 N.R. 199, 87 C.P.R. (4th) 81	Glover, Daniel	Respondent	ON	Appeal		Intellectual property — trademarks
76.	FCA	<i>Alberta (Education) v. Canadian Copyright Licensing Agency (Access Copyright)</i>	07/23/10	[2010] F.C.J. No. 952, [2010] A.C.F. no 952, 2010 FCA 198, 405 N.R. 354, 85 C.P.R. (4th) 349	Sookman, Barry B. Glover, Daniel	Intervenor	ON	Judicial review	Application for leave to appeal to the SCC submitted, [2010] S.C.C.A. No. 359.	Intellectual property law — copyright — protected subject matter — literary works — books and other writings — royalties — defences to infringement — statutory defences — educational use — fair dealing — copyright board — judicial review — publishing
77.	FCA	<i>Sandoz Canada Inc. v. Abbott Laboratories</i>	06/22/10	[2010] F.C.J. No. 817, [2010] A.C.F. no 817, 2010 FCA 168, 2010 CAF 168, 404 N.R. 356, 85 C.P.R. (4th) 279	Tait, David Mason, Steven	Respondent	ON	Appeal		Patent — defences to infringement — invalidity of patent — obviousness — appeal from an order prohibiting respondent from issuing a notice of compliance to appellant
78.	FCA	<i>Prévost Car Inc. v. Canada</i>	05/21/10	[2009] F.C.J. No. 241, [2009] A.C.F. no 241, 2009 FCA 57, 2009 CAF 57, [2010] 2 F.C.R. 65, [2010] 2 R.C.F. 65, 387 N.R. 161, [2009] 3 C.T.C. 160, 2009 D.T.C. 5053, 176 A.C.W.S. (3d) 278,	Chua, Chia-yi	Respondent	ON	Appeal		Corporations, partnerships and associations law — corporations — dividends — form — income tax

NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
				2010EXP-3514						
79.	FCA	<i>Standing Buffalo Dakota First Nation v. Enbridge Pipelines Inc.</i>	12/07/09	[2009] F.C.J. No. 1434, [2009] A.C.F. no 1434, 2009 FCA 308, 2009 CAF 308, 313 D.L.R. (4th) 217, 315 D.L.R. (4th) 217, 395 N.R. 355, [2010] 1 C.N.L.R. 371	Mason, Steven G.	Respondent	ON	Appeal	SCC refused leave to appeal: [2009] S.C.C.A. No. 499	Aboriginal law — aboriginal status and rights — duties of the Crown — consultation and accommodation — natural resources law
80.	FCA	<i>Island Timberlands LP v. Canada (Minister of Foreign Affairs)</i>	12/02/09	[2009] F.C.J. No. 1563, [2009] A.C.F. no 1563, 2009 FCA 353, 400 N.R. 379	Hall, Geoff R.	Appellant	ON	Appeal		International trade law — natural resources law — forestry products — protection of commercial interests — export
81.	FCA	<i>Canada Trustco Mortgage Company v. Canada</i>	09/15/09	[2009] F.C.J. No. 1151, [2009] A.C.F. no 1151, 2009 FCA 267, 2009 D.T.C. 5171	Sutton, Thomas N.T. Meredith, Heather L.	Appellant	ON	Appeal	Appeal, December 10, 2010 ([2009] C.S.C.R. no 458; [2009] S.C.C.A. No. 458)	Taxation — income tax — collection — garnishment — minister of national revenue issuing requirements to pay to applicant financial institution with respect to lawyer's tax liability
82.	FCA	<i>FMC Technologies Company v. Canada</i>	06/24/09	[2009] F.C.J. No. 818, [2009] A.C.F. no. 818, 2009 FCA 217, 396 N.R. 371, [2009] 5 C.T.C. 197, 2009 D.T.C. 5126, 179 A.C.W.S. (3d) 220	Nanji, Al-Nawaz	Appellant	Federal	Appeal		Taxation — Federal income tax — General principles — Interpretation — Associated corporations — Non-residents — Withholding tax — Administration and enforcement — Assessment — Third parties — Collection

NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
83.	FCA	<i>Abbott Laboratories Ltd. v. Canada (Minister of Health)</i>	03/20/09	[2009] F.C.J. No. 345, [2009] A.C.F. no 345, 2009 FCA 94, 387 N.R. 347, 73 C.P.R. (4th) 444, 177 A.C.W.S. (3d) 475	Tait, David A.	Appellant	ON	Appeal		Intellectual property law — patents — pharmaceuticals
84.	FCA	<i>Abbott Laboratories Ltd. v. Canada (Attorney General)</i>	11/17/08	[2008] F.C.J. No. 1580, 2008 FCA 354, [2009] 3 F.C.R. 547, [2009] 3 R.C.F. 547, 70 C.P.R. (4th) 161, 382 N.R. 280, 2010 EXP-2737	Zayid, Caroline	Appellant	ON	Appeal		Intellectual property law — patents
85.	FCA	<i>Canada (Attorney General) v. Abbott Laboratories Ltd.</i>	07/25/08	[2008] F.C.J. No. 1154, [2008] A.C.F. no 1154, 2008 FCA 244, 68 C.P.R. (4th) 445, 298 D.L.R. (4th) 291, 380 N.R. 287, 171 A.C.W.S. (3d) 3	Mason, Steven	Respondent	ON	Appeal	Application for Leave to Appeal to SCC dismissed: [2008] S.C.C.A. No. 408; [2008] C.S.C.R. no 408	Intellectual property law — patents — pharmaceuticals
86.	FCA	<i>Abbott Laboratories Ltd. v. Canada (Attorney General)</i>	05/20/08	[2008] F.C.J. No. 763, [2008] A.C.F. no 763, 2008 FCA 186, 2008 CAF 186, 380 N.R. 40, 66 C.P.R. (4th) 102, 167 A.C.W.S. (3d) 985	Zayid, Caroline R.	Appellant	ON	Appeal		Intellectual property law — patents — criteria for patent protection — subject matter — product or substance
87.	FCA	<i>Ellis v. Canada</i>	03/07/08	[2008] F.C.J. No. 362, 2008 FCA 92, 2008 D.T.C. 6230, [2008] 3 C.T.C. 313, 164 A.C.W.S. (3d) 713	Nanji, Al-Nawaz	Appellant	Federal	Appeal		Taxation — Income tax — Assessments and reassessments — Appeals — To courts — Capital losses



NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
88.	FCA	<i>Apple Canada Inc. v. Canadian Private Copying Collective,</i>	01/10/08	[2008] F.C.J. No. 5, [2008] A.C.F. no 5, 2008 FCA 9, 2008 CAF 9, 371 N.R. 369, 65 C.P.R. (4th) 361, 165 A.C.W.S. (3d) 582	Sookman, Barry B. Mason, Steven G.	Intervenor	ON	Judicial Review		Intellectual property law — copyright — protected subject matter — digital works — sound recordings — copyright board — jurisdiction — information technology
89.	FCA	<i>Canadian Wireless Telecommunications Assn. v. Society of Composers, Authors and Music Publishers of Canada,</i>	01/09/08	[2008] F.C.J. No. 21, [2008] A.C.F. no 21, 2008 FCA 6, 2008 CAF 6, [2008] 3 F.C.R. 539, [2008] 3 R.C.F. 539, 290 D.L.R. (4th) 753, 371 N.R. 272, 64 C.P.R. (4th) 343, 164 A.C.W.S. (3d) 858	Sookman, Barry B. Glover, Daniel	Applicant	ON	Judicial Review	Leave to appeal to the SCC dismissed ([2008] S.C.C.A. No. 135, 09/18/2008)	Intellectual property law — copyright — constitutional issues and legislation — copyright act
90.	FCA	<i>Timberwest Forest Corp. v. Canada,</i>	12/07/07	2007 FCA 389, [2007] F.C.J. No. 1649, [2007] A.C.F. no 1649, 2007 CAF 389, 372 N.R. 262, 34 C.E.L.R. (3d) 1, 162 A.C.W.S. (3d) 759, 2007 CarswellNat 4349	Hall, Geoff R.	Appellant	ON	Appeal		Constitutional law — division of powers — jurisdiction — exports of logs
91.	FCA	<i>Novopharm Limited v. Abbott Laboratories Limited</i>	06/28/07	[2007] F.C.J. No. 935, [2007] A.C.F. no 935, 2007 FCA 251, 2007 CAF 251, 367 N.R. 120, 61 C.P.R. (4th) 97, 159 A.C.W.S. (3d) 272	Mason, Steven	Respondent	ON	Appeal		Intellectual property law — patents — pharmaceuticals
92.	FCA	<i>Abbott Laboratories Ltd. v. Canada (Minister of Health)</i>	05/16/07	[2007] F.C.J. No. 686, [2007] A.C.F. no 686, 2007 FCA 187, 2007 CAF 187, 282 D.L.R.	Mason, Steven	Appellant	ON	Appeal	Motion for Costs: 2008 FC 693	Intellectual property law — patents — pharmaceuticals

NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
				(4th) 69, 59 C.P.R. (4th) 1, 370 N.R. 109, 158 A.C.W.S. (3d) 300, [2008] 1 F.C.R. 725						
93.	FCA	<i>Sedona Networks Corporation v. Canada</i>	04/30/07	[2007] F.C.J. No. 624, [2007] A.C.F. no.624, 2007 FCA 169, 2007 CAF 169, 362 N.R. 61, 35 B.L.R. (4th) 283, [2007] 3 C.T.C. 237, 2007 D.T.C. 5359, 157 A.C.W.S. (3d) 670, 2007 CarswellNat 991	Nanji, Al-Nawaz	Appellant	Federal	Appeal		Taxation — Income tax — Assessments and reassessments — Appeals — To courts — Corporations — Shareholders
94.	FCA	<i>Abbott Laboratories Ltd. v. Canada (Minister of Health)</i>	04/19/07	[2007] F.C.J. No. 543, [2007] A.C.F. no 543, 2007 FCA 153, 2007 CAF 153, 361 N.R. 308, 59 C.P.R. (4th) 30, 157 A.C.W.S. (3d) 158	Mason, Steven	Appellant	ON	Appeal	Motion for Costs: 2008 FC 693	Intellectual property law — patents — pharmaceuticals
95.	FCA	<i>Pharmascience Inc. v. Canada (Health)</i>	04/05/07	[2007] F.C.J. No. 506, [2007] A.C.F. no 506, 2007 FCA 140, 2007 CAF 140, 282 D.L.R. (4th) 145, 362 N.R. 91, 59 C.P.R. (4th) 131, 156 A.C.W.S. (3d) 1163	Mason, Steven	Respondent	ON	Appeal		Intellectual property law — patents — pharmaceuticals — issue estoppel
96.	FCA	<i>Ratiopharm Inc. v. Canada (Health)</i>	02/23/07	[2007] F.C.J. No. 270, [2007] A.C.F. no 270, 2007 FCA 83, 2007 CAF 83, 360 N.R. 174, 58 C.P.R. (4th) 97, 155 A.C.W.S. (3d) 658	Mason, Steven G. Tait, David	Respondent	ON	Appeal		Intellectual property law — patents — criteria for patent protection — subject matter — product or substance — novelty — invention — non-obviousness — appeal by Ratiopharm from order

NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
										granting Abbott Laboratories' application for order prohibiting minister of health from issuing a notice of compliance to Ratiopharm until after the expiration of patent dismissed — composition sufficiently inventive to qualify for a patent and was not an attempt to evergreen Abbott's expired patent
97.	FCA	<i>Abbott Laboratories Ltd. v. Canada (Minister of Health)</i>	02/15/07	[2007] F.C.J. No. 233, [2007] A.C.F. no 233, 2007 FCA 73, 2007 CAF 73, 361 N.R. 90, 59 C.P.R. (4th) 42, 155 A.C.W.S. (3d) 659	Mason, Steven	Appellant	ON	Appeal		Intellectual property law — patents — pharmaceuticals
98.	FCA	<i>Williston v. Canada</i>	09/26/06	2006 FCA 316 (CanLII), [2006] F.C.J. No. 1441, [2006] A.C.F. No. 1441, 2006 FCA 316, 2006 CAF 316, 54 N.R. 180, 151 A.C.W.S. (3d) 614	Sinha, Awanish	Respondent	ON	Appeal		Lands — proprietary estoppel — lease — <i>terres cédées</i> — surrendered
99.	FCA	<i>Abbott Laboratories v. Canada (Health)</i>	05/18/06	[2006] F.C.J. No. 782, [2006] A.C.F. no 782, 2006 FCA 187, 2006 CAF 187, 350 N.R. 242, 56 C.P.R. (4th) 387, 148 A.C.W.S. (3d) 788	Mason, Steven	Appellant	ON	Appeal	Leave to appeal dismissed: [2006] S.C.C.A. No. 292	Intellectual property law — patents — pharmaceuticals
100.	FCA	<i>Gaudreau v. Canada</i>	11/16/05	[2005] F.C.J. No. 1922,	Nanji, Al-Nawaz	Appellant	Federal	Appeal		Taxation — Income tax —

NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
				[2005] A.C.F. no. 1922, 2005 FCA 388, 2005 CAF 388, [2006] 1 C.T.C. 137, 2005 D.T.C. 5702, 144 A.C.W.S. (3d) 380						Residence — Of individuals — Ordinarily resident
101.	FCA	<i>Abbott Laboratories Ltd. v. Canada (Minister of Health)</i>	06/29/05	[2005] F.C.J. No. 1147, [2005] A.C.F. no 1147, 2005 FCA 250, 2005 CAF 250, 339 N.R. 277, 42 C.P.R. (4th) 289, 141 A.C.W.S. (3d) 634	Mason, Steven	Respondent	ON	Appeal	Leave to appeal dismissed: [2005] S.C.C.A. No. 459	Intellectual property law — patents — pharmaceuticals
102.	FCA	<i>Abbott Laboratories v. Canada (Minister of Health)</i>	04/19/04	[2004] F.C.J. No. 708, [2004] A.C.F. no 708, 2004 FCA 154, 2004 CAF 154, 239 D.L.R. (4th) 627, 320 N.R. 37, 31 C.P.R. (4th) 321, 130 A.C.W.S. (3d) 827	Mason, Steven	Appellant	ON	Appeal		Intellectual property law — patents — pharmaceuticals
103.	FCA	<i>Apotex Inc. v. Canada (Attorney General) (C.A.)</i>	05/12/00	[2000] F.C.J. No. 634, [2000] A.C.F. no 634, [2000] 4 F.C. 264, [2000] 4 C.F. 264, 188 D.L.R. (4th) 145, 255 N.R. 319, 24 Admin. L.R. (3d) 279, 6 C.P.R. (4th) 165, 97 A.C.W.S. (3d) 140	Zayid, Caroline R.	Respondent	ON	Appeal	SCC refused leave to appeal: [2000] S.C.C.A. No. 379	Patents — practice — pleadings — mootness, abuse of process — administrative law — judicial review
104.	FCA	<i>Burger King Restaurants of Canada Inc. v. Canada</i>	01/12/00	2000 CanLII 14854, 54 D.T.C. 6061, [2000] F.C.J. No. 16, [2000] A.C.F. no 16, 251 N.R. 313, [2000] 2 C.T.C. 1, 94 A.C.W.S. (3d) 394	Steep, R. Paul	Appellant	ON	Appeal		Income tax — computation of tax, rules for corporations — investment tax credits — qualified property — food preparation and processing

NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
105.	FCA	<i>Canadian Imperial Bank of Commerce v. Syndicat des Employées et Employés Professionnels</i>	03/30/99	[1999] F.C.J. No. 418, [1999] A.C.F. no 418, 242 N.R. 188, 88 A.C.W.S. (3d) 801	Baril, André	Applicant	QC	Judicial review		Labour relations — unions — certification, applications — disposition
106.	FCA	<i>Sovereign Life Insurance Co. v. Canada</i>	09/20/94	[1994] F.C.J. No. 1350, [1994] A.C.F. no 1350, 86 F.T.R. 240, 174 N.R. 217, [1994] I.L.R. 1-3118, 50 A.C.W.S. (3d) 746	Ellam, Timothy St. J.	Respondent	AB	Appeal		Civil procedure — variation of judgments by appeal court — production of documents — lack of consent of parties
107.	FCA	<i>Nintendo of America Inc. v. Camerica Corp.</i>	05/24/91	[1991] F.C.J. No. 445, [1991] A.C.F. No 445, 127 N.R. 232, 36 C.P.R. (3d) 352, 26 A.C.W.S. (3d) 1340	Sookman, Barry B.	Respondent	ON	Appeal		Practice — interlocutory injunctions — infringement of copyright — balance of convenience
<b>FCA Total Appeals: 107</b>										