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INTELLECTUAL PROPERTY WEEKLY ABSTRACTS – BULLETIN

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WEEK OF JULY 26, 2010

Actions

Woodstream Corporation v. Koolatron Corporation

The Defendant to the action appealed a Prothonotary's Order bifurcating infringement, validity and the appropriate remedy from the determination of the quantum of any remedial award. The Court held that bifurcation orders are discretionary. The Prothonotary had addressed the submissions during the hearing of the motion and found that there was no overlap between issues of liability and damages where obviousness is raised and that there would be no injustice or prejudice in ordering separate trials. Furthermore, a separate trial would lead to the least the least expensive determination of the proceedings. The Court held that there were no reviewable errors and dismissed the appeal.

Other Judicial Reviews

Purdue Pharma v. Canada (Minister of Health)

Drug: TARGIN

The Court dismissed an application for judicial review of the Minister of Health's decision refusing to list a patent on the Patent Register. The drug at issue is a combination product. The Court held that the patent "relates to a formulation containing oxycodone as the sole medicinal ingredient, and that naloxone is not within the scope of the claim for the purposes of the Regulation". Thus, for the purposes of the Regulation, the dosage forms are different as "the dosage form claimed by claim 5 and the dosage form that was approved by the NOC ... are delivery systems for administering two different formulations." Thus, the Court held that the patent was not eligible for listing on the Patent Register.

Other Industry News of Note

The TPD has published its [Record of Decisions from the April 15, 2010 Scientific Advisory Committee on Oncology Therapies](#).

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The Natural Health Products Directorate (NHPD) has announced an electronic subscriber service for updates on the NHPD's activities.

NHPD has also published five information sheets targeted at different audiences with information about natural health products.

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