

Date: 20070910

Docket: A-269-06

Citation: 2007 FCA 278

**CORAM: DÉCARY J.A.
SEXTON J.A.
SHARLOW J.A.**

BETWEEN:

CFM CORPORATION

Appellant

and

DIMPLEX NORTH AMERICA LTD.

Respondent

Heard at Toronto, Ontario, on September 10, 2007.

Judgment delivered from the bench at Toronto, Ontario, on September 10, 2007.

REASONS FOR JUDGMENT OF THE COURT BY:

SHARLOW J.A.

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REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Toronto, Ontario, on September 10, 2007)

SHARLOW J.A.

[1] Having carefully considered the written and oral submissions of counsel for the appellant and counsel for the cross-appellant, we have not been persuaded that the record discloses any error of law, or any palpable and overriding error of fact, on the part of Justice Mosley.

[2] The appeal and the cross-appeal will be dismissed with costs.

“K. Sharlow”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-269-06

An appeal from the Judgment of Mr. Justice Mosley, dated May 11, 2006. Trial Court File: T-1348-01.

STYLE OF CAUSE: CFM CORPORATION v. DIMPLEX NORTH AMERICA LTD.

PLACE OF HEARING: Toronto, Ontario.

DATE OF HEARING: September 10, 2007

REASONS FOR JUDGMENT OF THE COURT BY: (DÉCARY, SEXTON & SHARLOW JJ.A.)

DELIVERED FROM THE BENCH BY: SHARLOW J.A.

APPEARANCES:

Mr. Trent Horne
Mr. Arthur Renaud

FOR THE APPELLANT

Mr. David Aylen
Mr. Peter Choe

FOR THE RESPONDENT

SOLICITORS OF RECORD:

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FOR THE RESPONDENT