

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20120910**

**Docket: A-473-11**

**Citation: 2012 FCA 232**

**CORAM: NADON J.A.  
SHARLOW J.A.  
TRUDEL J.A.**

**BETWEEN:**

**ELI LILLY CANADA INC.,  
ELI LILLY AND COMPANY,  
ELI LILLY AND COMPANY LIMITED  
and ELI LILLY SA**

**Appellants**

**And**

**NOVOPHARM LIMITED**

**Respondent**

Heard at Toronto, Ontario, on September 10, 2012.

Judgment delivered from the Bench at Toronto, Ontario, on September 10, 2012.

**REASONS FOR JUDGMENT OF THE COURT BY:**

**NADON J.A.**

Federal Court of Appeal



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**REASONS FOR JUDGMENT OF THE COURT**  
(Delivered from the Bench at Toronto, Ontario, on September 10, 2012)

[1] Despite the able submissions of counsel for the appellant, we have not been persuaded that the judgment under appeal is based on any error of law or principle or any palpable and overriding error of fact.

[2] This appeal will be dismissed with costs.

“M. Nadon”

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-473-11

**STYLE OF CAUSE:** Eli Lilly Canada Inc. & al  
v. Novopharm Limited

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** September 10, 2012

**REASONS FOR JUDGMENT OF THE COURT BY:** NADON J.A.  
SHARLOW J.A.  
TRUDEL J.A.

**DELIVERED FROM THE BENCH BY:** NADON J.A.

**APPEARANCES:**

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FOR THE RESPONDENT

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