

Table A: 2016 Prohibition application decisions on the merits

Decision	Medicine	Patent Type	Issues	Successful Party	Link to brief
<i>Mylan v. Eli Lilly</i> , 2016 FCA 119 , aff'g 2015 FC 17 .	Tadalafil (CIALIS)	Use	Validity (double patenting; utility – sound prediction)	Patentee	Newsletter .
<i>Gilead Sciences v Apotex</i> , 2016 FCA 140 , aff'g 2016 FC 856 .	TDF & Emtricitabine (VIREAD and TRUVADA)	Formulation	Appeal dismissed as moot in a motion	Generic (anticipation; obviousness)	Newsletter .
<i>Amgen v Apotex</i> , 2016 FCA 196 (leave to SCC denied); aff'g 2015 FC 1261 .	Filgrastim (Apo's GRASTOFIL, a biosimilar of NEUPOGEN)	Product	Appeal dismissed as moot in a motion	Generic	Newsletter .
<i>Teva v Novartis</i> , 2016 FCA 230 ; aff'g 2015 FC 770 .	Deferasirox (EXJADE)	Use & Compound	Validity (utility – promise)	Patentee (Use claims found to lack utility; compound claims were valid)	Newsletter .
<i>Teva v Pfizer</i> , 2016 FCA 248 (leave to SCC pending); rev'g 2014 FC 1243 .	Exemestane (AROMASIN) infiximab (Teva's INFLECTRA, a biosimilar of REMICADE)		Early working – section 5 PMNOC	Patentee	Newsletter .
<i>Apotex v Eli Lilly Canada</i> , 2016 FCA 267 (leave to SCC pending); aff'g 2015 FC 875 .	Tadalafil (CIALIS)	Use	Validity (double patenting; sufficiency)	Patentee	Newsletter .
<i>Eli Lilly v Hospira Health Care</i> , 2016 FC 47 . (No Appeal).	pemetrexed disodium (ALIMTA)	Compound	Validity (promise; utility – sound prediction)	Generic	Newsletter .
<i>Allergan v Apotex</i> , 2016 FC 344 . (Appeal pending: A-96-16).	gatifloxacin & EDTA (ZYMAR)	Formulation	Validity (Obviousness; utility – sound prediction)	Generic	Newsletter .
<i>Shire v Apotex</i> , 2016 FC 382 . (No Appeal).	Amphetamine (Adderall XR)	Formulation	Infringement	Generic	Newsletter .
<i>Bristol-myers Squibb v. Teva</i> , 2016 FC 580 . (Appeal pending: A-191-16).	Atazanavir (REYATAZ)	Compound	Validity (anticipation; obviousness)	Patentee	Newsletter .
<i>Bayer v Fresenius Kabi</i> , 2016 FC 581 . (Appeal discontinued: A-236-16).	moxifloxacin hydrochloride (AVELOX I.V.)	Compound	NOA defective; non-infringement	Patentee	Newsletter .
<i>Gilead Sciences v Apotex</i> , 2016 FC 857 . (Appeal pending A-311-16).	TDF & Emtricitabine (VIREAD and TRUVADA)	Compound	Validity (anticipation; obviousness; utility – sound prediction)	Patentee	Newsletter .
<i>Meda v Pharamscience</i> , 2016 FC 1362 .	zolpidem (SUBLINOX)	Formulation	Validity (anticipation; obviousness; utility; overbreadth); Infringement	Generic (non-infringement)	