

July 7, 2015

## Case Summary: Allergan, Inc. et al. v. Apotex Inc. et al., 2015 FC 367

Marguerite Ethier contributed a case commentary on Allergan Inc. v. Apotex Inc. 2015 FC 367 which was published in the Intellectual Property Institute of Canada's bi-monthly bulletin on July 7, 2015.

"A recent decision of the Federal Court explores when a settlement constitutes a settlement, and the role of counsel in reaching agreements to settle litigation. It is an interesting example of when the practical, day to day world of contract drafting and settlement negotiations intersects with the academic aspects of the law regarding contract information.

The reported decision was on a motion for an order to enforce what the plaintiff Allergan said was a litigation settlement that it reached with Apotex. Apotex denied that a settlement was reached. The underlying action was a patent infringement action relating to the drug gatifloxacin. The putative settlement had been addressed in a series of letters and emails, and followed by draft minutes of settlement exchanged between the parties and their counsel..."

Continue reading: </Files/case-summary-allergan-inc-et-al-v-apotex-inc-et-al-2015-fc-367.pdf>