

# Federal Court of Appeal

Appellate Cases Argued by Active McCarthy Tétrault Lawyers

NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
1.	FCA	<i>Grant v. Unifor</i>	11/1/22	2022 CarswellNat 24, 2022 FCA 6, 340 A.C.W.S. (3d) 227	Baril, André	Respondent	QC	Appeal		Labour and employment - Unfair labour practices - Timeliness of complaint
2.	FCA	<i>BCE Inc. v. Québecor Média Inc.</i>	9/7/22	[2022] F.C.J. No. 1282, [2022] A.C.F. no. 1282, 2022 FCA 152, 2022 CarswellNat 3531, 2022 CarswellNat 3532, 2022 CAF 152	Mason, Steven, Vendette, Isabelle	Applicants	QC	Application		Communications – Broadcasting – Judicial Control – CRTC – Undue preference – Discretionary sports service – Fairness of a pre-assembled packaging
3.	FCA	<i>Pharmascience Inc. v. Bristol-Myers Squibb Canada Co.</i>	8/4/22	[2022] F.C.J. No. 1177, 2022 FCA 142	Mason, Steven Tait, David Mendis, Sanjaya Holtom, James MacDonald, Laura	Respondents	ON	Appeal		Intellectual property law – Patents – Application – Claims – Selection patents – Procedure – Appeals – Judicial review - Grounds
4.	FCA	<i>Fibrogen, Inc. v. Akebia Therapeutics Inc.</i>	7/19/22	[2022] F.C.J. No. 1073, 2022 FCA 135, 471 D.L.R. (4 <sup>th</sup> ) 746	Batner, Sarit Burgess, Michael	Respondents	ON	Appeal		Civil litigation – Interlocutory proceedings – Federal Court – Confidential Agreement – Protective Order – Challenged confidentiality designations – Failure to dismissing appeal on basis of mootness
5.	FCA	<i>Swist v MEG Energy Corp.</i>	6/20/22	[2022] F.C.J. No. 919, 2022 FCA 118, 2022 CarswellNat 2208	Ellam, Timothy S. J. Tanner, Steven Levvasseur, Kendra	Respondent	ON	Appeal		Intellectual property law – Patents – Infringement – Defences to infringement – Anticipation - Procedure

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6.	FCA	<i>Farmers Edge Inc. v. Farmobile, LLC</i>	6/16/22	[2022] F.C.J. No. 938, 2022 FCA 116	Tait, David Holtom, James Levasseur, Kendra Godfrey, Jasmine	Appellant	ON	Appeal		Civil litigation – Civil procedure – Pleadings – Amendment of – Statement of defence – Leave to amend - Appeals
7.	FCA	<i>CSX Transportation, Inc. v. ABB Inc.</i>	5/31/22	[2022] F.C.J. No. 870, 2022 FCA 96	Hubbard, Chris Schachter, Gabrielle	Appellant	ON	Appeal		International law – Proceedings – Appeals and judicial review – Natural justice – Procedural fairness
8.	FCA	<i>Airbnb, Inc. v. Lin</i>	1/6/22	[2022] F.C.J. No. 2, 2022 FCA 3	Yates, Jill Williams, Patrick	Appellants	BC	Appeal		Civil litigation – Civil procedure – Parties – Class or representative actions – Certification Settlements – Approval – Appeals – Quashing or dismissal of
9.	FCA	<i>McNeeley v. Canada</i>	11/15/21	[2021] F.C.J. No. 1868, 2021 FCA 218	Chua, Chia-yi Cannon, Douglas Koshal, Anu	Appellants	ON	Appeal		Income tax – Employee benefit plans – Employee trusts
10.	FCA	<i>Portnov v. Canada (Attorney General)</i>	8/23/21	[2021] F.C.J. No. 898, 2021 FCA 171	Hall, Geoff R. Boscariol, John Glasgow, Robert	Appellant	ON	Appeal		Government law – Federal parliament – Statutory instruments – Freezing Assets of Corrupt Foreign Officials Act
11.	FCA	<i>TVA Group Inc. v. Bell Canada</i>	7/28/21	[2021] F.C.J. No. 799, [2021] A.C.F. no 799, 2021 FCA 153	Mason, Steven Kain, Brandon Levasseur, Kendra	Respondents	ON	Appeal		Media and Communications Law – impugned decisions – Broadcasting Act – withholdings signal
12.	FCA	<i>Sunovion Pharmaceuticals Canada Inc. v. Taro Pharmaceuticals Inc.</i>	6/09/21	[2021] F.C.J. No. 564, 2021 FCA 113, 183 C.P.R. (4 <sup>th</sup> ) 167, 2021 CarswellNat 1766	Tait, David Holtom, James	Appellants	ON	Appeal		Intellectual property law – Patents – Procedures - Amendment

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13.	FCA	<i>Société de fiducie Blue Bridge Inc. c. Canada (Revenu national)</i>	06/09/21	2021 CAF 114, 2021 CarswellNat 1765 2021 D.T.C. 5072, 333 A.C.W.S. (3d) 219	Cloutier, Nicolas X. Joizil, Karine	Appellant	QC	Interlocutory	Application for leave to appeal and motion for a stay of execution dismissed on 2021-12-16 (docket 39682)	Procedure on appeals - Stay of execution - Tax - Income tax - Foreign income - Tax treaties - Double taxation - Exchange of information
14.	FCA	<i>Teksavvy Solutions Inc. v. Bell Media Inc</i>	5/26/21	[2021] F.C.J. No. 486, 2021 FCA 100	Sookman, Barry Mason, Steve Glove, Dan Levasseur, Kendra	Interveners	ON	Appeal		Media and Communications Law – transmission of copyright works – site-blocking order was just and equitable - Canadian Charter of Rights and Freedoms
15.	FCA	<i>Société de fiducie Blue Bridge Inc. c. Canada (Revenu national)</i>	03/24/21	2021 FCA 62, 2021 CAF 62, 2021 CarswellNat 4972, 2021 CarswellNat 764, 2021 D.T.C. 5035, 2021 D.T.C. 5134, 330 A.C.W.S. (3d) 218	Cloutier, Nicolas X.	Appellant	QC	Final	Application for leave to appeal and motion for a stay of execution dismissed on 2021-12-16 (docket 39682)	Tax - Income tax - Foreign income - Tax treaties - Double taxation - Exchange of information
16.	FCA	<i>Jog v. Bank of Montreal</i>	12/16/20	[2020] F.C.J. No. 1201, 2020 FCA 218	McNeill-Keller, Kate Aberant, Benjamin Lindner, Justine	Respondent	ON	Appeal		Administration law – Bodies under review – Practice and procedure
17.	FCA	<i>Bell Canada v. British Columbia Broadband Assn.</i>	09/10/20	[2020] F.C.J. No. 910, 2020 FCA 140	Mason, Steven Kain, Brandon Lizius, Richard Goldenberg, Adam	Appellant	ON	Appeal		Administrative law – Bodies under review – Nature of body – Media and communications

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18.	FCA	<i>3510395 Canada Inc. v. Canada (Attorney General)</i>	06/05/20	[2020] F.C.J. No. 64, 2020 FCA 103	Sookman, Barry Morgan, Charles Glover, Daniel	Appellant	ON	Appeal		Constitutional law – Division of powers – Federal jurisdiction
19.	FCA	<i>Canpotex Shipping Services Ltd. V. Marine Petrobulk Ltd.</i>	05/05/20	[2020] F.C.J. No. 571, 2020 FCA 83	Feder, Michael Williams, Patrick	Appellant	BC	Appeal		Contracts - Interpretation
20.	FCA	<i>Canpotex Shipping Services Ltd. V. Marine Petrobulk Ltd.</i>	05/05/20	[2020] F.C.J. No. 570, 2020 FCA 84	Feder, Michael Williams, Patrick	Appellant	BC	Appeal		Civil litigation – Civil procedure - Costs
21.	FCA	<i>Toronto-Dominion Bank v Canada</i>	04/29/20	[2020] F.C.J. No. 569, 2020 FCA 80, 2020 CAF 80, [2020] G.S.T.C. 16, 2020 D.T.C. 5042, 78 C.B.R. (6 <sup>th</sup> ) 104, 2020 CarswellNat 1443	Lonsdale, Christine	Appellant	ON	Appeal		Taxation – GST – Collection and remittance – Deemed Trust
22.	FCA	<i>Bank of Montreal v Li</i>	01/24/20	[2020] F.C.J. No. 95, 2020 FCA 22, 2020 CLLC para 210-028, 443 D.L.R. (4 <sup>th</sup> ) 688, 60 C.C.E.L. (4 <sup>th</sup> ) 1, 2020 CarswellNat 126	Kain, Brandon Kapur, Sunil Pengelly, Patrick	Appellant	ON	Appeal		Labour arbitration – Process and procedure – Bars – Prior settlement
23.	FCA	<i>Apotex v. Bristol-Myers Squibb Canada Co.</i>	06/27/19	2019 FCA 194, 2019 CarswellNat 3391, 165 C.P.R. (4 <sup>th</sup> ) 241, 307 A.C.W.S. (3d) 488	Tait, David Mendis, Sanjaya	Respondents	ON	Appeal		Civil practice and procedure – Discovery – Examination for discovery
24.	FCA	<i>Mediatube Corp. v. Bell Canada</i>	06/11/19	[2019] F.C.J. 684, 2019 FCA 176, 166 C.P.R. (4 <sup>th</sup> ) 95, 2019 CarswellNat 2404	Mason, Steve Legere, Fiona	Respondent	ON	Appeal		Intellectual property law – Patents – Infringement -- Procedure
25.	FCA	Administration de pilotage des Laurentides c. Corporation des pilotes du Saint-Laurent	04/16/19	2019 CAF 83, 2019 CarswellNat 1232, 306 A.C.W.S. (3d) 229, 52 Admin. L.R. (6th) 209	Lortie, Jean Brown, Sophie	Respondent	QC	Appeal		Judicial review - Standing - Maritime and admiralty law --- Pilots and pilotage authorities - Pilotage authorities - Powers -

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		Central Inc.								Disciplinary action
26.	FCA	<i>Fonds de solidarité des travailleurs du Québec c. Canada</i>	02/22/19	2019 CAF 36, 2019 CarswellNat 512, 2019 D.T.C. 5024, 302 A.C.W.S. (3d) 432	Cloutier, Nicolas X.	Appellant	QC	Appeal		Tax - Income Tax - Business and property income - Expenses - Purpose of gaining or producing income
27.	FCA	<i>Elson v. Canada (Attorney General)</i>	02/08/19	2019 FCA 27, 2019 CarswellNat 280, 301 A.C.W.S. (3d) 652	Mason, Steven Kain, Brandon Lizius, Richard	Appellant	ON	Appeal		Natural resources – Fish and wildlife – Practice and procedure – Judicial review
28.	FCA	<i>Bell Canada v. 7265921 Canada Ltd. (d.b.a. Gusto TV)</i>	10/01/18	[2018] F.C.J. No. 970, [2018] A.C.F. no 970, 2018 FCA 174	Mason, Steven Kain, Brandon Lizius, Richard	Appellants	ON	Appeal		Appeal – Canadian Radio-Television and Telecommunications Commission
29.	FCA	<i>Mediatube Corp. v. Bell Canada</i>	06/28/18	2018 FCA 127, 2018 CarswellNat 3399, 156 C.P.R. (4 <sup>th</sup> ) 289, 293 A.C.W.S. (3d) 726	Mason, Steven Legere, Fiona	Respondents	ON	Appeal		Civil practice and procedure – Practice on appeal – Notice of appeal - Amendments
30.	FCA	<i>Laurentian Pilotage Authority v. Pilotes du Saint-Laurent Central Inc.</i>	06/13/18	2018 CAF 117, 2018 FCA 117, 2018 CarswellNat 2888, 2018 CarswellNat 2889, 299 A.C.W.S. (3d) 235	Baril, André L. Theophilopoulos, Diana	Respondent	QC	Appeal		Labour law - Arbitration - Guidelines on conducting final offer arbitration - Distinction from interest arbitration
31.	FCA	<i>Canada (Minister of National Revenue – MNR) v Iggillis Holdings Inc.</i>	03/06/18	[2018] F.C.J. No. 231, 2018 FCA 51, 2018 D.T.C. 5027, 288 A.C.W.S. (3d) 681, [2018] 4 C.T.C. 1, 16 C.P.C. (8 <sup>th</sup> ) 267, 80 B.L.R. (5 <sup>th</sup> ) 85, 2018 CarswellNat 702, 420 D.L.R. (4 <sup>th</sup> ) 477	Feder, Michael Williams, Patrick	Intervener	BC	Appeal		Solicitor-client privilege – Common interest privilege

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32.	FCA	<i>Bell Canada v. Canada (Attorney General)</i>	12/18/17	[2017] F.C.J. No. 1252, 2017 FCA 249	Mason, Steven Kain, Brandon Glover, Daniel Lizius, Richard	Appellants	ON	Appeal		Intellectual property law – Copyright – Transfer or assignment – Media and communications law – Broadcasting policy – Distribution undertakings – Simultaneous substitution – Advertising
33.	FCA	<i>Bristol-Myers Squibb Canada Co. v. Apotex Inc.</i>	9/18/17	[2017] F.C.J. No. 885, 2017 FCA 190	Mason, Steven Tait, David	Appellant	ON	Appeal		Intellectual property law – Patents – Infringement – Invalidity of Patent - Obviousness
34.	FCA	<i>Club Intrawest v. Canada</i>	7/11/17	[2017] F.C.J. No. 702, 2017 FCA 151, [2017] G.S.T.C. 51, 281 A.C.W.S. (3d) 7, 2017 CarswellNat 3241,	Chua, Chia-yi Brousseau, Wendy	Appellant	ON	Appeal		Taxation – Goods and Services Tax – Place of supply – Real or immovable property situated in Canada
35.	FCA	<i>Re:Sound v. Canadian Association of Broadcasters</i>	6/28/17	[2017] F.C.J. No. 646, 2017 FCA 138, 20 Admin. L.R. (6ht) 179, 282 A.C.W.S. (3d) 599, 148 C.P.R. (4 <sup>th</sup> ) 91, 2017 CarswellNat 2963	Sookman, Barry	Applicant	ON	Judicial Review		Intellectual property (Copyright) – Royalties – Copyright Board – Tariff hearings
36.	FCA	<i>Bristol-Myers Squibb Canada Co. v. Teva Canada Ltd.</i>	4/11/17	[2017] F.C.J. No. 358, 2017 FCA 76, 146 C.P.R. (4 <sup>th</sup> ) 216, 2017 CarswellNat 1330, 277 A.C.W.S. (3d) 827,	Mason, Steven Tait, David Mendis, Sanjaya Brandsa, Martin	Appellant	ON	Appeal		Intellectual property law – Criteria for patent prosecution – Non-obviousness – inventive ingenuity
37.	FCA	<i>Swist v. Meg Energy Corp.</i>	11/15/16	[2016] F.C.J. No. 1327, 2016 FCA 283, s2016 CarswellNat 6184	Ellam, Timothy Tanner, Steven	Respondent	ON	Appeal		Civil litigation – costs – security for costs – where plaintiff insolvent or impecunious
38.	FCA	<i>Bell Canada v. Canada (Attorney General)</i>	09/02/16	[2016] F.C.J. No. 964, 2016 FCA 217, 2016 CarswellNat 4080, 270	Mason, Steven Kain, Brandon Lizius, Richard	Appellants Interveners	ON	Appeal		Media and communications law – CRTC -

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				A.C.W.S. (3d) 71, 487 N.R. 251, 402 D.L.R. (4 <sup>th</sup> ) 551						
39.	FCA	<i>Bell Mobility Inc. V. Klass</i>	06/20/16	[2016] F.C.J. No. 633, 2016 FCA 185, 2016 CarswellNat 2319, 486 N.R. 287, 270 A.C.W.S. (3d) 517, 401 D.L.R. (4 <sup>th</sup> ) 353	Kain, Brandon Lizius, Richard	Appellant	ON	Appeal		Administrative law – media and communications law – telecommunications - bodies under review – nature of body – powers or function – legislative framework
40.	FCA	<i>Apotex Inc. v. Merck &amp; Co.</i>	07/23/15	[2015] F.C.J. No. 900, 2015 FCA 171	Mason, Steven Tait, David	Respondents	ON	Appeal		Intellectual property law (patents) – appeal by Apotex from award of damages in favour of Merck dismissed – Trial judge found appellant infringed respondent's patent between 1997 and 2001 by preparing 60 per cent of lovastatin it sold using respondent's patented process
41.	FCA	<i>Allergan Inc. v Canada (Minister of Health)</i>	06/03/15	[2015] F.C.J. No. 953, 2015 FCA 137	Mason, Steven Tanner, Steven Mendis, Sanjaya	Respondents	ON	Appeal		Intellectual property law – defences to infringement – anticipation (lack of novelty) – obviousness – appeal by Apotex from order prohibiting issuance of notice of compliance with respect to generic eye drops dismissed
42.	FCA	<i>Abbvie Corp. V. Janssen Inc.</i>	10/28/14	[2014] F.C.J. No. 1082, 2014 FCA 242	Mason, Steven Legere, Fiona	Respondent	ON	Appeal		Intellectual property law – defences to infringement – obviousness – appeal by Janssen Inc. from decision dismissing its motion to

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										amend its defence and counterclaim in action for patent infringement by adding new prior art references contained in its expert report allowed
43.	FCA	<i>Apotex Inc. V. Sanofi-Aventis</i>	03/14/14	[2014] F.C.J. No. 294, 2014 FCA 66	Mason, Steven Tait, David Medis, Sanjaya	Appellants	ON	Appeal		Civil litigation – appeals by Sanofi from dismissal of appeal from denial of motion to amend statement of defence and from order striking portions of expert reports dismissed – opinion evidence – admission of reports
44.	FCA	<i>Sanofi-Aventis Canada Inc. V. Teva Canada Ltd.</i>	03/14/14	[2014] F.C.J. No. 255, 2014 FCA 69	Mason, Steven Medis, Sanjaya	Appellants	ON	Appeal		Intellectual property law – appeal by Sanofi from dismissal of defence regarding validity of s. 8 of Patented Medicines (Notice of Compliance) Regulations dismissed
45.	FCA	<i>Sanofi-Aventis Canada Inc. V. Teva Canada Ltd.</i>	03/14/14	[2014] F.C.J. No. 286, 2014 FCA 67	Mason, Steven Mendis, Sanjaya	Respondent	ON	Appeal		Intellectual property law (patents) – Accounting of profits – appeal by innovator and generic drug manufacturer from award of damages for loss of sales of generic ramipril dismissed
46.	FCA	<i>Sanofi-Aventis Canada Inc. V. Teva Canada Ltd.</i>	03/14/14	[2014] F.C.J. No. 254, 2014 FCA 65	Mason, Steven Mendis, Sanjaya	Appellants	ON	Appeal		Civil litigation – amendment of statement of defence – appeal by Sanofi from dismissal of appeal from denial of



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										motion to amend statement of defence dismissed
47.	FCA	<i>Apotex Inc. V. Sanofi-Aventis</i>	03/14/14	[2014] F.C.J. No. 295, 2014 FCA 68	Mason, Steven Tait, David Mendis, Sanjaya	Appellants	ON	Appellants		Intellectual property law (patents) – Appeals by generic drug manufacturer and innovator drug manufacturer from judgment ordering innovator to compensate generic for lost profits resulting from delayed market entry allowed in party
48.	FCA	<i>First Nationals Child and Family Caring Society of Canada v. Canada (Attorney General)</i>	03/11/13	[2013] F.C.J. No. 249, 2013 FCA 75	Tanner, Steven	Intervener	ON	Appeal		Aboriginal law – Aboriginal status and rights – Duties of the Crown – Government benefits, services and programs – Appeal by Attorney General from successful application by First Nations organizations
49.	FCA	<i>BCE Inc. v. Telus Communications Co.</i>	02/26/13	[2013] F.C.J. No. 206, 2013 FCA 58	Kain, Brandon	Appellants	ON	Appeal		Administrative law – judicial review and statutory appeal – when available – moot or academic issues – Appeal by Bell from CRTC's decision
50.	FCA	<i>Wenzel Downhole Tools Ltd. V. National-Oilwell Canada Ltd.</i>	12/20/12	[2012] F.C.J. No. 1654, 2012 FCA 333	Ellam, Timothy S. Smyth, Kara Tanner, Steven	Appellants	ON	Appeal		Intellectual property law – patents – infringement – defences to infringement – invalidity of patent – application (lack of novelty) – obviousness –

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										prior use or knowledge
51.	FCA	<i>Allergan Inc. v. Canada (Minister of Health)</i>	11/23/12	[2012] F.C.J. 1467, 2012 FCA 308	Mason, Steven Tanner, Steven	Respondents	ON	Appeal		Intellectual property law – patents – criteria for patent protection - Civil litigation – Civil procedure – Courts – Stare decisis – Use of precedents – Prior decisions of same court – Appeal by generic drug manufacturer from prohibition order preventing it from marketing generic version of drug to prevent glaucoma dismissed
52.	FCA	<i>BCE Inc. v. Telus Communications Inc.</i>	06/28/12	[2012] F.C.J. No. 970, 2012 FCA 198	Kain, Brandon	Appellants	ON	Motion		Civil litigation – civil procedure – publication bans and confidentiality orders – Motion by Bell for confidentiality order respecting material filed in appeal from CRTC decision allowed
53.	FCA	<i>Merck &amp; Co. v. Apotex Inc.</i>	12/19/11	[2011] F.C.J. No. 1866, 2011 FCA 363	Mason, Steven G. Tait, David	Respondent	ON	Appeal		Intellectual property law – patents – infringement – procedure – evidence - experts
54.	FCA	<i>Apotex Inc. v. Merck &amp; Co.</i>	12/19/11	[2011] F.C.J. No. 1865, 2011 FCA 364	Mason, Steven G.	Respondent	ON	Appeal		Intellectual property law – patents – infringement – remedies – damages - compensatory
55.	FCA	<i>Air Canada v. Toronto Port Authority</i>	12/12/11	[2011] F.C.J. No. 1725, 2011 FCA 347	Batner, Sarit Kain, Brandon Shaw, Byron	Appellant	ON	Appeal		Administrative law — transportation law — judicial review and

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										statutory appeal — jurisdiction of the court to review
56.	FCA	<i>Deschênes c. Banque canadienne impériale de commerce</i>	6/28/11	[2011] A.C.F. no 988, 2011 CAF 216, 2011EXP-2401, 2011EXPT-1421, D.T.E. 2011T-504	Rousse, Jacques	Respondent	QC	Appeal		Labour — unjust dismissal — monetary claim — reasonable apprehension of bias
57.	FCA	<i>Tele-Mobile Co. Partnership v. Canada (Revenue Agency)</i>	03/08/11	[2011] F.C.J. No. 336, 2011 FCA 89	Chua, Chia-Yi	Appellant	ON	Appeal		Tax — administration and enforcement — civil procedure — motion to strike
58.	FCA	<i>Reference re Broadcasting Act (Can.)</i>	02/28/11	[2011] F.C.J. No. 197, 2011 FCA 64	Mason, Steven Glover, Daniel	Intervenor	ON	Reference		Intellectual property — copyright — media and communications law — broadcasting
59.	FCA	<i>Sirius Canada Inc. v. CMRRA/Sodrac Inc.</i>	12/16/10	[2010] F.C.J. No. 1604, 2010 FCA 348	Glover, Daniel	Respondent	ON	Judicial Review		Intellectual property — copyright infringement — telecommunications
60.	FCA	<i>Maple Leaf Foods Inc. v. Consorzio Del Prosciutto Di Parma</i>	10/27/10	[2010] F.C.J. No. 1205, [2010] A.C.F. no 1205, 2010 FCA 247, 2010 CAF 247, 407 N.R. 199, 87 C.P.R. (4th) 81	Glover, Daniel	Respondent	ON	Appeal		Intellectual property — trademarks
61.	FCA	<i>Alberta (Minister of Education) v. Canadian Copyright Licensing Agency (c.o.b. Access Copyright)</i>	07/23/10	[2010] F.C.J. No. 952, [2010] A.C.F. no 952, 2010 FCA 198, 405 N.R. 354, 85 C.P.R. (4th) 349	Sookman, Barry B. Glover, Daniel	Intervenor	ON	Judicial review	Application for leave to appeal to the SCC submitted, [2010] S.C.C.A. No. 359.	Intellectual property law — copyright — protected subject matter — literary works — books and other writings — royalties — defences to infringement — statutory defences — educational use — fair dealing — copyright board — judicial review — publishing

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62.	FCA	<i>Abbott Laboratories Ltd. v. Canada (Minister of Health)</i>	06/22/10	[2010] F.C.J. No. 817, [2010] A.C.F. no 817, 2010 FCA 168, 2010 CAF 168, 404 N.R. 356, 85 C.P.R. (4th) 279	Tait, David Mason, Steven	Respondent	ON	Appeal		Patent — defences to infringement — invalidity of patent — obviousness — appeal from an order prohibiting respondent from issuing a notice of compliance to appellant
63.	FCA	<i>Prévost Car Inc. v. Canada</i>	05/21/10	[2009] F.C.J. No. 241, [2009] A.C.F. no 241, 2009 FCA 57, 2009 CAF 57, [2010] 2 F.C.R. 65, [2010] 2 R.C.F. 65, 387 N.R. 161, [2009] 3 C.T.C. 160, 2009 D.T.C. 5053, 176 A.C.W.S. (3d) 278, 2010EXP-3514	Chua, Chia-yi	Respondent	ON	Appeal		Corporations, partnerships and associations law — corporations — dividends — form — income tax
64.	FCA	<i>OLT CPI Inc. v. Canada (Minister of National Revenue)</i>	03/16/10	[2010] F.C.J. No. 379, [2010] A.C.F. no 379, 2010 FCA 74, 2010 CAF 74, 403 N.R. 191	Brousseau, Wendy	Appellant Respondent	ON	Appeal		Employment insurance — insurable employment — contract of service or employment
65.	FCA	<i>Costco Wholesale Canada Ltd. v. Canada</i>	01/13/10	[2010] F.C.J. No. 38, [2010] A.C.F. no 38, 2010 FCA 9, 2010 CAF 9, [2010] G.S.T.C. 4, 2010 G.T.C. 1012	Brousseau, Wendy	Respondent	ON	Appeal		Taxation — Goods and Services Tax (GST) — supply
66.	FCA	<i>Standing Buffalo Dakota First Nation v. Enbridge Pipelines Inc.</i>	12/07/09	[2009] F.C.J. No. 1434, [2009] A.C.F. no 1434, 2009 FCA 308, 2009 CAF 308, 313 D.L.R. (4th) 217, 315 D.L.R. (4th) 217, 395 N.R. 355,	Mason, Steven G.	Respondent	ON	Appeal	SCC refused leave to appeal: [2009] S.C.C.A. No. 499	Aboriginal law — aboriginal status and rights — duties of the Crown — consultation and accommodation — natural resources law

NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
				[2010] 1 C.N.L.R. 371						
67.	FCA	<i>Island Timberlands LP v. Canada (Minister of Foreign Affairs)</i>	12/02/09	[2009] F.C.J. No. 1563, [2009] A.C.F. no 1563, 2009 FCA 353, 400 N.R. 379	Hall, Geoff R.	Appellant	ON	Appeal		International trade law — natural resources law — forestry products — protection of commercial interests — export
68.	FCA	<i>Canada Trustco Mortgage Company v. Canada</i>	09/15/09	[2009] F.C.J. No. 1151, [2009] A.C.F. no 1151, 2009 FCA 267, 2009 D.T.C. 5171	Sutton, Thomas N.T. Meredith, Heather L.	Appellant	ON	Appeal	Appeal, December 10, 2010 ([2009] C.S.C.R. no 458; [2009] S.C.C.A. No. 458)	Taxation — income tax — collection — garnishment — minister of national revenue issuing requirements to pay to applicant financial institution with respect to lawyer's tax liability
69.	FCA	<i>Abbott Laboratories Ltd. v. Canada (Minister of Health)</i>	03/20/09	[2009] F.C.J. No. 345, [2009] A.C.F. no 345, 2009 FCA 94, 387 N.R. 347, 73 C.P.R. (4th) 444, 177 A.C.W.S. (3d) 475	Tait, David A.	Appellant	ON	Appeal		Intellectual property law — patents — pharmaceuticals
70.	FCA	<i>Spike Marks Inc. v. Canada (Attorney General)</i>	12/17/08	2008 FCA 406, 386 N.R. 194, [2008] F.C.J. No. 1756	Potter, Simon V	Appellant	ON	Appeal	Application for Leave to the SCC dismissed (2008 FCA 406)	Administrative law — judicial review and statutory appeal — jurisdiction — international trade — taxation — excise — customs and tariffs — tobacco products
71.	FCA	<i>Abbott Laboratories Ltd. v. Canada (Attorney General)</i>	11/17/08	[2008] F.C.J. No. 1580, 2008 FCA 354, [2009] 3 F.C.R. 547, [2009] 3 R.C.F. 547, 70 C.P.R. (4th) 161, 382 N.R. 280, 2010 EXP-2737	Zayid, Caroline	Appellant	ON	Appeal		Intellectual property law — patents

NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
72.	FCA	<i>Abbott Laboratories Ltd. v. Canada (Attorney General)</i>	07/25/08	[2008] F.C.J. No. 1154, [2008] A.C.F. no 1154, 2008 FCA 244, 68 C.P.R. (4th) 445, 298 D.L.R. (4th) 291, 380 N.R. 287, 171 A.C.W.S. (3d) 3	Mason, Steven	Respondent	ON	Appeal	Application for Leave to Appeal to SCC dismissed: [2008] S.C.C.A. No. 408; [2008] C.S.C.R. no 408	Intellectual property law — patents — pharmaceuticals
73.	FCA	<i>Abbott Laboratories Ltd. v. Canada (Attorney General)</i>	05/20/08	[2008] F.C.J. No. 763, [2008] A.C.F. no 763, 2008 FCA 186, 2008 CAF 186, 380 N.R. 40, 66 C.P.R. (4th) 102, 167 A.C.W.S. (3d) 985	Zayid, Caroline R.	Appellant	ON	Appeal		Intellectual property law — patents — criteria for patent protection — subject matter — product or substance
74.	FCA	<i>Apple Canada Inc. v. Canadian Private Copying Collective,</i>	01/10/08	[2008] F.C.J. No. 5, [2008] A.C.F. no 5, 2008 FCA 9, 2008 CAF 9, 371 N.R. 369, 65 C.P.R. (4th) 361, 165 A.C.W.S. (3d) 582	Sookman, Barry B. Mason, Steven G.	Intervenor	ON	Judicial Review		Intellectual property law — copyright — protected subject matter — digital works — sound recordings — copyright board — jurisdiction — information technology
75.	FCA	<i>Canadian Wireless Telecommunications Assn. v. Society of Composers, Authors and Music Publishers of Canada,</i>	01/09/08	[2008] F.C.J. No. 21, [2008] A.C.F. no 21, 2008 FCA 6, 2008 CAF 6, [2008] 3 F.C.R. 539, [2008] 3 R.C.F. 539, 290 D.L.R. (4th) 753, 371 N.R. 272, 64 C.P.R. (4th) 343, 164 A.C.W.S. (3d) 858	Sookman, Barry B. Glover, Daniel	Applicant	ON	Judicial Review	Leave to appeal to the SCC dismissed ([2008] S.C.C.A. No. 135, 09/18/2008)	Intellectual property law — copyright — constitutional issues and legislation — copyright act
76.	FCA	<i>Timberwest Forest Corp. v. Canada,</i>	12/07/07	2007 FCA 389, [2007] F.C.J. No. 1649, [2007] A.C.F. no 1649, 2007	Hall, Geoff R.	Appellant	ON	Appeal		Constitutional law — division of powers — jurisdiction — exports of

NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
				CAF 389, 372 N.R. 262, 34 C.E.L.R. (3d) 1, 162 A.C.W.S. (3d) 759, 2007 CarswellNat 4349						logs
77.	FCA	<i>Abbott Laboratories Ltd. v. Canada (Minister of Health)</i>	06/28/07	[2007] F.C.J. No. 935, [2007] A.C.F. no 935, 2007 FCA 251, 2007 CAF 251, 367 N.R. 120, 61 C.P.R. (4th) 97, 159 A.C.W.S. (3d) 272	Mason, Steven	Respondent	ON	Appeal		Intellectual property law — patents — pharmaceuticals
78.	FCA	<i>Tenaska Marketing Canada, a Division of TMV Corp. v. Canada (Minister of Public Safety and Emergency Preparedness)</i>	06/08/07	[2007] F.C.J. No. 825, [2007] A.C.F. no 825, 2007 FCA 223, 2007 CAF 223, 366 N.R. 235, [2007] G.S.T.C. 72, 2007 G.T.C. 1534, 158 A.C.W.S. (3d) 936	Brousseau, Wendy	Respondent	ON	Appeal		Natural resources law — oil and gas — pipelines — excise tax
79.	FCA	<i>Abbott Laboratories Ltd. v. Canada (Minister of Health)</i>	05/16/07	[2007] F.C.J. No. 686, [2007] A.C.F. no 686, 2007 FCA 187, 2007 CAF 187, 282 D.L.R. (4th) 69, 59 C.P.R. (4th) 1, 370 N.R. 109, 158 A.C.W.S. (3d) 300, [2008] 1 F.C.R. 725	Mason, Steven	Appellant	ON	Appeal	Motion for Costs: 2008 FC 693	Intellectual property law — patents — pharmaceuticals
80.	FCA	<i>Abbott Laboratories Ltd. v. Canada (Minister of Health)</i>	04/19/07	[2007] F.C.J. No. 543, [2007] A.C.F. no 543, 2007 FCA 153, 2007 CAF 153, 361 N.R. 308, 59 C.P.R. (4th) 30, 157 A.C.W.S. (3d) 158	Mason, Steven	Appellant	ON	Appeal	Motion for Costs: 2008 FC 693	Intellectual property law — patents — pharmaceuticals

NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
81.	FCA	<i>Abbott Laboratories Ltd. v. Canada (Minister of Health)</i>	04/05/07	[2007] F.C.J. No. 506, [2007] A.C.F. no 506, 2007 FCA 140, 2007 CAF 140, 282 D.L.R. (4th) 145, 362 N.R. 91, 59 C.P.R. (4th) 131, 156 A.C.W.S. (3d) 1163	Mason, Steven	Respondent	ON	Appeal		Intellectual property law — patents — pharmaceuticals — issue estoppel
82.	FCA	<i>Abbott Laboratories Ltd. v. Canada (Minister of Health)</i>	02/23/07	[2007] F.C.J. No. 270, [2007] A.C.F. no 270, 2007 FCA 83, 2007 CAF 83, 360 N.R. 174, 58 C.P.R. (4th) 97, 155 A.C.W.S. (3d) 658	Mason, Steven G. Tait, David	Respondent	ON	Appeal		Intellectual property law — patents — criteria for patent protection — subject matter — product or substance — novelty — invention — non-obviousness — appeal by Ratiopharm from order granting Abbott Laboratories' application for order prohibiting minister of health from issuing a notice of compliance to Ratiopharm until after the expiration of patent dismissed — composition sufficiently inventive to qualify for a patent and was not an attempt to evergreen Abbott's expired patent
83.	FCA	<i>Abbott Laboratories Ltd. v. Canada (Minister of Health)</i>	02/15/07	[2007] F.C.J. No. 233, [2007] A.C.F. no 233, 2007 FCA 73, 2007 CAF 73, 361 N.R. 90, 59 C.P.R. (4th) 42, 155 A.C.W.S. (3d) 659	Mason, Steven	Appellant	ON	Appeal		Intellectual property law — patents — pharmaceuticals



NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
84.	FCA	<i>Williston v. Canada</i>	09/26/06	2006 FCA 316 (CanLII), [2006] F.C.J. No. 1441, [2006] A.C.F. No. 1441, 2006 FCA 316, 2006 CAF 316, 54 N.R. 180, 151 A.C.W.S. (3d) 614	Sinha, Awanish	Respondent	ON	Appeal		Lands — proprietary estoppel — lease — <i>terres cédées</i> — surrendered
85.	FCA	<i>Abbott Laboratories Ltd. v. Canada (Minister of Health)</i>	05/18/06	[2006] F.C.J. No. 782, [2006] A.C.F. no 782, 2006 FCA 187, 2006 CAF 187, 350 N.R. 242, 56 C.P.R. (4th) 387, 148 A.C.W.S. (3d) 788	Mason, Steven	Appellant	ON	Appeal	Leave to appeal dismissed: [2006] S.C.C.A. No. 292	Intellectual property law — patents — pharmaceuticals
86.	FCA	<i>Abbott Laboratories Ltd. v. Canada (Minister of Health)</i>	06/29/05	[2005] F.C.J. No. 1147, [2005] A.C.F. no 1147, 2005 FCA 250, 2005 CAF 250, 339 N.R. 277, 42 C.P.R. (4th) 289, 141 A.C.W.S. (3d) 634	Mason, Steven	Respondent	ON	Appeal	Leave to appeal dismissed: [2005] S.C.C.A. No. 459	Intellectual property law — patents — pharmaceuticals
87.	FCA	<i>Canada (Minister of National Revenue - M.N.R.) v. Toronto Dominion Bank</i>	10/25/04	[2004] F.C.J. No. 1779, [2004] A.C.F. no 1779, 2004 FCA 359, 2004 CAF 359, 332 N.R. 70, [2005] 2 C.T.C. 37, 2005 D.T.C. 5140, 2004 D.T.C. 6700, 137 A.C.W.S. (3d) 449	Bélanger, Philippe H.	Respondent	QC	Appeal		Income tax — banks — production of information about one account holder
88.	FCA	<i>Abbott Laboratories Ltd. v. Canada (Minister of Health)</i>	04/19/04	[2004] F.C.J. No. 708, [2004] A.C.F. no 708, 2004 FCA 154, 2004 CAF 154, 239 D.L.R. (4th) 627, 320 N.R. 37, 31 C.P.R. (4th) 321,	Mason, Steven	Appellant	ON	Appeal		Intellectual property law — patents — pharmaceuticals

NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
				130 A.C.W.S. (3d) 827						
89.	FCA	<i>Star Choice Television Network Inc. v. Canada (Customs and Revenue Agency)</i>	04/13/04	[2004] F.C.J. No. 674, [2004] A.C.F. no 674, 2004 FCA 153, 2004 CAF 153, 130 A.C.W.S. (3d) 523	Brousseau, Wendy	Appellant	ON	Appeal	Leave to appeal to the SCC dismissed ([2004] S.C.C.A. No. 276, 10/21/2004)	Administrative law — standard of review — reasonableness — taxation — customs — duty — tariff classification
90.	FCA	<i>Munich Reinsurance Co. (Canada Branch) v. Canada</i>	11/27/01	[2001] F.C.J. No. 1780, [2001] A.C.F. no 1780, 2001 FCA 365, 2001 CAF 365, 281 N.R. 377, 2002 D.T.C. 6701, 110 A.C.W.S. (3d) 570	Richards, M.R. Gabrielle	Appellant	ON	Appeal		Tax — income tax — insurance industry
91.	FCA	<i>Transcanada Pipelines Limited (Applicant) v. Her Majesty the Queen (Respondent)</i>	10/19/01	[2001] F.C.J. No. 1581, [2001] A.C.F. no 1581, 2001 FCA 314, 2001 CAF 314, 278 N.R. 165, [2002] 1 C.T.C. 43, 2001 D.T.C. 5625, 109 A.C.W.S. (3d) 529	Chernos, Mendy M.	Appellant	AB	Appeal	Application for Leave to Appeal Dismissed, [2001] S.C.C.A. No. 619	Taxation law — returns, assessments, payment and appeal
92.	FCA	<i>Apotex Inc. v. Canada (Attorney General)</i>	05/12/00	[2000] F.C.J. No. 634, [2000] A.C.F. no 634, [2000] 4 F.C. 264, [2000] 4 C.F. 264, 188 D.L.R. (4th) 145, 255 N.R. 319, 24 Admin. L.R. (3d) 279, 6 C.P.R. (4th) 165, 97 A.C.W.S. (3d) 140	Zayid, Caroline R.	Respondent	ON	Appeal	SCC refused leave to appeal: [2000] S.C.C.A. No. 379	Patents — practice — pleadings — mootness, abuse of process — administrative law — judicial review

NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
93.	FCA	<i>Canadian Pacific Ltd. v. Canada</i>	02/17/00	[2000] F.C.J. No. 236, [2000] A.C.F. no 236, [2000] 2 C.T.C. 54, 2000 D.T.C. 6174, 95 A.C.W.S. (3d) 767	Richards, M.R. Gabrielle	Appellant	ON	Appeal	Remitted to Tax Court: 2000 D.T.C. 2428; appeal to FCA: 2001 FCA 398; costs appeal: 2002 FCA 98	Tax — general anti-avoidance rule — transportation industry
94.	FCA	<i>Burger King Restaurants of Canada Inc. v. Canada,</i>	01/12/00	2000 CanLII 14854, 54 D.T.C. 6061, [2000] F.C.J. No. 16, [2000] A.C.F. no 16, 251 N.R. 313, [2000] 2 C.T.C. 1, 94 A.C.W.S. (3d) 394	Steep, R. Paul	Appellant	ON	Appeal		Income tax — computation of tax, rules for corporations — investment tax credits — qualified property — food preparation and processing
95.	FCA	<i>Canadian Imperial Bank of Commerce-Visa Centre v. Syndicat des employées et employés professionnels-les et de bureau, section locale 57</i>	03/30/99	[1999] F.C.J. No. 418, [1999] A.C.F. no 418, 242 N.R. 188, 88 A.C.W.S. (3d) 801	Baril, André	Applicant	QC	Judicial review		Labour relations — unions — certification, applications — disposition
96.	FCA	<i>Canadian Pacific Ltd. v. Canada</i>	02/09/99	[1999] F.C.J. No. 185, [1999] A.C.F. no 185, [1999] 2 C.T.C. 193, 99 D.T.C. 5132, 86 A.C.W.S. (3d) 9	Richards, M.R. Gabrielle	Appellant	ON	Appeal	Appeal to SCC remanded to FCA: [1999] S.C.C.A. No. 97; redetermined at FCA: [2000] F.C.J. No. 236; remitted to Tax Ct: 2000 D.T.C. 2428;	Tax — general anti-avoidance rule — transportation industry — weak currency loans

NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
									appeal to FCA: 2001 FCA 398; costs appeal: 2002 FCA 98	
97.	FCA	<i>Lubrizol Corp. v. Imperial Oil Ltd.</i>	04/03/96	[1996] F.C.J. No. 454, [1996] A.C.F. no 454, [1996] 3 F.C. 40, [1996] 3 C.F. 40, 197 N.R. 241, 67 C.P.R. (3d) 1, 62 A.C.W.S. (3d) 902, 1996 CanLII 4042 (F.C.A.), 112 F.T.R. 264	Stephenson, Jenny P.	Appellant	ON	Appeal		Damages — exemplary or punitive damages — conditions precedent — patent infringement — contempt of interlocutory injunction — civil practice — evidence — costs
98.	FCA	<i>Sovereign Life Insurance Co. v. Canada</i>	09/20/94	[1994] F.C.J. No. 1350, [1994] A.C.F. no 1350, 86 F.T.R. 240, 174 N.R. 217, [1994] I.L.R. 1-3118, 50 A.C.W.S. (3d) 746	Ellam, Timothy St. J.	Respondent	AB	Appeal		Civil procedure — variation of judgments by appeal court — production of documents — lack of consent of parties
99.	FCA	<i>Nintendo of America Inc. v. Camerica Corp.</i>	05/24/91	[1991] F.C.J. No. 445, [1991] A.C.F. No 445, 127 N.R. 232, 36 C.P.R. (3d) 352, 26 A.C.W.S. (3d) 1340	Sookman, Barry B.	Respondent	ON	Appeal		Practice — interlocutory injunctions — infringement of copyright — balance of convenience
100.	FCA	<i>Canada (Attorney General) v. Mossop</i>	06/29/90	[1990] F.C.J. No. 563, [1990] A.C.F. No 563, [1991] 1 F.C. 18, [1991] 1 C.F. 18, 71 D.L.R. (4th) 661, 114 N.R. 241, 32 C.C.E.L. 276, 90 CLLC 16176, 90 CLLC para. 17,021 at 16176, 22 A.C.W.S. (3d) 562	Stephenson, Jenny P.	Intervenor	ON	Judicial Review	1993] S.C.J. No. 20; [1993] A.C.S. no 20; [1993] 1 S.C.R. 554; [1993] 1 R.C.S. 554; 100 D.L.R. (4th) 658; 149 N.R. 1; J.E. 93-444; 13	Human rights — discrimination — refusal of employer to allow bereavement leave for an employee to attend funeral of father of his male companion — family status — sexual orientation not prohibited ground of discrimination

NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
									Admin. L.R. (2d) 1; 46 C.C.E.L. 1; 93 CLLC 16041; 38 A.C.W.S. (3d) 772	
101.	FCA	<i>Greiner v. Canada</i>	01/10/84	[1984] F.C.J. No. 15, [1984] A.C.F. no 15, 52 N.R. 40, [1984] C.T.C. 92, 84 D.T.C. 6073, 24 A.C.W.S. (2d) 3	Cannon, Douglas	Appellant	ON	Appeal		Income tax — common shares — reimbursement — options
102.	FCA	<i>CTV Television Network Limited v. Canadian Radio-television and Telecommunications Commission</i>	11/10/80	[1980] F.C.J. No. 264, [1980] A.C.F. no 264, [1981] 2 F.C. 248, [1981] 2 C.F. 248, 116 D.L.R. (3d) 741, 34 N.R. 50, 54 C.P.R. (2d) 94, 6 A.C.W.S. (2d) 407	Grant, Peter	Respondent	ON	Appeal	Reversed by the SCC ([1982] S.C.J. No. 24; [1982] A.C.S. no 24; [1982] 1 S.C.R. 530; [1982] 1 R.C.S. 530; 134 D.L.R. (3d) 193; 41 N.R. 271; 65 C.P.R. (2d) 19; 13 A.C.W.S. (2d) 449)	Broadcasting — appeal from Canadian Radio-television and Telecommunications decision renewing appellant's broadcasting licence conditional upon the presentation of a specified number of hours of original new Canadian drama each season
103.	FCA	<i>Capital Cities Communications Inc. v. Canada (Canadian Radio-Television and Telecommunications Commission)</i>	01/17/75	[1975] F.C.J. No. 25, [1975] A.C.F. no 25, [1975] F.C. 18, [1975] C.F. 18, 52 D.L.R. (3d) 415, 7 N.R. 18, 19 C.P.R. (2d) 51	Grant, Peter	Respondent	ON	Appeal and Judicial Review	Affirmed by the SCC ([1977] S.C.J. No. 119; [1977] A.C.S. no 119; [1978] 2 S.C.R. 141; [1978] 2 R.C.S. 141;	Judicial review and appeal — cable television broadcasting — licences to receive broadcasts from U.S. stations

NO.	COURT	CASE	DATE	CITATIONS	LAWYER	ACTED FOR	REGION	TYPE OF APPEAL	FURTHER HISTORY	LEGAL AND INDUSTRY FOCUS
									81 D.L.R. (3d) 609; 18 N.R. 181; 36 C.P.R. (2d) 1)	
<b>FCA Total Appeals: 103</b>										