



**Decision: PMPRB-06-D1-STRATTERA
- Board Order**

**IN THE MATTER OF the *Patent Act* R.S.C. 1985, c. P-4,
as amended**

**AND IN THE MATTER OF Eli Lilly Canada Inc.
(the "Respondent") and the medicine "Strattera"**

ORDER

Pursuant to the subsection 83(6) of the *Patent Act*, R.S.C. 1985, c. P-4 (the "Act"), the Patented Medicine Prices Review Board (the "Board") issued a Notice of Hearing on December 15, 2006 pertaining to allegations of Board Staff that the medicine Strattera had been, and was being, sold by Eli Lilly Canada Inc. ("Eli Lilly") in Canada at prices that exceeded the prices calculated in accordance with the Board's Excessive Price Guidelines. Board Staff set out its allegations in a Statement of Allegations attached to the Notice of Hearing. Following release on April 10, 2008 of the Board's decision in the Adderall XR matter (Board decision PMPRB-06D3-ADDERALL XR), Board Staff delivered a Fresh as Amended Statement of Allegations dated August 7, 2008, to which Eli Lilly responded. A pre-hearing conference has been held, and the matter has been set down for hearing. On February 4, 2009, Eli Lilly filed a Voluntary Compliance Undertaking ("VCU") by which Eli Lilly proposed to resolve all issues raised by the Fresh as Amended Statement of Allegations.

The Board has decided to accept Eli Lilly's VCU. Accordingly, by Order of this Board the proceeding that was commenced by the issuance of the Notice of Hearing is hereby concluded.

Board Members: Dr. Brien G. Benoit
Thomas (Tim) Armstrong

Board Counsel: Gordon Cameron

Sylvie Dupont
Secretary of the Board

February 19, 2009

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