



Decision: PMPRB-06-D2-AIROMIR

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

**AND IN THE MATTER OF 3M Canada Company
(the "Respondent") and the medicine "Airomir"**

ORDER

Pursuant to subsection 83(6) of the *Patent Act*, the Patented Medicine Prices Review Board (the "Board") issued a Notice of Hearing on February 20, 2006, pertaining to allegations of Board Staff that the medicine Airomir had been, and was being, sold by 3M Canada Company ("3M Canada") in Canada at prices that exceeded the prices calculated in accordance with the Board's Excessive Price Guidelines. 3M Canada responded to the allegations of Board Staff set out in its Statement of Allegations, attached to the Notice of Hearing, and Board Staff replied to that response. A pre-hearing conference was held, and the matter was set down for hearing.

On May 9, 2007, 3M Canada filed a Voluntary Compliance Undertaking ("VCU") by which 3M Canada proposed to resolve all issues raised by the Statement of Allegations. A copy of the VCU is attached hereto.

The Board has decided to accept 3M Canada'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
Anthony Boardman

Board Counsel: Gordon Cameron

Sylvie Dupont
Secretary of the Board

May 14, 2007