

PATENTED MEDICINE PRICES REVIEW BOARD

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

**AND IN THE MATTER OF
Alexion Pharmaceuticals Inc. ("Respondent")
and the medicine "Soliris"**

**AFFIDAVIT OF ANNA DI DOMENICO
(CONFLICT OF INTEREST and PRODUCTION OF DOCUMENTS)**

1. I am a law clerk employed at Gowlings. I provide assistance to Alan West and Malcolm Ruby, the Gowlings partners with responsibility for representing the Respondent, Alexion Pharmaceuticals Inc ("Alexion") in these proceedings. I have knowledge of the documents produced among the parties in these proceedings, including the documentary exhibits appended as Exhibits to this affidavit.
2. In swearing this affidavit, I have no intention to waive any lawyer/client, litigation, or other privilege.

Isabel Raasch

3. In the July 2015 PMPRB "*NEWSletter*" (Volume 19, Issue 3), the Board announced the hiring of Isabel Jaen Raasch. A copy of the pertinent *NEWSletter*, taken from the Board's website, is attached at **EXHIBIT "A"**.
4. On 7 July 2015, the Board sent out email bulletins concerning the hiring of Ms. Raasch. A copy of the email bulletin is attached at **EXHIBIT "B"**.

5. On 14 July 2015, Alexion received an email indicating that Ms. Raasch was making inquiries with Health Canada concerning the manufacture of Soliris. A copy of the email is attached at **EXHIBIT "C"**.
6. On 17 July 2015, Alan West sent the Board's Chairperson, Mary Catherine Lindberg, a letter asking that Isabel Raasch recuse herself from continued involvement in the proceeding. A copy of Mr. West's letter is attached at **EXHIBIT "D"**.
7. On 23 July 2015, Mr. West received an email from Elaine McGillivray, Ms. Lindberg's Executive Assistant, explaining that the Chairperson was away on holidays and would get back to Mr. West the next week. A copy of Ms. McGillivray's email is attached as **Exhibit "E"**.
8. On 23 July 2015, Mr. West, responded to Ms. McGillivray emphasizing that the matter was urgent and asking if inquiries could be concerning Ms. Raasch. A copy of Mr. West's email is attached as **EXHIBIT "F"**.
9. On 27 July 2015, Malcolm Ruby received correspondence from Mr. David Migicovsky of Perley-Robertson, Hill & McDougall responding to the issues raised concerning Ms. Raasch in Mr. West's 17 July 2015 letter. A copy of Mr. Migicovsky's letter is attached as **EXHIBIT "G"**.
10. On 14 August 2015, Mr. Ruby wrote to Mr. Migicovsky indicating that Alexion would be bringing a motion in relation to Ms. Isabel Raasch. A copy of Mr. Ruby's letter is attached as **EXHIBIT "H"**.

Mary Catherine Lindberg

11. On 6 August 2015, a corporate search was conducted of Green Shield Canada Foundation. Mary Catherine Lindberg is listed as a Director. Attached at **EXHIBIT "I"** is a copy of the profile report received from Industry Canada.

12. On 7 August 2015, a search was conducted on the website of the Intervener, Canadian Life and Health Insurance Association ("CLHIA"). The search lists Green Shield Canada as a member of CLHIA. A copy of the membership list from the CLHIA website is attached at **EXHIBIT "J"**.

Disclosure of Documents

13. On 29 June 2015, Mr. Ruby wrote Mr. Migicovsky requesting disclosure of all documents Board Staff would be relying upon in support of their case at the Hearing. A copy of the letter is attached at **EXHIBIT "K"**.

14. On 6 July 2015, Mr. Ruby wrote again to Mr. Migicovsky asking for confirmation that documents received from Board Staff comprised all documents Board Staff would be relying on in support of their case at the Hearing. A copy of the letter is attached at **EXHIBIT "L"**.

15. On 7 July 2015, Mr. Ruby received email correspondence from Mr. Migicovsky indicating that the documents received from Board staff "were not intended to constitute the disclosure of Board Staff" and indicating that it would be "premature to have documentary disclosure at the present time." A copy of Mr. Migicovsky's email correspondence is attached at **EXHIBIT "M"**.

This affidavit is intended to assist the Panel.

SWORN BEFORE ME at the City of Toronto, in the Province of Ontario this 21st day of August 2015.

Original signature redacted

Commissioner for Taking Affidavits

ALAN WEST

TOR_LAW\8762530\2



Original signature redacted

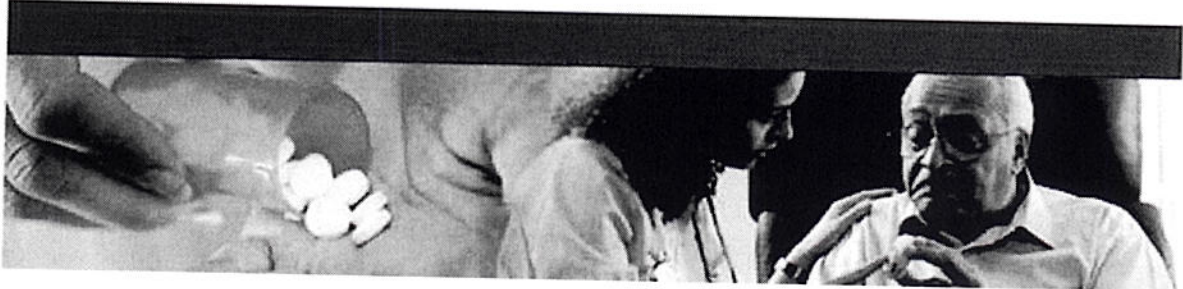
ANNA DI DOMENICO

THIS IS **EXHIBIT "A"** TO THE AFFIDAVIT
OF **ANNA DI DOMENICO**
SWORN BEFORE ME THIS 21ST DAY OF AUGUST, 2015

Original signature redacted

A Commissioner etc.

ALAN WEST



July 2015, Volume 19, Issue 3
ISSN: 1920-3713

PMPRB NEWSletter

Soliris pre-hearing conference

The PMPRB held a public, pre-hearing conference on Monday, June 22 and Tuesday, June 23, 2015, in the matter of the price of the patented medicine Soliris and Alexion Pharmaceuticals Inc., the pharmaceutical company that exercises patent rights for Soliris and sells the medicine in Canada. The purpose of the pre-hearing conference was to allow parties to identify or circumscribe the issues related to the hearing and resolve any other issues that may facilitate the conduct of the hearing. The pre-hearing conference will resume in Ottawa on **September 16, 2015**.

For more information, please visit the [Status of Ongoing Proceedings](#) section of the PMPRB website, which contains the latest public documents in this matter.

[\[Table of Contents\]](#)

New staff member – Legal Services

The PMPRB is pleased to announce the appointment of Isabel Jaen Raasch as Director, Legal Services and General Counsel. Isabel joins the PMPRB from Gowling Lafleur Henderson LLP, where she was a partner and practiced in the area of patent litigation, including infringement actions, references for damages, and proceedings under the *Patented Medicines (Notice of Compliance) Regulations*. Isabel has over 14 years of patent litigation experience on a wide range of scientific subject matter. Prior to working at Gowlings, Isabel was an associate with Ropes & Gray LLP – Fish & Neave IP Group, a leading intellectual property firm in New York City.

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- [Update: *Germany Recognized Price Source*](#)
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Notices to Readers

Updates

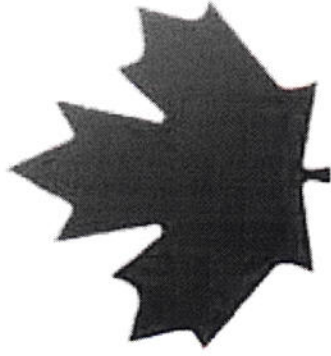
- As a result of updates to [Schedule 2](#) of the [Compendium of Policies, Guidelines and Procedures](#) to include additional comparable dosage forms, [Appendix C](#) of the [Patentee's Guide to Reporting](#) has been updated to provide codes for filing the new comparable dosage forms.
- An updated [NPDUIS Research Agenda](#), which lists and describes all current NPDUIS research projects slated for publication in 2015-16 and 2016-17, is now available on the PMPRB website. These research topics were selected in accordance with identified priorities and analytical needs of the participating

THIS IS **EXHIBIT "B"** TO THE AFFIDAVIT
OF **ANNA DI DOMENICO**
SWORN BEFORE ME THIS 21ST DAY OF AUGUST, 2015

Original signature redacted

A Commissioner etc.

ALAN WEST



PMPRB

#bulletin

CEPMB

#bulletin

July 7, 2015

The Patented Medicine Prices Review Board (PMPRB) is pleased to announce the arrival of Isabel Jaen Raasch as Director, Legal Services and General Counsel, PMPRB.

Isabel joins the PMPRB from Gowling Lafleur Henderson LLP, where she was a partner and practiced in the area of patent litigation, including infringement actions, references for damages, and proceedings under the *Patented Medicines (Notice of Compliance) Regulations*. Isabel has over 14 years of experience in the field of patent litigation, having litigated patents on a wide range of scientific subject matter during her time with Gowlings, in addition to her time as an associate with Ropes & Gray LLP – Fish & Neave IP Group, a leading intellectual property firm in New York City.



Follow us on
twitter

THIS IS **EXHIBIT "C"** TO THE AFFIDAVIT
OF **ANNA DI DOMENICO**
SWORN BEFORE ME THIS 21ST DAY OF AUGUST, 2015

Original signature redacted

A Commissioner etc.

ALAN WEST

Mackie, Kathie

From: Ruby, Malcolm
Sent: Monday, August 17, 2015 3:10 PM
To: Ruby, Malcolm
Subject: 14 July email

From: Fredric, Christopher
Sent: Tuesday, July 14, 2015 3:06 PM
To: Haslam, John
Subject: PMPRB req for information Re: SolirisDS/DP manfs.

Hi John, Georgette Roy Director, Office of Regulatory Affairs, BGTD had called me this afternoon to

- Name and location of the Drug Substance Manufacturer for Soliris
- Name and location of the Drug Product Manufacturer for Soliris

The original request was made to BGTD by Isabel J. Raasch from PMPRB.

I have informed Georgette that you will clear this with legal first before we communicate with her.

Thanks,
Chris.

Christopher Fredric M.Sc.
Pharmaceutical Affairs Manager

PLEASE NOTE OUR NEW ADDRESS & CONTACT INFORMATION BELOW

Alexion Pharma Canada

Suite 300, 3100 Rutherford Road, Vaughan, Ontario L4K 0G6

D: 1 289 459-0427

T: 1 (866) 393-1188 x 10427

C: 1 647 920-5279

F: 1 905 553-2995

ALEXION

THIS IS **EXHIBIT "D"** TO THE AFFIDAVIT
OF **ANNA DI DOMENICO**
SWORN BEFORE ME THIS 21ST DAY OF AUGUST, 2015

Original signature redacted

A Commissioner etc.

ALAN WEST

THIS IS **EXHIBIT "E"** TO THE AFFIDAVIT
OF **ANNA DI DOMENICO**
SWORN BEFORE ME THIS 21ST DAY OF AUGUST, 2015

Original signature redacted

A Commissioner etc.

ALAN WEST

Mackie, Kathie

From: Elaine McGillivray [elaine.mcgillivray@pmprb-cepmb.gc.ca]
Sent: Thursday, July 23, 2015 2:18 PM
To: West, Alan
Subject: Your Letter to the Chair dated July 17, 2015

Mr. West:

I acknowledge receipt of your letter on behalf of the Chair. Sorry for the delay in responding, the Chair is away on holidays right now and will get back to you next week.

Thank you

Elaine McGillivray
Executive Assistant to the Chair
Patented Medicines Prices Review Board
Box L40, 333 Laurier Avenue West, Suite 1400
Ottawa, ON K1P 1C1
Tel: 613-952-3300

THIS IS **EXHIBIT "F"** TO THE AFFIDAVIT
OF **ANNA DI DOMENICO**
SWORN BEFORE ME THIS 21ST DAY OF AUGUST, 2015

Original signature redacted

A Commissioner etc.

ALAN WEST

Mackie, Kathie

From: West, Alan
Sent: Thursday, July 23, 2015 6:04 PM
To: Elaine McGillivray
Subject: RE: Your Letter to the Chair dated July 17, 2015

Thank-you very much your reply, Ms. McGillivray.

I understand that Ms. Lindberg is on vacation.

However, this is a most urgent matter. Can you advise, if you know, or if you do not know, can you please immediately make inquiries and advise whether Ms. Raasch's involvement in the dispute between Board Staff and Alexion has ended?

I look forward to your prompt reply.

Thank-you.

Alan West
416-862-4308
gowlings.com

From: Elaine McGillivray [<mailto:elaine.mcgillivray@pmprb-cepmb.gc.ca>]
Sent: July-23-15 2:18 PM
To: West, Alan
Subject: Your Letter to the Chair dated July 17, 2015

Mr. West:

I acknowledge receipt of your letter on behalf of the Chair. Sorry for the delay in responding, the Chair is away on holidays right now and will get back to you next week.

Thank you

Elaine McGillivray
Executive Assistant to the Chair
Patented Medicines Prices Review Board
Box L40, 333 Laurier Avenue West, Suite 1400
Ottawa, ON K1P 1C1
Tel: 613-952-3300

THIS IS **EXHIBIT "G"** TO THE AFFIDAVIT
OF **ANNA DI DOMENICO**
SWORN BEFORE ME THIS 21ST DAY OF AUGUST, 2015

Original signature redacted

A Commissioner etc.

ALAN WEST



PERLEY-ROBERTSON, HILL & McDOUGALL LLP/s.r.l.

*Lawyers / Patent & Trade-Mark Agents
Avocats / Agents de brevets et de marques de commerce*

Reply to/Communiquez avec:
David Migicovsky
613.566.2802 dmigicovsky@perlaw.ca

July 27, 2015

BY EMAIL

Mr. Malcolm Ruby
Gowlings LLP
1 First Canadian Place
100 King Street West, Suite 1600
Toronto, ON M5X 1G5

Dear Mr. Ruby:

Re: IN THE MATTER OF Alexion Pharmaceuticals Inc. and the medicine "Soliris"
Our Reference: PMPR010

We have received your Amended Response to the Statement of Allegations of Board Staff ("the Amended Response"). The Amended Response is replete with allegations which are irrelevant, scandalous, frivolous, vexatious and an abuse of process. Consequently, we will in due course, be serving you with a motion to strike and a request for the Board to extend the time for filing an Amended Reply until such time as the motion to strike has been determined.

We note that paragraphs 37 (h) and (i) of the Amended Response contain allegations directed at the involvement of Ms. Jaen Raasch in this matter. It is my understanding that prior to Ms. Jaen Raasch leaving Gowlings and joining the Patented Medicine Prices Review Board, Gowlings was advised that Ms. Jaen Raasch would be joining the Patented Medicine Prices Review Board as its General Counsel. I would have thought, therefore, that if you had any concerns about Ms. Jaen Raasch's involvement in this litigation, you would have raised the issue in advance rather than asserting same in the Amended Response. For the record, it is important to note the following facts:

1. Prior to joining the Patented Medicine Prices Review Board, Ms. Jaen Raasch was a partner in the Ottawa office of Gowlings and worked in the intellectual property department focussing on intellectual property litigation. We note from the Gowlings' website that Messrs. West and Ruby are located in the Toronto office and are not listed as being part of the intellectual property group at Gowlings.



July 27, 2015

2. Prior to Ms. Jaen Raasch joining the Patented Medicine Prices Review Board, she had no actual knowledge of any matters relating to this litigation or of the representation of Alexion by Gowlings.
3. Ms. Jaen Raasch has never acted as counsel in any matter involving Alexion.
4. Prior to joining the Patented Medicine Prices Review Board, Ms. Jaen Raasch had no information (confidential or otherwise) regarding Alexion or this litigation.
5. Ms. Jaen Raasch is in full compliance with the Law Society of Upper Canada Rules of Professional Conduct. We refer you, in particular, to Rule 3.14-18 and Commentary (1) which notes that the purpose of the rule is to deal with actual knowledge. The Commentary goes on to note that "imputed knowledge does not give rise to disqualification."
6. There is no suggestion in your letter of any actual prejudice to Alexion.

Given the above facts it is now incumbent upon you to either withdraw the assertions made in paragraphs 37 (h) and (i) of the Amended Response or to bring the appropriate motion so that this matter can be dealt with forthwith. A failure to do so shall be deemed an admission to the facts noted above and a waiver of any objections to Ms. Jaen Raasch's continued involvement in this matter.

Yours very truly,

Original signature redacted

David Migicovsky

20:lhc

cc Alan West (by email)
Isabel Jaen Raasch (by email)
Parul Shah (by email)

THIS IS **EXHIBIT "H"** TO THE AFFIDAVIT
OF **ANNA DI DOMENICO**
SWORN BEFORE ME THIS 21ST DAY OF AUGUST, 2015

Original signature redacted

A Commissioner etc.

ALAN WEST



montreal • ottawa • toronto • hamilton • waterloo region • calgary • vancouver • beijing • moscow • london

14 August 2015

Malcolm N. Ruby
Direct 416-862-4314
Direct Fax 416-862-7661
malcolm.ruby@gowlings.com
File No. T999663

VIA EMAIL - DMigicovsky@perlaw.ca

David Migicovsky
Perley-Robertson Hill & McDougal LLP
340 Albert Street
Suite 1400
Ottawa, ON
K1R 7Y6

Dear David:

**Re: IN THE MATTER OF the *Patent Act*, R.S.C. 1985, c. P-4, as amended
AND IN THE MATTER OF Alexion Pharmaceuticals Inc. and
the Medicine "Soliris"**

In your letter of 27 July 2015, you inquired as to whether Alexion would bring a motion relating to the conflict issues. We will be serving a motion in that regard next week.

At the same time, we anticipate delivering a motion requiring Board Staff to disclose all documents you will be relying on in the proceeding.

Yours truly,

GOWLING LAFLEUR HENDERSON LLP

Original signature redacted

Malcolm N. Ruby
MNR:kam

TOR_LAW\8762979\1

THIS IS **EXHIBIT "I"** TO THE AFFIDAVIT
OF **ANNA DI DOMENICO**
SWORN BEFORE ME THIS 21ST DAY OF AUGUST, 2015

Original signature redacted

A Commissioner etc.

ALAN WEST



Canada

Industry Canada

[Home](#) > [Corporations](#) > [Corporations Canada](#) > [Search for a Federal Corporation](#)

Corporations Canada

Federal Corporation Information - 2824841

[Glossary of Terms used on this page](#)

[Return to Search Results](#)

[Start New Search](#)

Corporation

Number

2824841

Business Number (BN)

891689457RC0001

Governing Legislation

Canada Not-for-profit Corporations Act - 2014-06-10

Corporate Name

GREEN SHIELD CANADA FOUNDATION
FONDATION DU BOUCLIER VERT DU CANADA

Status

Active

Registered Office Address

8677 ANCHOR DR.
BOX 1606
WINDSOR ON N9A 6W1
Canada

Active NFP Act corporations are required to update this information. Changes are only legally effective when filed with Corporations Canada. A [corporation key](#) is required.

Directors

Minimum

12

Maximum

24

Directors

SHERRY PEISTER
123 EDGEHILL DR.
KITCHENER ON N2P 2C6
Canada

ESMAIL MERANI
3 MID PINES GROVE
NEPEAN ON K2R 1B7
Canada

LYNN HAIGHT
73 HEATH ST W.

TORONTO ON M4V 1T2
Canada

YUNG WU
468 WELLINGTON ST. WEST
SUITE 601
TORONTO ON M5V 1E3
Canada

MARY CATHERINE LINDBERG
9-5200 DORCHESTER ROAD
NIAGARA FALLS ON L2E 7M6
Canada

HARVEY SCHIPPER
8 CONNABLE DRIVE
TORONTO ON M5R 1Z8
Canada

MARITA ZAFFIRO
346 MOUNTAIN BROW BLVD.
HAMILTON ON L8T 1A6
Canada

BERTRAND BOLDUC
50 DE LA BARRE #1102
LONGUEUIL QC J4K 5G2
Canada

MONIQUE RICHER
9421 ADÉLARD GODBOUT
QUÉBEC QC G2B 5C3
Canada

BOB CHERNECKI
1508-3151 BRIDLETOWNE CIRCLE
SCARBOROUGH ON M1W 2T1
Canada

STEVE BRADIE
125 GOLFWOOD DRIVE
AMHERSTBURG ON N9V 3T4
Canada

DANIEL S. LEGAULT
276 MACPHERSON AVENUE
TORONTO ON M4V 1A3
Canada

Mehboob Remtulla
221 Garden Avenue
Richmond Hill ON L6C 6L8
Canada

Active NFP Act corporations are required to [update director information](#) (names, addresses, etc.) within 15 days of any change. A [corporation key](#) is required.

Annual Filings

Anniversary Date (MM-DD)
06-10

Date of Last Annual Meeting
2015-06-08

Annual Filing Period (MM-DD)
06-10 to 08-09

Type of Corporation
Non-Soliciting

Status of Annual Filings
2015 - Filed

Corporate History

Corporate Name History

1992-05-28 to 2002-02-14

THE GREEN SHIELD CANADA FOUNDATION -
1992-05-28 to 2002-02-14

LA FONDATION DU BOUCLIER VERT DU CANADA

2002-02-14 to 2014-06-10

GREEN SHIELD CANADA FOUNDATION -
2002-02-14 to 2014-06-10

FONDATION DU BOUCLIER VERT DU CANADA

2014-06-10 to Present

GREEN SHIELD CANADA FOUNDATION

2014-06-10 to Present

FONDATION DU BOUCLIER VERT DU CANADA

Certificates and Filings

Certificate of Continuance

2014-06-10

Previous jurisdiction: Canada Corporations Act - Part II (CCA-II)

By-laws

Received on 2014-06-20

Financial Statements

Received on 2015-06-17 as of 2014-12-31

THIS IS **EXHIBIT "J"** TO THE AFFIDAVIT
OF **ANNA DI DOMENICO**
SWORN BEFORE ME THIS 21ST DAY OF AUGUST, 2015

Original signature redacted

A Commissioner etc.

ALAN WEST



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Members

[Acadia Life](#)

[ACE INA Life Insurance](#)

[Actra Fraternal Benefit Society](#)

[Aetna Life Insurance Company](#)

[Alberta Blue Cross](#)

[Allianz Life Insurance Company of North America](#)

[American Health and Life Insurance Company](#)
[Triton Insurance Company](#) ¹

[Assumption Mutual Life Insurance Company](#)

[Assurant Solutions](#) ²

[American Bankers Insurance Company of Florida](#) ¹

[American Bankers Life Assurance Company of Florida](#) ¹

[Assurant Life of Canada](#) ¹

[Aurigen Reinsurance Company](#)

[BMO Life Assurance Company](#)

[BMO Life Insurance Company](#)

[Canadian Premier Life Insurance Company](#)
[Legacy General Insurance Company](#) ¹

[Canassurance Insurance Company](#)
[Canassurance Hospital Service Association](#) ¹

[CIBC Life Insurance Company Limited](#)

[CIGNA Life Insurance Company of Canada](#)
[Connecticut General Life Insurance Company](#) ¹
[Life Insurance Company of North America](#) ¹

[Combined Insurance Company of America](#)

[Co-operators Life Insurance Company](#)
[Co-operators General Insurance Company](#) ¹

[CUMIS Life Insurance Company](#)

[Desjardins Financial Security Life Assurance Company](#)

[The Empire Life Insurance Company](#)

[Employers Reassurance Corporation](#)

[The Equitable Life Insurance Company of Canada](#)

[FaithLife Financial](#)

First Canadian Insurance Corporation

Foresters ²
The Independent Order of Foresters

Foresters Life Insurance Company

Gerber Life Insurance Company

Giraffe & Friends Life Insurance Company

The Great-West Life Assurance Company /
London Life Insurance Company /
The Canada Life Assurance Company
London Life Insurance Company ¹
The Canada Life Insurance Company of Canada ¹

Green Shield Canada

Group Medical Services
GMS Insurance Inc. ¹

Hartford Life Insurance Company

Humania Assurance Inc.
LS-Travel, Insurance Company ¹

Industrial Alliance Insurance and Financial Services Inc.
The Excellence Life Insurance Company ¹

Knights of Columbus

La Capitale Civil Service Insurer Inc.
La Capitale Insurance and Financial Services Inc. ¹
La Capitale Financial Security Insurance Company ¹

Liberty Life Assurance Company of Boston

Manitoba Blue Cross

Manulife Financial
First North American Insurance Company ¹
The Manufacturers Life Insurance Company ¹

Medavie Blue Cross
Blue Cross Life Insurance Company of Canada ¹

Munich Reinsurance Company

National Bank Life Insurance Company

New York Life Insurance Company

Optimum Reassurance Inc.

Orion Travel Insurance Company
CAA Insurance Company (Ontario) ¹

Pacific Blue Cross
British Columbia Life & Casualty Company (BC Life) ¹

Pacific Life Insurance Company

Partner Reinsurance Europe SE
Partner Reinsurance Company Ltd. ¹

Pavonia Life Insurance Company of Michigan
Primerica Life Insurance Company of Canada
Principal Life Insurance Company
RBC Life Insurance Company
RBC General Insurance Company ¹
RBC Insurance Company of Canada ¹
Reliable Life Insurance Company
RGA Life Reinsurance Company of Canada
General American Life Insurance Company ¹
Saskatchewan Blue Cross
SCOR Global Life
Scotia Life Insurance Company
SSQ Financial Group ²
SSQ Life Insurance Company Inc. ¹
SSQ Insurance Company Inc. ¹
State Farm International Life Insurance Company Ltd.
Sun Life Assurance Company of Canada
Sun Life Insurance (Canada) Limited ¹
Swiss Reinsurance Company Ltd
TD Life Insurance Company
Teachers Life Insurance Society (Fraternal)
Transamerica Life Canada
The Union Life, A Mutual Assurance Company / UL Mutual
VSP Canada Vision Care Insurance
The Wawanesa Life Insurance Company
Western Life Assurance Company
Zurich Insurance Company Ltd

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THIS IS **EXHIBIT "K"** TO THE AFFIDAVIT
OF **ANNA DI DOMENICO**
SWORN BEFORE ME THIS 21ST DAY OF AUGUST, 2015

Original signature redacted

A Commissioner etc.

ALAN WEST

29 June 2015

VIA EMAIL - DMigicovsky@perlaw.ca

David Migicovsky
Perley-Robertson Hill & McDougal LLP
340 Albert Street, Suite 1400
Ottawa, ON K1R 7Y6

Malcolm N. Ruby
Direct 416-862-4314
Direct Fax 416-862-7661
malcolm.ruby@gowlings.com
File No. T999663

Dear David:

**Re: IN THE MATTER OF the *Patent Act*, R.S.C. 1985, c. P-4, as amended
AND IN THE MATTER OF Alexion Pharmaceuticals Inc. and
the Medicine "Soliris"**

On several occasions, you have provided assurances that Alexion would receive prior disclosure of all documents the Board Staff would be relying upon in support of their case at the Hearing.

In their reasons relating to the order granting the particulars request, the Panel noted that Alexion "will receive these documents as part of the document discovery process" and that Board Staff had "stated that these documents will be provided."

You will also recall that although the Order reads that Board Staff are obliged to provide particulars specified in paragraphs 1(a), (d) and (e) of Alexion's Motion, Ms. Kobernick stated on the record that the reason she did not specify the particulars sought by Alexion in paragraph 1(b) was that the documents would be disclosed to Alexion. Furthermore, with respect to item 1(c) of Alexion's Motion, Ms. Kobernick was of the view that the particulars sought in the first part of that request were "covered by the particulars ordered under [paragraph] 1(a)" of the motion.

We would be grateful if you produce the documents by Friday, 3 July 2015 at the same time as Board Staff produce the particulars ordered by the Panel.

Yours truly,

GOWLING LAFLEUR HENDERSON LLP

Original signature redacted

Malcolm N. Ruby
MNR:kam
TOR_LAW\8729430\1

THIS IS **EXHIBIT "L"** TO THE AFFIDAVIT
OF **ANNA DI DOMENICO**
SWORN BEFORE ME THIS 21ST DAY OF AUGUST, 2015

Original signature redacted

A Commissioner etc.

ALAN WEST

THIS IS **EXHIBIT "M"** TO THE AFFIDAVIT
OF **ANNA DI DOMENICO**
SWORN BEFORE ME THIS 21ST DAY OF AUGUST, 2015

Original signature redacted

A Commissioner etc.

ALAN WEST

Ruby, Malcolm

From: David Migicovsky [DMigicovsky@perlaw.ca]
Sent: July-07-15 11:01 PM
To: Ruby, Malcolm; West, Alan
Cc: Christopher Patrick Morris; Parul Shah; Laurie Lovell-Charouhas
Subject: PMPRB re Alexion

Mr. Ruby

I am responding to your letters of June 29, 2015 and July 6, 2015.

The documents you were provided with under cover of our letter of July 3, 2015 were not intended to constitute the disclosure of Board Staff. The documents were provided to you in accordance with the direction of the Board on the motion for particulars.

I would suggest that we establish a mutual schedule for documentary disclosure by Alexion and Board Staff once the amended pleadings have been completed. It would be premature to have documentary disclosure at the present time.

Sent from my BlackBerry 10 smartphone on the Rogers network.