

# Intellectual Property Weekly Abstracts Bulletin — Week Of May 1, 2017

May 03, 2017

## Trademarks Decisions

Appeal of TMOB's decision amending the statement of registered goods allowed [Lucite international, Inc. v. Croll & Co., 2017 FC 289](#)

The Federal Court allowed Lucite's appeal of the Trademarks Opposition Board's (TMOB's) decision amending the registration of its mark to restrict the statement of registered goods ([see 2016 TMOB 127](#)). Lucite had voluntarily amended its registration to restrict the statement of registered goods following the issuance of a section 45 notice. The TMOB also amended the registration to further restrict the statement of registered goods, finding that Lucite had provided no evidence relating to various goods including "resin beads".

On appeal, Lucite sought to only restore "resin beads" to the list and submitted new **evidence pursuant to s 56(5) of the Trade-marks Act**. The Court was satisfied that the new evidence was material and demonstrated use of the mark during the relevant period in association with "resin beads".

## Supreme Court Updates

[Apotex Inc. v. Eli Lilly Canada Inc., et al.](#) (Federal Court) (Civil) (By Leave) ([Court File No. 37368](#))

The Supreme Court dismissed Apotex's application for leave to appeal from the judgment of the Federal Court of Appeal in [2016 FCA 267](#). Our summary of the appeal is here.

[Constellation Brands Inc., et al. v. Pinnacle Estates Inc.](#) (Federal Court) (Civil) (By Leave) ([Court File No. 37424](#))

The Supreme Court dismissed Constellation Brands Inc's application for leave to appeal from the judgment of the Federal Court of Appeal in [2016 FCA 302](#).

[Nova Chemicals Corporation v. Dow Chemical Company, et al.](#) (Federal Court) (Civil) (By Leave) ([Court File No. 37274](#))

The Supreme Court dismissed Nova Chemicals Corporation's application for leave to

appeal from the judgment of the Federal Court of Appeal in [2016 FCA 216](#). Our summary of the appeal is [here](#).

## Industry Update

CIPO released a [Notice regarding Patent Cooperation Treaty \(PCT\) national phase applications and the acceptable forms of evidence for subsection 58\(5\) requisitions](#).

By

[Chantal Saunders](#), [Beverley Moore](#), [Adrian J. Howard](#), [Jillian Brenner](#)

Expertise

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## BLG Offices

### Calgary

Centennial Place, East Tower  
520 3rd Avenue S.W.  
Calgary, AB, Canada  
T2P 0R3

T 403.232.9500  
F 403.266.1395

### Ottawa

World Exchange Plaza  
100 Queen Street  
Ottawa, ON, Canada  
K1P 1J9

T 613.237.5160  
F 613.230.8842

### Vancouver

1200 Waterfront Centre  
200 Burrard Street  
Vancouver, BC, Canada  
V7X 1T2

T 604.687.5744  
F 604.687.1415

### Montréal

1000 De La Gauchetière Street West  
Suite 900  
Montréal, QC, Canada  
H3B 5H4

T 514.954.2555  
F 514.879.9015

### Toronto

Bay Adelaide Centre, East Tower  
22 Adelaide Street West  
Toronto, ON, Canada  
M5H 4E3

T 416.367.6000  
F 416.367.6749

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