



January 31, 2011

Decision: PMPRB-07-D2-PENLAC  
- Merits

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

AND IN THE MATTER OF sanofi-aventis Canada Inc.  
(the "Respondent") and the medicine "Penlac Nail Lacquer"

### ORDER

Pursuant to the provisions of section 83 of the *Patent Act*, the Patented Medicine Prices Review Board (the "Board") issued a Notice of Hearing on March 26, 2007 to determine whether sanofi-aventis Canada Inc. is selling or has sold the patented medicine Penlac Nail Lacquer in any market in Canada at a price that is or was excessive and if so, what order, if any, should be made.

Upon conducting its hearing and in accordance with the Reasons of the Board issued January 31, 2011, the Board orders as follows:

- a) The MNE prices of Penlac in Canada for the period July 29, 2004 to April 16, 2008 inclusive shall be as follows:

REPORTING PERIOD	MNE
July-December 2004	\$7.4070
January-December 2005	\$7.5700
January-December 2006	\$7.7255
January-December 2007	\$7.8885
January-April 2008	\$8.0696

- b) sanofi-aventis shall pay to Her Majesty in right of Canada, within 30 days of the date of this Order, on or before March 3, 2011, the sum of \$9,409,074.36 to offset excess revenues for Penlac to April 16, 2008.

Board Members: Dr. Brien G. Benoit  
Mary Catherine Lindberg  
Anne Warner La Forest

Board Counsel: Gordon Cameron

Original signed by

Sylvie Dupont  
Secretary of the Board