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COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE RECEIVED / REÇU Date: September 23, 2024 CT- 2024-006 Badih Abboud for / pour REGISTRAR / REGISTRAIRE	
OTTAWA, ONT.	# 60

September 20, 2024

VIA E-MAIL

Competition Tribunal

Thomas D'Arcy McGee Building
 90 Sparks Street, Suite 600
 Ottawa, ON K1P 5B4

Dear Registrar:

RE: JAMP Pharma Corporation v. Janssen Inc. – File No. CT-2024-006 – Leave to File Sur-reply

We are counsel to Janssen Inc. (“**Janssen**”) in the above-captioned application by JAMP Pharma Corporation (“**JAMP**”) pursuant to section 103.1 of the *Competition Act* (the “**Act**”)¹ seeking leave to bring an application against Janssen under section 79 of the Act (the “**Leave Application**”). We ask that you bring this letter to the attention of Justice Little who is considering the Leave Application.

This letter is intended to serve as an informal motion by Janssen for leave to file a brief sur-reply to JAMP’s reply dated September 13, 2024. A draft of the sur-reply that Janssen proposes to file is attached as **Appendix “A”**.

JAMP raised several entirely new allegations in its reply relating that it neither pleaded nor argued in its notice of application or memorandum of fact and law. In raising these new matters, JAMP’s reply also makes several inaccurate and misleading statements regarding Janssen’s conduct and its responding evidence. Janssen could not have reasonably anticipated these arguments when it prepared its responding representations. Fairness dictates that Janssen be given the opportunity to briefly respond to these new allegations and misstatements of fact. Janssen does not seek to adduce additional evidence as part of its proposed sur-reply.

We thank the Tribunal for its consideration of the above and would be pleased to address any questions it may have in writing or at a case conference.

Yours respectfully,

Nicole Henderson

¹ R.S.C. 1985, c. C-34.



c: Andrew Brodtkin, Jordan Scopa, David Rosner, Jon Wall, Arash Rouhi, *Goodmans LLP*
Donald Houston, Kevin Hong, Kendra Wilson, *Competition Bureau*
Robert E. Kwinter, Cathy Beagan Flood, Jonathan Bitran, Joe McGrade, Brian A. Facey, *Blake Cassels & Graydon LLP*



APPENDIX "A" – Draft Sur-reply of the Respondent

See attached.