

COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE	
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September 23, 2024

The Honourable Andrew D. Little
 Chair, Competition Tribunal
 Thomas D’Arcy McGee Building
 90 Sparks Street, Suite 600
 Ottawa, ON K1P 5B4

Dear Justice Little:

Re: *JAMP Pharma Corporation v Janssen Inc.* – CT-2024-006 – Response to Informal Motion for Sur-Reply

J&J’s informal motion, seeking leave to file a Sur-Reply, cites no section of the *Competition Act* or the *Competition Tribunal Rules* that would permit such a filing, or any supporting precedent of the Tribunal. Rather than guess what legal basis there is for the relief J&J seeks – especially since J&J has yet to seek relief from the Tribunal for the admission of its Response, which was filed out of time – JAMP takes no position on J&J’s motion. JAMP leaves it for the Tribunal to determine if the Sur-Reply is legally permissible and justifiable in all of the relevant circumstances, and whether it would aid the Tribunal’s decision-making.

However, JAMP offers two observations to assist the Tribunal.

First, J&J’s assertion that JAMP raised “entirely new allegations” in its Reply is plainly incorrect. JAMP’s Reply expressly mapped the allegations in paragraph 41 of JAMP’s Proposed Notice of Application against the evidence in J&J’s Response.¹ Instead, it appears J&J belatedly realized that its evidence is inculpatory and is seeking a chance to re-characterize it.

Second, paragraph 20 of J&J’s Sur-Reply disputes that J&J has “in any way obstructed the timely hearing of this leave application...”. JAMP simply notes that, in addition to the matters listed in its Reply at paragraph 96, J&J filed its motion for a Sur-Reply more than a week after JAMP’s Reply was filed, and without any forewarning to the Tribunal or JAMP.

We are available to address any questions you may have about the foregoing.

¹ JAMP’s Reply, para. 71.



Yours truly,

Goodmans LLP

David Rosner

David Rosner

cc: Andrew Brodtkin, Jordan Scopa, Jon Wall and Arash Rouhi – *Goodmans LLP*
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