

[48] Teva also submits that the Federal Court was wrong to characterize its second motion as essentially a rerun of the first or an appeal of the first.

[49] This submission I also reject. The Federal Court's characterization was based on its appreciation of the facts before it and it did not commit palpable and overriding error in adopting that characterization. Indeed, I agree with the Federal Court's characterization of the motions before it.

I. Other submissions by Gilead

[50] Gilead advances other submissions in support of the dismissal of the motions, such as the lack of particularity in the amendments sought in the first motion, the prejudice it would suffer as a result of the amendments being sought late, and the fact that long ago, during the proceedings under the *PMNOC Regulations*, Teva was aware of the issues it now seeks to add to the statement of claim at this late date.

[51] It is unnecessary to deal with these submissions except to note that these would provide additional bases for upholding the orders the Federal Court made.