

**PMNOC Timetable Checklist**

| Item No.                                   | Description                                                                                                                                                                                                                                                                                                                                                                                                          | Yes/<br>No | Date for Completion/Filing |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------------------|
| <b>Pleadings and Related Motions Phase</b> |                                                                                                                                                                                                                                                                                                                                                                                                                      |            |                            |
| 1.                                         | Issuance and service of Statement of Claim and submission of letter to the Registry that (i) identifies the proceeding as a NOC proceeding; (ii) identifies any other on-going proceedings before the Federal Court involving the same patents and/or medicinal ingredient(s); (iii) requests that the proceeding be specially managed; and (iv) advises whether the stay has been renounced under paragraph 7(5)(b) | Yes        |                            |
| 2.                                         | Service and filing of Notice of Intention to Respond, together with an indication as to whether the Defendant intends to challenge the validity of any claims in the patent, and whether there will be a counterclaim relating to the validity seeking a declaration of invalidity and impeachment                                                                                                                   | Yes        |                            |
| 3.                                         | Plaintiff to requisition a case management conference and provide a jointly-proposed timetable of all steps leading up to trial (including duration, venue and language of trial) and dates of mutual availability for trial no later than 20.5 months from the date of commencement of the proceeding                                                                                                               | Yes        |                            |
| 4.                                         | Initial case management conference                                                                                                                                                                                                                                                                                                                                                                                   | Yes        |                            |
| 5.                                         | Motion to dismiss and/or strike pursuant to section 6.08 of the <i>Patented Medicines (Notice of Compliance) Regulations</i> [Regs] or Rule 221                                                                                                                                                                                                                                                                      |            |                            |

| <b>Item No.</b>                                        | <b>Description</b>                                                                                                                                                     | <b>Yes/ No</b> | <b>Date for Completion/Filing</b> |
|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------------------------|
| 6.                                                     | Motion for particulars                                                                                                                                                 |                |                                   |
| 7.                                                     | Service and filing of Statement of Defence or Defence and Counterclaim                                                                                                 | Yes            |                                   |
| 8.                                                     | Service and filing of Reply or Reply and Defence to Counterclaim                                                                                                       | Yes            |                                   |
| 9.                                                     | Service and filing of Reply to Defence to Counterclaim                                                                                                                 | Yes            |                                   |
| 10.                                                    | Motion to amend any pleading                                                                                                                                           |                |                                   |
| 11.                                                    | Service and filing of any amended pleadings                                                                                                                            |                |                                   |
| <b>Documentary Discovery and Related Motions Phase</b> |                                                                                                                                                                        |                |                                   |
| 12.                                                    | Finalization of protective agreement                                                                                                                                   |                |                                   |
| 13.                                                    | If required, motion for protective order                                                                                                                               |                |                                   |
| 14.                                                    | Motion for confidentiality order under Rule 151/152 and/or section 6.06 of the Regs                                                                                    |                |                                   |
| 15.                                                    | Motion pursuant to subsection 6.07(1) of the Regs for declaration that a patent or certificate of supplementary protection is ineligible for inclusion on the register |                |                                   |
| 16.                                                    | Motion for joinder pursuant to section 6.02 of Regs                                                                                                                    |                |                                   |
| 17.                                                    | Service of preliminary claims construction chart                                                                                                                       | Yes            |                                   |
| 18.                                                    | Service of response to preliminary claims construction chart                                                                                                           | Yes            |                                   |
| 19.                                                    | To advise whether the parties are interested in a fully electronic trial                                                                                               | Yes            |                                   |
| 20.                                                    | Finalization of documentary discovery plan                                                                                                                             | Yes            |                                   |

| <b>Item No.</b>                                             | <b>Description</b>                                                                                                                                 | <b>Yes/ No</b> | <b>Date for Completion/Filing</b> |
|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------------------------|
| 21.                                                         | Exchange of affidavits of documents and schedule 1 productions                                                                                     | Yes            |                                   |
| 22.                                                         | Motion to set aside or vary confidentiality rules under subsection 6.03(4) of Regs                                                                 |                |                                   |
| 23.                                                         | Motion for production of portions of the ANDS pursuant to subsections 6.04(1) of the Regs                                                          |                |                                   |
| 24.                                                         | Motion for production of invention documents pursuant to subsection 6.04(2) of the Regs                                                            |                |                                   |
| 25.                                                         | Motion for production of generic samples                                                                                                           |                |                                   |
| 26.                                                         | Motion for further and better affidavit of documents                                                                                               |                |                                   |
| 27.                                                         | Motion for production from a non-party                                                                                                             |                |                                   |
| <b>Dispute Resolution Phase</b>                             |                                                                                                                                                    |                |                                   |
| 28.                                                         | Parties to advise whether they are interested in participating in a dispute resolution process at this stage or at a later stage in the proceeding | Yes            |                                   |
| 29.                                                         | Dispute resolution conference                                                                                                                      |                |                                   |
| <b>Examinations for Discovery and Related Motions Phase</b> |                                                                                                                                                    |                |                                   |
| 30.                                                         | Finalization of oral discovery plan                                                                                                                | Yes            |                                   |
| 31.                                                         | Delivery of request to admit facts                                                                                                                 |                |                                   |
| 32.                                                         | Delivery of response to request to admit facts                                                                                                     |                |                                   |
| 33.                                                         | Completion of examinations for discovery                                                                                                           | Yes            |                                   |
| 34.                                                         | Exchange of undertakings charts                                                                                                                    | Yes            |                                   |
| 35.                                                         | Delivery of answers to undertakings                                                                                                                | Yes            |                                   |

| Item No.                                         | Description                                                                                                   | Yes/ No | Date for Completion/Filing |
|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------|---------|----------------------------|
| 36.                                              | Parties to meet and confer to narrow any disputes related to discoveries                                      | Yes     |                            |
| 37.                                              | Hearing of any motions related to examinations for discovery                                                  |         |                            |
| 38.                                              | Delivery of answers ordered on motion                                                                         |         |                            |
| 39.                                              | Motion to examine a non-party                                                                                 |         |                            |
| 40.                                              | If permitted by the Court, completion of follow-up examinations for discovery                                 |         |                            |
| 41.                                              | If permitted by the Court, delivery of answers to undertakings from follow-up examinations                    |         |                            |
| 42.                                              | If permitted by the Court, hearing of any motions related to the follow-up examinations                       |         |                            |
| 43.                                              | Motion for a preliminary determination of a question of law in relation to claims construction or other issue |         |                            |
| 44.                                              | Last day for delivery of any answers to undertakings                                                          | Yes     |                            |
| <b>Expert Evidence and Related Motions Phase</b> |                                                                                                               |         |                            |
| 45.                                              | Service of notices for <i>inter partes</i> testing                                                            |         |                            |
| 46.                                              | Completion of <i>inter partes</i> testing                                                                     |         |                            |
| 47.                                              | Service of infringement expert report(s)                                                                      | Yes     |                            |
| 48.                                              | Service of invalidity expert report(s)                                                                        | Yes     |                            |
| 49.                                              | Date for raising any objections to expert reports                                                             | Yes     |                            |
| 50.                                              | Service of responding infringement expert report(s)                                                           | Yes     |                            |
| 51.                                              | Service of responding invalidity expert                                                                       | Yes     |                            |

| Item No.                                           | Description                                                                                                                     | Yes/ No | Date for Completion/Filing |
|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|---------|----------------------------|
|                                                    | report(s)                                                                                                                       |         |                            |
| 52.                                                | Date for raising any objections to responding expert reports                                                                    | Yes     |                            |
| 53.                                                | Delivery of any proposed reply expert reports                                                                                   |         |                            |
| 54.                                                | Date for raising objections to any proposed reply expert reports                                                                |         |                            |
| 55.                                                | Motion for leave to file reply expert evidence                                                                                  |         |                            |
| 56.                                                | Service of any reply expert evidence                                                                                            |         |                            |
| <b>Trial Preparation and Related Motions Phase</b> |                                                                                                                                 |         |                            |
| 57.                                                | Service and filing of any evidence-in-chief affidavits                                                                          | Yes     |                            |
| 58.                                                | Service and filing of outline of intended <i>viva voce</i> testimony of fact witnesses (if any)                                 | Yes     |                            |
| 59.                                                | Motion for letters rogatory                                                                                                     |         |                            |
| 60.                                                | Deadline for final amendments to claims construction chart                                                                      | Yes     |                            |
| 61.                                                | Filing of joint claims construction chart                                                                                       | Yes     |                            |
| 62.                                                | To advise whether the parties are interested in having the proceeding added to the trial ready list                             | Yes     |                            |
| 63.                                                | Service and filing of trial record                                                                                              | Yes     |                            |
| 64.                                                | Filing of expert reports in electronic and paper format and a list of the issue that remain in dispute                          | Yes     |                            |
| 65.                                                | Further trial management conference to address issues such as identification of the patents and/or claims that remain in issue, | Yes     |                            |

| Item No. | Description                                                                                                                                                       | Yes/ No | Date for Completion/Filing |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|----------------------------|
|          | specific claim construction disputes that still exist and how objections to expert reports will be addressed                                                      |         |                            |
| 66.      | Meet and confer regarding whether any or all discovery transcripts of a party or inventor can be used as evidence at trial                                        | Yes     |                            |
| 67.      | Filing of proposed discovery read-ins                                                                                                                             | Yes     |                            |
| 68.      | Service of demonstrative evidence notice pursuant to Rule 287                                                                                                     | Yes     |                            |
| 69.      | Service and filing of any objections to demonstrative evidence                                                                                                    | Yes     |                            |
| 70.      | Delivery of <i>Evidence Act</i> notices                                                                                                                           | Yes     |                            |
| 71.      | Parties to requisition the Court for equipment or special facilities for the trial                                                                                | Yes     |                            |
| 72.      | Service of any final request to admit facts or documents                                                                                                          |         |                            |
| 73.      | Deadline for responses to final request to admit facts or documents                                                                                               |         |                            |
| 74.      | Parties to exchange short statements of each expert's proposed expertise and to meet and confer in an attempt to reach an agreement as to each expert's expertise | Yes     |                            |
| 75.      | Plaintiff to deliver to Defendant a proposed agreed statement of facts and joint book of documents                                                                | Yes     |                            |
| 76.      | Defendant to serve response to proposed agreed statement of facts and joint book of documents                                                                     | Yes     |                            |
| 77.      | Filing of agreed statement of facts                                                                                                                               | Yes     |                            |
| 78.      | Filing of joint book of documents                                                                                                                                 | Yes     |                            |

| Item No.           | Description                                                                                                       | Yes/No | Date for Completion/Filing |
|--------------------|-------------------------------------------------------------------------------------------------------------------|--------|----------------------------|
| 79.                | Filing of joint statement of issues                                                                               | Yes    |                            |
| 80.                | Presentation of joint or individual primer to trial judge                                                         | Yes    |                            |
| 81.                | Filing of jointly-prepared schedule setting out the expected order and direction of the testimony of each witness | Yes    |                            |
| <b>Trial Phase</b> |                                                                                                                   |        |                            |
| 82.                | Start of trial                                                                                                    | Yes    |                            |
| 83.                | End of trial                                                                                                      | Yes    |                            |