

**IP Users Committee**

MINUTES
MAY 31, 2018
OTTAWA, ON

Attendance:

for the Court: Justice Manson (Chair), Chief Justice Crampton, Justice Barnes, Justice Zinn, Justice Locke, Justice Lafrenière, Prothonotary Tabib, Prothonotary Milczynski, Prothonotary Aylen

for CBA: Yuri Chumak, Trent Horne, Jonathan Stainsby

for IPIC: Julie Desrosiers, Sana Halwani, Carol Hitchman, Patrick S. Smith (by phone)

Secretary: Lise Lafrenière Henrie

Regrets: Justice O'Reilly, Justice Phelan, Prothonotary Aalto

SUBJECT	STATUS / ACTION
<p>1. Agenda – approved Justice Manson thanked Carol for her contribution to the IP Users Committee over the years.</p> <p>2. Minutes of November 21st, 2017 meeting - approved</p> <p>3. Making the amended PMNOC Regulations work:</p> <ul style="list-style-type: none"> • new PMNOC Guidelines • case management checklist • collaboration <p>The bar questioned how binding are the claim construction charts. The Court is encouraging early claim construction. A preliminary chart will help the case management judge and the trial judge. A 2nd chart will be binding.</p> <p>The Court reminded the bar that the two-week trial represents a maximum of 10 days. Counsel should not be asking for additional time at the beginning of the process. Additional days <u>may</u> be considered later on, at the discretion of the judge in exceptional cases. As a practical matter, given that judges' schedules are set long in advance, extensions typically would come out of the writing time allocated to the judge immediately following the trial.</p> <p>Establishing expert qualifications is to be dealt with at pre-trial stage to</p>	

avoid delays. Julie mentioned that many patents are complex so a primer before trial may be needed. Justice Barnes indicated that parties are to attempt to resolve issues so that the Court can focus just on the true issues. It's important to consider what is put in writing. If extreme positions are set out in writing, parties may feel locked in. The Checklist provides a step for experts to meet. They could do the primer together – this may help them agree on key issues.

Justice Manson's experience with the last two primers was that experts didn't agree on much. Jonathan noted that they are more likely to agree closer to trial.

The Chief Justice noted that the Court is receptive to having a break between evidence and final arguments – just a few days (less than a week), to permit counsel to prepare final submissions that have references/electronic links to the most important evidence..

4. Confidentiality Orders

[Live Face on Web](#) is the leading case at this time. There have not been any motions brought to the Court to raise any difficulties.

Confidentiality orders may become more important as material becomes accessible electronically.

5. Trial Management Guidelines

The Chief Justice noted these Guidelines seem to be working.

6. Claim Construction Charts

7. E-trial pilot; and

8. Workload and Scheduling

- These were addressed at the Town Hall.

9. Electronic Access to Court Records

The Chief Justice invited committee members to look at [cases](#) on the Competition Tribunal website, for example [Toronto Real Estate Board](#), to see what documents are posted. The Court would like the Bar's views on doing this for Federal Court cases. It was suggested that there might be sensitivities in some immigration cases. Yuri also suggested looking at the Patent Trial and Appeal Board site.

PACER (Public Access to Court Electronic Records) is a website that allows users to get case information and filing for all federal and appellate cases in the US. They charge 10 cents/page.

10. Next meeting will be in Toronto on November 8, 2018.