



**Timetable Checklist for proceedings under the
Patented Medicines (Notice of Compliance) Regulations**

**October 16, 2020
(last amended on May 18, 2021)**

Previous version: A comparison with the previous version dated October 16, 2020, can be found here: <https://www.fct-cf.gc.ca/Content/assets/pdf/base/Blacklined - Timetable Checklist for IP May-2021.pdf>

Item No.	Description	Yes/ No	Date for Completion/Filing
Pleadings and Related Motions Phase			
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	Yes	

Item No.	Description	Yes/ No	Date for Completion/Filing
	trial) and dates of mutual availability for trial no later than 20.5 months from the date of commencement of the proceeding		
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		
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		
Documentary Discovery and Related Motions Phase			
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		

Item No.	Description	Yes/ No	Date for Completion/Filing
16.	Motion for joinder pursuant to section 6.02 of Regs		
17.	To advise whether the parties are interested in a fully electronic trial	Yes	
18.	Finalization of documentary discovery plan	Yes	
19.	Exchange of affidavits of documents and schedule 1 productions	Yes	
20.	Motion to set aside or vary confidentiality rules under subsection 6.03(4) of Regs		
21.	Motion for production of portions of the ANDS pursuant to subsections 6.04(1) of the Regs		
22.	Motion for production of invention documents pursuant to subsection 6.04(2) of the Regs		
23.	Motion for production of generic samples		
24.	Motion for further and better affidavit of documents		
25.	Motion for production from a non-party		
Dispute Resolution Phase			
26.	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	
27.	Dispute resolution conference		
Examinations for Discovery and Related Motions Phase			
28.	Finalization of oral discovery plan	Yes	

Item No.	Description	Yes/ No	Date for Completion/Filing
29.	Delivery of request to admit facts		
30.	Delivery of response to request to admit facts		
31.	Completion of examinations for discovery	Yes	
32.	Exchange of undertakings charts	Yes	
33.	Delivery of answers to undertakings	Yes	
34.	Parties to meet and confer to narrow any disputes related to discoveries	Yes	
35.	Hearing of any motions related to examinations for discovery		
36.	Delivery of answers ordered on motion		
37.	Motion to examine a non-party		
38.	If permitted by the Court, completion of follow-up examinations for discovery		
39.	If permitted by the Court, delivery of answers to undertakings from follow-up examinations		
40.	If permitted by the Court, hearing of any motions related to the follow-up examinations		
41.	Motion for a preliminary determination of a question of law in relation to claims construction or other issue		
42.	Last day for delivery of any answers to undertakings	Yes	
Expert Evidence and Related Motions Phase			

Item No.	Description	Yes/ No	Date for Completion/Filing
43.	Service of notices for <i>inter partes</i> testing		
44.	Completion of <i>inter partes</i> testing		
45.	Service of infringement expert report(s)	Yes	
46.	Service of invalidity expert report(s)	Yes	
47.	Date for raising any objections to expert reports	Yes	
48.	Service of responding infringement expert report(s)	Yes	
49.	Service of responding invalidity expert report(s)	Yes	
50.	Date for raising any objections to responding expert reports	Yes	
51.	Delivery of any proposed reply expert reports		
52.	Date for raising objections to any proposed reply expert reports		
53.	Motion for leave to file reply expert evidence		
54.	Service of any reply expert evidence		
Trial Preparation and Related Motions Phase			
55.	Service and filing of any evidence-in-chief affidavits	Yes	
56.	Service and filing of outline of intended <i>viva voce</i> testimony of fact witnesses (if any)	Yes	
57.	Motion for letters rogatory		

Item No.	Description	Yes/ No	Date for Completion/Filing
58.	Deadline for final amendments to claims construction chart	Yes	
59.	Filing of joint claims construction chart	Yes	
60.	To advise whether the parties are interested in having the proceeding added to the trial ready list	Yes	
61.	Service and filing of trial record	Yes	
62.	Filing of expert reports in electronic and paper format and a list of the issue that remain in dispute	Yes	
63.	Further trial management conference to address issues such as identification of the patents and/or claims that remain in issue, specific claim construction disputes that still exist and how objections to expert reports will be addressed	Yes	
64.	Meet and confer regarding whether any or all discovery transcripts of a party or inventor can be used as evidence at trial	Yes	
65.	Filing of proposed discovery read-ins	Yes	
66.	Service of demonstrative evidence notice pursuant to Rule 287	Yes	
67.	Service and filing of any objections to demonstrative evidence	Yes	
68.	Delivery of <i>Evidence Act</i> notices	Yes	
69.	Parties to requisition the Court for equipment or special facilities for the trial	Yes	

Item No.	Description	Yes/ No	Date for Completion/Filing
70.	Service of any final request to admit facts or documents		
71.	Deadline for responses to final request to admit facts or documents		
72.	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	
73.	Plaintiff to deliver to Defendant a proposed agreed statement of facts and joint book of documents	Yes	
74.	Defendant to serve response to proposed agreed statement of facts and joint book of documents	Yes	
75.	Filing of agreed statement of facts	Yes	
76.	Filing of joint book of documents	Yes	
77.	Filing of joint statement of issues	Yes	
78.	Filing joint claims charts on infringement and validity	Yes	
79.	Presentation of joint or individual primer to trial judge	Yes	
80.	Filing of jointly-prepared schedule setting out the expected order and direction of the testimony of each witness	Yes	
Trial Phase			
81.	Start of trial	Yes	
82.	End of trial	Yes	

