



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

**October 16, 2020**

Item No.	Description	Yes/ 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	

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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		
<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	Yes	

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	construction chart		
19.	To advise whether the parties are interested in a fully electronic trial	Yes	
20.	Finalization of documentary discovery plan	Yes	
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		

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	facts		
33.	Completion of examinations for discovery	Yes	
34.	Exchange of undertakings charts	Yes	
35.	Delivery of answers to undertakings	Yes	
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	

Item No.	Description	Yes/No	Date for Completion/Filing
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 report(s)	Yes	
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	

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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, specific claim construction disputes that still exist and how objections to expert reports will be addressed	Yes	
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	Yes	

Item No.	Description	Yes/No	Date for Completion/Filing
	agreed statement of facts and joint book of documents		
77.	Filing of agreed statement of facts	Yes	
78.	Filing of joint book of documents	Yes	
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	