



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

November 28, 2024

AMENDMENTS HISTORY	
Removal of 25, 25 (new), 29, 43-44, 46-47, 49, 51, 52, 72, 77	November 28, 2024
A comparison with the versions dated May 18, 2021 and October 16, 2020, can be found here: Timetable Checklist for IP May-2021.pdf (fct-cf.gc.ca)	

Target dates are only intended for guidance for the parties. There is flexibility to set a schedule in any given case based on the particular circumstances of each case.

Item no.	Description	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 Notice of Compliance (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)	
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	
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	



Item no.	Description	Date for completion/filing
	language of trial) and dates of mutual availability for trial no later than 21 months from the date of commencement of the proceeding	
4.	Initial case management conference	
5.	Motion to dismiss and/or strike pursuant to section 6.08 of the <i>Patented Medicines (Notice of Compliance) Regulations (Regulations)</i> or Rule 221	
6.	Motion for particulars	
7.	Service and filing of Statement of Defence or Defence and Counterclaim	
8.	Service and filing of Reply or Reply and Defence to Counterclaim	
9.	Service and filing of Reply to Defence to Counterclaim	
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 <i>Regulations</i>	
15.	Motion pursuant to subsection 6.07(1) of the <i>Regulations</i> for declaration that a patent or certificate of supplementary protection is ineligible for inclusion on the register	
16.	To advise whether the parties are interested in a fully electronic trial	
17.	Finalization of documentary discovery plan	
18.	Exchange of affidavits of documents and schedule 1	



Item no.	Description	Date for completion/filing
	productions	
19.	Motion to set aside or vary confidentiality rules under subsection 6.03(4) of <i>Regulations</i>	
20.	Motion for production of portions of the Abbreviated New Drug Submissions (ANDS) pursuant to subsections 6.04(1) of the <i>Regulations</i>	
21.	Motion for production of invention documents pursuant to subsection 6.04(2) of the <i>Regulations</i>	
22.	Motion for production of generic samples	
23.	Motion for further and better affidavit of documents	
24.	Motion for production from a non-party	
Dispute resolution phase		
25.	Pre-trial conference in accordance with Rules 260 and 263(a)	To be convened after expert reports in chief are delivered
Examinations for discovery and related motions phase		
26.	Finalization of oral discovery plan	
27.	Delivery of Request to Admit facts	
28.	Delivery of response to Request to Admit facts	
29.	Completion of examinations for discovery	6 months from close of pleadings
30.	Exchange of undertakings charts	
31.	Delivery of answers to undertakings	
32.	Parties to meet and confer to narrow any disputes related to discoveries	
33.	Hearing of any motions related to examinations for discovery	
34.	Delivery of answers ordered on motion	
35.	Motion to examine a non-party	



Item no.	Description	Date for completion/filing
36.	If permitted by the Court, completion of follow-up examinations for discovery	
37.	If permitted by the Court, delivery of answers to undertakings from follow-up examinations	
38.	If permitted by the Court, hearing of any motions related to the follow-up examinations	
39.	Motion for a preliminary determination of a question of law in relation to claims construction or other issue	
40.	Last day for delivery of any answers to undertakings	
Expert evidence and related motions phase		
41.	Service of notices for <i>inter partes</i> testing	
42.	Completion of <i>inter partes</i> testing	
43.	Service of infringement expert report(s)	5 months before commencement of trial
44.	Service of invalidity expert report(s)	
45.	Date for raising any objections to expert reports	
46.	Service of responding infringement expert report(s)	3 months before commencement of trial
47.	Service of responding invalidity expert report(s)	
48.	Date for raising any objections to responding expert reports	
49.	Delivery of any proposed reply expert reports	2 months before commencement of trial
50.	Date for raising objections to any proposed reply expert reports	
51.	Motion for leave to file reply expert evidence	No later than 3 weeks before the trial
Trial preparation and related motions phase		
52.	Service of any evidence-in-chief affidavits and/or outlines of intended <i>viva voce</i> testimony of fact	



Item no.	Description	Date for completion/filing
	witnesses	
53.	Motion for letters rogatory	
54.	Deadline for final amendments to claims construction chart	
55.	Filing of joint claims construction chart	
56.	To advise whether the parties are interested in having the proceeding added to the short-notice trial waiting list	
57.	Service and filing of trial record	
58.	Parties to provide copies of expert reports and fact witness affidavits in electronic and paper format for the judge's use	
59.	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	
60.	Meet and confer regarding whether any or all discovery transcripts of a party or inventor can be used as evidence at trial	
61.	Filing of proposed discovery read-ins	
62.	Service of demonstrative evidence notice pursuant to Rule 287	
63.	Service and filing of any objections to demonstrative evidence	
64.	Delivery of <i>Evidence Act</i> notices	
65.	Parties to requisition the Court for special equipment or facilities for the trial	
66.	Service of any final Request to Admit facts or	



Item no.	Description	Date for completion/filing
	documents	
67.	Deadline for responses to final Request to Admit facts or documents	
68.	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	
69.	Plaintiff to deliver to defendant a proposed agreed statement of facts and joint book of documents	
70.	Defendant to serve response to proposed agreed statement of facts and joint book of documents	
71.	Filing of agreed statement of facts	
72.	Filing of joint book of documents and document agreement	
73.	Filing of joint statement of issues	
74.	Filing joint claims charts on infringement and validity	
75.	Presentation of joint or individual science and technology primers to trial judge	
76.	Filing of jointly prepared trial schedule setting out the expected order and duration of the testimony of each witness	
Trial phase		
77.	Trial Dates	