

## Pharma and Biosimilar Litigation in Canada - Navigating the *PM (NOC) Regulations*

### Civil Litigation



In-Person



Webcast

**Date:** Wednesday, October 5, 2016 | 9:00 am to 1:00 pm

**Location:** Twenty Toronto Street Conferences and Events  
20 Toronto Street, 2<sup>nd</sup> Floor, Toronto

**Program Chairs:** **Geoff Mowatt**, Dimock Stratton LLP  
**Vincent de Grandpré**, Osler Hoskin Harcourt LLP



This program contains 1 Professionalism Hour  
This program is eligible for up to 3 Substantive Hours

The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Upper Canada.

Hear from experienced litigators from both the generic and brand sides as well as in-house counsel and the Bench on best practices for litigating under the *Patented Medicines (Notice of Compliance) Regulations*. Our expert faculty will assist you to conduct proceedings under the *Regulations* efficiently and in a cost-effective manner, and will provide valuable insights on the current state of pharmaceutical and biosimilar litigation in Canada.

Register now and join your colleagues to explore this evolving area of law with this comprehensive and enlightening program!

8:30 am Registration and Coffee

- Interlocutory motions

9:00 am Welcome and Opening Remarks

10:25 am **Building the Foundation of Your Case: Affidavit Evidence**

9:05 am **Meeting Counsel Expectations**

**David Blais**, Mylan Pharmaceuticals ULC

- Perception of litigation counsel and process
- Role of in-house counsel
- How to keep a client happy and informed
- Managing expectations related to fees
- Impact of foreign litigation

**Sana Halwani**, Gilbert's LLP

**Jordana Sanft**, Norton Rose Fulbright Canada LLP

- How to retain great experts
- Working effectively with experts
- How to craft compelling expert affidavits
- Testing evidence and what to avoid
- Ethical constraints when preparing affidavit evidence

9:30 am **Framing a Winning Notice of Allegation**

**Dino Clarizio**, Goodmans LLP

**David Reive**, Miller Thomson LLP

- How to craft the perfect NOA
- Pitfalls to avoid
- Legal and factual basis of the allegations vs. evidence
- Tips for attacking the NOA

10:55 am Networking Break

11:10 am **The Art of Cross-Examination**

**Dominique Hussey**, Bennett Jones LLP

**Jason Markwell**, Belmore Neidrauer LLP

- What style works best, what doesn't
- Introducing evidence by cross-examination
- Undermining the credibility of an expert
- Impeaching an expert
- Balancing zeal and professionalism during the cross-examination

9:55 am **Getting a Strategic Advantage: Court Filings and Interlocutory Matters**

**Fiona Legere**, McCarthy Tétrault LLP

**Kavita Ramamoorthy**, Deeth Williams Wall LLP

- Notice of application under the *PM (NOC) Regulations*
- Reversal of evidence
- Protective and confidentiality orders
- Production of samples

**PROGRAM REGISTRATION IS ONLINE** [www.oba.org/pd](http://www.oba.org/pd)

Questions? [pd@oba.org](mailto:pd@oba.org)

11:35 am **Preparing for and Conducting a Successful Hearing**

**Marcus Klee**, Aitken Klee LLP

**Christopher Van Barr**, Gowling WLG

- How to prepare and organize for a hearing
- Working with opposing counsel to narrow issues
- Best use of evidence
- Use of compendia and demonstratives
- How to incorporate scientific tutorials and primers

12:00 pm **Imagining Litigation under Better Regulations**

**Andrew Bernstein**, Torys LLP

**Nathaniel Lipkus**, Osler, Hoskin & Harcourt LLP

- Overcoming the evidentiary limitations of applications
- Avoiding double jeopardy
- The effective right of appeal

12:25 pm **View from the Bench**

**The Honourable Justice Robert L. Barnes**, Federal Court

- How to conduct a successful hearing
- What is a compelling submission
- Respect for opposing counsel and their experts
- Suggestions for a better process

12:55 pm Closing Remarks

1:00 pm Program Concludes

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