

Ottawa, Thursday, May 27, 1999

Decision: PMPRB-99-01

IN THE MATTER OF the *Patent Act* R.S. 1985, c. P-4, as amended by R.S. 1985, c. 33 (3rd Supp.), and as further amended by S.C. 1993, c. 2

AND IN THE MATTER OF Hoechst Marion Roussel Canada Inc. (Respondent) and the medicine Nicoderm

ORDER

1. Counsel for Hoechst Marion Roussel Canada Inc. (“HMRC”), the Board and Board Staff having met by telephone conference and agreed upon a schedule for the Board’s consideration of the motion of HMRC dated May 25, 1999, and the motion of Board Staff dated May 27, 1999, and having resolved the issues that would otherwise have been dealt with at the pre-hearing conference, the pre-hearing conference is adjourned *sine die*;

The HMRC Motion

2. HMRC will serve and file any evidence on which it intends to rely in support of paragraphs 6, 7 & 9 of its motion by June 11, 1999;
3. Board Staff will serve and file any evidence on which it intends to rely in opposition to paragraphs 6, 7 & 9 of HMRC’s motion by June 18, 1999;
4. HMRC will serve and file any reply evidence in support of paragraphs 6, 7 & 9 of its motion by June 25, 1999;
5. Cross-examinations on the affidavit evidence, if any, and thereafter argument on paragraphs 6, 7 & 9 of the HMRC motion will commence on July 5, 1999, at 9:30 a.m., at the Standard Life Centre, 18th Floor, Hearing Room 1, 333 Laurier Avenue West, Ottawa;
6. The Board will issue directions at a later date concerning the procedure and schedule for the receipt of evidence and argument on paragraphs 5 and 8 of the HMRC motion.

The Board Staff Motion

7. Board Staff will serve and file written submissions in support of its motion by June 11, 1999;
8. HMRC will serve and file written submissions in response to the motion of Board Staff by June 22, 1999;
9. Board Staff will serve and file any reply submissions by June 29, 1999;
10. The Board will rule on the Board Staff motion or provide further directions with respect to the motion after consideration of the submissions it has received;
11. The consent of HMRC to this Order is without prejudice to the position HMRC will advance on its motion and in particular that Board Staff is not an entity separate from the Board and is not a party before the Board.

Sylvie Dupont-Kirby
Secretary of the Board