

The Do's and Don'ts of Parallel Litigation and Prosecution

Daniela Bassan – *this presenter's slides below*

Roseann Caldwell

Fiona Legere

Moderator: Natalie Rizkalla-Kamel

CBA IP Day – May 11, 2017
Ottawa, ON

Many Types of Parallel Proceedings

Federal	Provincial
Tribunal	Judicial
Foreign	Domestic
Civil	Criminal

Proportionality means ... a shift in culture.

**Hryniak v. Mauldin (2014) SCC*

Request for Stay of Proceedings

- The *White* Factors
- Inclination Against Stay
- Jurisdiction Concerns
- Compromise Solutions



Finding a Place for Proportionality

- Recent Case Law
- Analogy: Other IP Cases
- Comparison: Other Procedures
- New (Re-Adjusted) Paradigm?



Do's

- Do use a combined checklist
- Do use a joint protocol
- Do use local or expert counsel
- Do use collaborative solutions



Don'ts



- Don't forget common sense
- Don't forget to prioritize
- Don't forget strategy over tactics
- Don't forget the main target