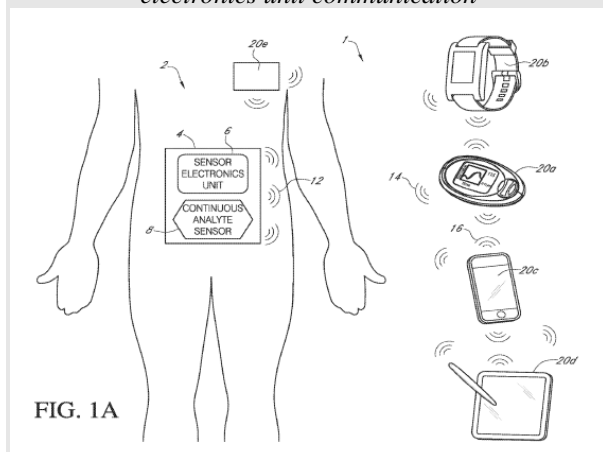


UPC CFI, Local Division Paris, 24 January 2024,
Abbott v Dexcom

See also: [IPPT20240130, UPC CFI, LD Paris, Abbott v Dexcom](#), including a leave to appeal

Systems and methods for display device and sensor electronics unit communication



PATENT LAW – PROCEDURAL LAW

Requested leave to appeal a confidentiality order by judge-rapporteur

- [not admissible, until that order has been reviewed by the panel in the pending review procedure \(Rule 220\(2\) RoP, Rule 333\(1\) RoP\)](#)

The UPC Court of Appeal ruled in its [order of 11/01/2024 \(n°486/2023, §6\)](#) that:

“As a general principle, unless provided otherwise, a case management decision or order made by the judge-rapporteur or the presiding judge can only be appealed if such decision or order has first been reviewed by the panel pursuant to [Rule 333.1](#). This follows from the fact that it is only possible to make a request for discretionary review to the Court of Appeal under [Rule 220.3 RoP](#) in the event leave to appeal of an order of a panel is refused. Therefore, in such a situation, first a request pursuant to [Rule 333.1](#) must be made in order to obtain a panel decision, which can then – if necessary – subsequently be the subject of an appeal under [Rule 220.2 RoP](#) if leave to appeal is granted by the panel, or be the subject of a request for discretionary review under [Rule 220.3 RoP](#) if such leave is not granted.”

Source: [Unified Patent Court](#)

UPC Court of First Instance,
Local Division Paris, 24 January 2024

(Lignières, Gillet, Lopes)

Paris Local Division

UPC_CFI_230/2023

Procedural Order

of the Court of First Instance of the Unified Patent Court
delivered on 24/01/2024

APPLICANTS

- 1) **Abbott NV / SA** (Applicant) - Avenue Einstein 14 - B1300 - Wavre - BE
- 2) **Abbott GmbH** (Applicant) - Max-Planck-Ring 2 - 65205 - Wiesbaden - DE
- 3) **Abbott Laboratories** (Applicant) - 100 Abbott Park Road - 60064 - Abbott Park, IL - US
- 4) **Abbott S.r.l.** (Applicant) - Viale Giorgio Ribotta 9 - 00144 - Rome - IT
- 5) **Abbott Scandinavia Aktiebolag** (Applicant) - Hemvärnsgatan 9 - 17129 - Solna - SE
- 6) **Abbott B.V.** (Applicant) - Postbus 727 - 2130AS - Hoofddorp - NL
- 7) **Abbott France** (Applicant) - c/o Abbott France, 40/48 rue d'Arcueil - 94593 - Rungis - FR
- 8) **Abbott Logistics B.V.** (Applicant) - Postbus 365 - 8000AJ - Zwolle - NL
- 9) **Abbott Diagnostics GmbH** (Applicant) - Max-Planck-Ring 2 - 65205 - Wiesbaden - DE
- 10) **Abbott Diabetes Care Inc.** (Applicant) - 1360 South Loop Road - 94502 - Alameda, CA – US

RESPONDENT

- 1) **DexCom, Inc.** 6340 Sequence Drive - 92121 - San Diego, CA - US

PATENT AT ISSUE

Patent no. Proprietor
EP3435866 DexCom, Inc.

DECIDING JUDGE

FULL PANEL

Presiding judge and Judge-rapporteur Camille Lignières
Legally qualified judge Carine Gillet
Legally qualified judge Rute Lopes

LANGUAGE OF PROCEEDINGS: English

POINTS AT ISSUE: Request for Leave to Appeal

GROUND FOR THE ORDER

A confidentiality order has been ruled by the judge-rapporteur on 19/12/2023.

On 3/01/2024, the Abbott entities filed a request for leave to appeal pursuant [Rule 220.2](#) of the Rules of Procedure (RoP) concerning the said confidentiality order.

In parallel, on the same day, the Abbott entities filed a request for review by the panel the confidentiality order ruled on 19/12/2023.

The request for leave to appeal filed by the Abbott entities on 3/01/2024 relates to a case management order issued by the judge-rapporteur which falls under [Rule 333 RoP](#).

The UPC Court of Appeal ruled in its [order of 11/01/2024 \(n°486/2023, §6\)](#) that:

“As a general principle, unless provided otherwise, a case management decision or order made by the judge-rapporteur or the presiding judge can only be appealed if such decision or order has first been reviewed by the panel pursuant to [Rule 333.1](#). This follows from the fact that it is only possible to make a request for discretionary review to the Court of Appeal under [Rule 220.3 RoP](#) in the event leave to appeal of an order of a panel is refused. Therefore, in such a situation, first a request pursuant to [Rule 333.1](#) must be made in order to obtain a panel decision, which can then – if necessary –

subsequently be the subject of an appeal under [Rule 220.2 RoP](#) if leave to appeal is granted by the panel, or be the subject of a request for discretionary review under [Rule 220.3 RoP](#) if such leave is not granted.”

In the present case, the review procedure under [Rule 333 RoP](#), concerning the confidentiality order of 19 December 2023, is still pending.

Therefore, the requested leave to appeal under [Rule 220.2 RoP](#) is not admissible until it has been reviewed by the panel pursuant to [Rule 333.1 RoP](#).

ORDER

The Court does not allow the applicant to appeal the 19 December 2023 order.

Issued in Paris, on 24/01/2024.

Camille Lignières, Presiding judge and judge rapporteur,

Carine Gillet, Legally qualified judge

Rute Lopes, Legally qualified judge

ORDER DETAILS

Procedural Order in ACTION NUMBER:
ACT_546446/2023

UPC number: UPC_CFI_230/2023

Action type: Infringement Action

Related proceeding no. Application No.: 251/2024

Application Type: Generic procedural Application
