

UPC CFI, Local Division Munich, 29 July 2024,  
Amgen v Sanofi-Aventis



**PATENT LAW – PROCEDURAL LAW**

**Infringement proceedings stayed at unanimous party request, pending the outcome of the appeal against the decision to revoke the patent in its entirety upon unanimous request of the parties ([Rule 37\(4\) RoP](#), [Rule 295\(m\) RoP](#))**

Source: [Unified Patent Court](#)

**UPC Court of First Instance,  
Local Division Munich, 29 July 2024**  
(Zigann)  
UPC\_CFI\_14/2023

**Order**

in the proceedings before the  
Court of First Instance of the Unified Patent Court  
relating to [European Patent 3 666 797](#)  
delivered on 29/07/2024

Date of receipt of Statement of claim : 01/06/2023

**CLAIMANT/S**

1) **Amgen Inc.** (Kläger) - One Amgen Center Drive,  
MailStop 28-2-C - 91320-1799 - Thousand Oaks - US  
Represented by Johannes Heselberger

**DEFENDANT/S**

1) **Sanofi-Aventis Deutschland GmbH**  
Industriepark Höchst, Brüningstraße 50 -  
65926 - Frankfurt am Main - DE  
Represented by Niels Hölder

2) **Sanofi-Aventis Groupe S.A.**  
54 rue La Boétie - 75008 - Paris - FR  
Represented by Niels Hölder

3) **Sanofi Winthrop Industrie S.A.** 82 avenue Raspail  
- 94250 - Gentilly - FR  
Represented by Niels Hölder

4) **Regeneron Pharmaceuticals Inc.** 81 Columbia  
Turnpike - 12144 - Rensselaer - US  
Represented by Niels Hölder

**PATENT AT ISSUE**

Patent no. Proprietor/s  
[EP3666797](#) Amgen Inc.

**DECIDING JUDGES**

**COMPOSITION OF PANEL – FULL PANEL**

Presiding judge and Judge-rapporteur Matthias Zigann

Legally qualified judge Tobias Pichlmaier

Legally qualified judge Samuel Granata

Technically qualified judge Xavier Dorland-Galliot

This order had been issued by the Presiding Judge and  
Judge-rapporteur Matthias Zigann.

**LANGUAGE OF PROCEEDINGS:** English  
**SUBJECT-MATTER OF THE PROCEEDINGS**  
Patent infringement;

here: stay of proceedings

**SUMMARY OF FACTS**

The claimant alleges infringement of [European Patent 3 666 797](#) by the defendants' drug Praluent ('Alirocumab').

Defendants 1-3 have filed oppositions with the European Patent Office and a separate revocation action with the Central Division (ACT\_459505/2023 UPC\_CFI\_1/2023). The Claimant's preliminary objections in this respect were unsuccessful.

Defendant 4 filed a counterclaim for revocation with the Local Division Munich (CC\_586764/2023).

By decision of February 2024 the Panel referred the counterclaim to the Central Division for decision.

The **Central Division decided on 16 July 2024** on the stand-alone revocation action and the referred counterclaim for revocation. The patent was revoked in its entirety.

In view of this outcome, both parties agreed in an email exchange with the court to stay the infringement proceedings pending the outcome of the appeal against the revocation decision. The plaintiff further confirmed this by letter of 23 July 2024 (App\_6996/2024).

**GROUND(S)**

In view of the unanimous request of both parties, the infringement proceedings are stayed pursuant to [Rules 37.4](#) and [295\(m\)](#) of the Rules of Procedure. The date for the interim conference and the dates for the oral hearing are cancelled.

**ORDER**

1. The infringement proceedings are stayed as of today pending the outcome of the appeal against the revocation decision. 2. The date for the interim conference (30 July 2024) is cancelled. 3. The dates for the oral hearing (16-17 October 2024) are cancelled. Dr. Zigann Presiding Judge and Judge-rapporteur ORDER DETAILS Order no. ORD\_43914/2024 in ACTION NUMBER: ACT\_459916/2023 UPC number: UPC\_CFI\_14/2023 Action type: Infringement Action

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