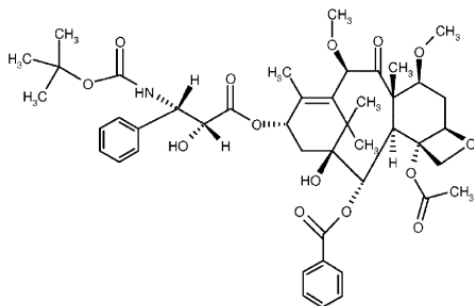


UPC CFI, Local Division Munich, 14 January 2025,
Sanofi v Accord

novel antitumoral use of cabazitaxel

Claims

1. Compound of formula



PATENT LAW – PROCEDURAL LAW

Confidentiality Club ([R. 262A RoP](#))

Witness's personal details and copy of his passport

- [do not qualify as confidential information](#) under [Rule 262A RoP](#). [The witness's personal data are protected against disclosure to third parties by the mechanism provided for in Rule 262 RoP.](#)

Remaining information qualifies as confidential information.

- [They relate to details of the remuneration and accounting between the various members of the Sanofi group in respect of the licence agreements relating to the patent in suit and to commercial figures relating to actual sales and profits generated by the licensed product](#); the tables in Appendix No. 1, the information corresponding to the “number of boxes sold to third parties” and the “net sales to third parties”, for each year and each country; ; information in license agreement providing details of the accounting and handling within the sub-licensee framework and details of the accounting and handling within the sub-licensee framework.

Limited club membership

- [At least one natural person must have access for each party to the proceedings. If there is more than one defendant and therefore more than one party, each of them is entitled to nominate a natural person \("one natural person from each party"\). In addition, according to the wording of the law, access must be granted to all lawyers or other representatives of these parties to the proceedings. There is no numerical limit.](#)

Source: [Unified Patent Court](#)

UPC Court of First Instance,
Local Division Munich, 14 January 2025

(Zigann)

UPC_CFI_145/2024

UPC_CFI_146/2024

UPC_CFI_147/2024

UPC_CFI_148/2024

Procedural Order

of the Court of First Instance of the Unified Patent Court
Local Division Munich
issued on 14 January 2025

CLAIMANTS

- 1) Sanofi Mature IP
- 2) Sanofi Winthrop Industrie
- 3) Sanofi-Aventis France (not in UPC_CFI 145/2024)
- 4) Sanofi-Aventis GmbH
- 5) Sanofi Belgium
- 6) Sanofi-Aventis Deutschland GmbH
- 7) Sanofi S.r.l.
- 8) Sanofi B.V.
- 9) Sanofi - Produtos Farmaceuticos Lda
- 10) Sanofi AB
- 11) Sanofi A/S

represented by: Frédéric Chevallier (Herbert Smith Freehills).

DEFENDANTS – UPC_CFI_145/2024

- 1) Accord Healthcare S.L.U.
- 2) Accord Healthcare GmbH (AT)
- 3) Accord Healthcare BV
- 4) Accord Healthcare GmbH (DE)
- 5) Accord Healthcare Italia Srl
- 6) Accord Healthcare B.V.
- 7) Accord Healthcare, Unipessoal Lda.
- 8) Accord Healthcare AB

represented by: Jules Fabre, Arjan Reijns, Louise Millot (Pinsent Mason).

DEFENDANTS – UPC_CFI_146/2024

- 1) STADAPHARM GmbH
- 2) STADA Arzneimittel AG
- 3) STADA Nordic ApS

represented by: Daniel Hoppe (Bonabry).

DEFENDANTS – UPC_CFI_147/2024

- 1) Reddy Pharma SAS
- 2) betapharm Arzneimittel GmbH
- 3) Dr Reddy's Srl

represented by: Dr. Christian Meyer (Maiwald) Dr. Andreas Ledl (Maiwald).

DEFENDANTS – UPC_CFI_148/2024

- 1) Zentiva France
- 2) Zentiva Pharma GmbH
- 3) Zentiva, k.s.

represented by: Dr. Anja Lunze (Taylor Wessing) Dr. Elisabeth Greiner (df-mp).

PATENT AT ISSUE

European patent n° [2 493 466](#)

PANEL/DIVISION

Panel 1 of the Local Division Munich

DECIDING JUDGE/S

This order has been issued by the Presiding Judge Dr. Matthias Zigann acting as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS

English

SUBJECT-MATTER OF THE PROCEEDINGS

Patent infringement – [R 262A RoP](#) App_55583/2024, App_57838/2024, App_57839/2024, App_57840/2024

REQUESTS BY THE PARTIES

Sanofi requests:

- Order that the witness statement provided as Exhibit No. D.4 contains Confidential Information in accordance with Article 58 UPCA and Rule 262A RoP;
- Order that only the Defendants' named representative before the UPC in the present proceedings shall have access to the unredacted version of Exhibit No. D.4, and under his/her liability. o In the alternative:

♣ Order that the additional access to the unredacted version of Exhibit No. D.4 be limited to a single natural person identified within the Defendants, such person not being a person making operational or regulatory decisions relating to cabazitaxel, and who will be precluded from sharing any content of Exhibit No. D.4 with any third party whatsoever, even within the Defendants, under his/her liability;

♣ Order that such additional access be set up by the Defendants' named representative before the UPC in these proceedings via a videoconference system, with the impossibility for the natural person from the Defendants attending the videoconference to save a copy of Exhibit No. D.4 thus viewed or to take screenshots or to use any system allowing them to keep a copy of or record, even partially, Exhibit No. D.4. Provisional protection of potentially confidential information was granted by order of 5 November 2024. UPC representatives were granted access to the unredacted versions. The Defendants commented as follows

Accord requests (App_55583/2024):

A. Order the Claimants to file an amended version of the redacted, nonconfidential, version of the Claimants' Exhibit No. D.4 in which the following information is no longer redacted:

- i) information currently redacted on pages 1, 6 and 7 of the witness statement;
- ii) in the tables in Appendix No. 1, the information corresponding to the "number of boxes sold to third parties" and the "net sales to third parties", for each year and each country;
- iii) information currently redacted on pages 1 (Recitals) and 4 (Articles 3.2 to 3.5) of the license agreement in Appendix No. 2;
- iv) information currently redacted on page 10 (Schedule 2) of the license agreement in Appendix No. 2, with the exception of the royalty rates;

B. Order that only information which is redacted in the redacted version of Claimant's Exhibit No. D.4 (as amended according to paragraph A) shall be treated as confidential;

C. Order that access to the unredacted version of Claimant's Exhibit No. D.4 shall be given to the following persons:

- i) the following representatives of the Defendants:
 - Maître Jules Fabre (avocat au barreau de Paris and UPC representative)
 - Mr Arjan Reijns (advocaat and UPC representative)
 - Maître Marina Jonon (avocate au barreau de Paris)

• Maître Louise Millot (avocate au barreau de Paris and UPC representative) and their team members and co-counselors who are actively involved in these proceedings, including other attorneys-at-law, patent attorneys and support staff, provided that the representatives named above ensure that any such person maintains the confidentiality of the information;

ii) the following persons on behalf of the Defendants:

- Ms [...]
- Mr [...]
- Ms [...]
- Mr [...]

D. Order that the parties shall file any written pleadings in UPC_CFI_145/2024 and UPC_CFI_463/2024 (including ACT_16112/2024 and CC_44999/2024) which discloses information that is redacted in the redacted version of Claimant's Exhibit No. D.4 (as amended according to paragraph A) in two versions:

- i) an unredacted version, which shall be treated as confidential and to which access shall be given to the persons referred to in paragraph C without the need for further applications under [Rule 262](#) or [262A](#);
- ii) a non-confidential redacted version;

E. Order the Registry to take any appropriate practical steps, in particular in the Case Management System, to enable the parties to file two versions of their written pleadings as ordered in paragraph D without a need for further applications under Rule 262 or 262A to be made and for separate or delayed release or service of the unredacted pleadings;

F. Dismiss the Claimants' request to restrict the means of access to the unredacted version of their Exhibit No. D.4 by the persons listed in paragraph C.ii);

G. Grant leave to (immediate) appeal to the Defendants if any of their requests above is dismissed.

Stada requests (App_57839/2024):

Therefore, in addition to the Defendants' named UPC representative, the following legal representatives and paralegals from the law firm of the Defendants' named UPC representative shall also be granted access:

- Konstantin Schallmoser (lawyer; partner)
- Christian Holtz (lawyer)
- Carl-Alexander Dinges (lawyer)
- Sarah Salaschek (lawyer)
- Melanie Rau (paralegal)
- Katrin Holm (paralegal)
- Dr. Alexander Wittkopp (patent attorney) Therefore, access shall be granted to the following natural persons from the Defendants' companies, listed in order of priority:

- [...]
- [...]
- [...]
- [...]

Reddy requests (App_57838/2024):

1. The additional evidence Exhibit No. D.4. is not admitted on the grounds of late filing. Auxiliary request:
2. The unredacted version of the evidence Exhibit No. D.04 shall be made available not only to the Defendant's named representative before the UPC, but also to the entire team registered under "My Legal Team" (CMS)

for the Defendants, namely Dr. Christian Meyer (Attorney at Law), Tobias Matschke (Attorney at Law), Dr. Andreas Ledl (Patent Attorney), and their respective assistants, as well as to at least one natural person within the Defendants for access to this unredacted document, namely

Dr. [...]

Zentiva requests (App_57840/2024):

I. The dismissal of the Claimants' confidentiality requests under indents 1 and 2 including the alternative requests under subindents 1 and 2 of indent 2 of para. 16 of Claimants Application under R. 262A RoP of 14 October 2024;

II. in the alternative, to grant the following persons and groups of persons access while dismissing the Claimants' confidentiality requests under indents 2 and subindents 1 and 2 of para. 16 of Claimants Application under R. 262A RoP of 14 October 2024:

1. Attorneys at law and patent attorneys:

a. all German counsels of record, in particular all (1) Taylor Wessing Partnerschaftsgesellschaft mbB lawyers and administrative personnel involved in this lawsuit who are subject to a confidentiality agreement under their employment contract;

(2) df-mp Dörries Frank-Molnia & Pohlman Patentanwälte Rechtsanwälte PartG mbB lawyers, patent attorneys and administrative personnel involved in this lawsuit who are subject to a confidentiality agreement under their employment contract; and all international attorneys at law and patent attorneys involved in this lawsuit, in particular all attorneys at law and administrative personnel of Taylor Wessing involved in this lawsuit from other jurisdictions of the Unified Patent Court who are subject to a confidentiality agreement under their employment contract, in any event, all attorneys at law and administrative personnel of Taylor Wessing involved in this lawsuit from other jurisdictions of the Unified Patent Court who are subject to a confidentiality agreement under their employment contract;

b. in the alternative, the UPC representative of the Defendants, Dr. Anja Lunze, LL.M., whereby the UPC representative will provide names of personnel from Taylor Wessing Partnerschaftsgesellschaft mbB and dfmp Dörries Frank-Molnia & Pohlman Patentanwälte Rechtsanwälte PartG mbB, including their respective administrative personnel involved in this lawsuit, as well as the respective international teams, to whom access shall also be granted;

c. in the further alternative, the following attorneys at law, patent attorneys and administrative personnel:

- (1) Dr. Anja Lunze, LL.M. (attorney at law, Taylor Wessing)
- (2) Verena Betram (attorney at law, Taylor Wessing)
- (3) Dr. Aurel-Damian Roscher, LL.M. (attorney at law, Taylor Wessing)
- (4) Dr. Nora Wessendorf, LL.M. (attorney at law, Taylor Wessing)
- (5) Lara Deike (administration, Taylor Wessing)
- (6) Dr. Elisabeth Greiner (patent attorney, df-mp)
- (7) Dr. Simon Geiger (patent attorney, df-mp)

(8) Clarissa Tholl (administration, df-mp)

the Defendants may give notice to amend and/or add names to this list in the event there are changes in personnel;

2. Persons working for the Defendants and the Defendants' affiliated companies with regard to both, the written proceedings and in the oral hearing:

a. all personnel working for the Defendants and for the Defendants' affiliated companies who are involved in this lawsuit and are subject to a confidentiality agreement under their employment contract, in any event, all personnel working in the legal departments and a qualified financial expert of the Defendants respectively of the Defendants' affiliated companies who are involved in this lawsuit and are subject to a confidentiality agreement under their employment contract;

b. in the alternative, the personnel named below working for the Defendants and the Defendants' affiliated companies:

("job title"/"current role": "first name last name")

- (1) [...]
- (2) [...]
- (3) [...]
- (4) [...]
- (5) [...]

the Defendants may give notice to amend and/or add names to this list in the event there are changes in personnel;

III. in the further alternative, appropriate measures for the protection of confidential information, the nature and extent of which shall be determined at the LD Munich's discretion;

IV. to award the costs of the proceeding for the protection of confidential information against the Claimants.

Sanofi counterargued as follows:

First, the redacted information in Exhibit No. D.4 is Confidential Information as defined by Article 58 UPCA literally entitled "*Protection of confidential information*", meaning it is "*trade secrets, personal data or other confidential information of a party to the proceedings [...]*" (emphasis added). The Claimants have demonstrated in their Application why the redacted information is Confidential Information and should be protected as requested, and the Claimants thus refer to their Application in this respect. Nonetheless, the Claimants will add the following:

- Whether evidence can be protected under Article 262A RoP does not and shall not depend on whether it is essential for the determination of the claim for damages. It depends solely on the nature of the information, i.e. whether it is "trade secrets, personal data or other confidential information of a party to the proceedings [...]" under Article 58 UPCA. (emphasis added)

- The Defendants do not seem to contest that "financial information relating to the price of the licence", "gross margin of", "operating profit of" are Confidential Information, and at least none of them demonstrate that it is not. - Moreover, "personal data" clearly includes the witness' name.

- The remaining of the redacted information is also Confidential Information as explained in the Application.

Second, restricting access to the unredacted version of Exhibit No. D.4 to the Defendants' named representative before the UPC in the present proceedings, and under his/her liability is clearly the only way to ensure the confidentiality. This request is justified and proportionate:

- It protects effectively the Confidential Information of the Claimants and enables the Defendants to prepare their defence through their legal representative, as no other person has to see the actual figures.

- The violation of the confidentiality of the Confidential Information in Exhibit No. D.4 would be irreparable for the Claimants. Indeed, there is no possibility to undo the harm in case Confidential Information was divulged. It is thus clearly wrong to argue that Sanofi's interest is sufficiently protected by the fact that a violation of the order to be issued (through disclosure of the underlying Confidential Information), would be penalized by a recurring penalty payment payable to the Court.

Third, the Court shall exclude case law quoted in another language than English without translation (e.g. by STADA (in German?) at paragraphs 6 and 7 of their comments), insofar as it is not in the language of proceedings and the Claimants just cannot understand it. As a consequence, the Application reaches a fair and proportionate balance preserving the Defendants' rights to a fair trial and the Claimants' rights to effectively protect their Confidential Information. The Application is in line with the UPC case law quoted in the Application.

Sanofi thus ultimately requests the Court to:

- Grant the Claimants' requests as lodged on 1st November 2024, namely:

- Order that the witness statement provided as Exhibit No. D.4 contains Confidential Information in accordance with Article 58 UPCA and Rule 262A RoP;

- Order that only the Defendants' named representative before the UPC in the present proceedings shall have access to the unredacted version of Exhibit No. D.4, and under his/her liability.

o In the alternative:

♣ Order that the additional access to the unredacted version of Exhibit No. D.4 be limited to a single natural person identified within the Defendants, such person not being a person making operational or regulatory decisions relating to cabazitaxel, and who will be precluded from sharing any content of Exhibit No. D.4

8 [Düsseldorf Local Division, UPC CFI 355/2023, Procedural Order of the Court of First Instance of the Unified Patent Court issued on 27 March 2024](#), App_6761/2024 related to the main proceeding ACT_578607/2023 FRA01/30569349_5 11 with any third party whatsoever, even within the Defendants, under his/her liability;

♣ Order that such additional access be set up by the Defendants' named representative before the UPC in these proceedings via a videoconference system, with the impossibility for the natural person from the

Defendants attending the videoconference to save a copy of Exhibit No. D.4 thus viewed or to take screenshots or to use any system allowing them to keep a copy of or record, even partially, Exhibit No. D.4.

- Dismiss all requests from the Defendants;

- Exclude case law quoted by the Defendants in another language than English without translation;

- Grant leave to appeal to the Claimants in case the Claimants' requests were to be denied, with a delayed enforceability of the first instance order until the Claimants have time to lodge an appeal and an application for suspensive effect of the first instance order;

- The Defendants have to bear the costs of this Application.

GROUNDS FOR THE ORDER

The application only partially succeeds.

I. LEGAL BASIS

The protection under [Art. 58 UPCA](#) is ensured by [Rules 262](#) and [262A RoP](#) and by [Regulation \(EU\) 2016/679](#). [Regulation \(EU\) 2016/679](#) ensures the redaction of personal data as defined in the Regulation.

[Rule 262 RoP](#) ensures the protection of personal data and confidential information against disclosure to third parties who are not parties to the proceedings.

[Rule 262.A RoP](#) ensures the protection of confidential information in relation to the other parties to the proceedings. This is achieved by granting access to the confidential information to a limited number of persons and by issuing orders to the persons granted access. A fair balance must be struck between the interest of the other parties to the proceedings in a fair trial and in an effective defence and the interest of the applicant in keeping the confidential information confidential. To this end, paragraph 6 provides that the number of persons referred to in paragraph 1 shall be no greater than necessary to ensure compliance with the rights of the parties to the proceedings to an effective remedy and to a fair trial and shall include at least one natural person from each party and their respective lawyers or other representatives.

II. CONFIDENTIAL INFORMATION IN D4

Not all of the information highlighted by Sanofi as confidential in D4 is in fact confidential:

1. The witness's personal details and the copy of his passport (information currently redacted on pages 1, 6 and 7 of the witness statement) do not qualify as confidential information under [Rule 262A](#) of the Rules of Procedure. Therefore, access by the Defendants should not be restricted.

2. The remaining information qualifies as confidential information. They relate to details of the remuneration and accounting between the various members of the Sanofi group in respect of the licence agreements relating to the patent in suit and to commercial figures relating to actual sales and profits generated by the licensed product.

3. To the extent that Accord argues that the following information, currently redacted in D1, cannot be considered confidential, the Court does not agree:

a. In the tables in Appendix No. 1, the information corresponding to the “number of boxes sold to third parties” and the “net sales to third parties”, for each year and each country.

This information has not yet been disclosed by Sanofi in D3/D3. Firstly, the year 2020 is included in D4 but not in D3. Secondly, the figures are different. The Court could not find a single identical figure. There is no evidence that the D4 figures are publicly available.

b. Information currently redacted on pages 1 (Recitals) and 4 (Articles 3.2 to 3.5) of the license agreement in Appendix No. 2.

This information provides details of the accounting and handling within the sub-licensee framework. It is not show that this is publicly available.

c. Information currently redacted on page 10 (Schedule 2) of the license agreement in Appendix No. 2, with the exception of the royalty rates.

This information provides details of the accounting and handling within the sub-licensee framework. It is not show that this is publicly available.

III. FURTHER PROTECTION OF PERSONAL DATA

The witness's personal data are protected against disclosure to third parties by the mechanism provided for in [Rule 262](#) of the Rules of Procedure. Any third party wishing to have access to the court files must submit an application. The parties to the proceedings will be invited to make observations on the application and may, in doing so, indicate any personal data to be redacted. The parties to the proceedings may streamline this process by filing an application under [Rule 262.2](#).

Where personal data are included in court orders and decisions, the Registry will redact them before publication in accordance with Regulation (EU) 2016/679.

Defendants and their representatives will respect the personal data in view of their own obligations under Regulation (EU) 2016/679 and national law.

IV. FURTHER PROTECTION OF CONFIDENTIAL INFORMATION

1. Where an application for protection is successful, access to the confidential information must be limited. At least one natural person must have access for each party to the proceedings. If there is more than one defendant and therefore more than one party, each of them is entitled to nominate a natural person (*“one natural person from each party”*). In addition, according to the wording of the law, access must be granted to all lawyers or other representatives of these parties to the proceedings. There is no numerical limit.

This means for the four groups of defendants

a. The eight Accord defendants are entitled to at least eight natural persons and legal representatives. They have nominated four individuals. Sanofi has not provided any specific facts as to why it has concerns about any of these four nominees.

b. The three Stada defendants are entitled to at least three natural persons and legal representatives. They have nominated four individuals. Sanofi has not put forward any specific facts as to why any of these four should be

excluded or why there are any concerns about any of these four nominees.

c. The three Reddy defendants are entitled to at least three natural persons and legal representatives. They have nominated one individual. Sanofi has not put forward any specific facts as to why it has concerns about this one nominee.

d. The three Zentiva Defendants are entitled to at least three natural persons and legal representatives. They have nominated all employees working for the defendants and the defendants' affiliated companies involved in this lawsuit and subject to a confidentiality agreement under their employment contract, in any event all employees working in the legal departments and a qualified financial expert of the defendants or the defendants' affiliated companies involved in this lawsuit and subject to a confidentiality agreement under their employment contract, and in an auxiliary application five natural persons.

The main request will clearly not work as there would be no way to hold individuals accountable for any breach of the confidentiality order. With respect to the auxiliary request, Sanofi has not provided any specific facts as to why two of these five should be excluded or that and why there are any concerns with respect to any of these five nominees.

2. The following request shall not be addressed to the persons granted access:

- ♣ Order that such additional access be set up by the Defendants' named representative before the UPC in these proceedings via a videoconference system, with the impossibility for the natural person from the Defendants attending the videoconference to save a copy of Exhibit No. D.4 thus viewed or to take screenshots or to use any system allowing them to keep a copy of or record, even partially, Exhibit No. D.4.

Sanofi did not explain why such overly restrictive measures were justified. Any person who has access to the information is subject to a duty of confidentiality and is liable for any breach of that duty. This is sufficient to protect any confidentiality attached to the information.

3. The following requested order shall be addressed to the persons granted access:

- ♣ Order that the natural person will be precluded from sharing any content of Exhibit No. D.4 with any third party whatsoever, even within the Defendants, under his/her liability;

Indeed, any person who is given access to the information is subject to a duty of confidentiality and is liable for any breach of that duty. Persons granted access to the information are prohibited from disclosing the contents of Appendix D.4 to any third party, even within the defendants, under their responsibility.

V. NEXT STEPS

Sanofi is ordered to provide an amended redacted version of D4 within 5 days. This order has immediate effect.

VI. FINAL REMARKS

1. The question whether confidentiality should be granted is different from the question whether a fact or

argument has been submitted late. The Court will deal with the question of late submission at a later stage.

2. Case law cited by Defendants in a language other than English without translation is not to be excluded from consideration, as the Court needs to know the law and the case law of other Divisions regardless of language. However, the defendants concerned are requested to adhere to the language of the proceedings and to provide English translations of the case law cited within 30 days. This order has immediate effect.

3. The costs of the confidentiality application are part of the costs of the proceedings and will be dealt with in the costs procedure.

4. The Parties shall file any further written submissions containing confidential information protected by this Order in two versions:

(a) an unredacted version which shall be treated as confidential and to which the persons referred to in this Order shall have access; and

(b) a non-confidential redacted version.

However, due to the shortcomings of the current Case Management System, the parties will have to file additional applications under [Rules 262](#) and [262A RoP](#) in order to trigger the workflows for the Registry to grant access to the unredacted version to the registered UPC representatives of the other parties. These requests can be kept short as they can only relate to this order.

If the parties wish to make further redactions with regard to personal data, they will also have to submit an even more redacted version.

ORDER

1. The witness statement submitted as Exhibit No. D.4 contains confidential information pursuant to Rule 262A of the Rules of Procedure, with the exception of the witness's personal details and the copy of his passport (information currently redacted on pages 1, 6 and 7 of the witness statement). 2. Access by the defendants to the information referred to in paragraph 1 is restricted to the following named representatives and natural persons:

a. Accord

The following representatives:

- Maître Jules Fabre (avocat au barreau de Paris and UPC representative)
- Mr Arjan Reijns (advocaat and UPC representative)
- Maître Marina Jonon (avocate au barreau de Paris)
- Maître Louise Millot (avocate au barreau de Paris and UPC representative)

The following persons on behalf of the Defendants:

- Ms [...]
- Mr [...]
- Ms [...]
- Mr [...]

b. Stada

The following representatives:

- Konstantin Schallmoser (lawyer; partner)
- Christian Holtz (lawyer)
- Carl-Alexander Dinges (lawyer)
- Sarah Salaschek (lawyer)
- Melanie Rau (paralegal)
- Katrin Holm (paralegal)

- Dr. Alexander Wittkopp (patent attorney)

The following persons on behalf of the Defendants:

- [...]
- [...]
- [...]
- [...]

c. Reddy The following representatives:

- Dr. Christian Meyer (Attorney at Law)
- Tobias Matschke (Attorney at Law)
- Dr. Andreas Ledl (Patent Attorney)

The following person on behalf of the Defendants:

- Dr. [...]

d. Zentiva The following representatives:

- Dr. Anja Lunze, LL.M. (attorney at law, Taylor Wessing)
- Verena Betram (attorney at law, Taylor Wessing)
- Dr. Aurel-Damian Roscher, LL.M. (attorney at law, Taylor Wessing)
- Dr. Nora Wessendorf, LL.M. (attorney at law, Taylor Wessing)
- Lara Deike (administration, Taylor Wessing)
- Dr. Elisabeth Greiner (patent attorney, df-mp)
- Dr. Simon Geiger (patent attorney, df-mp)
- Clarissa Tholl (administration, df-mp)

The following persons on behalf of the Defendants:

- [...]
- [...]
- [...]
- [...]
- [...]

3. The persons referred to in paragraph 2 shall not disclose the information referred to in paragraph 1 outside of these proceedings, including to other employees of the defendants.

4. The representatives named in paragraph 2 may, however, disclose the information to their team members and co-counsel who are actively involved in these proceedings, including other lawyers, patent attorneys and support staff, provided that the representatives named above ensure that each such person maintains the confidentiality of the information. In any event, the above representatives shall be liable for any breach of confidentiality under this regime.

5. The Defendants may request that the Court's Order be amended in the event of changes in personnel.

6. Any failure to comply with this order shall render the persons named in paragraph 2 liable to pay a penalty to the Court for each breach of confidentiality.

7. Sanofi is ordered to provide an amended redacted version of D4 to be made available to the defendants within 5 days.

8. The defendants concerned are ordered to comply with the language of the proceedings and to provide English translations of the relevant case law cited within 30 days.

9. All further requests are dismissed.

10. The interim measures are revoked in so far as they go beyond this order.

11. Paragraphs 7 and 8 of this order have immediate effect. All other orders shall take effect from the date on which this order becomes final.

INFORMATION ABOUT REVIEW BY PANEL

Any party may request that this Order be referred to the panel for a review pursuant to R. 333 RoP. Pending review, the Order shall be effective (R. 102.2 RoP).

DETAILS OF THE ORDER

Order no. ORD_59844/2024 in ACTION NUMBER:
ACT_16112/2024

UPC number: UPC_CFI_145/2024

Action type: Infringement Action

Related proceeding no. Application No.: 55583/2024

Application Type: APPLICATION_ROP262A

Order no. ORD_59834/2024 in ACTION NUMBER:
ACT_16116/2024

UPC number: UPC_CFI_146/2024

Action type: Infringement Action

Related proceeding no. Application No.: 57839/2024

Application Type: APPLICATION_ROP262A

Order no. ORD_59848/2024 in ACTION NUMBER:
ACT_16119/2024

UPC number: UPC_CFI_147/2024

Action type: Infringement Action

Related proceeding no. Application No.: 57838/2024

Application Type: APPLICATION_ROP262A

Order no. ORD_59838/2024 in ACTION NUMBER:
ACT_16120/2024

UPC number: UPC_CFI_148/2024

Action type: Infringement Action

Related proceeding no. Application No.: 57840/2024

Application Type: APPLICATION_ROP262A

Matthias ZIGANN

Digital unterschrieben von

Matthias ZIGANN

Datum: 2025.01.14 15:56:49

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Dr. Zigann

Presiding Judge
