

UPC CFI, Regional Division Nordic-Baltic, 20 January 2025, Abbott v Dexcom

*analyte sensor and apparatus
for insertion of the sensor*

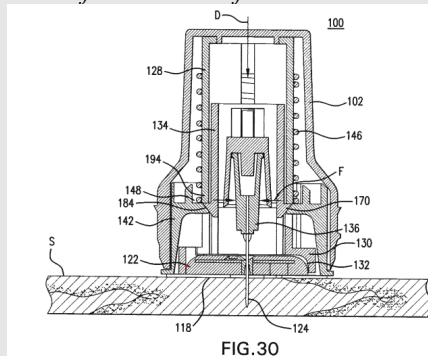


FIG. 30

PATENT LAW – PROCEDURAL LAW

Withdrawal of action by party consent (R. 265 RoP).

Source: [Unified Patent Court](#)

**UPC Court of First Instance,
Regional Division Nordic-Baltic, 20 January 2025**
(Johansson, Härmand, Perrotti, Fulconis)
UPC_CFI_430/2023

Decision

of the Court of First Instance of the Unified Patent Court
delivered on 20/01/2025

CLAIMANT

1) Abbott Diabetes Care Inc. (Claimant) - 1360 South
Loop Road - 94502 - Alameda - US
Represented by Wim Maas

DEFENDANTS

1) Dexcom Inc. (Defendant) - 6340 Sequence Drive -
92121- 4356 - San Diego - US

2) Dexcom International Limited (Defendant) -
Lampousas Street - 1095 - Nicosia - CY

Represented by Tjibbe Douma

PATENT AT ISSUE

Patent no. Proprietor/s
[EP3977921](#) Abbott Diabetes Care Inc.

COMPOSITION OF PANEL – FULL PANEL

Presiding judge Stefan Johansson

Judge-rapporteur Kai Härmand

Legally qualified judge Pierluigi Perrotti

LANGUAGE OF PROCEEDINGS: English

SUBJECT-MATTER OF THE PROCEEDINGS

Infringement action and counterclaim for revocation

SUMMARY OF FACTS

The Claimant has requested the Court to permit the withdrawal of the infringement action no ACT_588346/2023 and to render a decision declaring the proceedings closed. A cost decision is not requested. The Defendants consent to the withdrawal of the infringement action.

Dexcom has requested the Court to permit the withdrawal of the counterclaim for revocation; and to render a decision declaring the proceedings closed the

withdrawal of the revocation action no CC_14848/2024. A cost decision is not requested. The Claimant consent to the withdrawal of the counterclaim for revocation.

GROUND FOR THE DECISION

According to [Rule 265 of the Rules of Procedure \(RoP\)](#), a Claimant may apply to withdraw its action as long as there is no final decision. The Court shall decide on such an application to withdraw the action after hearing the other party. The application to withdraw shall not be permitted if the other party has a legitimate interest in the action being decided by the Court.

The Court declares the proceedings closed. The Claimant has withdrawn the infringement action, and the Defendants have withdrawn the counterclaim for revocation. Both parties have been notified of the requests, they have confirmed the withdrawal of the action. The parties have agreed that the Court does not issue a decision as to their costs in these proceedings, the Court will refrain from issuing such decision.

DECISION

The Court declares these proceedings closed.

The decision on the closure of the proceedings has to be entered on the register.

INFORMATION ABOUT APPEAL

This decision may be the subject of an appeal within two months of service of the Court's decision.

DECISION DETAILS

Order no. ORD_68783/2024 in ACTION NUMBER:
ACT_588346/2023; CC_14848/2024

UPC number: 430_2023

Action type: Infringement Action; Revocation Action
Related proceeding no. Application No.: 68369/2024;
68471/2024; 68693/2024

Application Type: Application for leave to withdraw an action (RoP265)

Stefan Johansson

Kai Härmand

Pierluigi Perrotti

Renaud Fulconi
