

UPC Court of Appeal, 3 April 2025, EOFlow v Insulet

fluid delivery device with transcutaneous access tool, insertion mechanism and blood glucose monitoring for use therewith

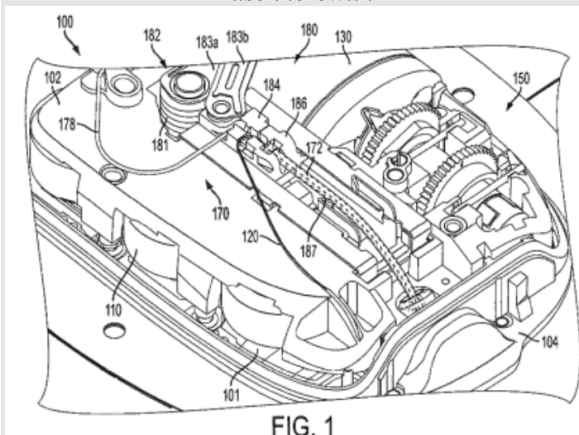


FIG. 1

PATENT LAW – PROCEDURAL LAW

Withdrawal of an application for leave to appeal against cost decision (**R. 221 RoP**) allowed pursuant to **R. 265 RoP**

- No decision on costs requested

Source: [Unified Patent Court](#)

UPC Court of Appeal, 3 April 2025

(Blok)

App_13099/2025

APL_10300/2025

UPC_CoA_194/2025

ORDER

of the Court of Appeal of the Unified Patent Court concerning an application for withdrawal of an application for leave to appeal issued on 3 April 2025 APPLICANT (APPLICANT IN THE COST PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

EOFLOW CO., LTD.

302Ho, Humax Village, 216 - 13595 - Hwangsaeul-ro, Bundang-gu, Seongnam-si, Gyeonggi-do – Republic of Korea

hereinafter: EOFlow,

represented by attorney-at-law Dr. Mirko Weinert (Hoyng ROKH Monegier)

RESPONDENT (RESPONDENT IN THE COST PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

INSULET CORPORATION

100 Nagog Park - 01720 Acton MA - USA

hereinafter: Insulet,

represented by attorney-at-law Dr. Marc Grunwald (Peterreins Schley)

PATENT AT ISSUE

[EP 4201327](#)

DECIDING JUDGE

Peter Blok, legally qualified judge and standing judge

LANGUAGE OF THE PROCEEDINGS

English

IMPUGNED ORDER OF THE COURT OF FIRST INSTANCE

- [Order of the Central Division, Milan Section, dated 15 February 2025](#)

Reference numbers attributed by the Court of First Instance:

UPC_CFI_380/202

App_65673/2024

ORD_65815/2

FACTS AND REQUESTS OF THE PARTIES

1. By [order of 22 November 2024, the Central Division, Milan Section](#), of the Court of First Instance rejected Insulet's request for provisional measures against EOFlow and decided that Insulet was to bear the costs of the proceedings (ACT_39640/2024 UPC_CFI_380/2024). EOFlow subsequently filed an application for a cost decision pursuant to [R. 151 of the Rules of Procedure](#) of the Unified Patent Court (hereinafter: RoP) (App_65673/2024 UPC_CFI_380/2024).

2. With the [impugned order of 15 February 2025](#), the Central Division, Milan Section, dismissed EOFlow's application for a cost decision without examination of the substance.

3. On 28 February 2025, EOFlow filed an application for leave to appeal against the impugned order pursuant to [R. 221 RoP](#) (APL_10300/2025 UPC_CoA_194/2025).

4. EOFlow requests withdrawal of its application for leave to appeal. EOFlow does not request a decision on the costs of the leave to appeal proceedings.

5. Insulet agreed to the withdrawal of the application for leave to appeal. Insulet likewise does not seek a decision on the costs of the leave to appeal proceedings.

GROUND FOR THE ORDER

6. Pursuant to [R.265 RoP](#), as long as there is no final decision in an action, a claimant may apply to withdraw his action. This provision also applies (mutatis mutandis) to the party seeking leave to appeal against a cost decision (cf. UPC_CoA_234/2024 APL_27805/2024 App_38102/2024, 10x - Curio).

7. On application by EOFlow and with the agreement of Insulet, the Court of Appeal permits the withdrawal of the application for leave to appeal.

8. A decision under [R.265.2\(c\) RoP](#) as to the costs of the leave to appeal proceedings is not required, as neither party has applied for such a decision.

ORDER

The Court of Appeal

I. permits the withdrawal of EOFlow's application for leave to appeal;

II. declares the leave to appeal proceedings closed;

III. orders that this order be entered in the register.

This order was issued on 3 April 2025.

Peter Blok, standing judge
