



**Case No. UPC_CFI_14/2023 Procedural Order
No. ORD_551192/2023 on Action No.
ACT_459916/2023.
of the Court of First Instance of the Unified Patent Court of
17.07.2023**

Party to the action

- 1) Amgen Inc.
represented by: Johannes Heselberger

defendant parties

- 1) Sanofi-Aventis Germany GmbH
represented by: Niels Hoelder

- 2) Sanofi-Aventis Groupe S.A.
represented by: Niels Hoelder

- 3) Sanofi Winthrop Industrie S.A.
represented by: Niels Hoelder

- 4) Regeneron Pharmaceuticals Inc.
represented by: ?

Patent in suit

<i>Patent no.</i>	<i>Owner</i>
EP3666797	Amgen, Inc

Judge:

COMPOSITION OF THE PANEL

Presiding Judge and Rapporteur
legally qualified
legally qualified

Matthias Zigann
judgeTobias Pichlmaier
judgeSamuel Granata

ORDER OF THE RAPPORTEUR:

Matthias Zigann

LANGUAGE OF THE CASE:

German

FACTS

1. Service on the 1st to 3rd defendants could already be effected by e-mail on 11.7.2023.
2. Service on the 4th defendant by email is currently not possible. In response to a request by the Chairman, the fourth defendant stated that service by e-mail would not be accepted. Service on the fourth defendant must therefore now be effected in accordance with Rule 274.1(a)(ii) of the Rules of Procedure.

REASONS:

1. This will lead to different timelines regarding the deadline for filing a statement of defence as well as regarding all other deadlines. Thus, waiting for successful service on the 4th defendant would slow down the progress of the proceedings against the 1-3rd defendants by months. This can be countered by separating the proceedings against the fourth defendant according to Rule 303.2 of the Rules of Procedure.
2. According to Rule 337 of the Rules of Procedure, the parties must be heard beforehand. This is to be interpreted as meaning that those parties who are already represented by lawyers at the time of the hearing are to be heard beforehand. This is because the hearing can only be formally

- the case management system. Only the legal representatives have access to this system.
3. Unless the parties present reasons for a different allocation of the court fee, it will be appropriate to allocate it equally between the Sanofi Group and Regeneron (cf. Rule 303.3 of the Rules of Procedure).

ORDERS AND INSTRUCTIONS TO THE PARTIES AND THE REGISTRY:

1. The proceedings concerning the fourth defendant shall be separated.
2. The applicant's representative is requested to proceed as directed by the Registry in this regard.
3. The court fee already paid by the plaintiff shall be divided equally between the two proceedings.
4. The plaintiff and the defendants 1-3 may comment on this until 21.7.2023.

DR ZIGANN
PRESIDING JUDGE AND RAPPORTEUR