



## PATENT IN DISPUTE

<i>Patent no.</i>	<i>Holder</i>
<b>EP3666797</b>	Amgen Inc.

## DECISIVE JUDGE

### COMPOSITION OF THE PANEL - COMPLETE COMPOSITION

Presiding Judge	<b>Matthias Zigann</b>
Rapporteur	<b>Matthias Zigann</b>
Legally qualified judge	<b>Tobias Pichlmaier</b>
Legally qualified judge	<b>Samuel Granata</b>
Technically qualified judge	<b>Xavier Dorland-Galliot</b>

This order was issued by the Judge-Rapporteur Matthias Zigann. LANGUAGE OF PROCEEDINGS:

German

### SUBJECT MATTER OF THE CASE:

Patent infringement.

here: Change of the language of the proceedings

### BRIEF PRESENTATION OF THE FACTS

In an email dated 25 October 2023, the defendant's legal representative suggested changing the language of the proceedings from German to English, the language in which the patent in suit was granted.

In an email dated 2 November 2023, the plaintiff's legal representative stated that the plaintiff preferred a language that would make the work most manageable for the members of the panel. If this were to be English, the plaintiff would agree to a corresponding change of language and would then propose that it submit the action in an English translation prepared by translators. The plaintiff assumes that a change of language would not lead to a delay in the proceedings.

At the request of the rapporteur, the members of the panel stated that they were in favour of a change of language.

In a provisional order dated 2 November 2023, the Judge-Rapporteur suggested a change in the language of the proceedings in accordance with Rule 322 of the Rules of Procedure.

The plaintiff and the defendants each formally agreed within the CMS in written submissions dated 3 November 2023.

#### JUSTIFICATION OF THE ORDER

Pursuant to Rule 322 R, the Judge-Rapporteur may, of his own motion or at the request of a party, at any time during the written and interlocutory proceedings, after consultation with the panel, propose to the parties that the language of the proceedings be changed to the language in which the patent was granted in accordance with Article 49(4) of the Convention. If the parties and the panel agree, the language of the proceedings shall be changed.

In view of the agreement of both parties and the other members of the panel, the language of the proceedings should be changed.

For ease of handling, the plaintiff may submit a translation of the statement of claim into English. Attachments do not need to be translated if they are in the original either in German or English.

#### ORDER

1. The language of the proceedings will be changed from German to English.
2. The plaintiff is requested to upload a translation of the statement of claim (excluding annexes) into English within two months.
3. The defendants are requested to submit the statement of defence, which is due on 10 November 2023, in English immediately.
4. Attachments in the original German or English language do not need to be translated.

#### ARRANGEMENT DETAILS

Order no. ORD\_584907/2023 in PROCEDURE NUMBER: ACT\_459916/2023

UPC number: UPC\_CFI\_14/2023

Nature of the action: Action for infringement

Dr Zigann  
Presiding judge and rapporteur