



procedural order
of the Court of First Instance of the Unified Patent Court local division
Düsseldorf
issued on 23 February 2024
concerning EP 2 697 391 B1

APPLICANT:

10x Genomics, Inc, 6230 Stoneridge Mall Road, 94588-3260 Pleasanton, CA, USA, legally represented by the Board of Directors, which is represented by the CEO ..., *ibid*,

represented by: Lawyer Prof. Dr. Tilman Müller-Stoy, Attorney at Law

Dr Martin Drews, Patent Attorney Dr Axel Berger, Prinzregentenplatz 7, 81675 Munich,

Electronic address for service: ...

RESPONDENT:

Curio Bioscience Inc., 4030 Fabian Way, Palo Alto, CA 94303, USA, represented by its CEO Stephen Fodor, *ibid*,

represented by: Attorney at Law Agathe Michel-de Cazotte, European Patent Attorney Cameron Marschall, 1 Southampton Row WC1B 5HA London, United Kingdom,

Electronic delivery address: ...

PATENT OF DISPOSITION:

EUROPEAN PATENT NO. EP 2 697 391 B1

DECISION-MAKING BODY/CHAMBER:

Judges of the Düsseldorf local division:

This order was issued by presiding judge Thomas as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS: German

SUBJECT: Examination of the application for provisional measures - Application under R. 9.3 (a) RP

REASONS FOR THE ORDER:

By procedural order dated 16 February 2024 (ORD_8568/2024), the Düsseldorf local division set the deadline for the defence to the objection as 1 March 2024. The deadline therefore begins when the order in question is issued, so that there is no room for the applicant's request for a later start of the deadline. Insofar as the applicant wishes to postpone the start of the response period to the conclusion of the secrecy protection proceedings pursuant to R. 262A VerfO (cf. in this regard to the main proceedings: Hamburg local division, procedural order of 28 November 2023, UPC_CFI_54/2024 and procedural order of 27 January 2024, UPC_CFI_22/2023), such a postponement of the start of the deadline is not compatible with the urgent nature of the proceedings for an order for provisional measures. This applies all the more since the secrecy protection proceedings have not yet been concluded. At present, only a provisional secrecy protection order is in force.

As the local division clarified in the aforementioned procedural order, all time limits cannot be extended in view of the prompt date of the oral hearing. There is no reason to deviate from this principle.

The redacted version of the statement of opposition was already available to all representatives of the applicant as well as the applicant herself on 15 February 2024. Only access to the unredacted version was restricted. This has been available to the legal representatives named in the proceedings since 16 February 2024. It was therefore available to them from the start of the reply period. The group of persons entitled to access was then significantly expanded with a procedural order dated 23 February 2024 and now also includes, in particular, an employee of the applicant.

The applicant therefore now has one week to complete the defence document. The information classified as confidential by the defendant concerns only a very limited part of the statement of objection. Moreover, it is exclusively of a non-technical and purely commercial nature. It is not clear from the grounds for the request for an extension of the time limit that the applicant is unable to reply to the statement of opposition within the set time limit and, if so, for what reasons.

ORDER:

1. The application by the applicant for a declaration that the deadline for the defence to the respondent's application does not expire until 8 March 2024 is rejected.
2. The application to extend the applicant's deadline to respond until 8 March 2023 is rejected.
3. The application to extend the response deadline to 5 March 2024 is rejected.

DETAILS OF THE order:

App_9671/2024 for the main file reference

ACT_590953/2023 UPC number: UPC_CFI_463/2023

Type of proceedings: Application for an order for provisional measures

Issued in Düsseldorf on 23 February 2024 NAMES

AND SIGNATURES

Presiding judge Thomas