



action number:  
UPC\_CoA\_335/2023  
APL\_576355/2023

**Order**  
**of the Court of Appeal of the Unified Patent Court issued on**  
**11/03/2024**  
**in the proceedings for interim measures relating to EP 4 108 782**

APPLICANTS and APPOINTMENT CLAIMS

1. **NanoString Technologies Inc.**  
530 Fairview Ave N - 98109 - Seattle (WA) - US
2. **NanoString Technologies Germany GmbH**  
Birketweg 31 - 80639 - Munich - DE
3. **NanoString Technologies Netherlands B.V.**  
Paasheувelweg 25 - 1105BP - Amsterdam - NL

Represented by: Attorney Oliver Jan Jüngst, Bird & Bird LLP

APPLICANTS and APPOINTMENTS

1. **10x Genomics, Inc.**  
6230 Stoneridge Mall Road - 94588-3260 - Pleasanton (CA) - US
2. **President and Fellows of Harvard College**  
Suite 727E, 1350 Massachusetts Avenue - 02138 - Cambridge (MA) - US

Represented by: Lawyer Prof. Dr Tilman Müller-Stoy, Bardehle Pagenberg Partner- schaft mbB

DISPOSAL PATENT EP

4108782

PANELS AND DECIDING JUDGES

First panel of judges

Klaus Grabinski, President of the Court of Appeal and judge-rapporteur

Françoise Barutel, legally qualified judge

Peter Blok, legally qualified judge

Rainer Friedrich, technically qualified judge Cornelis

Schüller, technically qualified judge

LANGUAGE OF THE PROCEEDINGS

German

OBJECTIONABLE ORDER

Order ("Decision and orders") of the Court of First Instance (Munich local division) of 19 September 2023 - UPC CFI 2/2023

ORAL HEARING ON:

18.12.2023

Due to a manifest error in headnote 2, paragraph 3 and in accordance with the grounds of the order of 26 February 2024, the headnote of the order is corrected as follows after hearing the parties:

"2 The patent claim is not only the starting point, but the decisive basis for determining the scope of protection of a European patent under Art. 69 EPC in conjunction with the Protocol on the Interpretation of Art. 69 EPC.

The interpretation of a patent claim is not solely dependent on its exact wording in the linguistic sense. Rather, the description and the drawings must always be consulted as explanatory aids for the interpretation of the patent claim and not only be used to resolve any ambiguities in the patent claim.

However, this does not mean that the patent claim merely serves as a guideline and that its subject matter also extends to what, after examination of the description and the drawings, appears to be the patent proprietor's request for protection.

The patent claim is to be interpreted from the perspective of the person skilled in the art.

When applying these principles, appropriate protection for the patent proprietor should be combined with sufficient legal certainty for third parties.

These principles for the interpretation of a patent claim apply equally to the assessment of infringement and the legal validity of a European patent."

Luxembourg, 11 March 2024

<p>Klaus Grabinski President of the Court of Appeal and judge-rapporteur</p>	<p><b>KLAUS STEFAN MARTIN Grabinski</b>  Digitally signed by KLAUS STEFAN MARTIN Grabinski Date: 2024.03.11 09:23:34 +01'00'</p>
<p>Françoise Barutel legally qualified judge</p>	<p><b>Françoise, Marie, Simone BARUTEL</b>  Digitally signed by Françoise, Marie, Simone BARUTEL Date: 2024.03.08 18:03:40 +01'00'</p>
<p>Peter Blok legally qualified judge</p>	<p><b>Peter Hendrik Blok</b>  Digitally signed by Peter Hendrik Blok Date: 2024.03.08 18:30:10 +01'00'</p>
<p>Rainer Friedrich technically qualified judge</p>	<p><b>Rainer Martin Hermann Friedrich</b>  Digitally signed by Rainer Martin Hermann Friedrich Date: 2024.03.09 00:43:12 +01'00'</p>
<p>Cornelis Schüller technically qualified judge</p>	<p><b>Cornelis Schuller</b>  Digitally signed by Cornelis Schuller Date: 2024.03.09 10:38:36 +01'00'</p>
<p>Eurico Igreja Employee of the law firm</p>	<p><b>Eurico Do Cabo Igreja</b>  Digitally signed by Eurico Do Cabo Igreja Date: 2024.03.08 17:34:33 +01'00'</p>