



Action number:  
App\_6377/2025  
APL\_59634/2024  
UPC\_CoA\_654/2024

App\_6378/2025  
APL\_61301/2024  
UPC\_CoA\_700/2024

App\_6376/2025 APL\_26/2025  
UPC\_CoA\_1/2025

**Order**  
**of the Court of Appeal of the Unified Patent Court**  
**concerning applications for withdrawal of the appeal**  
**issued on 5 March 2025**

APPLICANT AND APPELLANT (PLAINTIFF IN THE MAIN PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

1. **10x Genomics, Inc.**

6230 Stoneridge Mall Road - 94588-3260 - Pleasanton (CA) - USA

2. **President and Fellows of Harvard College**

Suite 727E, 1350 Massachusetts Avenue - 02138 - Cambridge (MA) - USA

hereinafter: 10x,

represented by lawyer Prof. Dr Tilman Müller-Stoy (Bardehle Pagenberg)

RESPONDENT AND APPELLANT (DEFENDANT IN THE MAIN PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

**Vizgen, Inc.**

61 Moulton Street - 02138 - Cambridge - USA

hereinafter: Vizgen,

represented by lawyer Dr Jérôme Kommer (Quinn Emanuel Urquhart & Sullivan)

PATENT IN SUIT

EP 4108782

PANELS AND DECIDING JUDGES

PANEL 1a:

Klaus Grabinski, President of the Court of Appeal,  
Peter Blok, judge-rapporteur and legally qualified judge, Emmanuel Gougé,  
legally qualified judge.

LANGUAGE OF THE PROCEEDINGS

German

ORDERS CONTESTED BY THE COURT OF FIRST INSTANCE

Appeal proceedings APL\_59634/2024 UPC\_CoA\_654/2024:

- Order of the Court of First Instance of the Unified Patent Court, Local Division Hamburg of 22 October 2024
- Action number of the of Court First Instance: App\_49415/2024  
ACT\_460565/2023  
UPC\_CFI\_22/2023  
ORD\_49705/2024

Appeal proceedings APL\_61301/2024 UPC\_CoA\_700/2024:

- Order of the Court of First Instance of the Unified Patent Court, Local Division Hamburg of 1 November 2024
- Action number of the Court of First Instance: App\_39683/2024  
ACT\_460565/2023  
UPC\_CFI\_22/2023  
ORD\_59493/2024

Appeal proceedings APL\_26/2025 UPC\_CoA\_1/2025:

- Order of the Court of First Instance of the Unified Patent Court, Local Division Hamburg of 20 December 2024
- Action number of the of Court First Instance: App\_62866/2024  
ACT\_460565/2023  
UPC\_CFI\_22/2023  
ORD\_62955/2024

BRIEF DESCRIPTION OF THE FACTS OF THE CASE AND THE PARTIES' APPLICATIONS

1. On 1 June 2023, 10x filed an infringement action against Vizgen of the Unified Patent Court with the local division Hamburg of the Court of First Instance
2. Vizgen filed three applications under R. 190.1 of the Rules of Procedure of the UPC Agreement (hereinafter: RoP), seeking an Order for the production of certain documents by 10x
3. With the contested orders, the Court of First Instance (partially) granted applications for referral. the three
4. 10x has lodged an appeal against the contested Orders (APL\_59634/2024 UPC\_CoA\_654/2024, APL\_61301/2024 UPC\_CoA\_700/2024, and APL\_26/2025 UPC\_CoA\_1/2025, hereinafter: the appeals).
5. In documents dated 10 February 2025, 10x requested the withdrawal of the appeals (App\_6377/2025, App\_6378/2025, and App\_6376/2025). 10x does not request a decision on the costs of the parties.
6. Vizgen agrees appeals. to the withdrawal of the Vizgen also does not apply for costs.

REASONS FOR THE ORDER

7. Pursuant to R.265 RoP, a plaintiff may as long as no final decision on an action. request the withdrawal of his action has been made This provision applies (mutatis mutandis) also to an appellant who requests the withdrawal of his appeal (UPC\_CoA\_234/2024 APL\_27805/2024 App\_38102/2024, 10x - Curio).
8. The Court of Appeal allows the withdrawal of the appeals on the application of 10x and with the consent of Curio.
9. R.265.2(c) RoP provides that a decision on costs is to . be in accordance with Part 1 Chapter 5 However, as both parties have waived a decision on costs, no decision on costs is required here.

ORDER

The Court of Appeal

- I. allows ;the withdrawal of the appeals
- II. declares the appeal proceedings closed;

III. Orders that the Order be entered in the register

This Order was issued on 5 March 2025

**KLAUS STEFAN**  
**MARTIN Grabinski**

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STEFAN MARTIN Grabinski  
Date: 2025.03.05 17:47:17  
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Klaus Grabinski, President of the Court of Appeal

**Peter**  
**Hendrik Blok**

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Hendrik Blok  
Date: 2025.03.05  
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Peter Blok, judge-rapporteur and legally qualified judge

**EMMANUEL**  
**LUCIEN, RENÉ**  
**GOUGÉ**

Signé numériquement par  
EMMANUEL, LUCIEN, RENÉ  
GOUGÉ  
Date: 2025.03.05 10:59:33  
+01'00'

Emmanuel Gougé, legally qualified judge