



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

Digitally signed by Peter
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
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Emmanuel Gougé, legally qualified judge