



**Düsseldorf Local Division**  
**UPC\_CFI\_140/2024**

**Procedural Order**  
**of the Court of First Instance of the Unified Patent Court**  
**issued on 2 May 2025**  
**concerning EP 2 697 391 B1**

CLAIMANT:

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

represented by: Attorney-at-law Prof Dr Tilman Müller-Stoy, Attorney-at-law Dr Martin Drews, Patent attorney Dr Axel Berger, Prinzregentenplatz 7, 81675 Munich, Germany

electronic address for service: mueller-stoy@bardehle.de

DEFENDANT:

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

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

electronic address for service: U010318UC@carpmaels.com

co-counsel: Attorney-at-law Dr Christoph Höhne, Attorney-at-law Isabelle Schaller, Breite Strasse 29 – 31, 40213 Düsseldorf, Germany

PATENT AT ISSUE:

European patent n° EP 2 697 391 B1

PANEL/DIVISION:

Panel of the Local Division in Düsseldorf

DECIDING JUDGES:

This order was issued by Presiding Judge Thomas acting as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT OF THE PROCEEDINGS: R. 103, R. 104, R. 110.1 RoP – Order in the interim procedure  
R. 113.1 RoP – Time limits for Parties' submissions

ORDER:

- I. In preparation of the oral hearing, the Court points out the following:
  1. The Claimant is ordered to provide an English translation of the motions contained in the Statement of Claim.
  2. To the extent that the Claimant requests that the decision can be made available or be published in whole or in part in public media, in particular on the Internet, Art. 80 UPCA leaves such an order to the discretion of the Court. For such an order to be made, the interest of the Claimant in publication must outweigh the negative consequences of such publication for the Defendants. The modalities of publication must also be taken into account in such a consideration. These must therefore be specified (already in the motion).
  3. Insofar as Section D. of the motions contained in the Statement of Claim states “upon presentation of supporting documents such as invoices, delivery notes or receipts”, the term “such as” should be replaced by “namely”. In addition, the order of the supporting documents should be specified (e.g. invoices, alternatively delivery notes).
  4. The Parties are requested to submit a preliminary estimate of the legal costs that they will seek to recover (R. 104(k) RoP).
  5. The Parties are requested to upload to the CMS any sketches or documents to which they may wish to refer for clarification at the oral hearing but which have not yet been submitted to the file.
  6. The Parties have **until 9 May 2025** to comment on the above information and requests by using the upload possibility provided by this order in the CMS.
- II. The interim proceedings shall be concluded at the end of the period specified in Section I.6.

The Parties will be notified of the conclusion of the interim proceedings when this order is entered into the CMS. At the same time, the proceedings will be supervised by the previous judge-rapporteur in his capacity as Presiding Judge.
- III. At the beginning of the oral hearing, the Presiding Judge will introduce the facts and the state of the dispute, R. 112.4 RoP.

The purpose of this introduction is to provide the Parties a preliminary assessment on the basis of the submissions so far, so that they can respond at the hearing, if necessary. It goes without saying that the Panel will also take into account all submissions made at the oral hearing and will make its final deliberations on that basis.

Where issues are not addressed, this does not mean that the Court has not taken note of them. The introduction merely focuses on the most important issues from the Court's point of view.

The oral hearing will then be adjourned to give the Parties the opportunity to prepare their pleadings in the light of the introduction and to present their arguments in a concise manner.

The Court, in consultation with the Parties, will be flexible in determining the length of this break.

During this break, separate breakout rooms will be available to the Parties.

- IV. Pursuant to R. 113.1 RoP, the following time limits are hereby set for the oral submissions of the Parties:

First pleading of the Claimant: 60 minutes

First pleading of the Defendant: 60 minutes

Each Party will then have the opportunity to respond to the arguments of the other party within a time frame of 30 minutes.

- V. At the oral hearing, the Court will use the feature analyses already contained in the Order of 30 April 2024 (ACT\_590953/2023; UPC\_CFI\_463/2024), taking into account the language of the proceedings in English translation.

DETAILS OF THE ORDER:

Main file reference ACT\_15774/2024

UPC-number: UPC\_CFI\_140/2024

Type of procedure: Infringement action

Issued in Düsseldorf on 2 May 2025

NAMES AND SIGNATURES

Presiding Judge Thomas