



Local Division Munich
UPC_CFI_18/2025
UPC_CFI_439/2025

Procedural Order
of the Court of First Instance of the Unified Patent Court
Local Division Munich
issued on 2 June 2025

CLAIMANT

1) BioMarin Pharmaceutical Inc.

105 Digital Drive - CA 94949 - Novato - US

represented by: Dr. Christian Paul, Dr. Tobias Mandler, Pascal Grandé, Dr. Olga Bezzubova,
Dr. Ping Li, Dr. Sven Rihm (JONES DAY)

supported by: Jason Raeburn, Alex Morgan (PAUL HASTINGS)

DEFENDANTS

1) Ascendis Pharma A/S

Tuborg Boulevard 12 - 2900 - Hellerup - DK

2) Ascendis Pharma Growth Disorders A/S

Tuborg Boulevard 12 - 2900 - Hellerup - DK

represented by: Agathe Michel-de Cazotte, Anna Leathley, Daniel Wiese (Carpmaels & Ransford)

PATENT AT ISSUE

European patent n° 3 175 863

PANEL/DIVISION

Panel 1 of the Local Division Munich

DECIDING JUDGE/S

This order has been issued by the Presiding Judge Dr. Matthias Zigann acting as judge-rapporteur and the legally qualified judges András Kupecz and Tobias Pichlmaier.

LANGUAGE OF THE PROCEEDINGS

English

SUBJECT-MATTER OF THE PROCEEDINGS

Scheduling
R 28, 33, 37.2 RoP

GROUNDS

Both parties requested to proceed with both the infringement action and the counterclaim, and to ask the President of the Court of First Instance to appoint a technically qualified judge to the panel. As the panel sees no strong arguments against this approach, it is hereby ordered.

Both parties confirmed that they would be available on the proposed dates.

However, BioMarin raised concerns about the date of the interim conference, given that the vacation period ends on 6 January 2026. The proximity of this date to the vacation period would not allow sufficient time for coordination and preparation once the vacation period ends. As the judge rapporteur's calendar does not permit postponement of the interim conference by a week, as suggested by BioMarin, the panel supports the judge rapporteur's decision to set the date of the interim conference for 9 January 2026. BioMarin can decide for itself when and for how long to take a holiday. They will anyhow be available on that date. They will have more than two full days to prepare, given that the written procedure will end on 24 November 2025, with suggestions for topics for the interim conference to be submitted by 19 December 2025.

ORDER

1. The date for the interim conference via videoconference is set for 9 January 2026, 10.00 a.m.
2. Parties are invited to suggest topics for the interim conference by 19 December 2025.
3. The date for the oral hearing in person in Denisstr. 3 in Munich, room 212 and overflow room 220b, is set for 18 March 2026, 9.00 a.m.
4. Parties are summoned to these dates.
5. The panel will proceed with both, the infringement action and the counterclaim for revocation and therefore requests the President of the Court of First Instance to allocate a technically qualified judge out of the technical field of biotechnology to the panel.
6. The written procedure will end on 24 November 2025.

Dr. Zigann Presiding Judge	
Kupecz Legally Qualified Judge	
Pichlmaier Legally Qualified Judge	

INFORMATION ABOUT ORAL HEARING HELD IN COURT

The oral hearing shall be open to the public unless the Court decides to make it, to the extent necessary, confidential in the interests of one or both parties or third parties or in the general interest of justice or public order (R. 115 RoP).

INFORMATION ABOUT AUDIO RECORDING

The oral hearing shall be audio recorded. The recording shall be made available at the premises of the Court to the parties or their representatives after the oral hearing (R. 115 RoP).

INFORMATION ABOUT ABSENCE OR DELAY OF A REPRESENTATIVE

A decision by default may be given, upon request, against a party that was duly summoned but fails to appear at the oral hearing (R. 355.1 (b) RoP).

INFORMATION ABOUT DECISION BY DEFAULT

Should a party fail to comply with the present Order within the time period specified, a decision by default may be given in accordance with R. 355 RoP (R. 103.1, last subparagraph and .2 RoP).

Details of the Order

Order no. ORD_25163/2025 in ACTION NUMBER: ACT_1613/2025

UPC number: UPC_CFI_18/2025

Action type: Infringement Action