



UPC Court of Appeal  
UPC\_CoA\_120/2025  
APL\_7604/2025  
App\_24387/2025  
App\_24411/2025  
App\_24847/2025

**ORDER**  
**of the Court of Appeal of the Unified Patent Court**  
**issued on 3 June 2025**  
**concerning a confirmation of a settlement**

APPELLANTS (AND CLAIMANTS BEFORE THE COURT OF FIRST INSTANCE)

1. **Tandem Diabetes Care Europe B.V.**, Schiphol Boulevard 359, WTC Schiphol Airport, D-Tower 11th floor, 1118 BJ, Schiphol, The Netherlands
2. **Tandem Diabetes Care, Inc.**, 12400 High Bluff Drive, CA 92130, San Diego, USA

(hereinafter jointly referred to as 'Tandem Diabetes')

both represented by attorney-at-law Christian Dekoninck, Taylor Wessing, Brussels, Belgium, and other representatives from that firm as well as from AOMB, Eindhoven, The Netherlands

RESPONDENT (AND DEFENDANT BEFORE THE COURT OF FIRST INSTANCE)

**Roche Diabetes Care GmbH**, Sandhofer Strasse 116, 68305, Mannheim, Germany

(hereinafter 'Roche Diabetes')

represented by attorney-at-law Dr. Christof Augenstein, Kather Augenstein, Düsseldorf, Germany, and other representatives from that firm as well as from Grünecker Patent- und Rechtsanwälte, Munich, Germany

PATENT AT ISSUE

EP 2 196 231

PANEL AND DECIDING JUDGES

Panel 2

Rian Kalden, presiding judge and legally qualified judge

Ingeborg Simonsson, legally qualified judge and judge-rapporteur

Patricia Rombach, legally qualified judge

Jeroen Meewisse, technically qualified judge

Stefan Wilhelm, technically qualified judge

#### IMPUGNED DECISION OF THE COURT OF FIRST INSTANCE

Central Division Paris, 18 December 2024, revocation action ACT\_589997/2023, UPC\_CFI\_454/2023

#### LANGUAGE OF THE CASE

English

#### SUMMARY OF FACTS

1. Tandem Diabetes lodged an action for revocation of the patent at issue, relating to a system for ambulatory drug infusion, against Roche Diabetes before the Central Division Paris.
2. In the impugned decision, the Central Division dismissed the revocation action, maintained the patent at issue as granted and ordered that the costs of the proceedings should be borne by Tandem Diabetes.
3. Tandem Diabetes appealed. The parties then informed the Court that they had concluded the proceedings by way of settlement.

#### REQUESTS OF THE PARTIES

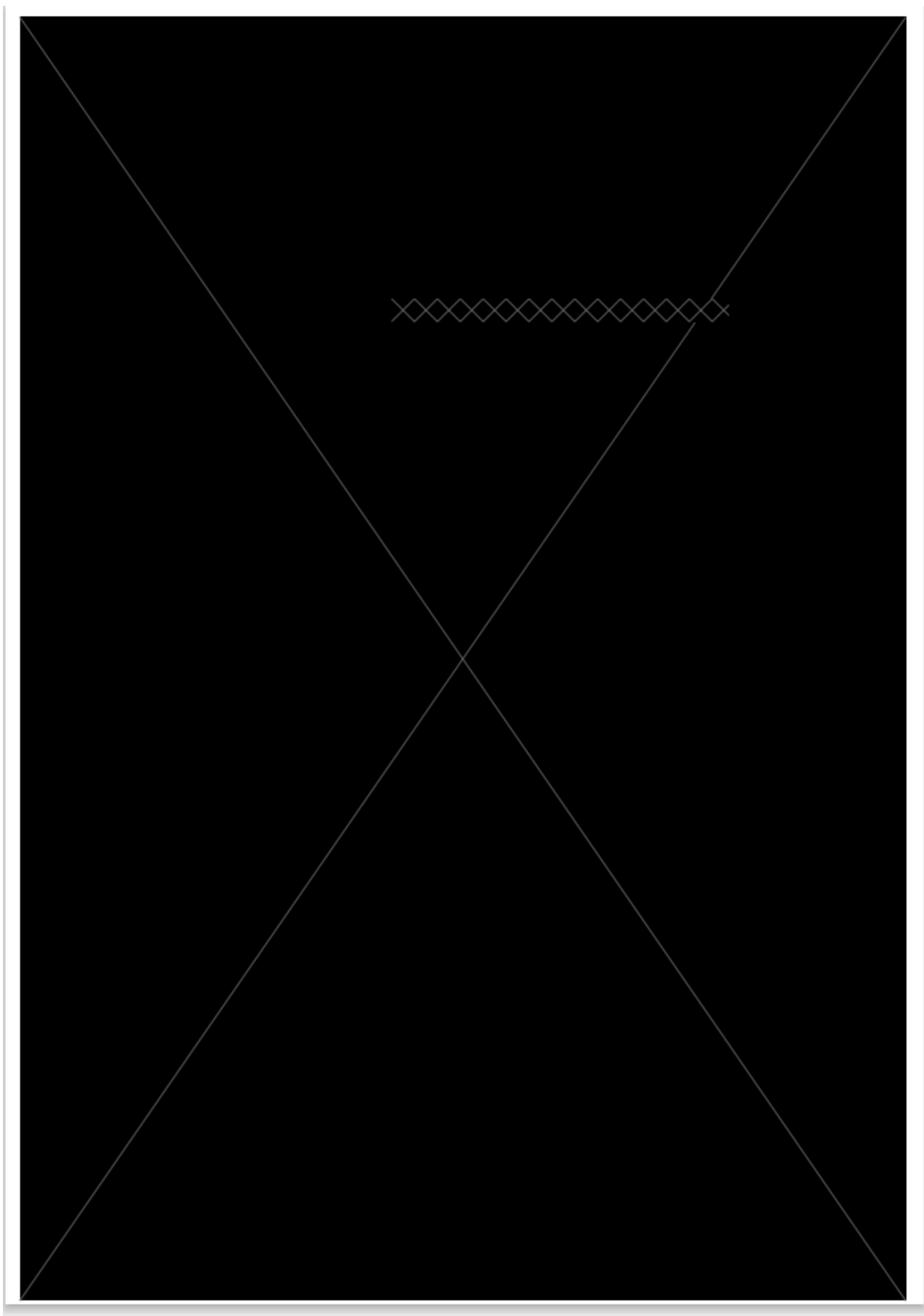
4. Both parties request that the Court of Appeal
  - I. confirm that the parties have concluded the Settlement Agreement according to Annex BBY 1;
  - II. order that details of the settlement are confidential;
  - III. confirm that each party bears its own costs and that no costs shall be reimbursed between the parties.

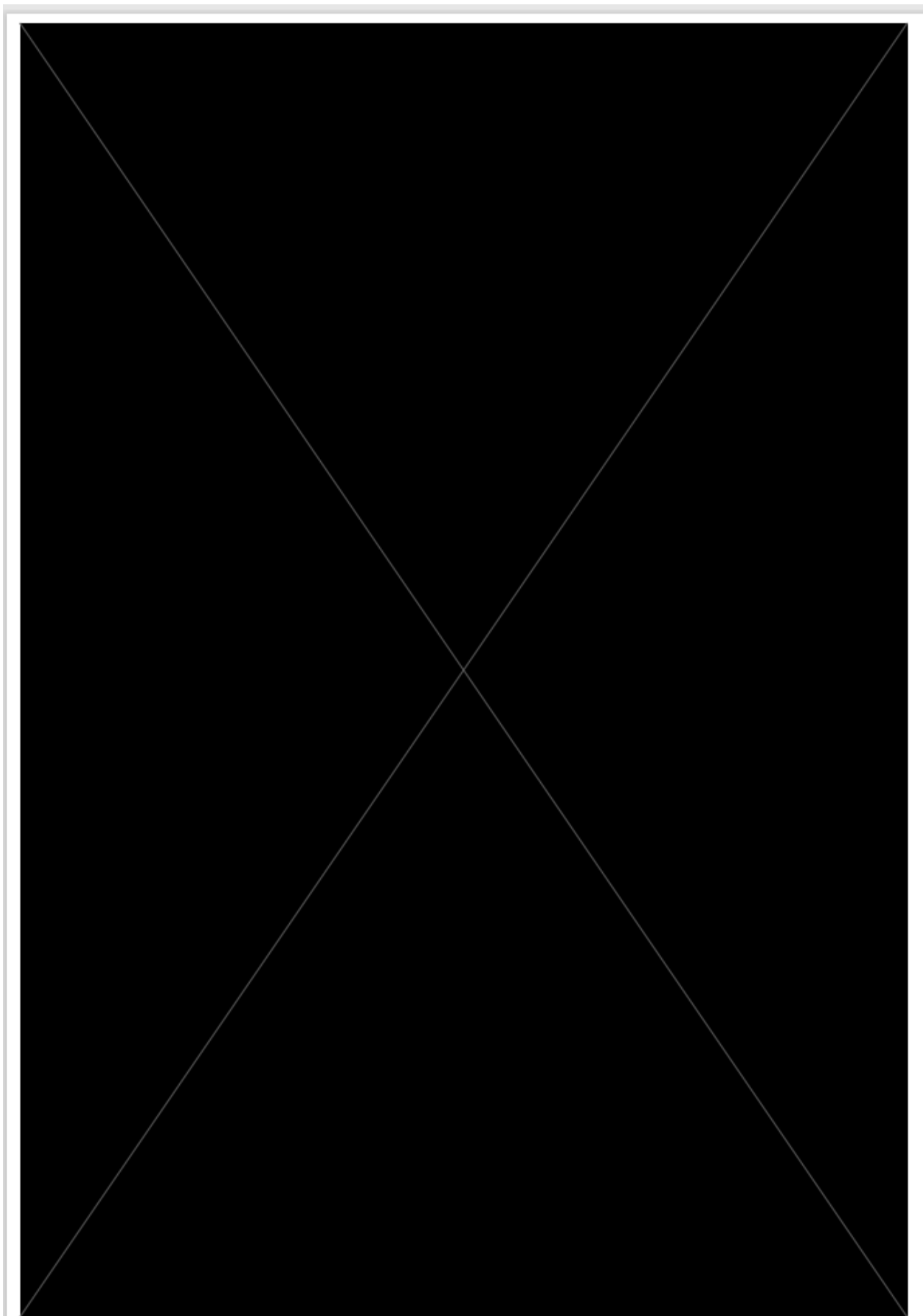
#### REASONS

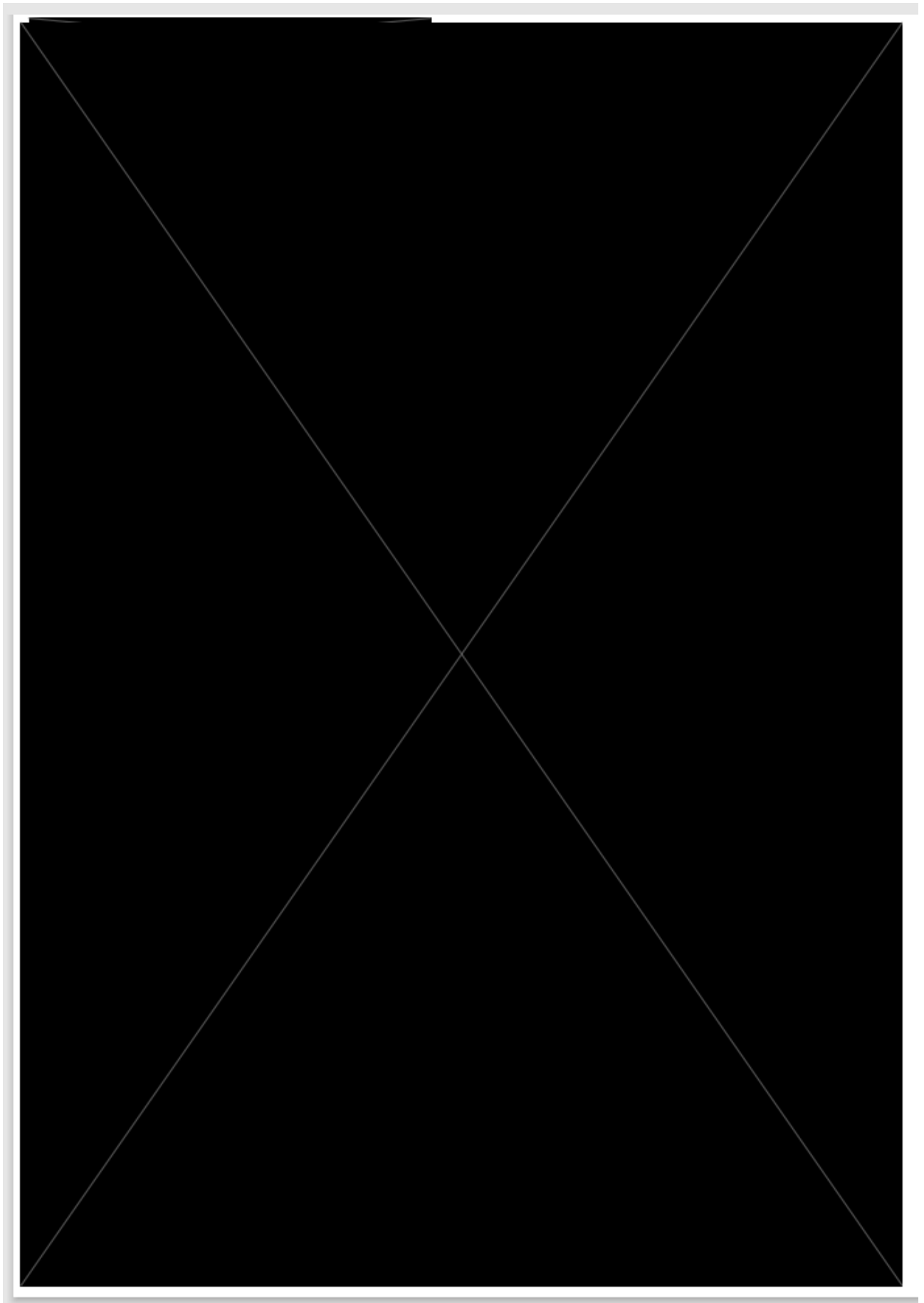
5. According to R. 365 RoP, if requested by the parties, the Court shall confirm the settlement that they have reached. Such decision may be enforced as a final decision of the Court and shall be entered on the Register.
6. The R. 262.2 RoP request will be decided once a R. 262.1(b) RoP request is made by a member of the public.
7. The Settlement Agreement contains confidential information.

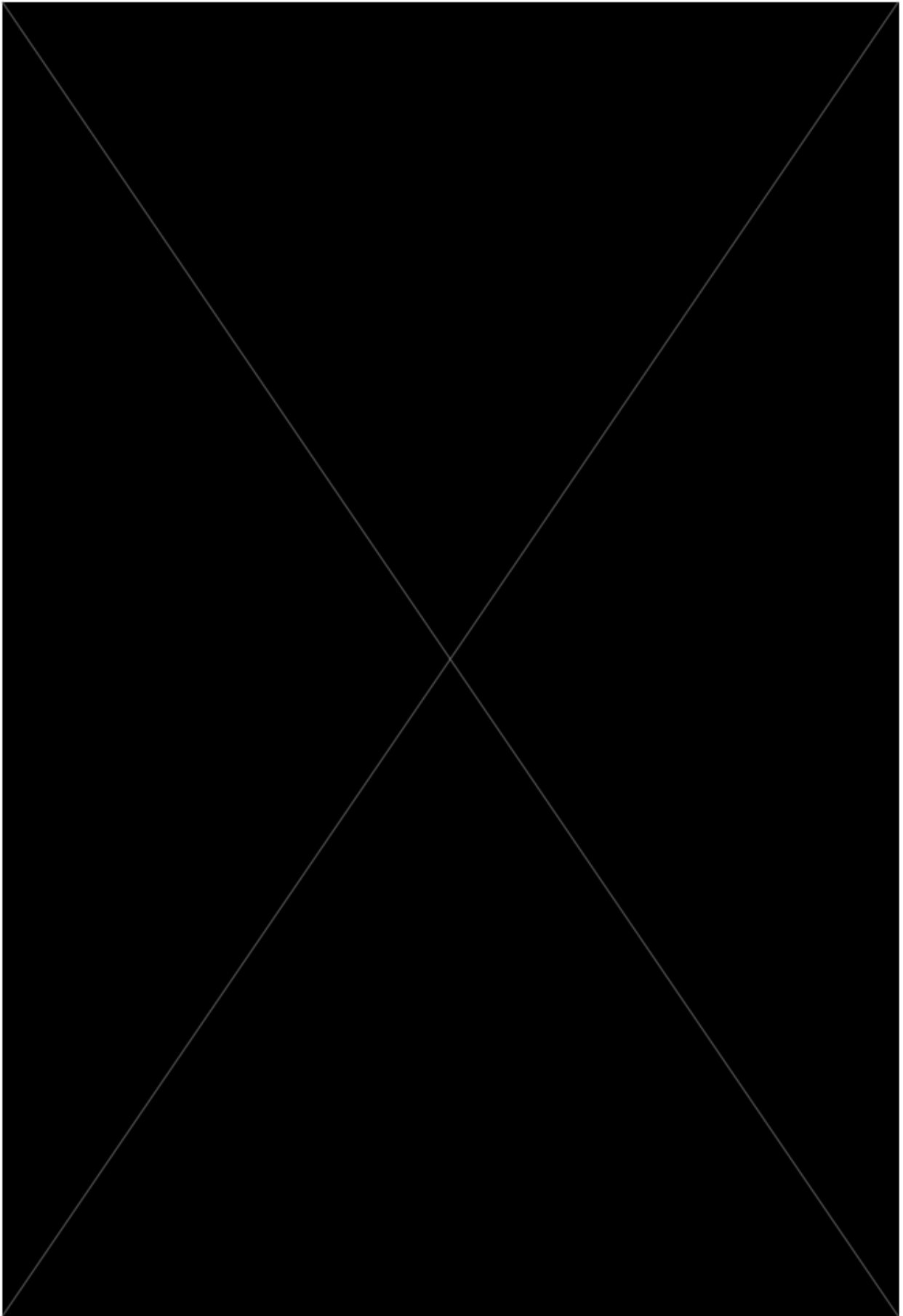
#### ORDER

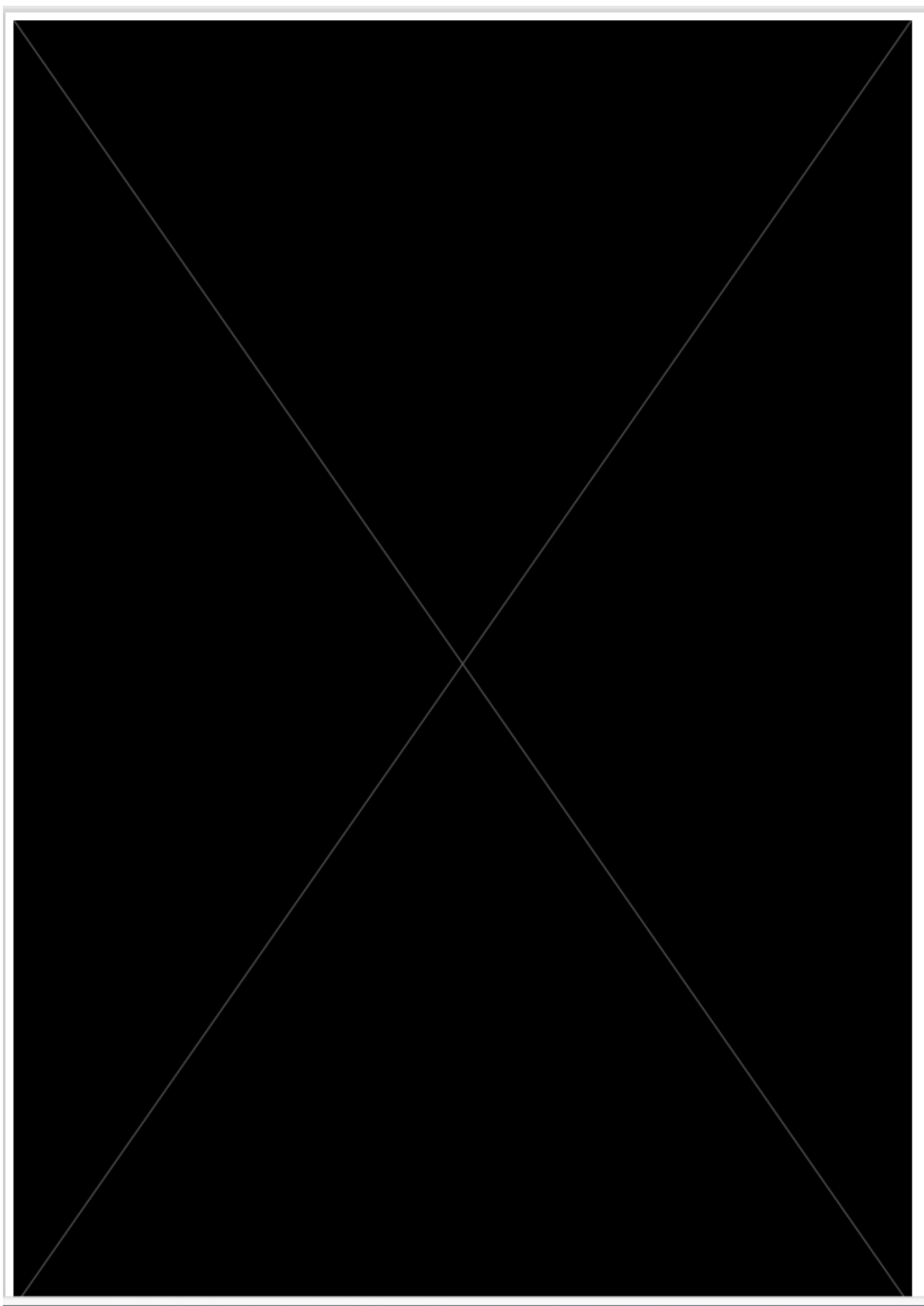
- I. At the request of the parties the Court of Appeal confirms, pursuant to R. 365.1 RoP, that the parties have concluded the following Settlement Agreement :

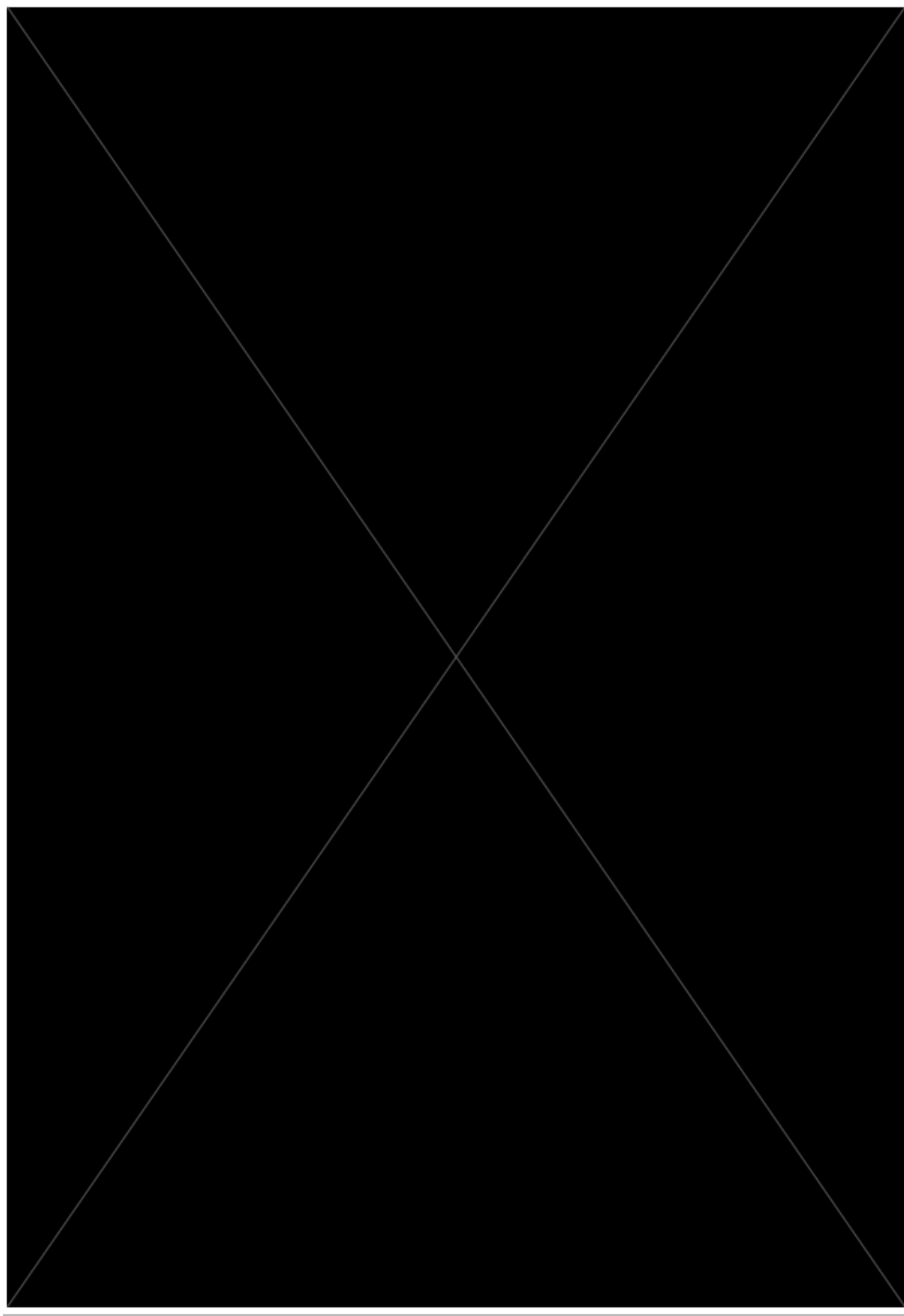


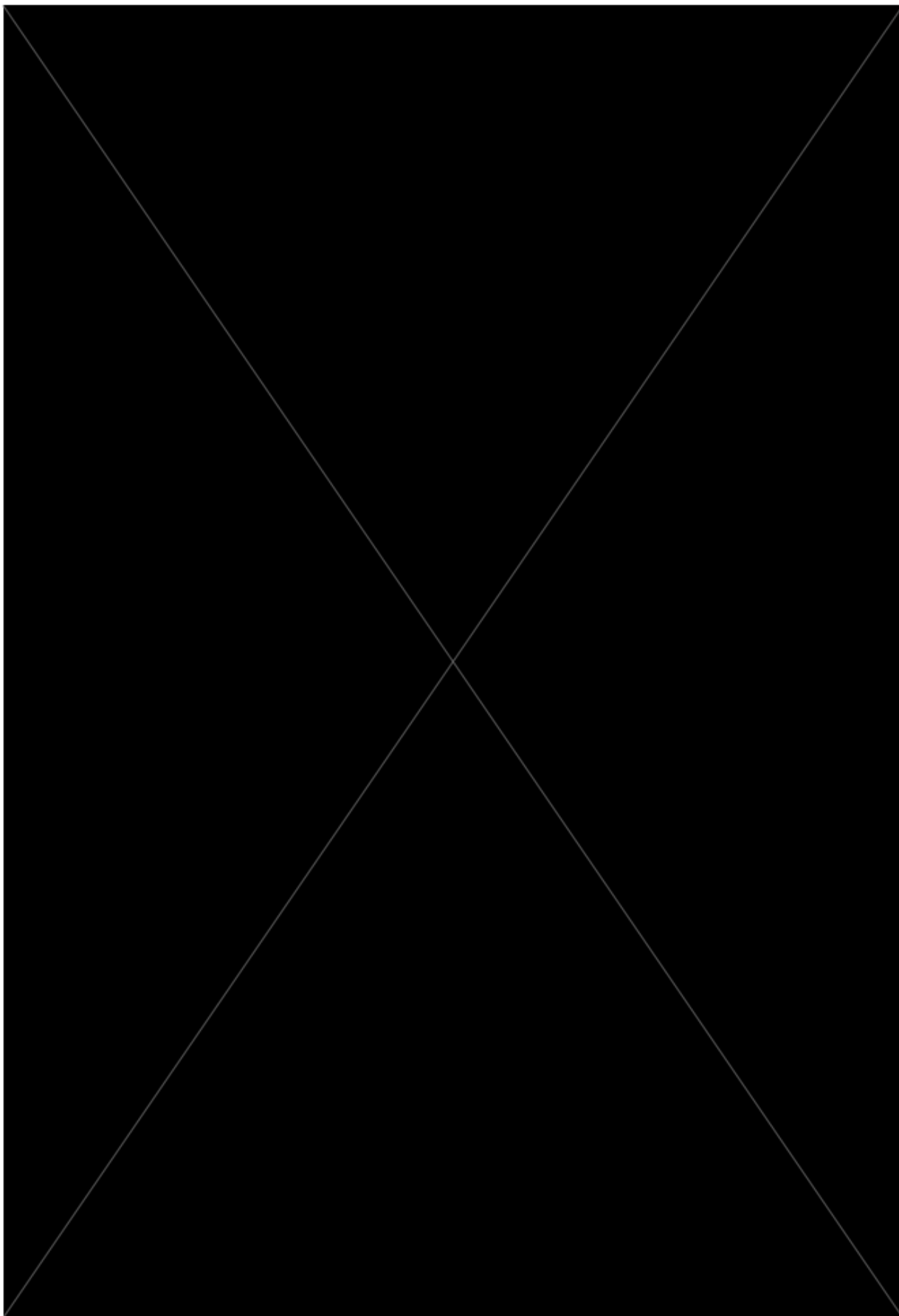


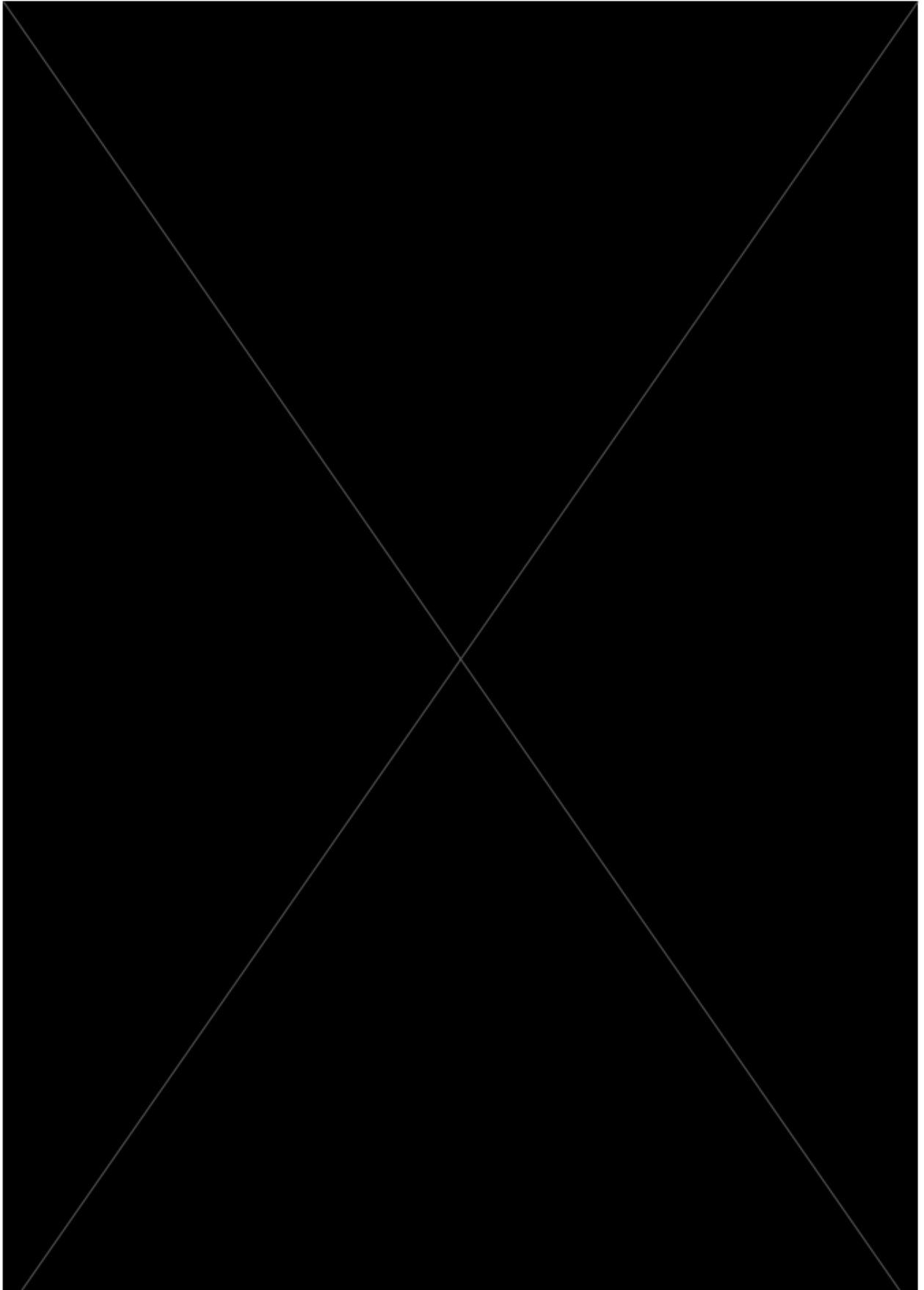


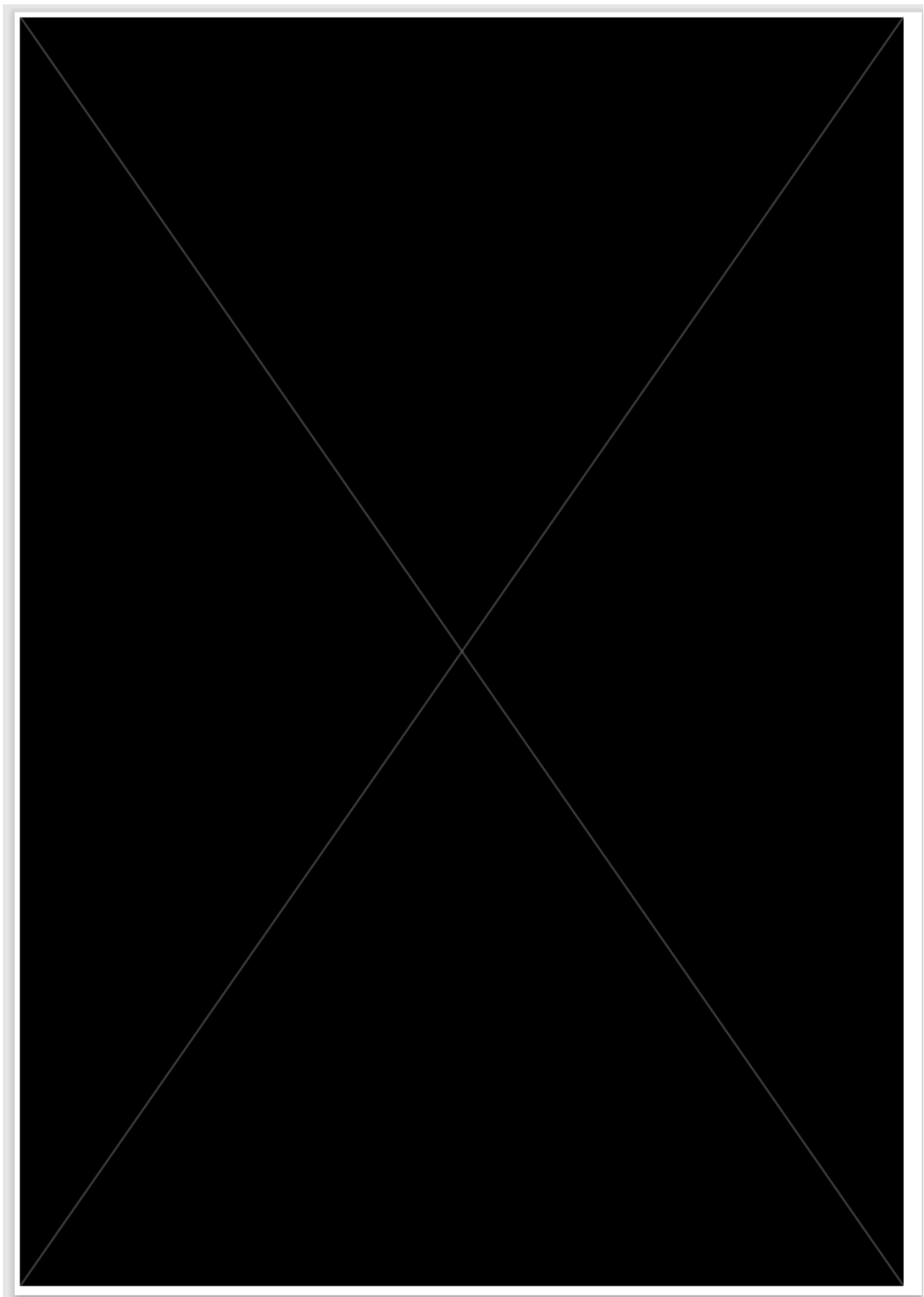


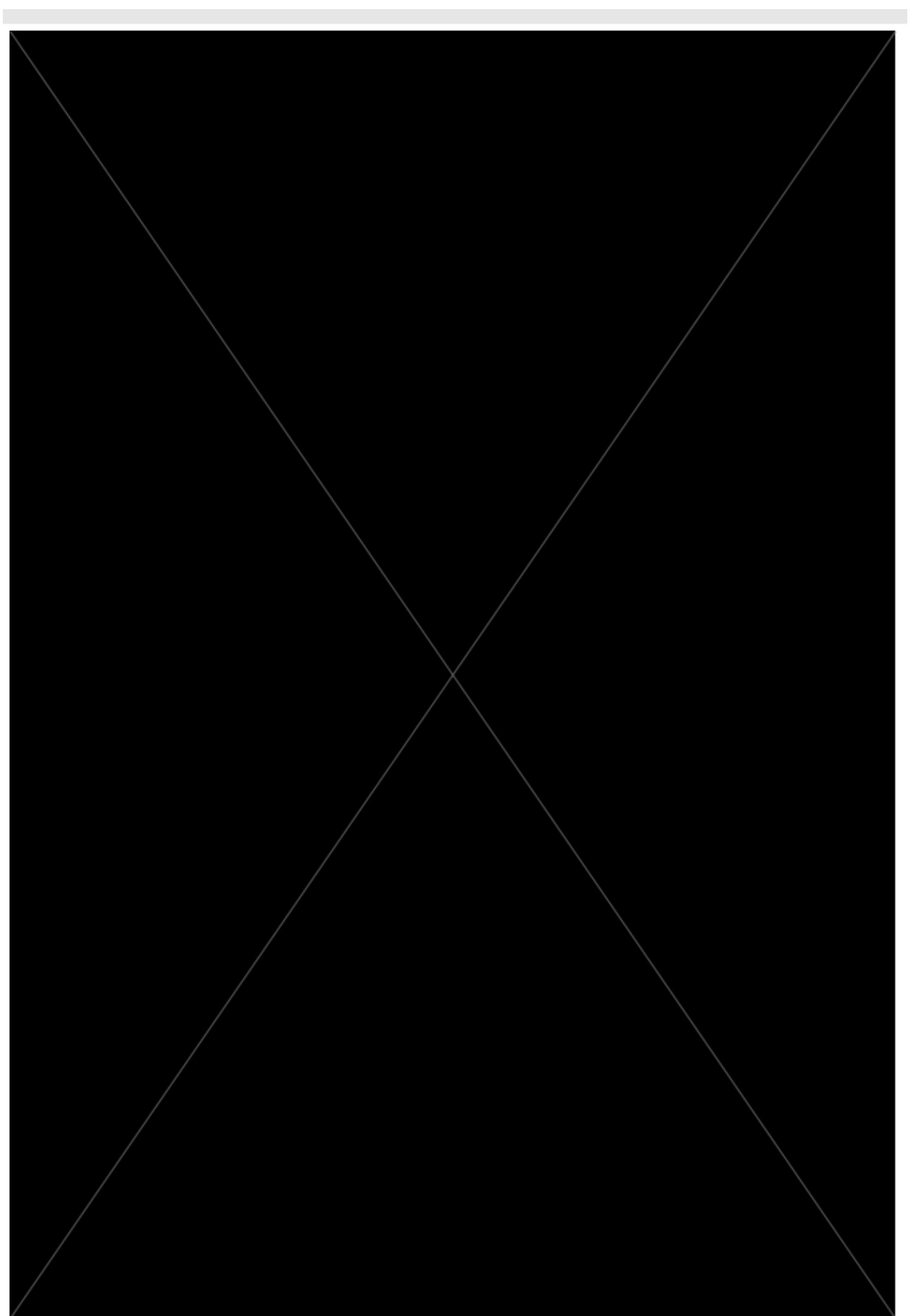


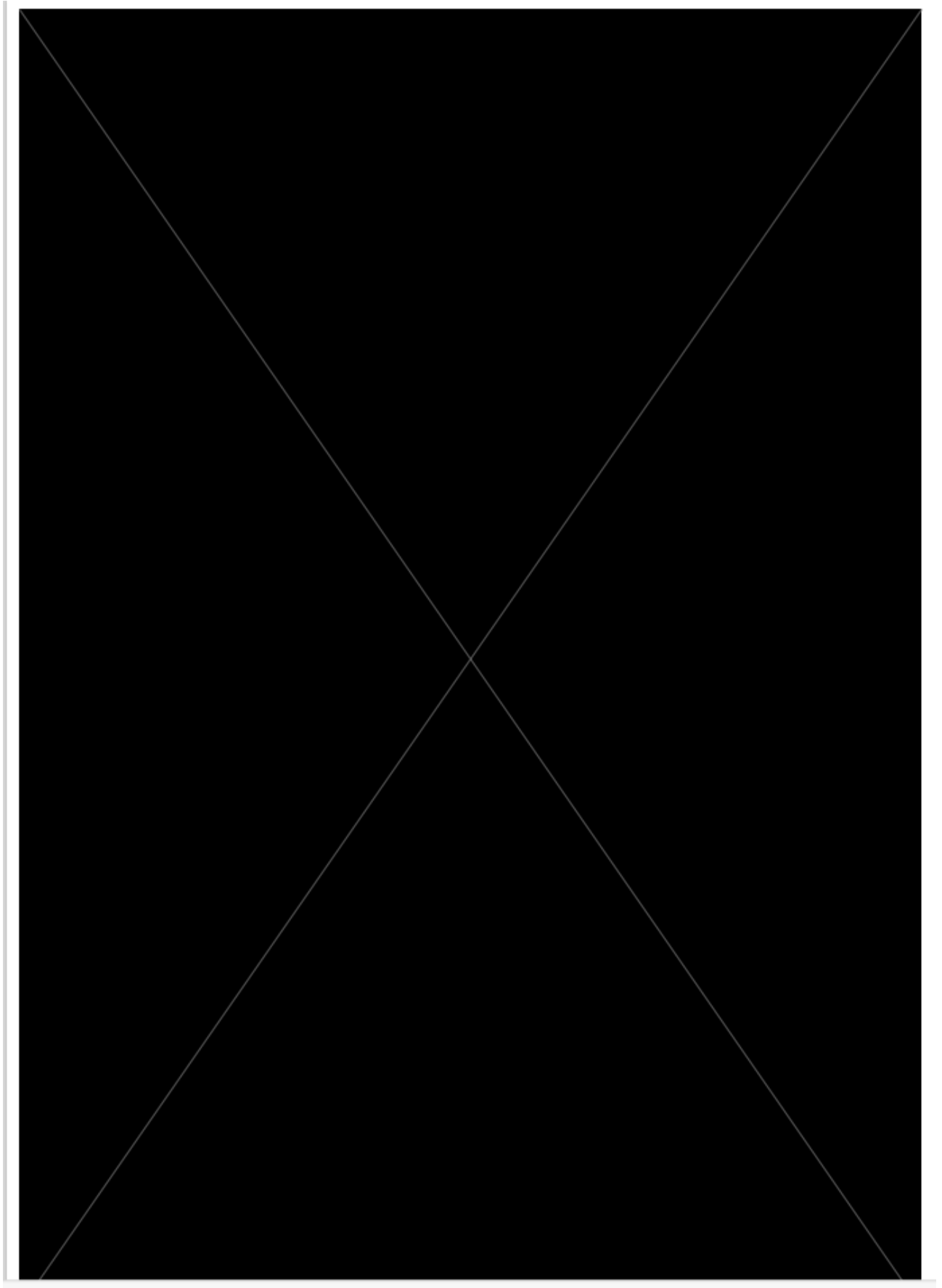


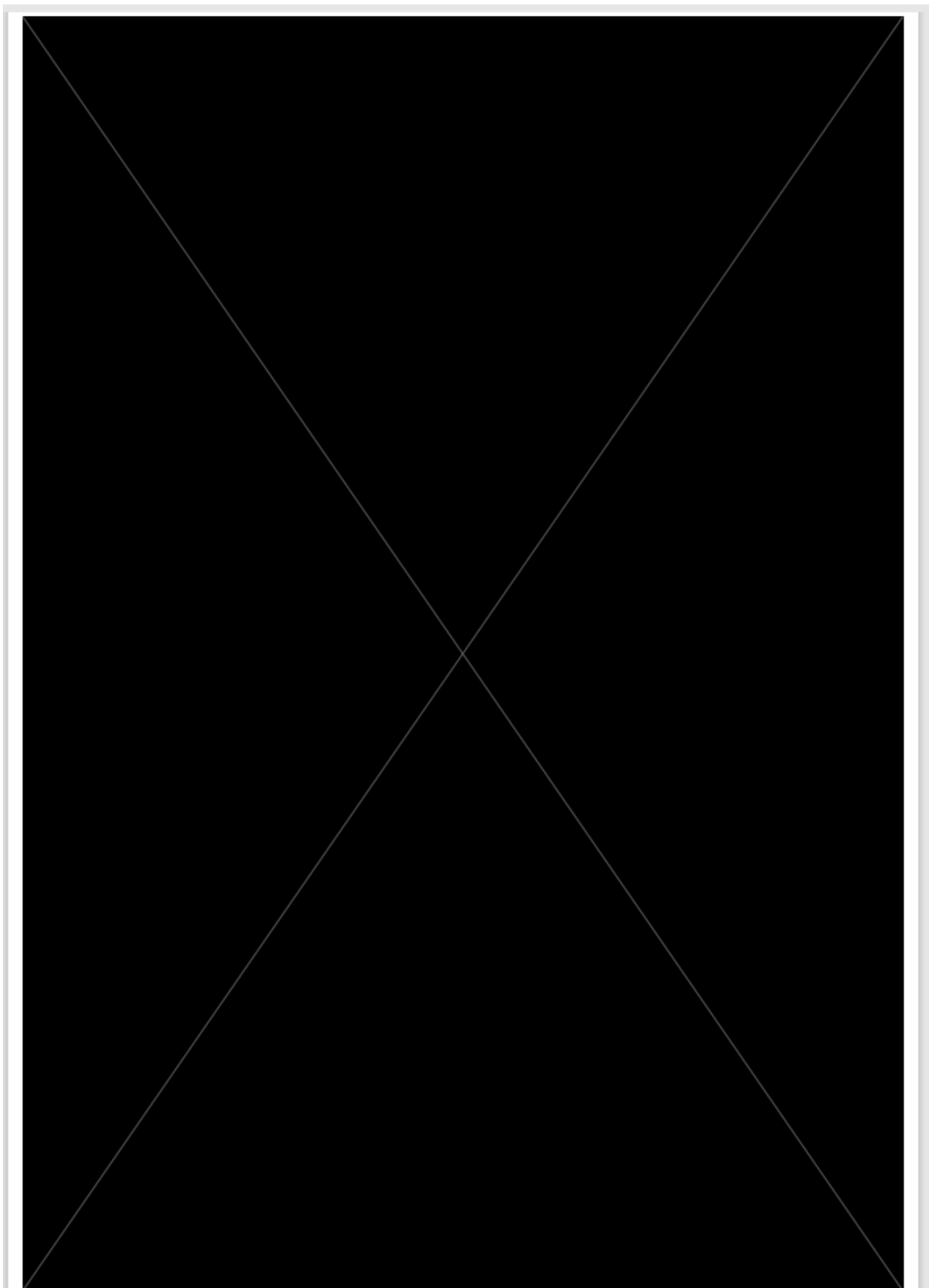


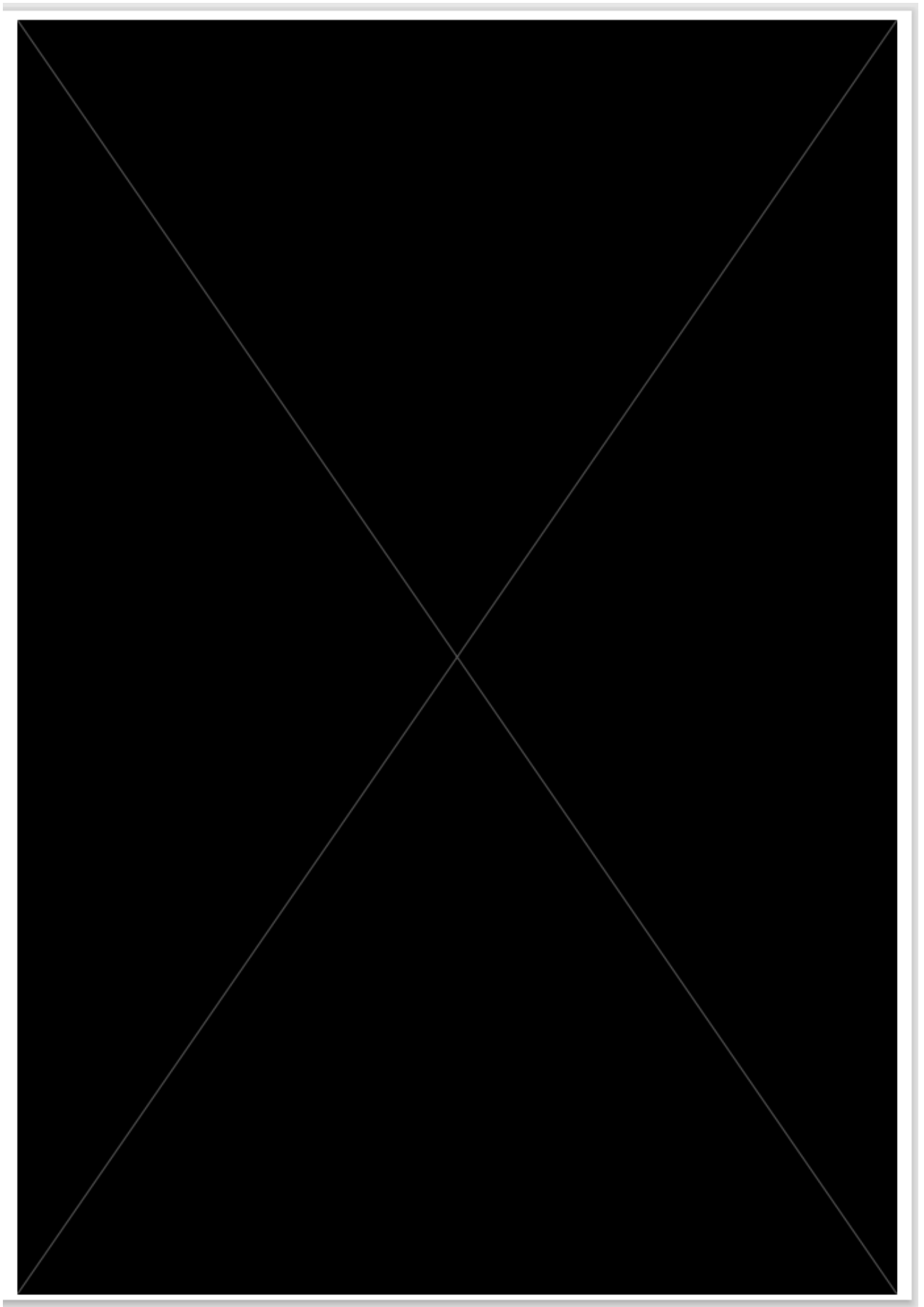


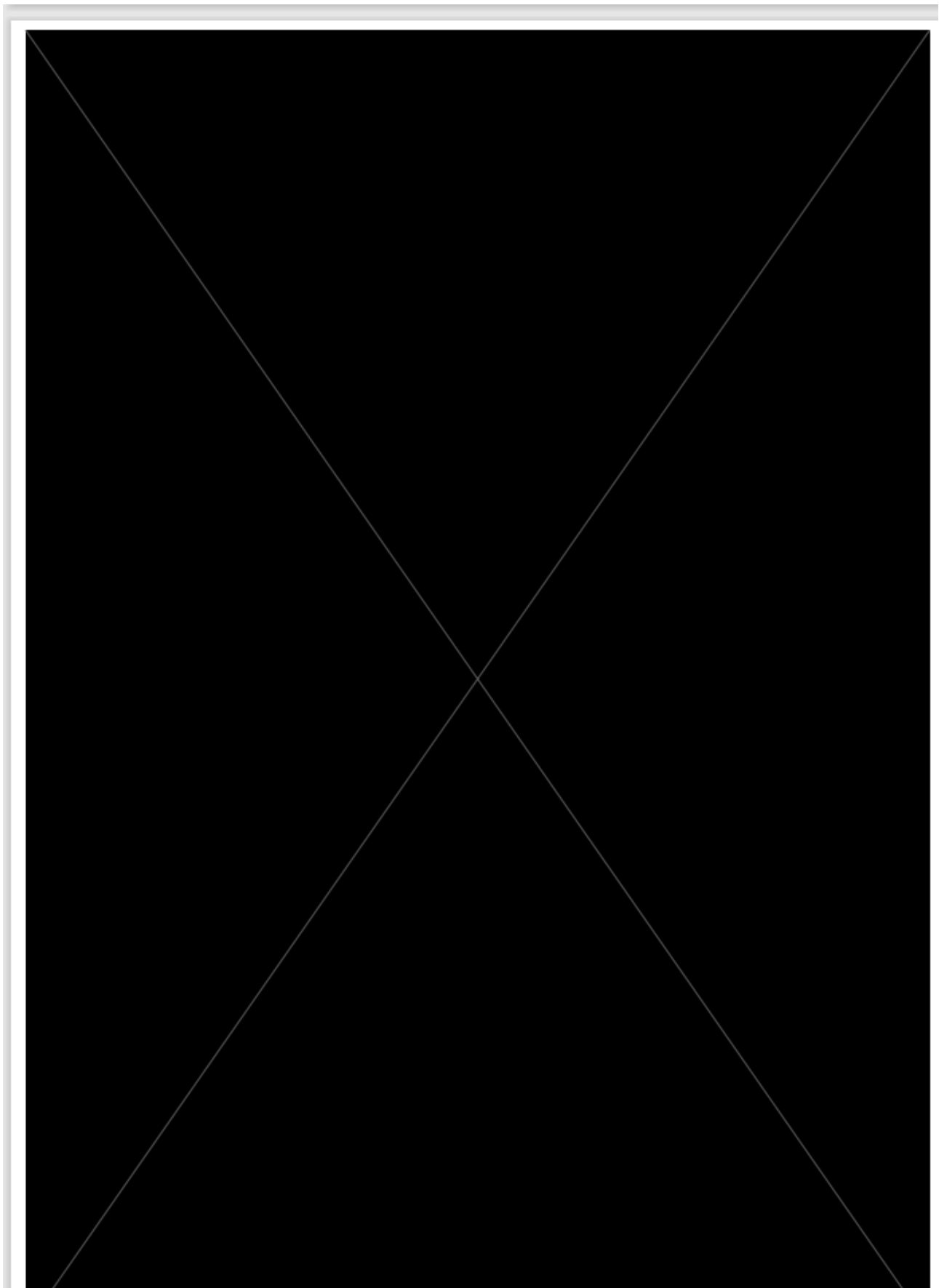


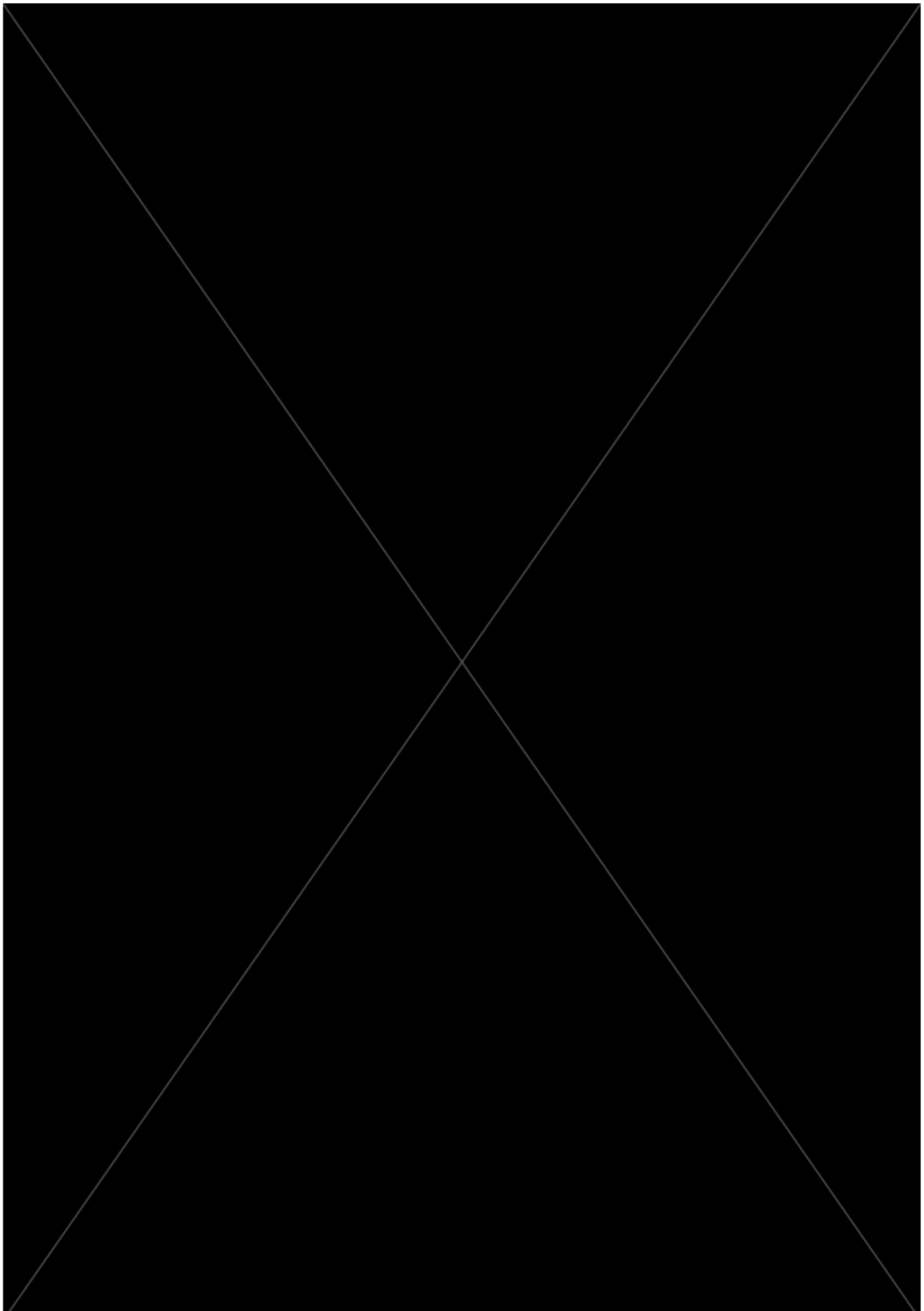


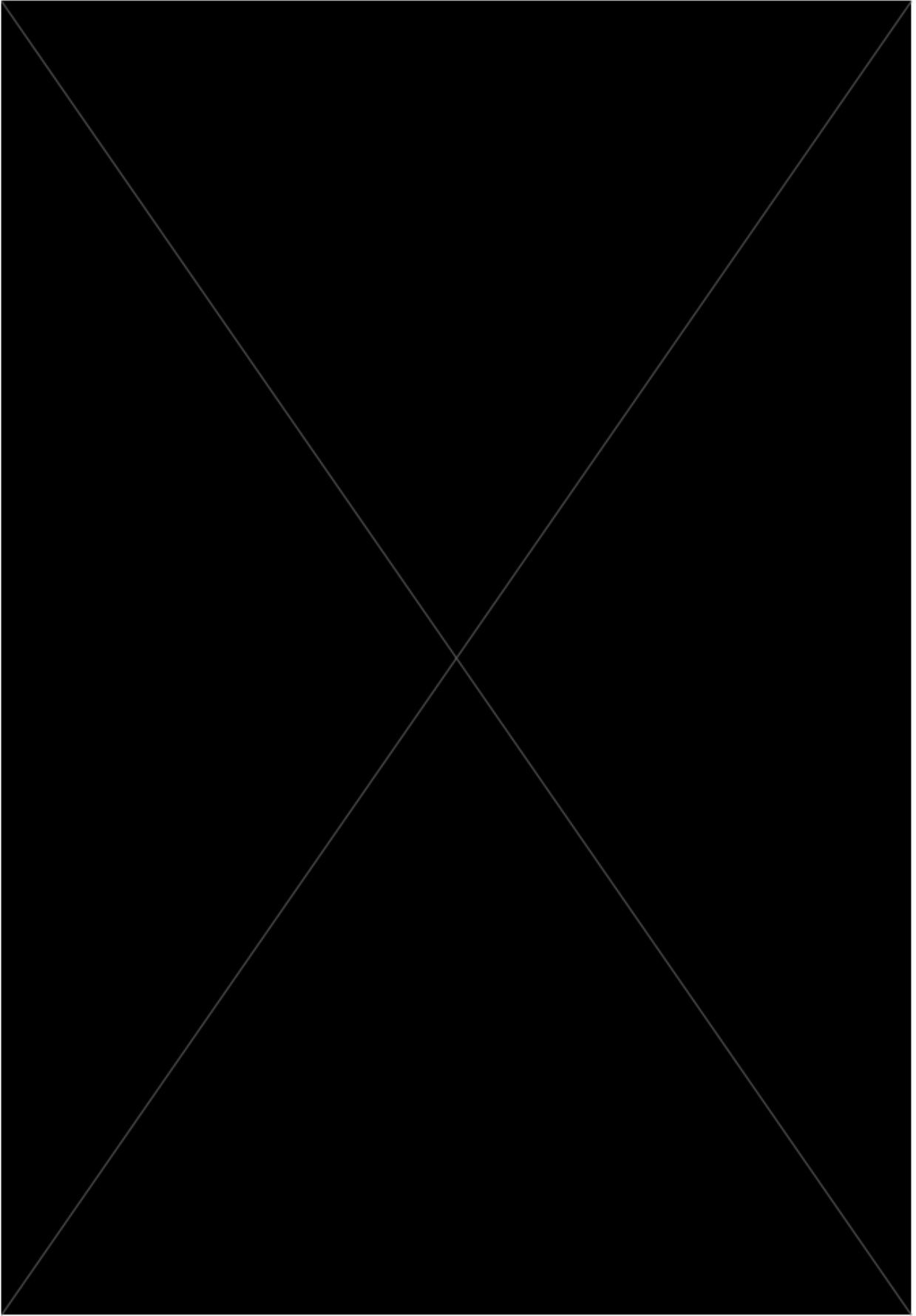


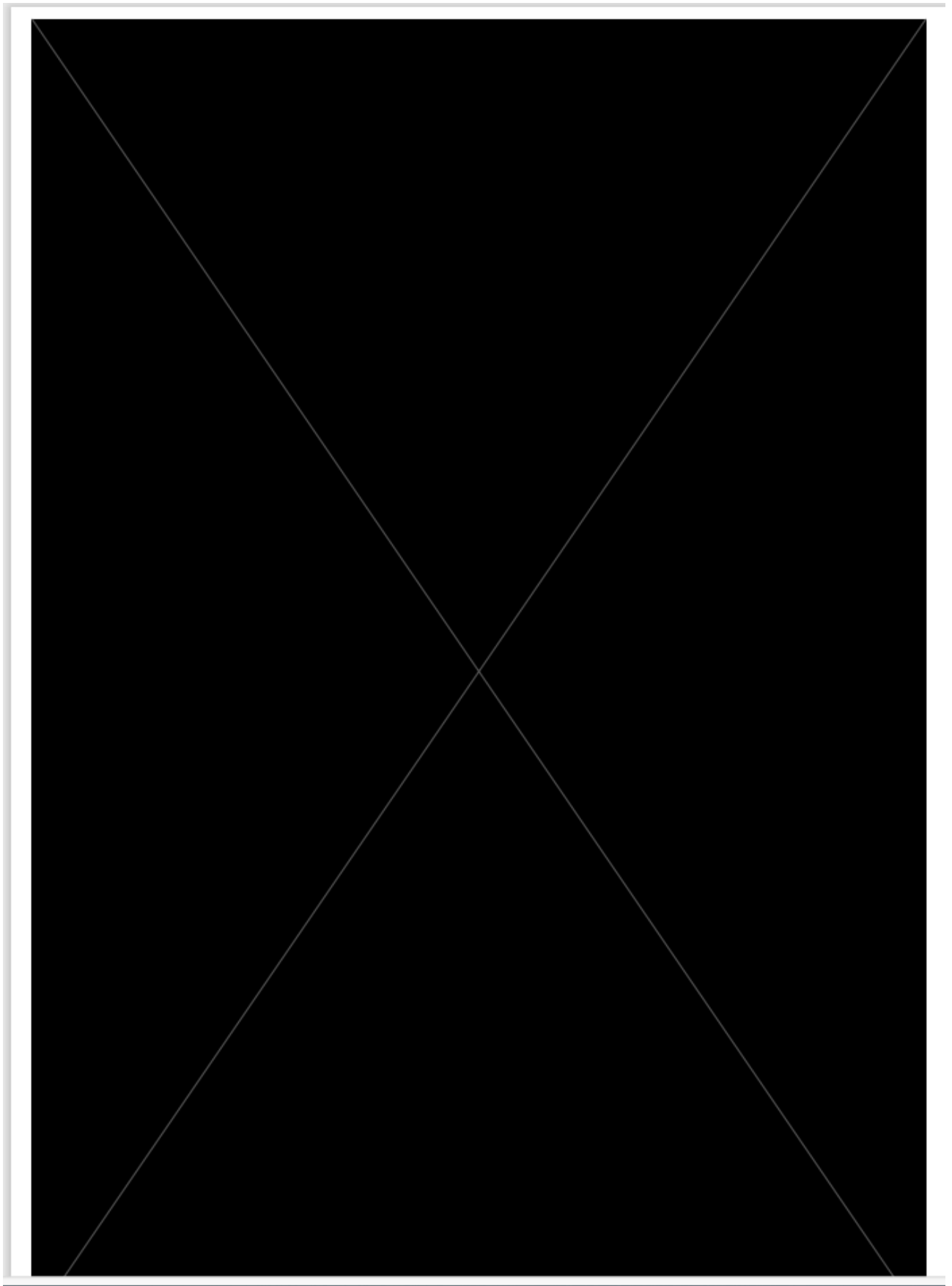


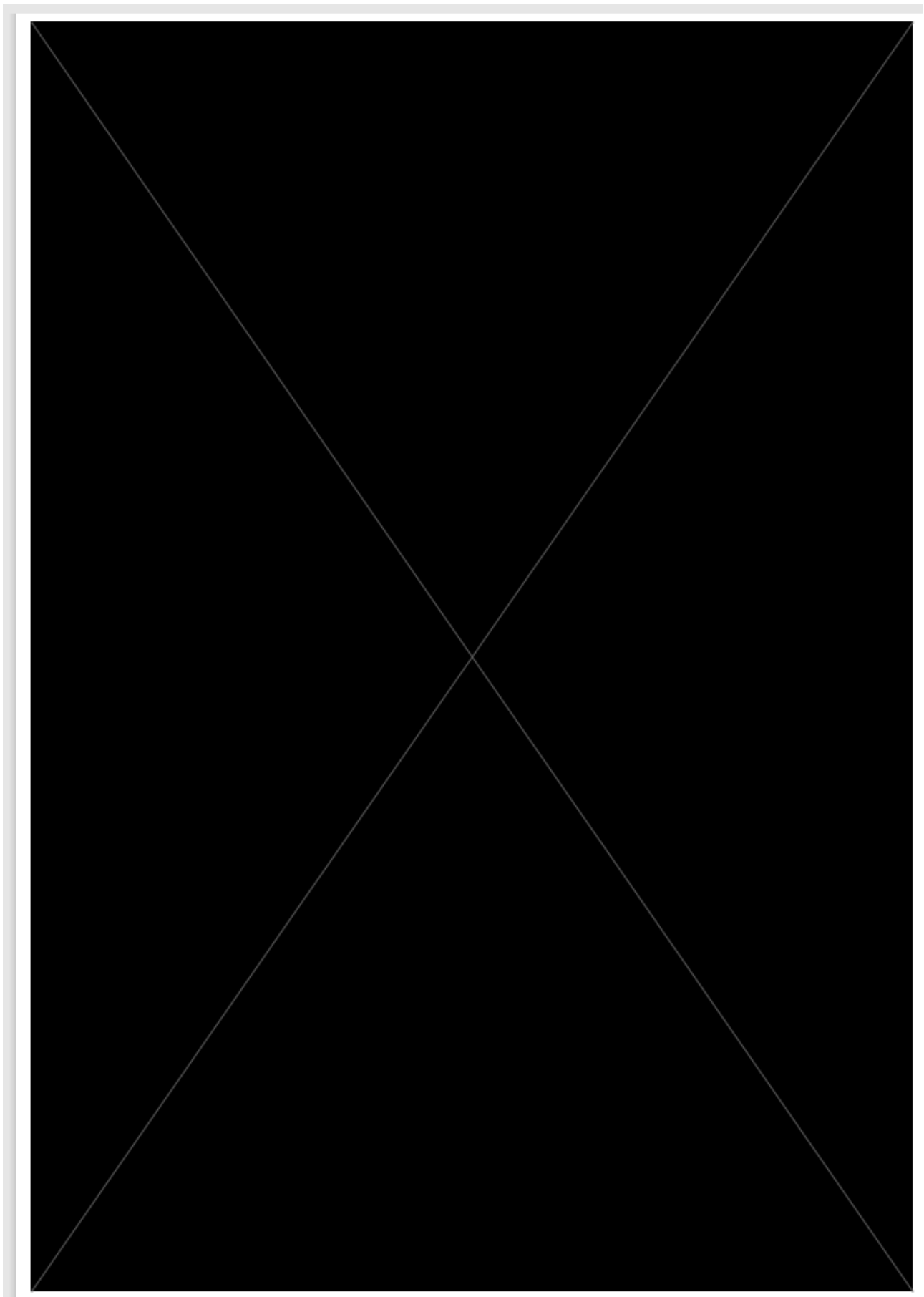


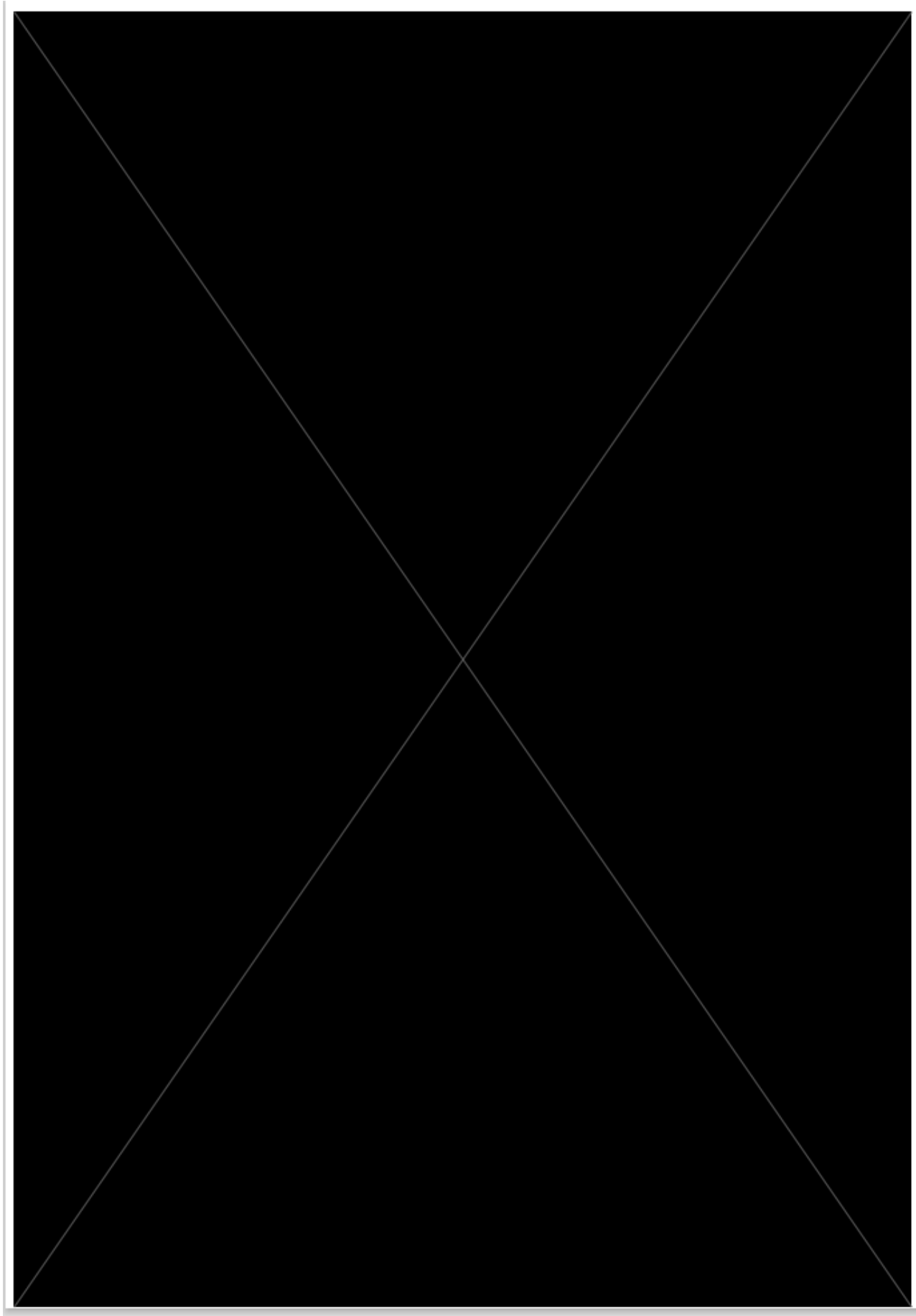


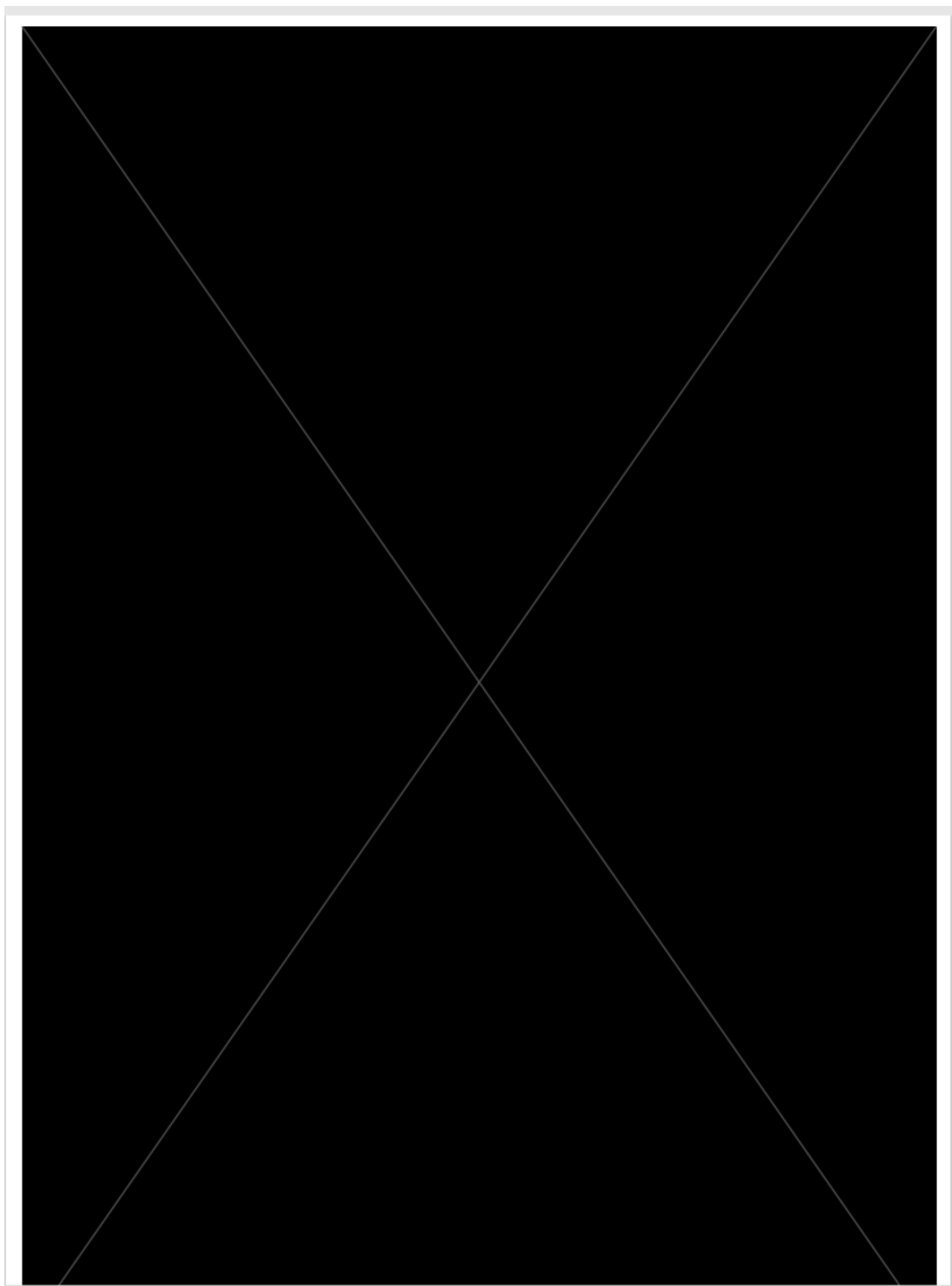


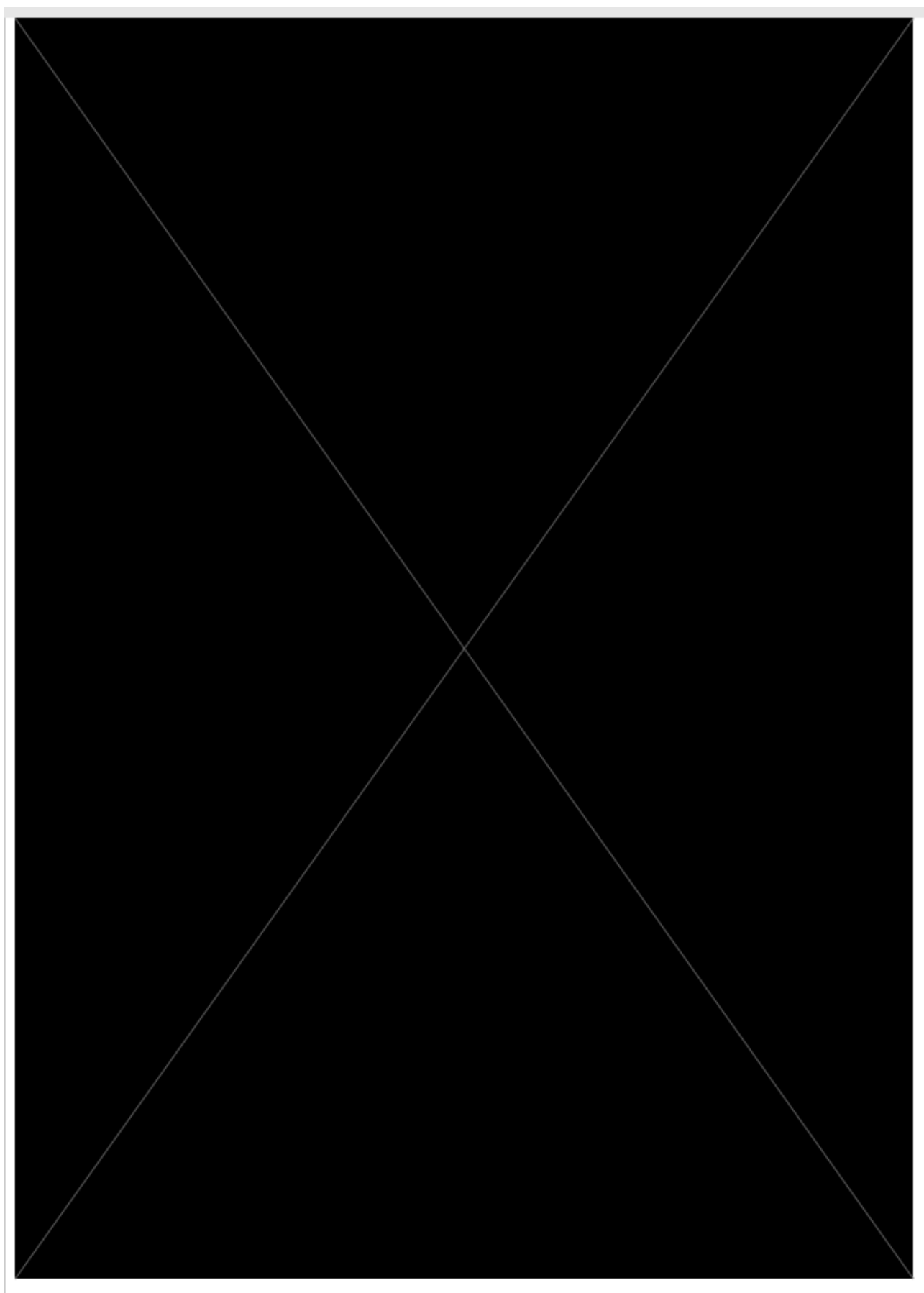












- II. This settlement terminates the proceedings before the Court of Appeal pending under UPC\_CoA\_120/2025, APL\_7604/2025.
- III. The Court of Appeal confirms that each party shall bear its own costs and that no costs shall be reimbursed between the parties.
- IV. This decision in the redacted version shall be entered on the register;
- V. This decision is enforceable as a final decision of the Court of Appeal.

Issued on 3 June 2025

Rian Kalden, presiding judge and legally qualified judge

Ingeborg Simonsson, legally qualified judge and judge-rapporteur

Patricia Rombach, legally qualified judge

Jeroen Meewisse, technically qualified judge

Stefan Wilhelm, technically qualified judge

For the Registry