

ORDER
of the Court of Appeal of the Unified Patent Court
issued on 3 July 2025
concerning reimbursement of Court fees

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 Konstantin Schallmoser, Bonabry, Paris, France

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 JUDGE

Panel 2

Ingeborg Simonsson, legally qualified judge and judge-rapporteur

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

FACTS AND PARTY REQUEST

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. On 3 June 2025, at the request of the parties, the Court of Appeal confirmed the settlement pursuant to R. 365.1 RoP.
4. On 24 June 2025, Tandem Diabetes lodged an application for reimbursement of 60% of the Court fees it paid for the appeal.

GROUND FOR THE ORDER

5. If the parties have concluded their action by way of settlement, the party liable for the Court fees will upon request receive a refund of 60% in accordance with R.370.9(c)(i) RoP and R. 370.11 RoP if the action is settled before the closure of the written procedure.
6. The written procedure had not been closed at the time when the action was settled. Accordingly, Tandem Diabetes is entitled to a reimbursement of 60% of the Court fees it paid for the appeal pursuant to R. 370.9(c)(i) RoP.

ORDER

The Court of Appeal orders that 60% of the appeal Court fees be reimbursed to Tandem Diabetes.

Issued on 3 July 2025

Ingeborg Simonsson, legally qualified judge and judge-rapporteur