

**Procedural Order**  
**of the Court of First Instance**  
**issued on 26 September 2025**  
**concerning EP 3 756 767 B1**

CLAIMANT:

**Labrador Diagnostics LLC**, represented by its Managers William Chan, Jonathan James, Erez Levy and Ami Patel Shah, 701 S. Carson Street, Suite 200, Carson City, 89701 Nevada, USA,

represented by:

Christof Höhne and all other UPC Representatives of EIP Europe LLP including, in particular, Sebastian Fuchs, Matthew Blaseby, Darren Smyth (Breite Straße 29-31, 40213 Düsseldorf, Germany and Fairfax House, 15 Fulwood Place, WC1V 6HU, London, United Kingdom),

electronic address for service: chohne@eip.com

DEFENDANTS:

1. **bioMérieux SA**, represented by its President and CEO Alexandre Mérieux, 376 Chemin de l'Orme, 69280 Marcy l'Etoile, France,
2. **bioMérieux Deutschland GmbH**, represented by its Managing Director Alexandre Schneider, Weberstraße 8, 72622 Nürtingen, Germany,
3. **bioMérieux Italia S.p.A.**, represented by its Directors Renato Porta, Efstathios Chorianopoulos, Alain Mérieux and Yasha Mirotti Ventura, Via di Campigliano 58, Ponte a Ema 50012 Bagno a Ripoli (FI) Italy,
4. **bioMérieux Austria GmbH**, represented by its Managing Director Alexandre Schneider and Valérie Sick, Harry-Glück-Platz 2/5, A-1100 Vienna, Austria,
5. **bioMérieux Portugal**, represented by its Managers Maria Antónia Ferreira Pica Nascimento, Pedro Hugo Di Rocco, Lapo Giacometti and Eric Marie Pierre Maillet, Lda., Av 25 de Abril de 1974, N°23-3, 2795-197 Linda-a-Velha, Portugal,
6. **bioMérieux Benelux BV**, represented by its Directors Vincent Marciniak and Denis Monnaie, Databankweg 26 NL, 3821 AL Amersfoort, Netherlands,

represented by: Benjamin Husband and Agathe Michel-de Cazotte, Carpmaels & Ransford LLP, One Southampton Row, London WC1B 5HA, United Kingdom,

electronic address for service: ben.husband@carpmaels.com (Defendant 1.)  
#CR\_U010328UC@carpmaels.com (Defendants 2. to 6.)

PATENT AT ISSUE:

European patent n° 3 756 767 B1

PANEL/DIVISION:

Panel of the Local Division in Düsseldorf

DECIDING JUDGES:

This order was issued by Judge Dr Thom acting as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT OF THE PROCEEDINGS: R. 108 RoP- Summons to the oral hearing

ORDER:

1. It is hereby ordered that the parties, who will be represented by representatives (R. 8.2, 108 RoP), be summoned to the oral hearing (R. 209.1 (b) RoP), which will take place on

**Thursday, 27 November 2025, 09.30 CET, Courtroom BZ 5,**

in the premises of the Düsseldorf Local Division, Cecilienallee 3, 40474 Düsseldorf.

2. The written procedure shall be closed by 7 November 2025.
3. Currently, it is not intended to hold an interim conference.
4. If there is a discrepancy between the dates/times in this order and those provided by the CMS, the information in the order shall prevail.

DETAILS OF THE ORDER:

UPC-Number: UPC\_CFI\_315/2024

Subject of the Proceedings: Patent infringement action

Issued in Düsseldorf on 26 September 2025

NAMES UND SIGNATURES

|                                 |  |
|---------------------------------|--|
| Legally qualified Judge Dr Thom |  |
|---------------------------------|--|

SERVICE OF THE ORDER:

This order shall be served on the representatives of the parties, R. 276.1, 271 RoP.

INFORMATION ABOUT THE ORAL HEARING HELD IN THE 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).

TECHNICAL INFORMATION ON THE PARTICIPATION IN THE ORAL HEARING:

1. The parties are requested to inform the Sub-Registry at the Düsseldorf Local Division ([contact\\_dusseldorf.loc@unifiedpatentcourt.org](mailto:contact_dusseldorf.loc@unifiedpatentcourt.org)) **by 10 November 2025** at the latest of the names and qualifications of each person who will participate in the oral hearing.
2. Representatives and other participants of the parties who will attend the oral hearing online have to ensure that their video-conference equipment enables participation in the video conference using the Cisco Webex Meeting Solution. Those participants will also need to ensure that, in addition to the technical equipment, the acoustic and light of the room are adapted to perform videoconferencing.

The Link to the video conference will be sent separately by the Sub-Registry at the Düsseldorf Local Division.

Representatives and other online participants are encouraged to set up a test call with the Sub-Registry at the Local Division in Düsseldorf well before the oral hearing takes place. The contact details for arranging such a test call is the following: +49 211 4971 787 / -789 or [contact\\_dusseldorf.loc@unifiedpatentcourt.org](mailto:contact_dusseldorf.loc@unifiedpatentcourt.org).

3. Under the conditions laid down in R. 109 RoP, the parties are entitled to request simultaneous interpretation.

INFORMATION ABOUT THE 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).

## Important Notes

### Security control:

The Düsseldorf Local Division is located on the premises of the Düsseldorf Higher Regional Court. Security checks will be carried out there. Only visitors who can prove their identity with a valid identity card or passport will be admitted, foreigners with a valid identity card.

It is to be expected that there will be some waiting time at the security checkpoint.

### Route description:



### Public Transport:



From „Düsseldorf Hbf.“ resp. „Heinrich-Heine-Allee“ on the underground trains U78 direction „Düsseldorf Merkur Spiel-Arena/Messe Nord“ or U79 direction „Düsseldorf-Wittlaer“ or „Duisburg-Meiderich Bf“ to underground station „ERGO-Platz/Klever Straße“, exit „Oberlandesgericht“. Keep left and then straight ahead until you reach Cecilienallee, turn left there about 50 metres.

### Car:

Parking in the vicinity of the Higher Regional Court is shown in the diagram above. Due to the cramped parking situation, it is likely that there will not be a sufficient number of spaces available in the immediate vicinity.

Further information can be found on the internet at [www.olg-duesseldorf.nrw.de](http://www.olg-duesseldorf.nrw.de)