



Düsseldorf local division
UPC_CFI_712/2025

Procedural order
of the Court of First Instance of the Unified Patent Court
issued on 1 October 2025
concerning EP 1 962 668 B1

APPLICANTS:

1. **F. Hoffmann-La Roche AG**, represented by its Board of Directors, represented by its Chairman Dr Severin Schwan, Grenzacherstr. 124, 4058 Basel, Switzerland
2. **Roche Diabetes Care GmbH**, represented by its Managing Director Mr Marcel Hunn, Sandhofer Straße 116, 68305 Mannheim, Germany

represented by:
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RESPONDENTS:

1. **A.Menarini Diagnostics S.r.l.**, represented by its legal representatives, Via Sette Santi 3, 50131 Florence, Italy
2. **BERLIN-CHEMIE AG**, trading as A.MENARINI DIAGNOSTICS DEUTSCHLAND, represented by its legal representatives, Glienicke Weg 125, 12489 Berlin, Germany
3. **A.Menarini Diagnostics France SASU**, represented by its legal representatives, 3-5, rue du Jura – BP 70531 – 94633 Rungis Cedex, France

PATENT:

EUROPEAN PATENT NO. EP 1 962 668 B1

PANEL/CHAMBER:

Judicial panel of the local division of Düsseldorf

PARTICIPATING JUDGES:

This order was issued by the legally qualified judge Dr Schumacher as rapporteur.

LANGUAGE OF THE PROCEEDINGS: German

SUBJECT: R. 262A RoP – Protection of confidential information

REASONS FOR THE ORDER:

1. According to Art. 9(1) and (2)(a) of Directive (EU) 2016/943, in legal proceedings, access to documents submitted by the parties or third parties that contain business secrets or alleged business secrets may be restricted in whole or in part to a limited number of persons upon application. The protection of confidential information is provided for in Article 58 of the UPC Agreement and implemented in Article 262A of the Rules of Procedure of the Unified Patent Court.
2. The formal requirements laid down in R. 262A.2 and 3 of the RoP have been complied with. The representatives of the applicants were also heard before the protective order was issued, as required by R. 262A.4 of the RoP.
3. The applicants did not raise any objections to the classification of the information referred to in point 1 of the order as confidential.
4. The designation of Annexes BB 32 and BB 34 (instead of Annex BB 30) is now as submitted to the file in the CMS. According to this, Annex BB 32 is the written witness statement of [...] and Annex BB 34 is the written witness statement of [...]. Access to the unredacted versions of the aforementioned annexes was to be restricted in each case.
5. The parties agree on the group of persons authorised to access the documents on the applicants' side.
6. The order had to clarify that persons known by name and other persons on the applicants' side had already obtained knowledge of some of the information classified as confidential at an earlier point in time. This clarification also applies to other persons who could not yet be identified due to the preliminary confidentiality order.
7. Decisions on the oral hearing, the pronouncement of the judgment, the publication of the grounds for the decision or other announcements, as well as applications concerning access by third parties, will be made at a later date, if necessary.

ORDER:

1. The following information contained in the unredacted versions of the respondents' preliminary objections of 23 September 2025 and in the unredacted versions of Annexes BB 10, BB 32 and BB 34 is classified as confidential within the meaning of Art. 58 UPC Agreement, R. 262.2 RoP:
 - a) The manufacturing process of the contested embodiments of the application-opponents, in particular the statements in paragraphs 84-89, 96, 108, 117, 118 and 121-122 of the preliminary objection.
 - b) Information on the course of the negotiations between the applicants and the manufacturer of the contested embodiments Sinocare, in particular that in paragraphs 333-335, 338-344, 354 and 366 of the preliminary objection.
 - c) The content of the negotiations described in section VI.2 of the preliminary objection and all related measures.
 - d) Information on prices and expected profits in relation to the contested embodiments, in particular those in paragraphs 410, 424, 438 and 439 of the preliminary objection.
 - e) The written witness statement of [...] in Annex BB 10 (insofar as redacted in the edited version).
 - f) The written witness statement of [...] in Annex BB 32 (insofar as redacted in the edited version).
 - g) The written witness statement of [...] in Annex BB 34 (insofar as redacted in the edited version).
2. Access to the unredacted versions of the respondents' preliminary objections of 23 September 2025 and to the unredacted versions of Annexes BB 10, BB 32 and BB 34 is restricted on the part of the applicants to the legal representatives, witnesses and experts who require access to the confidential information for the purposes of these proceedings, as well as to the following natural persons:
 - [...], Head of Strategic IP Solutions at the first applicant,
 - [...], Patent Counsel at Applicant 2),
 - [...], Patent Engineer at Applicant 2),
 - [...], Lead Patent Counsel Strategic IP Solutions at Roche Diagnostics GmbH.
3. The information classified as confidential in section 1 shall be treated as such by the persons named in section 2 until further notice and may not be used or disclosed outside these court proceedings, unless it has become known to the receiving party outside these proceedings. This obligation shall continue to apply after the conclusion of the proceedings.
4. It is clarified that the exception referred to in clause 3 (knowledge obtained outside the proceedings) applies to the following persons:
 - [...]

- [...]
- [...]

as well as other persons not yet identified on the part of the applicants who [...], specifically with regard to the information on [...].

5. In the event of a culpable violation of this order, the court may impose a penalty payment for each case of violation, to be assessed according to the circumstances of the individual case.

Issued in Düsseldorf on 1 October 2025 NAMES
AND SIGNATURES
Judge Dr Schumacher