Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

UPC_CFI_624/2025
ACT_32414/2025

ORDER
of the Court of First Instance of the Unified Patent Court
Local Division in The Hague
issued on 17 October 2025
concerning EP4344633 (R.211 provisional measures)

APPLICANT

Abbott Diabetes Care Inc.
1360 South Loop Road –
CA 94502 - Alameda - US

Represented by: Christian Dekoninck

DEFENDANTS

1) **Sinocare Inc.**
no. 265, Guyuan Road,
Hi-tech Zone - 410205 –
Changsha,
Hunan Province CN

Represented: by Tjibbe Douma

2) **A.Menarini Diagnostics s.r.l.**
Via Sette Santi 3
50131 - Firenze - IT

Represented by Edoardo Barbera

PATENT AT ISSUE

European patent with unitary effect **EP4344633** (hereafter **UP 633** or the patent)

PANEL

Panel of the local division in The Hague

DECIDING JUDGES

This order has been issued by presiding judge Edger Brinkman, judge-rapporteur Margot Kokke, legally qualified judge Camille Lignieres and technically qualified judge Alain Dumont.

LANGUAGE OF PROCEEDINGS: English

I. BACKGROUND AND SUMMARY OF THE FACTS

The parties and the products

1. Applicant, Abbott Diabetes, hereafter Applicant or “Abbott”, develops and is a market leader in solutions for continuous glucose monitoring ("**CGM**") systems for diabetes in Europe where it claims to have a market share of 80%. In 2014 it launched the FreeStyle Libre CGM system, with an easy-to-use and accurate CGM, which was factory calibrated, meaning the user did not have to calibrate the device using finger-pricks. Abbott has continued to innovate the FreeStyle Libre since, with the latest version named the FreeStyle Libre 3 Plus. All versions are collectively referred to as FreeStyle Libre. The device comprises an applicator (i.e., an insertion device), an on-body unit consisting of an analyte sensor (sensing for glucose) and sensor electronics as an integrated unit, and a display device (such as a reader or smartphone) with software and functionality to facilitate the user's management of the glucose data. The applicator and the corresponding on-body unit (“OBU”, including an analyte sensor and sensor electronics) for several versions of the FreeStyle Libre are depicted below.

	FreeStyle Libre (2014)	**FreeStyle Libre 2 (2018)**	**FreeStyle Libre 3 (2020)**
Applicator			
On body unit			

2. Defendant 1, “Sinocare”, manufactures and distributes CGM systems internationally. Sinocare is a Chinese company that was established in 2002 and is headquartered in Changsha, China. Sinocare is the largest manufacturer of CGMs in Asia. Sinocare manufactures, inter alia, the **GlucoMen iCan** to which it refers as a 3rd generation CGM System. The on-body-unit and the applicator are shown below:

3. Defendant 2, hereafter “Menarini” and together with Sinocare; “Defendants”, is an Italian company established in Florence, Italy and is part of the Menarini Pharmaceutical Group. Menarini markets inter alia glucose self-testing systems for people with diabetes.

4. On 4 December 2024, Sinocare published a press release announcing an exclusive distribution agreement with Menarini to register, promote, distribute, and market the new Sinocare 3rd Generation CGM system within reimbursed markets in Europe. A similar press release was issued by Menarini on 3 December 2024. This was described as a landmark agreement which grants Menarini exclusive rights to introduce the CGM system in more than 20 countries in Europe. Screenshots of the first part of the press releases on Defendant’s websites (menarini.com and sinocare.com) are depicted below:

A. MENARINI DIAGNOSTICS AND SINOCARE ANNOUNCE EXCLUSIVE DISTRIBUTION AGREEMENT FOR NEW CONTINUOUS GLUCOSE MONITORING SYSTEM

Florence, Italy - 3rd December 2024. A. Menarini Diagnostics announces an exclusive Distribution Agreement with Sinocare to register, promote, distribute, and market a new Sinocare 3rd Generation Continuous Glucose Monitoring (CGM) System within reimbursed markets. This landmark agreement grants A. Menarini Diagnostics exclusive rights to introduce this health technology to more than 20 jurisdictions in Europe.

The collaboration between A. Menarini Diagnostics and Sinocare represents a significant advancement in diabetes care. Sinocare's CGM system technology provides accurate and continuous glucose monitoring.

Global Market Expansion: Sinocare's CGM Products Enter the European Market

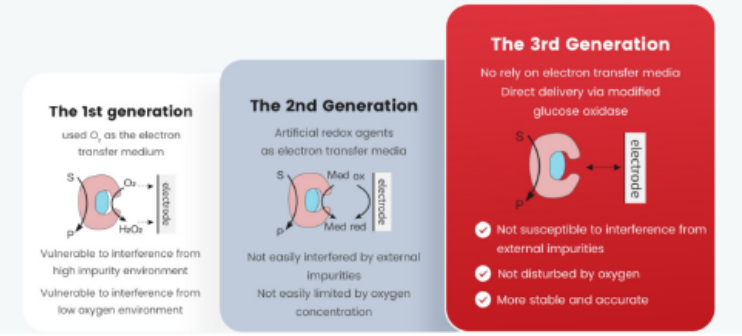
Release time : 2024-12-04 View count : 5935

Strategic Partnership with A. Menarini Diagnostics to Launch iCan CGM in Europe

Sinocare, a leading healthcare China company, has announced a strategic partnership and signed an exclusive distribution agreement with A. Menarini Diagnostics. The agreement marks a significant milestone as Sinocare's Continuous Glucose Monitoring (CGM) products will enter over 20 jurisdictions in Europe under a co-branded label. A. Menarini Diagnostics will register, promote, distribute, and market Sinocare CGM products within reimbursed markets.

A Synergistic Collaboration

Sinocare's advanced third-generation direct electronic transfer technology underpins its CGM product, delivering excellent accuracy, stability, and anti-interference capabilities. Widely acclaimed since its launch, this technology underscores Sinocare's commitment to improving diabetes management.



A. Menarini Diagnostics, with over 45 years of expertise in medical diagnostics, is part of the renowned Menarini Pharmaceutical Group, which operates in more than 140 countries. This partnership brings together Sinocare's innovative technology and A. Menarini Diagnostics's deep commercialization experience, fostering more opportunities for advancing diabetes care across Europe.

Bringing Advanced Diabetes Care to More Patients

"The partnership with A. Menarini Diagnostics is a significant milestone in our mission to make our CGM Systems widely accessible to people with diabetes," stated Dr. Jiangfeng Fei, Global Head of Sinocare CGM Business. "We are pleased to enter into a strategic partnership with A. Menarini Diagnostics, a leader in the healthcare industry, to bring this innovative diabetes technology to a broader audience."

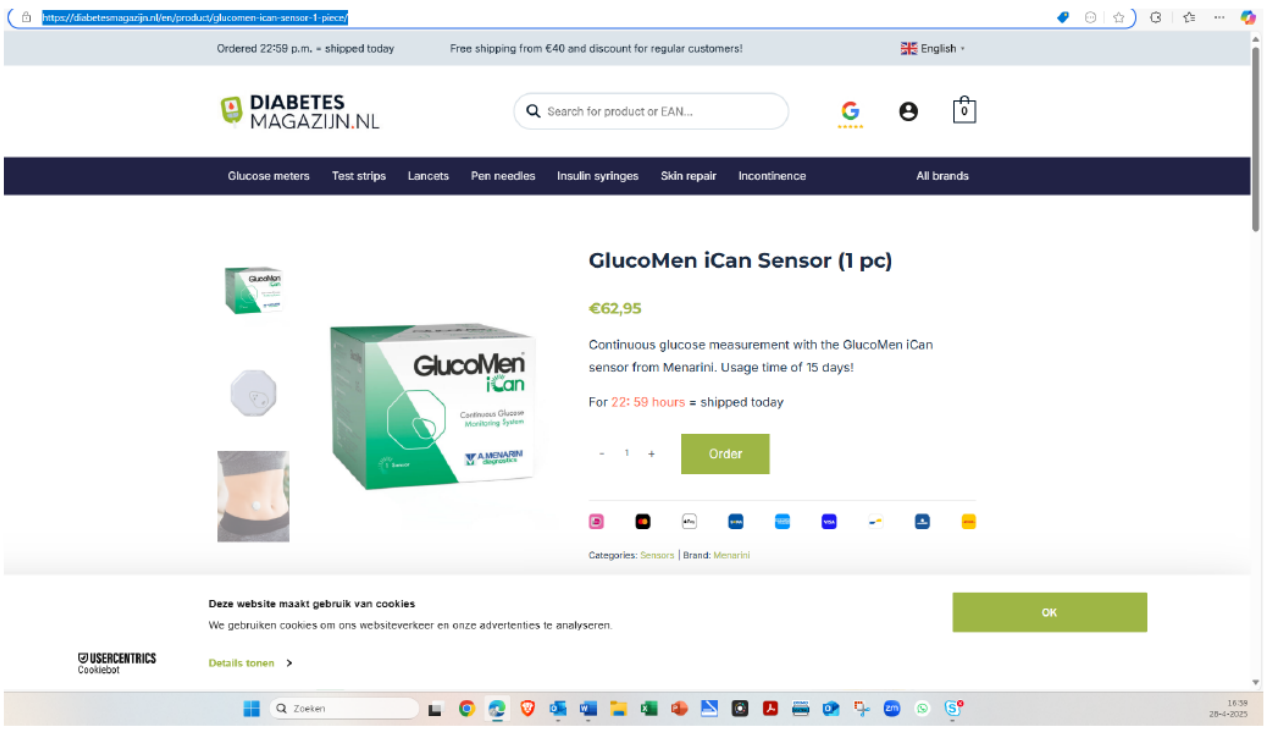
A. Menarini Diagnostics shares this enthusiasm for the collaboration and its potential impact on diabetes care. "Securing exclusive rights for the distribution and marketing of this Sinocare third Generation CGM System across various countries aligns with our commitment to providing innovative healthcare solutions," commented Fabio Piazzalunga, General Manager and Global Head of A. Menarini Diagnostics. " We are confident that this long-term partnership will meet the growing demand for advanced diabetes care."

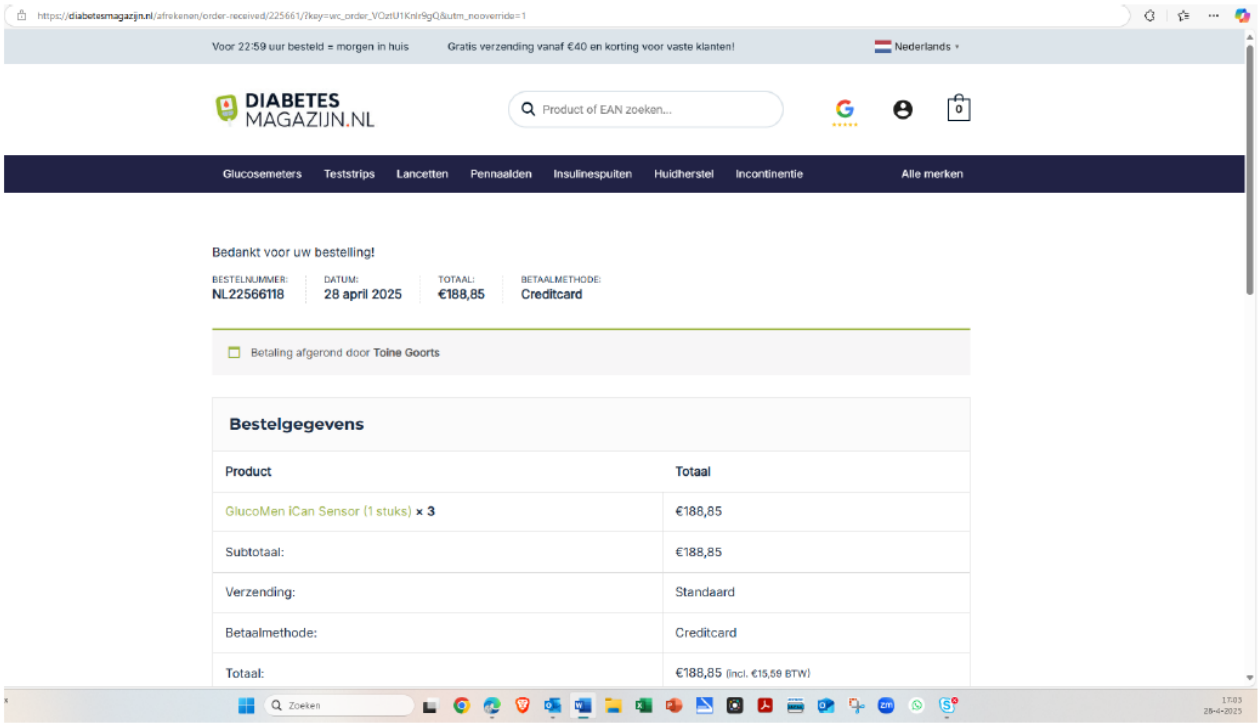
5. On 3 December 2024 the GlucoMen iCan was registered as a medical device on the Eudamed database, mentioning that the product pertained to the same device family as the so-called Sinocare iCan i3, listing Sinocara as the manufacturer and indicating that the device will be placed on the EU market in Italy.

6. At the latest on 24 April 2025, Menarini launched the GlucoMen iCan in certain territories in Europe. On that date, the Glucomen user guide was released online on the dedicated website glucomen-ican.com, on the home page of which the following picture is depicted:

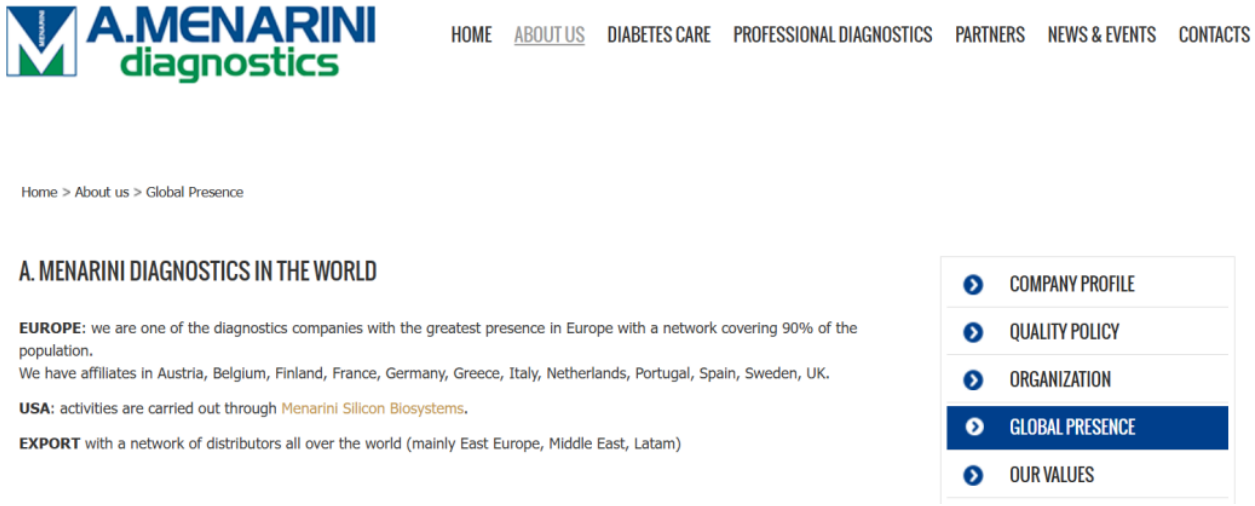
In the user guide Sinocare is mentioned as the manufacturer of the product.

7. On 28 April 2025, a GlucoMen iCan was purchased via the Dutch website www.diabetesmagazijn.nl of a supplier of medical equipment. A screenshot of the website and a screenshot of the purchase are shown below.





8. The GlucoMen iCan is advertised on another Dutch website (bol.com). On Menarini's website www.manarinidiagnostics.com, affiliates in a number of countries are mentioned, including in The Netherlands:



9. Abbott also successfully commissioned purchases of Glucomen iCan in Austria (on 24 April 2025) and in Italy (purchase on 30 April 2025).

The patent

10. Abbott is the sole proprietor of the patent-in-suit EP 4 344 633 B1 (hereinafter "the patent" or "UP 633"). The patent was granted on 4 June 2025 for 'Analyte Sensor Assemblies' upon a divisional application derived from an original application filed on 11 December 2012, invoking priority of 11 December 2011. Unitary effect for the patent was registered.

11. The patent has fifteen claims. Independent claim 1 covers a sensor assembly. Product claims 2-14 depend on claim 1 and claim variations to the sensor assembly of claim 1. Product claim 15 relates to a kit and incorporates the sensor assembly of (in any case) claim 1. The claims are discussed in more detail below at III.C.

12. The patent contains among others the following figures:

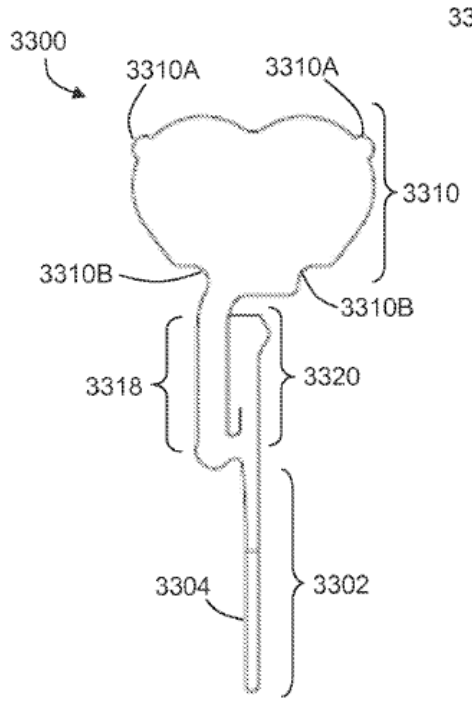


FIG. 33A

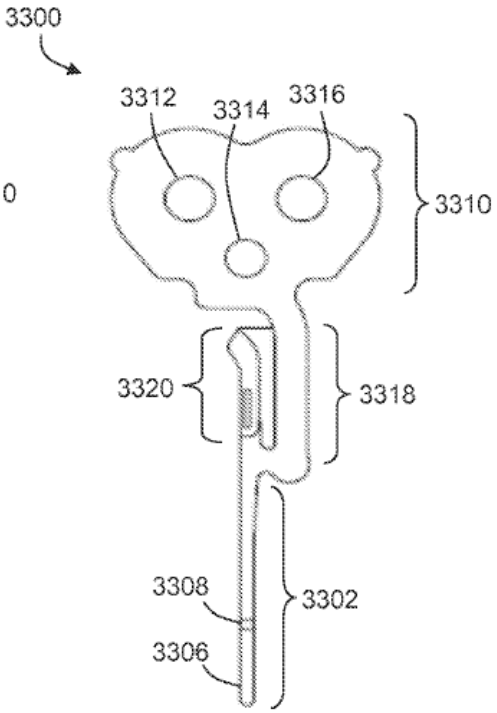


FIG. 33B

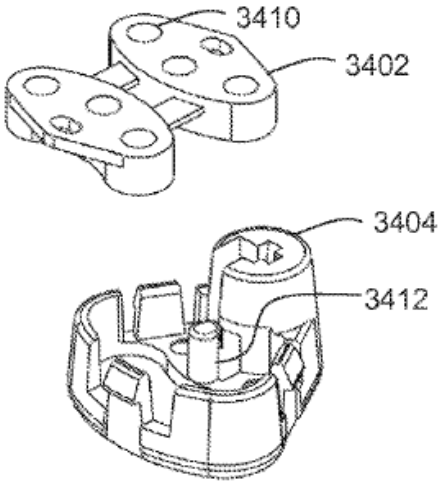


FIG. 34A

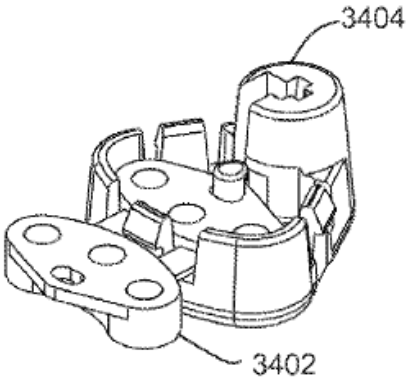


FIG. 34B

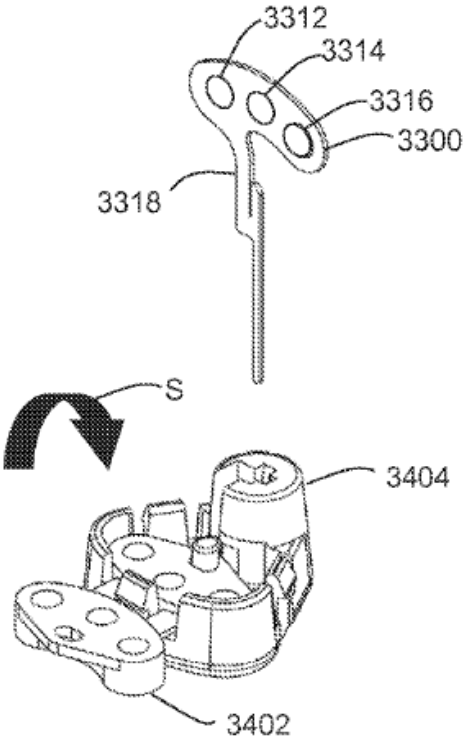


FIG. 34C

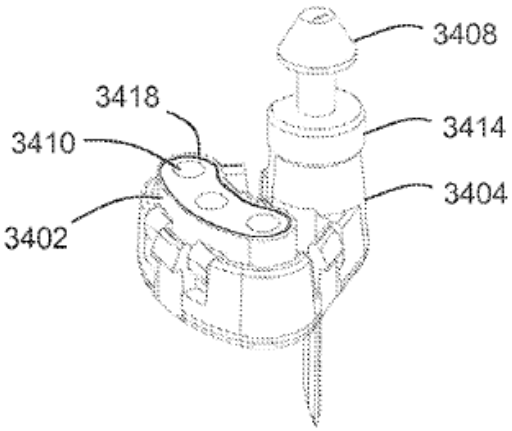


FIG. 34D

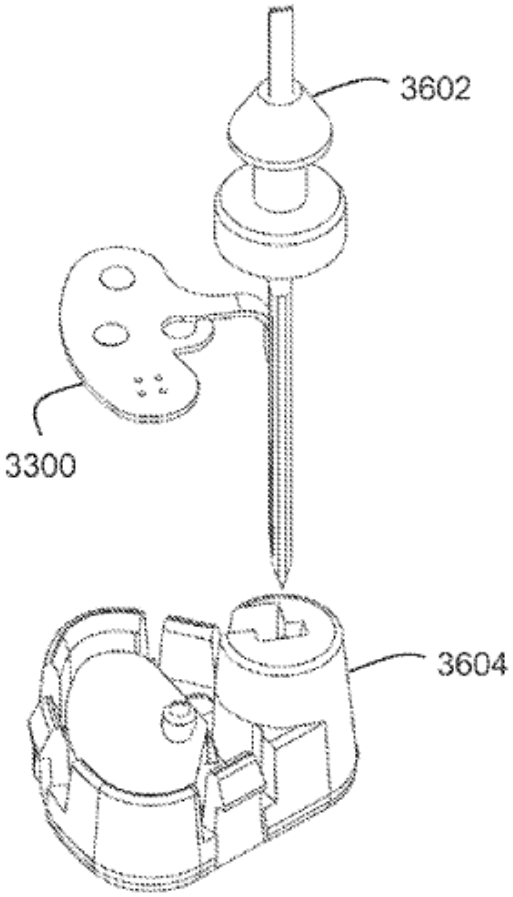


FIG. 36

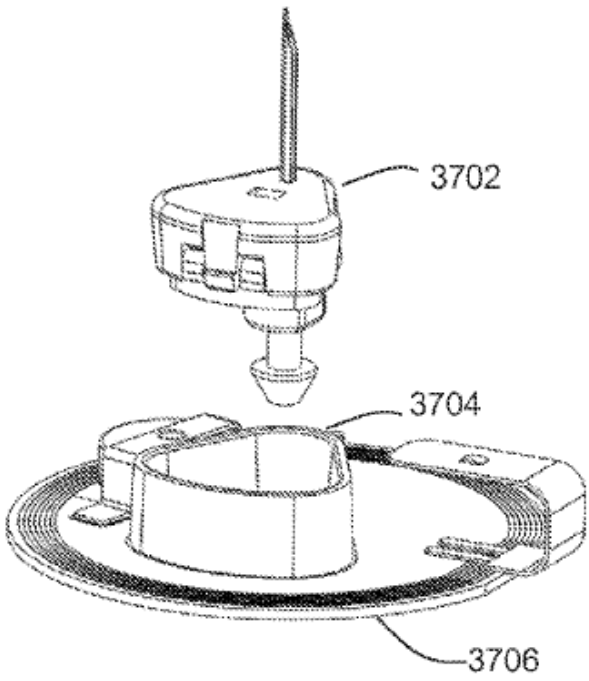


FIG. 37

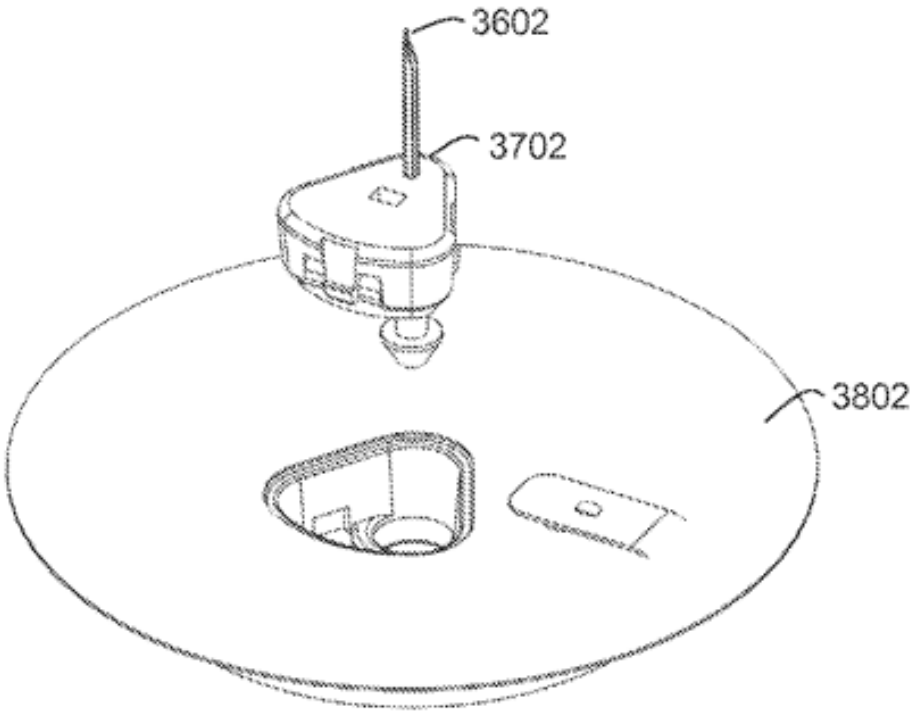


FIG. 38

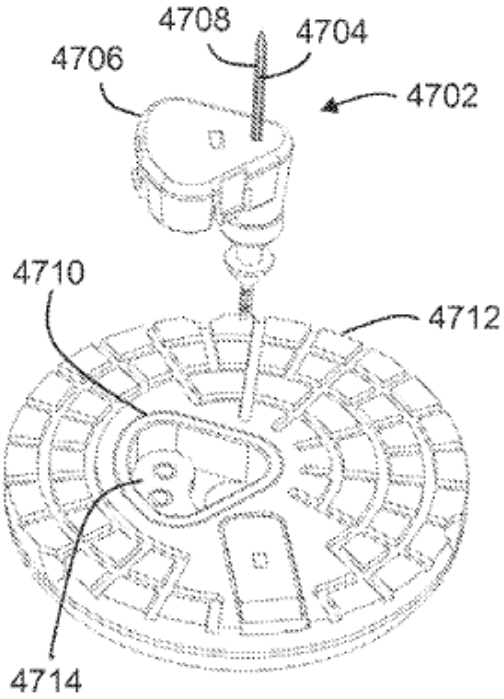


FIG. 47A

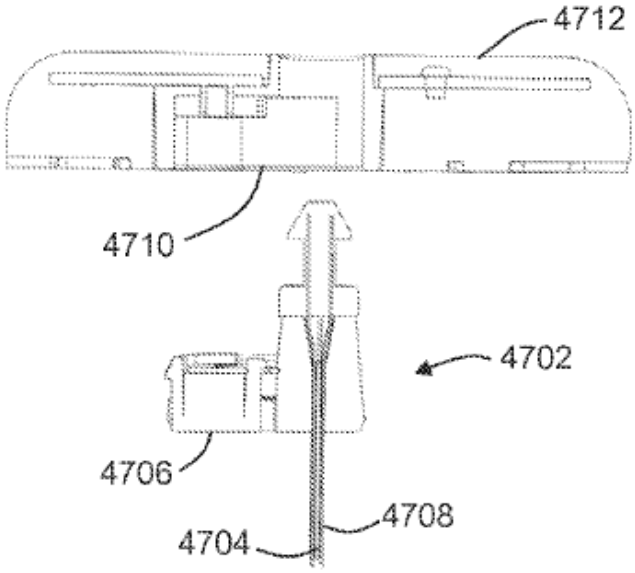


FIG. 47B

13. The description of the patent contains inter alia the following paragraphs:

BACKGROUND

(…)

0006] To realize fully the advantages associated with such systems, what is needed are applicator systems configured to handle insertion, as well as packaging and user interface issues, that are easy-to-use, reliable and minimize both user inconvenience and pain. The present invention provides such solutions and additional or alternative advantages as described below and/or as may be appreciated by those of skill in the art upon review of the subject disclosure.

SUMMARY

[0007] (…) The approaches variously involve the use of unique sensor and unique ancillary element arrangements to facilitate assembly of separate on-body devices and sensor assembly units that are kept apart until the user brings them together.

(…)

[0011] In accordance with embodiments of the invention, systems and methods are provided for assembling and applying the on-body device including assembling the sensor assembly to the electronics assembly and inserting a portion of the sensor under the skin of a user. Thus, the sensor assembly includes the sensor that has a distal tail portion for operative contact with a fluid of the user. The on-body device may also include an electronics assembly including a housing defining a distal surface adapted for attachment to the skin of the user and a circuit coupleable to the sensor for detecting electrical signals from the sensor. In some embodiments, the system also includes an applicator assembly that has a sleeve defining a distal surface for placement on the skin of the subject, a handle for a user interface, and various internal support, coupling, guide, grasping, stop and detent features as well as driver elements. In some embodiments, the system may also include a container that stores one or more of the sensor, the sharp, and/or the mount/electronics assembly in a sealed environment within. The container is configured to releasably interface with the applicator assembly for the purpose of loading one or more of the sensor, the sharp, and/or the electronics assembly into the applicator assembly, and readying the applicator assembly for use.

(…)
BRIEF DESCRIPTION OF THE DRAWINGS
[0013] (…)
FIGS. 33A-33G are plane, side, magnified, and sectional views of an additional sensor configuration;
FIGS. 34A-34D are perspective views illustrating combination electrical connector and sensor isolator in yet another advantageous sensor arrangement;
(…)
FIG. 36 is a perspective assembly view illustrating a sensor connection approach related to that in FIGS. 34A-34D for a sensor with contacts on a single side;
FIG. 37 is a perspective partial assembly view illustrating a mount-and-socket interface for the sensor assembly employing the components in FIG. 36;
FIG. 38 is a complete assembly view of that illustrated in Fig 37;
(…)
FIG. 47A-47C are assembly and cross-sectional views of an on-body device including an integrated connector for the sensor assembly;
(…)
DETAILED DESCRIPTION
(…)[0022] Next, once the user has chosen an application site, an on-body device application operation (108) is performed. In the application operation (108), the user places the applicator on the skin of the insertion site and then applies a force to install the on-body device. The applicator is driven to insert the distal end of the sensor through the user's skin, adhere the on-body device to the skin surface, and retract the sharp into the applicator for disposal. In some embodiments, the user performs the application operation (108) by applying force to the applicator where the force applied is a single, continuous pushing motion along the longitudinal axis of the applicator that once started, causes the applicator to perform the application operation (108) such that the applicator does not stop operation until completion. The applicator is configured to relay action/audible cues to the user so that all three of the above listed actions happen automatically in response to applying the force to the applicator causing it to trigger. Advantageously, an adhesive of the on-body device does not contact the user until the application operation (108) is performed. So, the even after the applicator has been placed on the skin, the applicator can be moved to a different location up until the application operation (108) is performed without damage to the apparatus or other system components. In a post application stage (110), use of the sensor for monitoring the user's analyte level occurs during wear followed by appropriate disposal.
(…)
[0077] FIGS. 33A-33G depict a low-profile multilayer sensor configuration with the electrical contacts all on one side and some details of its construction. FIGS. 33A and 33B illustrate the two sides of this embodiment of a sensor 3300 and its overall shape. The example sensor 3300 includes a tail portion 3302 that is initially supported by a sharp and then disposed within the user’s interstitial fluid or dermal space below the skin upon application of the on-body device. The tail portion 3302 includes electrodes 3304, 3306, 3308 that are used to contact the interstitial fluid and to sense (e.g., transmit and receive) the electrical signals used to measure the analyte concentration within the interstitial fluid. The sensor 3300 also includes an electrical contacts portion 3310 which includes electrical contacts 3312, 3314, 3316 that are disposed all on one side of the sensor 3300 and are in electrical communication with the electrodes 3304, 3306, 3308 via conductive traces (not visible in FIGS. 33A and 33B but see FIG. 33F). Note also that the electrical contacts portion 3310 is shaped to facilitate being securely held and sealed into a connector support that will be described below. For example, the electrical contacts portion 3 310 includes securement features that hold the sensor to be secured to the connector support by friction fit, interference fit, etc., herein shown as tabs 3310A and notches 3310B that allow the electrical contacts portion 3310 to be held securely in the connector support which includes mating features.
[0078] The sensor 3300 also includes a bendable portion 3318 that allows the electrical contacts portion 3310 to be arranged parallel to the circuit board of the electronics assembly to facilitate a relatively flat or low profile within the electronics assembly. The bendable portion 3 318 also allows the tail portion 3 302 to extend down from the electronics assembly so that it can be inserted below the skin of the user while the electrical contacts portion 3310 lays parallel to the circuit board. (…)

(…)

[0079] FIG. 33C depicts a side view of the sensor 3300. The encircled portion labeled D is shown in more detail in FIG. 33D. FIG. 33D provides a magnified side view of the distal most part of the tail portion 3302 of the sensor 3300. The encircled portion labeled E is shown in more detail in FIG. 33E. FIG. 33E provides an even further magnified view of the electrodes 3304, 3306, 3308 of the tail portion 3302. As can be seen in FIG. 33E, the electrodes 3304, 3306, 3308 are formed as layers on a substrate 3322. The substrate 3322 is made of a flexible, non-conductive dielectric material. In some embodiments, a clear, high-gloss, heat stabilized polyester film may be used for the substrate 3322 and conductive carbon ink can be used to create the trace layers used for the electrodes 3304, 3306, 3308. In other embodiments, other materials may be used for the substrate 3322 such as polymeric or plastic materials and ceramic materials and for the trace layers such as carbon or gold.

(…)[0084] Turning now to FIGS. 34A-35D, an alternative connector arrangement, according to embodiments of the present invention as claimed in claim 1, for connecting a circuit board to a sensor 3300 such as depicted in FIGS. 33A, 33B, and 33J is described. As shown in FIG. 34A, a flexible one-piece seal or connector 3402 is molded in silicone or other practicable elastic material. Separate doped silicone conductive elements are set therein which provide electrical contacts 3410 for connection to a circuit board. In some embodiments, the conductive elements can alternatively be over molded or insert-molded into place. The result is a generally malleable/flexible hybrid connection and sealing unit or connector 3402 incorporating a living hinge joining two (as-shown) symmetrical sections. Alternatively, a two-piece design is possible. Yet, with the unitary design, the arrangement can be neatly secured using a single catch boss or post 3412 opposite the hinged section. In some embodiments, two or more posts can be used to secure the connector 3402 folded around and sealing both sides of the contacts portion of the sensor 3300. Thus, even if a dielectric coating on the sensor 3300 fails (e.g., pinhole leaks), the connector 3402 insures [ensures] that the sensor contacts 3312, 3314, 3316 are protected from moisture or any contaminants. The one-piece design also facilitates assembly as illustrated, in which the flexible connector 3402 is set in a rigid or semi-rigid housing or connector support 3404 with one side located on the post 3412. Then a sensor 3300 is inserted, and bent approximately ninety degrees at the bendable portion 3318 of the sensor 3300. Once bent, the sensor 3300 is then captured with the upper part of the connector 3402 by folding over the connector 3402 as indicated by arrow S in FIG. 34C. The connector 3402 is illustrated as bilaterally symmetrical, however, the connector 3402 can be formed in a direction-specific orientation because in some embodiments, certain of the electrical contacts 3410 may not be necessary. In some embodiments, all the sensor's electrical contacts 3312, 3314, 3316 can be provided on a single side of the sensor 3300 or, in other embodiments, both sides of the sensor 3300.

(…)

[0088] A related arrangement to that described in connection with FIGS. 34A-34D and 35A-35D is presented in FIGS. 36 to 38. In FIG. 36, a sensor 3300 with all electrical contacts on the same side is shown with a sharp 3602 for insertion in a connector support 3604. The connector support 3604 includes an elastomeric (e.g., silicone) seal backing. Once such a sensor assembly set is in a container (or alternatively in an applicator), the sensor assembly can be coupled to the sensor electronics to form an on-body device 222. As shown in FIG. 37, the sensor assembly 3702 is shaped to fit within a socket 3704 that includes a second elastomeric unit with electrical contacts in the elastomer body of the socket 3704. Note that in FIG. 37, the enclosure of the electronics assembly is not shown so that the socket can be more clearly displayed. The socket 3704 is affixed to a circuit board 3706 via any practicable method. The socket 3704 and/or the connector support 3604 can include various coupling features (e.g., a snap fit lip and hook arrangement) to ensure that the electrical contacts are pressed tightly together and sealed within the socket 3704 and sensor assembly 3702. Once the sensor assembly 3702 is received within the socket 3704, the on-body device (e.g., with the complete over-mold enclosure around the circuit board 3706 and adhesive patch 3802 as shown in FIG. 38) is ready for use.

(…)

[0093] Turning now to FIGS. 47A to 47C, an alternative sensor assembly/electronics assembly connection approach is illustrated. As shown, the sensor assembly 4702 includes sensor 4704,

connector support 4706, and sharp 4708. Notably, sensor assembly 4702 does not include a separate connector or seal to enclose the sensor's connectors within the connector support 4706 as in the embodiment depicted in FIGS. 34A to 34D (i.e., no seal 3402). Instead, a recess 4710 formed directly in the enclosure of the electronics assembly 4712 includes an elastomeric sealing member 4714 (including conductive material coupled to the circuit board and aligned with the electrical contacts of the sensor 4704). Thus, when the sensor assembly 4702 is snap fit or otherwise adhered to the electronics assembly 4712 by driving the sensor assembly 4702 into the integrally formed recess 4710 in the electronics assembly 4712, the on-body device 4714 depicted in FIG. 47C is formed. This embodiment provides an integrated connector for the sensor assembly 4702 within the electronics assembly 4712.

II. PROVISIONAL MEASURES SOUGHT, SUBMISSIONS OF THE PARTIES AND PROCEDURE

14. With an Application for provisional measures dated 4 July 2025, arguing that Defendants individually and jointly (directly or indirectly) infringe the patent in the Contracting Member States by making, offering, placing on the market, using, importing, and storing the GlucoMen iCan CGM, Abbott, seeks the following measures:

(a) an immediately enforceable injunction for infringement of the patent by prohibiting the Defendants, individually and jointly, on a provisional basis, from infringing the patent in any way, with immediate effect after service of the order to be rendered in this matter, in particular by making, offering, placing on the market, and / or using, supplying or offering to supply the GlucoMen iCan (or components thereof) as well as by importing or storing the GlucoMen iCan for those purposes;

(b) a declaration that the GlucoMen iCan is considered "goods suspected of infringing an intellectual property right" within the meaning of Article 2(7)(a) of Regulation (EU) No 608/2013;

(c) order the provision by the Defendants to counsel for Abbott, within 4 weeks after service of the order rendered in this matter, with a written statement, substantiated with appropriate documentation, drawn up and signed by an independent auditor – _or any other professional that this Court deems suitable for providing such a statement – comprising, in each case, for each of the Contracting Member States in which the patent is in force:

(i) the origin and distribution channels of the GlucoMen iCan, including the full names and addresses of the legal entities that are involved in the manufacture of and trade in these systems;

(ii) the total number of each GlucoMen iCan product that the Defendants and / or any of their affiliates still have in stock either administratively or physically as of the date of the order;

(iii) the total number of GlucoMen iCan products that the Defendants, including any of its affiliates, have traded, sold, supplied, transferred and / or delivered to its customers and / or distributors since 3 April 2024, or since 4 June 2025, or from another date to be determined by this Court, as well as any and all copies of invoices pertaining to those acts which also shows the price obtained for these products;

(iv) the identity including the full name(s) and address(es) of any non-consumer third person(s) involved in the production, distribution, trade and / or sale of the GlucoMen iCan and / or in the use of the GlucoMen iCan since 3 April 2024, or since 4 June 2025, or from another date to be determined by this Court;

(v) the internal cost calculated, or the purchasing costs paid, as well as the sales prices charged for the GlucoMen iCan by the Defendants, including their affiliates, since 3 April 2024, or since 4 June 2025, or from another date to be determined by this Court;

(vi) the total amount of gross and net profit which the Defendants, including their affiliates, have gained as a result of trading the GlucoMen iCan since 3 April 2024, or since 4 June 2025, or from another date to be determined by this Court, and the calculation thereof;

(d) order the Defendants to deliver up to a bailiff appointed by Abbott, at their own expense, or alternatively orders the seizure, of any GlucoMen iCan product in stock and / or otherwise held, owned or in the direct or indirect possession of the Defendants in the Contracting Member States in which the patent is in force, within 1 week after service of the order to be rendered in this matter, and to provide counsel for Abbott with proper evidence of the full and timely compliance with this order within 10 days after the delivery up to the bailiff or seizure;

(e) orders the Defendants jointly and severally to comply with the orders under 1.2(a) and 1.2(c)-1.2(d), subject to a recurring penalty payment of EUR 250,000.00 for each violation of, or non-compliance with, the order(s), plus EUR 100,000.00 for each day, a part of a day counting as an entire day, that the violation or non-compliance continues, or a recurring penalty of EUR 5,000.00 for each of the GlucoMen iCan with which the order(s) is / are violated, or another amount as determined by this Court in the proper administration of justice;

(f) appends an order for the enforcement to its decision, while declaring that the judgment is immediately enforceable

(g) orders the Defendants to jointly and severally bear reasonable and proportionate legal costs and other expenses incurred by the Applicant in these proceedings and orders, insofar such costs are to be determined in separate proceedings for the determination of such costs, that the Defendants pay to the Applicant by means of an interim award of costs in the amount of EUR 11,000.00 or another amount as the Court may order within 14 days after service of the order in this matter.

15. By order of 1 August 2025, in response to an application of Menarini to postpone the oral hearing date, the Court confirmed that the oral hearing is scheduled for 3 September 2025, and gave the Defendants the opportunity to file an objection on or before 18 August 2025.

16. In the objection, Defendants request the Court to dismiss the application for provisional measures, asserting that it does not infringe the patent with the Glucomen iCan because (i) features 1.4 and 1.6 are missing and (ii) the patent is more likely than not to be invalid because it lacks novelty and/or inventive step, the subclaims add matter and insufficiently disclose the invention.

17. The Applicant was given the opportunity to reply to the invalidity defences raised in the objection, which reply was filed on 25 August 2025.

18. The oral hearing took place on 3 September 2025.

III. GROUNDS FOR THE ORDER

III.A – SUMMARY AND POINTS AT ISSUE

19. The proceedings concern a request for a provisional injunction and other measures based on alleged infringement of the patent. The Court finds below (in part III.B) that it has jurisdiction and is competent to hear the case. The application was also made in a timely manner and meets other urgency requirements, as will also be discussed in III.B. The assessment of the alleged infringement and the alleged invalidity of the patent (argued as a defence), depends on claim construction. This will be addressed in Part III.C together with the patent's teaching and the definition of the skilled person. The Court will conclude in part III.D, addressing the invalidity defences, and in part III.E concerning infringement, that it is more likely than not that the patent will be considered valid and infringed. The (objective urgency and proportionality of the) requested measures are discussed in part III.E.

III.B – JURISDICTION AND OTHER PRELIMINARY ISSUES

Jurisdiction and competence

20. The patent is a European patent with unitary effect. Accordingly, this Court has exclusive competence to hear actions for actual or threatened infringement of the patent within UPCA territory (Art. 1 and 32(1)(a) and (c) UPCA). In its application, Abbott provided evidence of alleged infringement within UPCA territory in any case by Menarini, in particular also in the Netherlands, which creates internal competence for the LD The Hague pursuant to Art. 33 (1)(a) UPCA.

21. Regarding Sinocare, jurisdiction of the Court is contested. If a defendant is not domiciled in an EU member state, jurisdiction over that defendant by a court common to several member states, like the UPC, is governed by Chapter II of the Brussels Regulation ("BR") regardless of the defendant's domicile, pursuant to Art. 71b(2) BR. This paragraph also specifies that an application may be made to [the UPC] for provisional measures even if the court of a third state has jurisdiction as to the substance of the matter. Sinocare argues that (threatened) infringement by Sinocare in the UPCA territory has not been substantiated. This defence is rejected. Not in dispute is that Sinocare is the manufacturer of the allegedly infringing products and named as such in the Eudamed entry for the GlucoMen iCan and in the user guide. Furthermore, Menarini and Sinocare announced that they would cooperate in bringing the Glucomen iCan to the European market. At least there is then combined/joint threatened infringement in UPCA territory. Furthermore, this concerns alleged (threatened) infringement of the same patent in the same territory with the same product. Jurisdiction vis-à-vis Sinocare can therefore be based on Art. 7(2) BR.

urgency

22. Defendants argue that the application is not admissible or should be dismissed for lack of urgency. As the publication of the grant of the patent was on 4 June 2025, and the application was filed early July 2025, the Court finds that there is no unreasonable delay in seeking provisional measures. In addition, Abbott has sufficiently argued the presence of objective urgency/necessity to obtain provisional measures to stop (imminent) infringement. Why this is the case will be explained in more detail together with the weighing of the interests of the parties in part III.D below.

III.C – THE PATENT, BACKGROUND AND CLAIM CONSTRUCTION

The patent

23. The patent relates to continuous glucose monitoring systems. Specifically, it relates to the sensor assembly of a CGM system. As mentioned above, a CGM system typically includes an applicator and an on-body device. The on-body device is configured to be worn on the patient's body and contains electronics coupled with a glucose sensor. The applicator is used by the patient to apply the on-body device to the skin while inserting a portion of the sensor in the patient's body using a sharp with the applicator.

24. In the background section, the patent identifies a need for applicator systems configured to handle insertion, as well as packaging and user interface issues, that are easy-to-use, reliable and [that] minimise both user inconvenience and pain (see [0006] of the patent specification). The original patent application covers various aspects of a CGM system. The claims of the divisional at issue here are directed to providing a CGM system with a sensor assembly in which

a seal protects the portion of the sensor that makes electrical contact with the electronics in the on-body device, from moisture, contamination and/or current leakage due to fluid intrusion (see [0084] of the patent specification), thereby ensuring a sealed, reliable connection (see [0045]).

25. The case primarily evolves around claims 1 and 15. Product claim 1 for a sensor assembly reads as follows, divided into features:

1.1 A sensor assembly (3702) comprising:
1.2 a sensor (3300) having a tail portion (3302), a contacts portion (3310), and a bendable portion (3318);
1.3 a seal (3402) including electrical contacts (3410) disposed to align with the contacts portion of the sensor and to allow electrical signals to pass through the seal;
1.4 a support (3404) including a distal surface and features for sealably coupling to an electronics assembly; and
1.5 a sharp (3408) including a channel for supporting the tail portion of the sensor and a hub (3414) for griping the sharp during retraction,
1.6 wherein the seal is shaped to enclose the contacts portion of the sensor within the support.

26. Product claim 15 to a kit can be divided into features as follows:

15.1 A kit comprising:
15.2 the sensor assembly (3702) of any one of the preceding claims; and
15.3 an on-body device (222) comprising: an adhesive patch (3802) for adhering the on-body device to the skin of the user; and
15.4 an electronics assembly including:
15.4.1 sensor electronics;
15.4.2 an enclosure surrounding the sensor electronics, the sensor electronics including a circuit board, a processor and a communications facility; and
15.4.3 a socket (3704);
15.5 wherein the socket of the electronics assembly of the on-body device is configured to receive the sensor assembly (3702), and
15.6 wherein the sensor assembly (3702) is shaped to fit within the socket (3704).

Claim interpretation

27. The parties disagree on the interpretation of several features of the claims. The Court of Appeal of the UPC ("CoA") has set out the following principles regarding interpretation of a patent claim according to Art. 69 of the European Patent Convention ("EPC"):[1] The patent claim is not only the starting point, but the decisive basis for determining the protective scope of a European patent. The interpretation of a patent claim does not depend solely on the strict, literal meaning of the wording used (…). Rather, the description and the drawings must always be used as explanatory aids for the interpretation of the patent claim and not only to resolve any ambiguities in the patent claim. However, this does not mean that the patent claim merely serves as a guideline and that its subject-matter also extends to what, after examination of the description and drawings, appears to be the subject-matter for which the patent proprietor seeks protection.
The CoA also clarified (i) that the principles for interpreting a patent claim apply equally to the assessment of the infringement and to the validity of a European patent and (ii) that a patent

[1] Order CoA UPC, NanoString Technologies -v- 10x Genomics, UPC_CoA_335/2023, App_576355/2023 of 26 February 2024, as rectified by the order of 11 March 2024. See also G1/24, Enlarged Board of Appeal EPO.

must be interpreted from the point of view of the average person skilled in the art (the "skilled person").

28. The parties did not debate or define the skilled person. The Court assumes the skilled person to be a mechanical engineer with several years of experience in the design of CGM systems.

29. For this order, the interpretation of features 1.4 and 1.6 is relevant. Defendants argue that Abbott relies on an overly broad reading of these claim features, which interpretation would not correspond to the meaning of the claim features as understood by the skilled person in light of the claims, drawings and description as a whole, nor with the technical interaction between the features.

Feature 1.4
a support (3404) including a distal surface and features for sealably coupling to an electronics assembly;

30. Defendants submit that it follows from feature 1.4 that the support must have a distal surface, that is a surface that is directed towards and to be placed on the user's skin. Thus, the term distal in this regard refers to the surface that is not only directed towards but also (suitable to be) placed on the user's skin (see also par. [0011] of EP633).

31. The Court agrees that from these disclosures in the patent, it follows that the support may have a distal surface adapted for (direct) placement or contact on the skin of the subject ([0011]). However, "distal" more generally means "away", i.e. – as a skilled person would understand from the patent as a whole – away from the hand of the user handling the applicator. For instance, this can be understood from para [0022] where it is described that "*the user places the applicator on the skin of the insertion site and then applies a force to install the on-body device. The applicator is driven to insert the distal end of the sensor through the user's skin, adhere the on-body device to the skin surface, and retract the sharp into the applicator for disposal*". Para [0079] also makes this clear: "*FIG. 33D provides a magnified side view of the distal most part of the tail portion 3302 of the sensor 3300*".

32. The adjective "distal" does not imply that the surface is also actually placed on the user's skin. Furthermore, contrary to what Defendants assert with reference to Fig. 34, feature 1.4 does not specify the relationship of the distal surface and the features for sealably coupling to an electronics assembly with respect to the patient's skin, i.e. on which side of the sensor assembly (proximal or distal) electrical contact with the electronics assembly takes place. Such limitation cannot be based on Fig. 34 as the Court judges below that the claimed invention is not limited to the embodiment illustrated in Fig. 34. In that, it differs from the subject-matter dealt with in the Order by the Court of Appeal dated 14 February 2025 in case UPC_CoA_382/2024, which relates to another patent of the same patent family, wherein the invention was directed to embodiments depicted in Fig. 47 of the patent specification, wherein the relative position of the distal surface of the support to the sensor assembly is part of the claim. Fig. 47 falls outside the scope of protection of UP 633.

Feature 1.6
wherein the seal is shaped to enclose the contacts portion of the sensor within the support.

33. Defendants argue that the only seal 'shaped to enclose the contacts portion of the sensor within the support' is the specific one-piece seal consisting of two halves of the embodiment shown in Fig. 34 and described in [0084] to which embodiment the scope of protection of the

claim is limited. The latter is confirmed by the phrase '*according to embodiments of the present invention as claimed in claim 1*' in [0084] of the specification, which was added during prosecution, according to Defendants.

34. The Court provisionally disagrees. Firstly, it cannot be derived from the phrase cited above that the claim is limited to the embodiment of Fig. 34. The text only clarifies that that embodiment falls within the scope of the invention. The embodiment of Fig. 34 discloses a generally flexible seal 3402 (also referred to as 'sealing unit' and 'connector') incorporating a hinge joining two symmetrical sections. The two sections of the connector 3402 can be folded around and seal both sides of the contacts portion 3310 of a sensor 3300. It further follows from the last sentences of para. [0084] of the patent specification that the connector can be bilaterally symmetrical with electrical contacts 3410 on both sides (as depicted in fig 34D in 12 above). It is further explained that, as some sensors have electrical contacts 3312-3316 (see fig 33B and 34C above in 12) on one side only, such symmetry is not always necessary:

> '*The connector 3402 is illustrated as bilaterally symmetrical, however, the connector 3402 can be formed in a direction-specific orientation because in some embodiments, certain of the electrical contacts 3410 may not be necessary. In some embodiments, all the sensor's electrical contacts 3312, 3314, 3316 can be provided on a single side of the sensor 3300 or, in other embodiments, both sides of the sensor 3300.'*

35. From the above it is apparent to the skilled person that the function of the enclosing by the seal in feature 1.6 is to seal the electrical contacts of the sensor to protect them from moisture or contaminants. As mentioned, an example of the contacts portion 3310 of the sensor is shown in fig. 33A and 33B above. This is a flat portion with electrical contacts on one side of the sensor (as is also described in [0077], cited in 13 above). In addition, it is expressly mentioned that the sensor's electrical contacts can be provided on both sides of the sensor (see the part of [0084] cited above).

36. In this context, a further embodiment expressly described as "related" to Figs. 34A to 34D and described in para. [0088] in relation to Fig.36-38 of the patent specification, is relevant. This embodiment has a seal/connector which has electrical contacts only on one side. The support of this embodiment includes an elastomeric (e.g. silicone) seal backing on the side opposite to the electrical contacts. Sealing is then achieved in use when the sensor assembly is fitted into a socket (or recess) of the electronics assembly of the on-body device, so that the electrical contacts are pressed tightly together and sealed within the socket and sensor assembly, thereby also sealing the side comprising the electrical contacts with a second elastomeric sealing member comprised in the socket ([0088] and Figs. 36-37). In this embodiment the function of feature 1.6 to enclose the electronical contacts of the sensor to protect them is also achieved, but with a one-piece connector that does not consist of two halves. The result of this embodiment, when assembled, is also that the seal encloses the contact portions of the sensor within the support and thus also falls within the scope of protection of the claim.

37. This is also confirmed by subclaims 4 and 5 which narrow the broader independent claim 1 as follows:

> 4. The sensor assembly (3702) of any one of the preceding Claims, wherein the seal (3402) is formed from flexible material and includes a hinge allowing the seal to be folded around the contacts portion (3310) of the sensor, sealing both sides of the contacts portion.

5. The sensor assembly (3702) of Claim 1, wherein the seal (3402) is formed from flexible material and includes two pieces to seal the contacts portion of the sensor (3300) therebetween, sealing both sides of the contacts portion.

Claims 4 and 5 thus specifically limit the seal of the sensor assembly of claim 1 to a seal that folds around the contacts portion (claim 4) e.g. by including two pieces (claim 5), as parts described in [0084].

38. Feature 1.6 must therefore be interpreted more broadly and also covers, for instance, the embodiments of Fig. 37.

III.D – VALIDITY DEFENCE

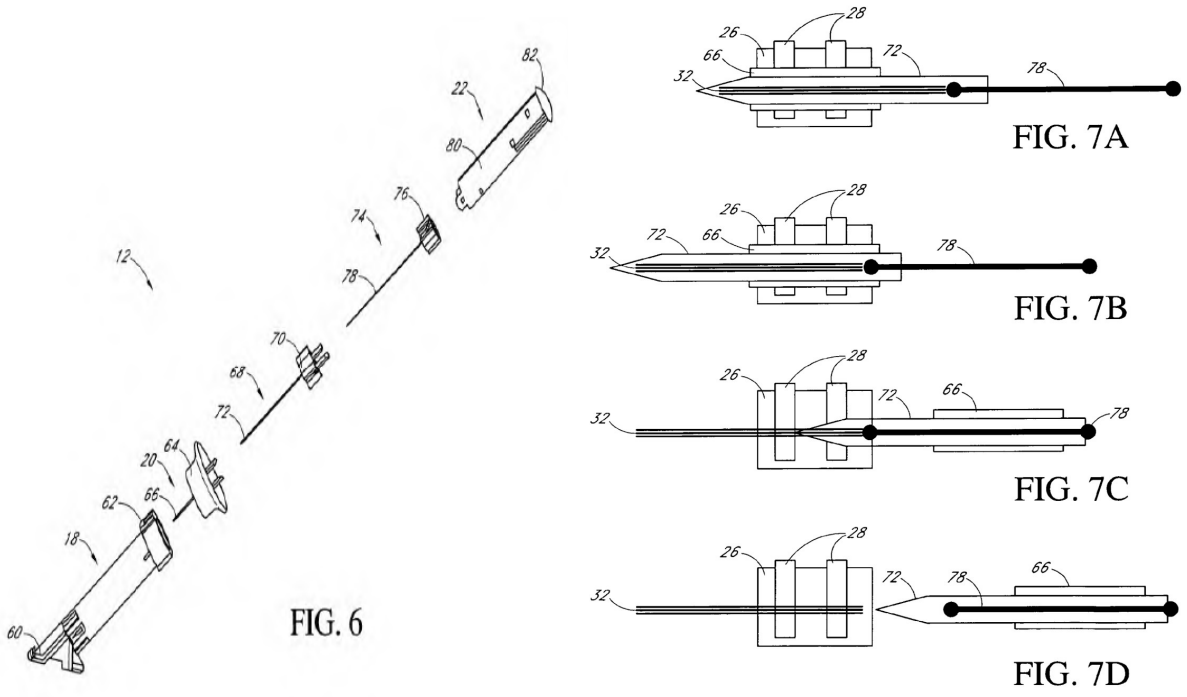
39. As a defence to (non)infringement, Defendants argue that it is more likely than not that UP 633 will be found to be invalid in main proceedings because of lack of novelty and/or inventive step, insufficiency of disclosure and added matter.

Novelty

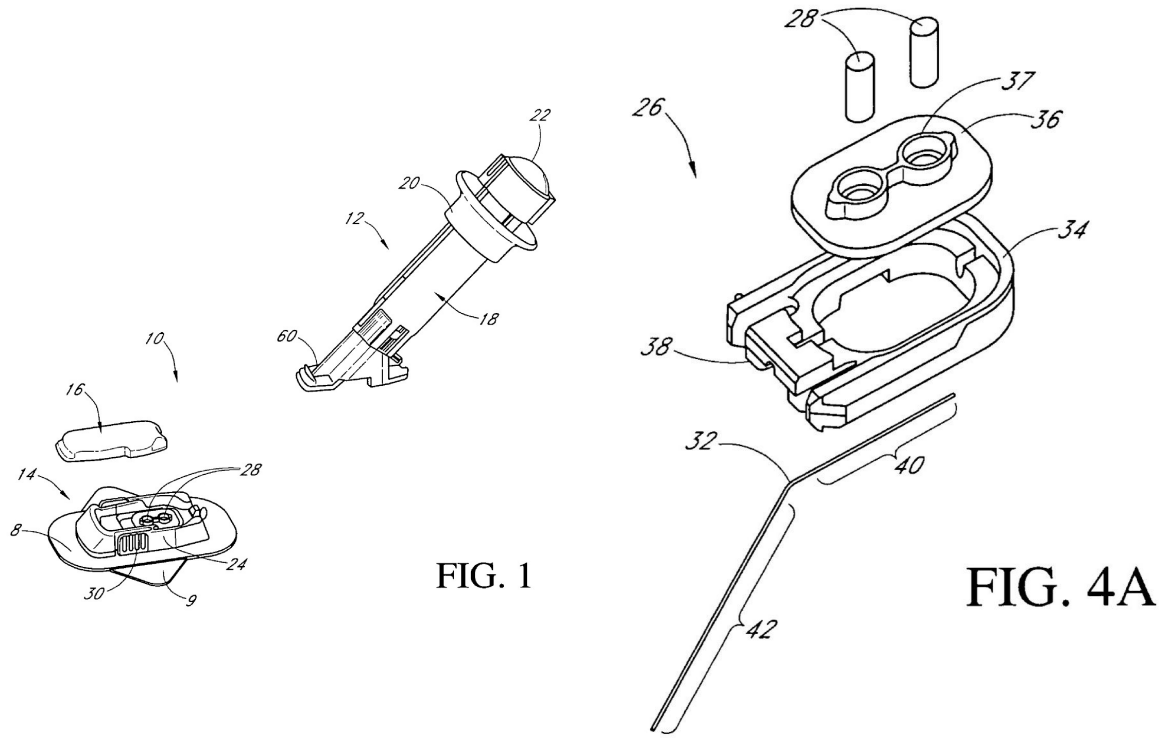
The Dexcom patent family

40. Defendants cite prior art patent applications and patents (US 2007/0208245 A1 (*Brauker*), US 7,905,833 B2 (US 833), US 2011/290645 and US 2006/0142651 A1 (*Brister*)), which can all be seen as members of a "Dexcom family" of patents, disclosing very similar CGM systems in their parts that are potentially relevant for UP 633. Defendants qualify this body of prior art as "variants" of prior art documents (i.e. slightly different patent applications or granted patents with similar inventors and inventions). The Court will thus address these disclosures collectively, referring to them as the "Dexcom patent family" and the system disclosed as the Dexcom CGM system. US 833, first published as a US application in 2006, will be used as reference. Defendants argue that US 833 relates to the same field as the patent in suit and anticipates the subject-matter of claims 1 and 15. It discloses sealing in order to protect the electrical connection of the sensor with the electronics unit from damage due to moisture, humidity, dirt, and other external environmental factors. In particular, a sealing member (36; Fig.4A of US 833, see below) provides a watertight seal around the portion of the sensor ensuring electrical connection with the electronics unit. A sharp (72; Figs.6 and 7D of US 833, see below) is used for insertion of the sensor into the patient's body.

41. Abbott argues that in the Dexcom CGM system the sensor, the sharp and the seal are part of separate sub-assemblies, from the time after manufacture and prior to insertion, and that the Dexcom CGM system as among others disclosed in US 833, does therefore not disclose all elements of a sensor assembly pursuant to claim 1, nor as part of a kit as required by claim 15. This is in any case apparent because the "sensor assembly" of claim 1 of the patent explicitly comprises a sharp (feature 1.5). In contrast, the needle (or sharp, 72) disclosed in US 833 is not a part of the contacts subassembly 26, but instead is part of needle subassembly 68 (shown as one item of Fig. 6 of US 833) which resides in a separate component, the applicator, and only makes contact with the contacts subassembly 26 during the brief moment of sensor insertion (shown in Fig. 7 of US 833). Figures 6 and 7 of US 833, depict are depicted below.



42. Fig. 1 and 4A of US 833 disclose a sensor kit as part of a CGM system. According to the description of US 833, Fig. 1 '*is a perspective view of a transcutaneous analyte sensor system, including an applicator, a mounting unit, and an electronics unit*' and Fig.4A '*is an exploded perspective view of a contact sub-assembly, showing its individual components*'.



43. The kit of the Dexcom CGM system comprises a sensor (32) and a contact sub-assembly (26) with a seal (36) including electrical contacts (28) and a support (34) (shown in Fig. 4A above). This is not contested.

44. The Court agrees with Abbott that US 833 in any case does not disclose a sharp as part of a sensor assembly as required by claim 1 of UP 633. The sharp (referred to as "needle" 72 in US 833) of the Dexcom CGM system is part of a separate sub-assembly (68), pictured in Fig. 6 above. This sharp engages with contact sub-assembly (26) only during insertion into the host's skin (col. 32, lines 35-36 and 46-50). An applicator (12) is used to insert the sensor disposed within the sharp into the host's skin (col. 32, lines 13-14). During insertion, the sharp pushes the sensor through the seal (Figs. 7A to 7D) with an angle alpha relative to the skin (Figure 10B). At this point in time, the sensor is brought into alignment with the electrical contacts and enclosed in the seal. After insertion, the sharp is retracted and the support is pivoted around its hinge (38) into its position for use, i.e. parallel to the host's skin surface (col.12, lines 29-40; Figure 11B). Fig. 10B and 11B of US 833, showing the position of the sensor assembly immediately following sensor insertion into the host's body and in its (final) functional position, respectively, as mentioned, are reproduced below.

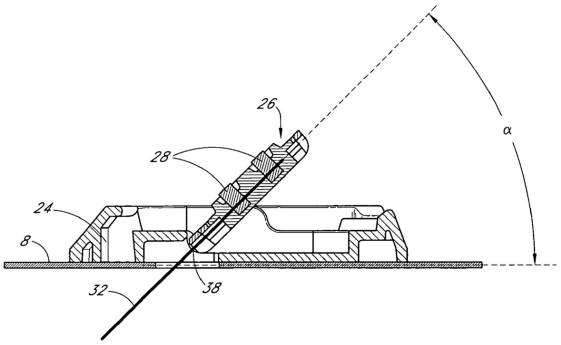


FIG. 10B

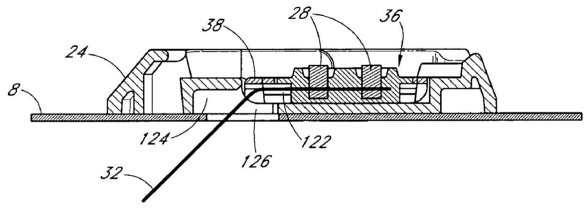


FIG. 11B

45. Thus, the sensor and the sharp of the Dexcom CGM system do not form part of the contact (sub-)assembly (26) and the afore-mentioned elements are combined only during insertion and before retraction of the sharp, i.e. for a very brief moment in time.

46. In contrast, a sharp forms an integral part of the sensor assembly of claim 1 of UP 633 which is a unit that is pre-assembled. This is also mentioned in [0006] as an objective of the invention of the patent and [0007]) as follows: '(…) *to facilitate assembly of separate on-body devices and sensor assembly units that are kept apart until the user brings them together.*'

47. As a result, none of the cited prior art documents concerning the Dexcom CGM system disclose a single separate sensor assembly comprising all the features of claim 1, within the meaning given to an assembly in the patent. At any rate, even if US 833 were considered to disclose in fig. 7, at the moment of the needle engaging with the contact sub-assembly and the sensor, such sensor assembly, and this were considered to anticipate claim 1, claim 15 of UP 633 would be novel. Claim 15 relates to a kit consisting of two separate parts, one of them being the sensor assembly of claim 1 and the other the OBD. This makes even more clear that the sensor assembly and the on-body device with electronics are separate items of the kit. Such kit is not disclosed during the brief moment mentioned above, while before that instance there are many separate items in US 833, none of which qualify as the sensor assembly of claim 1.

Inventive step

48. Defendants argue that any difference of the invention claimed in UP 633 with US 833 and other members of the Dexcom patent family, are, in any case, obvious and lack an inventive step. Defendants further cite WO 2011/119896 A1 (WO 896) mentioning a "compressed anisotropic zebra", which according to Defendants would be a silicone elastomeric connector sealing consisting of alternating conductive and insulating regions.

49. Abbott rightly argues that US 833 and family disclose an entirely different applicator system with entirely differently designed components which cooperate – and are connected – in an entirely different manner.

50. It is thus not apparent for the Court how the skilled person, starting from any of the arrangements disclosed in the Dexcom patent family, would modify the parts disclosed therein to arrive at the sensor assembly of claim 1 and at the kit of claim 15 of UP 633. There is no incentive to bring the sharp together with the other features required by claim 1 of UP 633 to yield the sensor assembly according to claim 1 prior to insertion, ensuring an easy-to use application of the on-body device. This would require a completely different insertion procedure into the user's skin, with differently designed components, which is not suggested in the prior art at hand (if it is even possible). In addition, the role of the anisotropic zebra is not disclosed in WO 896 ([00281]), especially not as a seal enclosing the contacts portion of the sensor.

51. In conclusion, the subject-matter of claim 1, and of claim 15, involves an inventive step over any of the prior art documents cited by Defendants.

Sufficiency of disclosure

52. Defendants contend that the skilled person cannot carry out the subject-matter defined in claim 1 over the whole claimed scope without undue burden, in case Abbott's implicit overly broad interpretation of feature 1.6 is followed.

53. The Court's interpretation of feature 1.6 is explained above and essentially matches Abbott's interpretation. The description gives concrete examples of a seal enclosing the contacts portion, either with two elastomeric members in the sensor assembly or with one elastomeric member in the sensor assembly cooperating with one elastomeric member in the socket of the electronics assembly to fully seal the contacts portion within the support, when the assembly is inserted in the socket. The Court is satisfied that the wording of feature 1.6 is commensurate with the scope of the invention as described.

54. Thus, the patent discloses the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art.

Added subject-matter

55. Defendants contend that the subject-matter of claims 2, 6-8, 10, 12-15 is not directly and unambiguously derivable from the whole of the Original Application. No objection is raised against claim 1. The objection against claim 15 is not substantiated. As the court opined above that both claim 1 and 15 are likely to be held valid in main proceedings, there is no need to address added matter defence regarding the other dependent claims.

Conclusion on the validity defence

56. Thus, the grounds for revocation raised by Defendants are not expected to affect the validity of the patent in main proceedings.

III.E - INFRINGEMENT

57. Defendants assert that the GlucoMen iCan does not use features 1.4 and 1.6 of the patent because the GlucoMen does not have a support with a distal surface that rests on the skin according to feature 1.4 and it does not have a seal consisting of two parts as required by feature 1.6. These non-infringement arguments (only) hold if the limited interpretation of these features proposed by Defendants were followed. In view of the correct claim interpretation discussed above, these features are also met in the GlucoMen iCan. As it is not disputed that features 1.1, 1.2, 1.3 and 1.5 are also present, the Court considers it more likely than not that Defendants infringe the patent with their GlucoMen iCan.

III.F – NECESSITY, RELIEF, BALANCE OF INTERESTS AND COSTS

58. In view of the likelihood of infringement and validity discussed above, the requested measures shall be granted in so far as necessary and proportionate.

59. The injunction will be granted for the UPCA territory, as requested. The provisionally established infringement warrants a generally worded injunction.[2] Abbott explained convincingly that an injunction is necessary and urgent at this moment to avoid Defendants from (further) entering the reimbursement market and to avoid further sales via ‘cash pay’. Within UPCA territory, sales of CGM systems are either in the cash pay segment (where the user self-funds the purchase) or in the 'reimbursement' segment (typically where a product is prescribed by a physician, and the cost is borne by the healthcare system). The cash pay segment is less than 5% of the total CGM market in each country. Currently, pending often time-consuming national approvals for the reimbursement market, the GlucoMen iCan is CE marked which means that the Defendants can and effectively sell into the cash pay segment of the market. Such sales are at prices which are comparable with or below the price of Abbott's FreeStyle Libre. There is nothing to stop the Defendants from offering discounts to undercut Abbott's prices, and such aggressive pricing is to be expected. This can be prevented further, by a provisional injunction. As far as Abbott claims to know, the GlucoMen iCan has not yet been approved for the reimbursement market. An injunction can stop this, preventing expected lost sales and price erosion in the much larger part of the market. The damage caused by such loss of sales and price erosion is difficult to quantify and may run for many years due to long contracts with payers and the irreversibility of price reductions. The Defendants’ argument that the grant of an injunction will cause them irreparable harm because it will give them an unacceptable disadvantage in the reimbursement market even possibly leading to black-listing in Italy, is dismissed. Abbott disputes that an injunction may lead to black-listing, and this cannot be established here. Furthermore, a provisional injunction is deemed proportionate in view of the infringement. Defendants’ request to make an injunction subject to security is dismissed as Defendants did not argue let alone demonstrate that there is a risk that Abbott will not or is unable to pay Defendants’ damages in case the injunction is reversed in appeal or in proceedings on the merits.

[2] See UPC CoA dated 14 February 2025, *Abbott/Sibio* (UPC_CoA_382/2024)

60. The requested declaration that the GlucoMen iCan is considered "goods suspected of infringing an intellectual property right" within the meaning of Article 2(7)(a) of Regulation (EU) No 608/2013, is dismissed. Whatever the merits, such declaration is not possible as provisional measure.

61. The order for the provision of information, requested at c), will be limited as set out in the order below. Information regarding distribution channels and the (further) origin of the products is deemed urgent and necessary for Abbott to prevent possible further infringement by third parties. Information regarding prices, numbers of sales and costs are only deemed necessary for the calculation of damages, as Defendants rightly point out, which is premature at this stage. As this order will be made subject to a penalty payment, as requested, under the terms set out below, this is considered a sufficient incentive to comply without the need of the requested involvement of an independent auditor. Defendants request that the provision of any information be made subject to confidentiality, is rejected in view of the limited scope of the order to be granted.

62. The requested order to deliver up to a bailiff appointed by Abbott any GlucoMen iCan product in stock and / or otherwise held or owned by Defendants in the Contracting Member States is also considered proportionate to avoid further infringement. Defendants did not substantiate why this additional measure is not proportionate.[3] The period will be extended to two weeks after service of this order. The additional request to provide counsel for Abbott with proper evidence of the full and timely compliance with this order within ten days after the delivery up to the bailiff or seizure, is dismissed as superfluous in view of the delivery to a bailiff appointed by Abbott, who can be assumed to communicate with Abbott.

63. The requested recurring penalty payments are limited and maximised as set out in the order. As Sinocare and Menarini are independent companies, Defendants shall not be ordered to comply jointly and severally to comply with the orders as rightly objected to by Defendants.

64. The judgment shall be declared immediately enforceable; Abbott may request the registry to issue an authentic copy of the order.

65. Abbott requests the Defendants to jointly and severally bear reasonable and proportionate legal costs and other expenses incurred by the Applicant in these proceedings and orders, which costs are to be determined in separate proceedings for the determination of such costs. This order shall be granted as requested, apart from the 'jointly and severally'. In this context, it is relevant that the value of this case is set at EUR. 4.000.000, as requested by Abbott and not objected to.

66. Defendants will be ordered to pay to the Applicant by means of an interim award of costs, an amount of EUR 11,000.00 within 14 days after service of the order on Defendants. Here, joint and several liability for payment is considered reasonable.

[3] See also UPC CoA 3.10.2025 UPC_CoA_534/2024, UPC_CoA_683/2024 and UPC_CoA_19/2025), *Belkin/Philips*

ORDER

Having heard the parties, the court by way of provisional measures:

a) Prohibits Defendants by way of preliminary injunction from directly infringing European patent EP 4 344 633 with unitary effect in the territories of the UPC, with immediate effect after service of this order, in particular by making, offering, placing on the market, and / or using, supplying or offering to supply the GlucoMen iCan (or components thereof) as well as by importing or storing the GlucoMen iCan for those purposes (Articles 63(1) and 25(a) UPCA);

b) Orders Defendants to provide, within four weeks after the service of this order, to Abbott's representative a written account with the full names and address details of (i) the origin and distribution channels of the GlucoMen iCan, including the full names and addresses of the legal entities and of any other non-consumer third person(s) that are involved in the manufacture of and trade in these systems within the territory of the UPC (R. 211 (1) RoP);

c) Orders Defendant to deliver up, within two weeks after the service of this order, to a bailiff appointed by Abbott, at their own expense, any GlucoMen iCan product in stock and / or otherwise held or owned by the Defendants in the territory of the UPC, so as to prevent their entry into or movement within the channels of commerce (R. 211(1)(b) RoP);

d) Orders each Defendant to pay to the Court a penalty payment of up to EUR 100,000 for each day or part of a day that it does not comply with the injunction at a) with a maximum of EUR 1,000,000 per Defendant and a penalty of EUR 10,000 for each day that it does not comply with the orders at b) and c) with a maximum of EUR 100,000 per Defendant, or EUR 100 for each GlucoMen iCan with which the orders are violated; the penalties will be determined by this Local Division of the Court upon request by Abbott (Article 63(2) UPCA; and R.354.3 RoP);

e) Orders the Defendants, jointly and severable, to pay to Abbott an interim award of costs in the sum of EUR 11,000.00 (R. 211.1(d) RoP);

f) The above is immediately enforceable;

g) Rejects the claims in all other respects;

h) Determines that the Defendants shall bear the costs of the proceedings;

i) Sets the date as referred to in R. 213.1 RoP at 31 calendar days or 20 working days, whichever is the longest, after the date of this order;

j) Sets the value of the dispute at EUR 4,0000.000.

Edger Brinkman	Edger Frank BRINKMAN Digitally signed by Edger Frank BRINKMAN Date: 2025.10.17 10:58:08 +02'00'
Camille Lignieres	Camille Lignières Date : 2025.10.17 13:26:01 +02'00'
Alain Dumont	Alain Marie J Dumont 2025.10.17 11:22:12 +02'00'
Margot Kokke	Margot Elsa KOKKE Digitally signed by Margot Elsa KOKKE Date: 2025.10.17 13:34:38 +02'00'
On behalf to the registry	Bianca de Raad Digitaal ondertekend door Bianca de Raad Datum: 2025.10.17 14:05:04 +02'00'

INFORMATION ABOUT APPEAL

An appeal to this order may be brought in accordance with Art. 73 (2) (a) UPCA and R. 220.1 (c) and 224.1(b) RoP within 15 calendar days of the service of this order.

INFORMATION ON ENFORCEMENT (ART. 82 UPCA, ART. 37(2) STATUTE, R. 118.8, 158.2, 354, 355.4 ROP)

An authentic copy of the enforceable order will be issued by the Deputy Registrar upon request of the enforcing party (R. 69 Rules governing the Registry of the Unified Patent Court).