

Order
of the Court of First Instance of the Unified Patent Court
Local Division The Hague
delivered on 17/12/2025
concerning: access to file (R. 262.1(b))

Date of receipt of Application : 22/10/2025

APPLICANT/S

- 1) [REDACTED] Represented by [REDACTED]
(Applicant) - [REDACTED]
[REDACTED]

DEFENDANT/S

- 1) **Abbott Diabetes Care Inc.** Represented by Dr Wim Maas
(Defendant) - 1360 South Loop Road, (112021/2023), Taylor Wessing N.V.,
Alameda, CA 94502, United States of America
- 2) **MicroTech Medical (Hangzhou) Co. Ltd., et al.** Represented by Abbott Diabetes Care
(Defendant) - 500 South Buena Vista St, - Inc.
91521 - Burbank, California - US

PATENT AT ISSUE

Patent no.

Proprietor/s

EP 3960072

Abbott Diabetes Care Inc.

DECIDING JUDGE

Presiding judge

Edger Brinkman

Judge-rapporteur

Edger Brinkman

LANGUAGE OF PROCEEDINGS: English

SUBJECT-MATTER OF THE PROCEEDINGS

Access to file by public (R. 262.1(b) RoP)

GROUND FOR THE ORDER

Applicant wishes access to the case file of UPC_CFI_830/2025, an action for provisional measures instituted by Abbott against MicroTech and 6 other defendants. Parties to those proceedings oppose the access requested.

The Court refuses such access. It is insufficiently clear whether applicant has a specific interest as indicated by the Court of Appeal¹ in these still ongoing proceedings. Mr. ■■■ says to act “as the authorized representative of a client who is a competitor of the claimant in the field of continuous glucose measurement (CGM) devices” and that his “client is currently assessing the possibility of introducing a CGM product onto the European market” for which “an informed freedom-to-operate (FTO) analysis” is necessary. He therefore wishes to “understand the scope and procedural status of the patent asserted in these proceedings, as well as the arguments advanced by the parties before the Court. In particular, the validity of the patent is of significant interest to the applicant’s client.”

The Court, nor the parties involved, however have any way to check which (unnamed) competitor this would be. Also, given that these proceedings are for preliminary measures, which lead to a conclusion in a few weeks after today, it is unclear why this special interest is so urgent not to wait for the proceedings to end and to prevail over the integrity of proceedings. After all,

¹ UPC Court of Appeal 10 April 2024, UPC_CoA_404/2023 APL_584498/2023 (Ocado v AutoStore), nr. 53

it puts a burden on both the Court and the parties involved to dedicate time to this access request in an already fast-tracked procedure (in which documents were filed only days ago).

ORDER

The Court:

- Denies the application.

Information about review: An application for the review of this order should be lodged within 15 days of service of this order (R. 333 RoP)

Edger
Frank
BRINKMAN

Digitally signed
by Edger Frank
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