



**Düsseldorf Local Division**  
**UPC\_CFI\_758/2024**  
**UPC\_CFI\_259/2025**

**Procedural Order**  
**of the Court of First Instance of the Unified Patent Court**  
**issued on 9 March 2026**  
**concerning EP 2 352 431 B1**

CLAIMANT/COUNTERDEFENDANT:

**Hologic, Inc.**, 250 Campus Drive, Marlborough, MA 01752, United States of America,  
represented by its President & CEO Stephen MacMillan

represented by: Attorney-at-law Dr Thure Schubert, Attorney-at-law Christian Leopold Zapp, Patent Attorney Arnold Asmussen, Attorney-at-law Dr Christoph Eisenmann, Vossius & Partner Patentanwälte Rechtsanwälte mbB, Siebertstraße 3, 81675 Munich, Germany

electronic address for service: vb-hologic-siemens@vossiusbrinkhof.eu

DEFENDANTS/COUNTERCLAIMANTS:

- 1. Siemens Healthineers AG**, Siemensstr. 3, 91301 Forchheim, Germany
- 2. Siemens Healthcare GmbH**, Henkestr. 127, 91052 Erlangen, Germany
- 3. Siemens Healthineers Nederland B.V.**, Prinses Beatrixlaan 800, 2595 BN Den Haag, The Netherlands
- 4. Siemens Healthcare SAS**, 6 rue du Général Audran, 92400 Courbevoie, France

Defendants 1-4 represented by: Attorney-at-law Dr Matthias Meyer, Attorney-at-law Dr Daniel Misch, Patent Attorney Dr Felix Harbsmeier, Patent Attorney Cameron Walker, Bird & Bird LLP, Carl-Theodor-Straße 6, 40213 Düsseldorf, Germany

electronic address for service: Matthias.meyer@twobirds.com

PATENT AT ISSUE:

European Patent n° EP 2 352 431 B1

PANEL/DIVISION:

Panel 2 of the Local Division in Düsseldorf

DECIDING JUDGE:

This order was issued by legally qualified Judge Dr Rincken acting as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT OF THE PROCEEDINGS: R. 36 RoP – Further exchange of written pleadings

FOUNDATIONS FOR THE ORDER:

1. To inform the parties, it is noted that Panel 2 took over the case on 1 March 2026. Judge Dr Rincken is now designated as judge-rapporteur.
2. In order to give the Claimant the opportunity to present further arguments if necessary, R. 36 RoP provides for the possibility of requesting permission to file additional pleadings.
  - a) In assessing the prospects of success of such request, the Court must, on the one hand, take into account of the reasons put forward by the Claimant as to why, in its view, further pleadings are necessary. However, the Court must also take into account the impact of further pleadings on the further course of the proceedings and the associated risk of delay.
  - b) In the light of those principles, the Claimant's request does not justify allowing it to lodge a further pleading.

At this point in time, it may be provisionally assumed in favor of the Claimant that it had never received and was not aware of Defendants' submissions dated September 24, 2025 before March 3, 2026. Furthermore, for the purposes of this decision, it can remain open whether the Defendants acted in accordance with procedural rules regarding the submission of the pleadings dated September 24, 2025.

Even if the Claimant had received the aforementioned submissions already on September 24, 2025, its request would still have had to be rejected. The reasons named by the Claimant are insufficient: The Claimant merely states that it identified a couple of statements in Defendants' submissions which would need to be disregarded considering that the Defendants' statements were only permitted to deal with amended claims but not to present new facts or to argue in general on infringement of the main claims of the patent. As the Claimant has not specified any new facts, the request remains vague.

The Claimant's right to be heard is not unduly restricted by the rejection of its request. Firstly, the Claimant retains the right to oppose Defendants' submissions dated 24, September 2025. Secondly, even if any alleged new facts or arguments set out in the Rejoinder to the Reply to the defence to the application to amend the patent in suit are accepted, the Claimant will be given ample opportunity to respond during the oral hearing.

ORDER:

The request to allow the Claimant to submit brief formal comments (approx. 5 pages) by March 13, 2026 on Defendants` submissions dated September 24, 2025 and filed March 3, 2026 is rejected.

Issued in Düsseldorf on 9 March 2026

Judge Dr Rinke

