

Order and Decision on costs
of the Court of First Instance of the Unified Patent Court
issued on 13 March 2026
concerning EP 3 784 233

HEADNOTES:

1. Since the patent definitively and in its entirety has been revoked by the Opposition Division (ab initio), the claim for revocation of the patent has become devoid of purpose and there is no longer any need to adjudicate on it.
2. A request to only declare the revocation action devoid of purpose under the condition that the defendant makes the non-confidential undertaking that it will not enforce any divisional of the patent against the claimant, is outside the scope of R. 360 RoP. The claimant has not argued that a decision of the Court on the claim for revocation of the patent still serves any purpose. The revocation action is solely directed to the (now revoked) patent and not to any other claim scope. The mere fact that the patent has been revoked does not mean that every (within the rules applied for and granted) divisional will suffer the same fate.
3. The ceiling of recoverable costs is in principle based on a full procedure with a written phase, an interim phase and an oral phase. Given that claimant has already filed its written submissions and that most legal costs are front-loaded in this system, the Court will award claimant, as the successful party, 80% of the maximum recoverable costs.

KEYWORDS:

- Disposal of action
- Costs
- Court fees
- Confidentiality
- Public access to the Register

CLAIMANT/RESPONDENT:

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Represented by:

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DEFENDANT/APPLICANT:

Spruce Biosciences, Inc., 611 Gateway Boulevard, Suite 740, South San Francisco, CA 94080, USA

Represented by: European Patent Attorneys and registered UPC Representatives Andrew Wells, Michael Nelson and Simon Turberville, each of HGF Limited, 1 City Walk, Holbeck, Leeds, LS11 9DX, UK, and Dr. jur. Tobias Wuttke, Attorney-at-Law (Rechtsanwalt) and registered UPC representative of BARDEHLE PAGENBERG partnership MBB Prinzregentenpl. 7, 81675 München, Germany

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Hereinafter referred to as: Spruce

PATENT IN SUIT:

European Patent No. EP 3 784 233

PANEL/DIVISION: Panel of the Central Division in Milan

Andrea Postiglione, Presiding Judge
Marije Knijff, Legally Qualified Judge and Judge-Rapporteur
Andreas Gustafsson, Technically Qualified Judge

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT OF THE PROCEEDINGS:

R. 360 RoP – Application for disposal of actions, in the alternative R. 295(m) – Stay of proceedings

Art. 69 UPCA – Legal costs; R. 150-153 RoP – Cost decision; R. 370.6 and 370.9 (b) (i) RoP Court fees

R. 262 RoP – Public access to the register

BRIEF DESCRIPTION OF THE FACTS AND THE PROCEDURAL BACKGROUND:

1. Spruce is the owner of European patent with unitary effect EP 3 784 233 B1, which relates to methods for treating testicular and ovarian adrenal rest tumors (Exhibit CR-1, hereinafter referred to as: the patent).

2. Neurocrine is an innovative pharmaceutical company focussed on neurological neuroendocrine and neuropsychiatric disorders. Neurocrine has developed crinecerfont (a CRF1 antagonist). Crinecerfont is not approved in Europe and no marketing authorisation application has been filed.
3. On 10 December 2024 Neurocrine filed a notice of opposition of the patent at the European Patent Office (EPO). On 5 August 2025 the EPO provided its preliminary opinion and summoned the parties to attend a two-day oral hearing before the Opposition Division (OD) on 25 and 26 February 2026.
4. Neurocrine filed a claim for revocation of the patent in these proceedings on 8 August 2025. The deadline for Spruce to file the defence and an application to amend the patent was 15 October 2025.
5. As part of the UPC's formal checks, a request to the EPO for information relating to the revocation action was sent by the UPC on 11 August 2025. The EPO subsequently requested availability for the oral hearing in the opposition proceedings to be rescheduled three months earlier, on 25 and 26 November 2025, which was agreed by the parties.
6. On 18 September 2025 Spruce lodged a request pursuant to R. 295 (a) RoP and Art. 33 (10) UPCA, seeking a stay of the proceedings and an extension of the deadline for filing the defence to the revocation action and an application to amend the patent, since the EPO had accelerated the opposition proceedings in such a way that a decision of the OD was expected to be given rapidly. Neurocrine requested the Court to reject Spruce's request.
7. By order of 30 September 2025 this panel decided the request of Spruce ungrounded, considering – as far as relevant here – as follows:

Both the revocation proceedings and the opposition procedure are in an early stage. By rescheduling the hearing from 25/26 February 2026 to 25/26 November 2025 indeed a (more) rapid decision (accelerated by two months) of the OD can be expected, but this decision is open to appeal. The final outcome of the opposition procedure is therefore not certain even after the decision of the OD and may take a long time to arrive. Staying the revocation proceedings to give Defendant the opportunity to take note of the decision of the OD before filing the Defence and Application to amend the Patent, is at most in short-term interest of Defendant, but does not serve the interest of Claimant or any of the aforementioned principles of proportionality, flexibility, fairness and equity. Any substantive difference in the proceedings could at this point only be avoided by staying the revocation proceedings until the decision in the opposition proceedings has become final. Such a long-term stay is at the current circumstances clearly at odds with the aforementioned guideline.
8. Spruce filed its defence to the revocation action and the application to amend the patent on 15 October 2025.
9. On 25 November 2025, at the opposition hearing, the OD revoked the patent in its entirety, on the basis that claim 1 of the main request lacked novelty. Further auxiliary requests were rejected by the OD. The grounds for the decision of the OD were provided on 12 December 2025 (Exhibit HGF-43). The deadline for filing an appeal was 12 February 2026.
10. On 16 December 2025 Neurocrine filed its reply to the defence and its defence to the application to amend the patent.

11. On 19 January 2026 Spruce informed the EPO that it would not file an appeal against the decision of the OD to revoke the patent.
12. Spruce confirmed to the Court that it would not file a rejoinder to the reply to the revocation action and a reply to the defence to the application to amend the patent in these proceedings.

REQUESTS:

13. On 19 January 2026 Spruce filed an application for disposal of the revocation action, requesting the Court to:
 - (i) dispose of the proceedings pursuant to R. 360 RoP;
 - (ii) in the alternative, stay the proceedings until 20 March 2026 pursuant to R. 295 (m) RoP to allow the parties to seek to agree a settlement;
 - (iii) order that Neurocrine bears the costs of Spruce pursuant to Art. 69 (1) of the UPCA for costs incurred by Neurocrine's
 - a. refusal to agree a stay of the proceedings; and
 - b. inadmissible and late application to amend its grounds of invalidity and seek to adduce late-filed opinion evidence.
14. On 27 January 2026 Neurocrine filed a response to the application for disposal of the action of Spruce, requesting the Court to:
 - 1) find that the revocation action has become devoid of purpose and that there is no need to adjudicate on it, and dispose the action by way of order pursuant to R. 360 RoP, under the condition that Spruce makes the non-confidential undertaking that it will not enforce any divisional of the patent against Neurocrine;
 - 2) order that Spruce bears the costs of Neurocrine for this revocation action (*Court of Appeal, Ballinno v Kinexon, UPC_CoA_328/2024, order of 12 May 2025, Court of Appeal, Meril GmbH v Edwards Lifesciences Corporation, UPC CoA_464/2024, order of 4 October 2024, Court of Appeal, Stäubli Tec-Systems, UPC_CoA_290/2024, order of 26 March 2025*), up to a ceiling of EUR 600.000, and order that Spruce pays Neurocrine a total of EUR 610.205 or alternatively EUR 622.205;
 - 3) order the Registrar to reimburse the Court fees paid by Neurocrine pursuant to R. 370.9(b)(i) RoP, amounting to EUR 12.000 to be reimbursed,
 - 4) reject Spruce's request that Neurocrine bears any costs of Spruce; and
 - 5) reject Spruce's request that the revocation action be stayed.
15. On that same day Neurocrine filed an application for confidentiality pursuant to R. 262.2 RoP, requesting the Court 1) to order that the information highlighted in grey in its response to Spruce's application for disposal of the action and Exhibits CR-62 and CR-63 is/are confidential (information) between parties, and 2) to exclude the unredacted version of the response to Spruce's application for disposal of the action, Exhibits CR-62 and CR-63 and the information highlighted in grey therein, from publication pursuant to R. 262.1(a) RoP, from any documents made available pursuant to R. 262.1(b) RoP and from any information made available in response to an application pursuant to R. 262.3 RoP.
16. On 6 February 2026 Spruce filed a reply to the response of Neurocrine, additionally requesting the Court to order that Spruce is entitled to its costs in relation to the application for disposal of the action.

17. At the same time, Spruce filed an application for confidentiality pursuant to R. 262.2 RoP and a response to the application for confidentiality of Neurocrine, requesting the Court to order i) that the information highlighted in grey in its reply to the response to the application for disposal and Exhibit HGF-54 is confidential information between the parties; and ii) that the unredacted version of the reply to the response to the application for disposal and Exhibit HGF-54 and the information highlighted in grey therein shall be excluded from publications pursuant to R. 262.1(a) RoP, from any documents made available pursuant to R. 262.1(b) RoP and from any information made available in response to an application pursuant to R. 262.3 RoP.
18. On 17 February 2026 Neurocrine filed (as a rejoinder) comments on the application for disposal of action, taking the opportunity to respond to the reply of Spruce of 6 February 2026 with the additional request (see under 16.).
19. On 26 February 2026 Neurocrine filed a reply to Spruce's application for confidentiality.

FOUNDATIONS:

Disposal of proceedings

20. If the Court finds that an action has become devoid of purpose and that there is no longer any need to adjudicate on it, it may at any time, on the application of a party or of its own motion, after giving the parties an opportunity to be heard, dispose of the action by way of order (R. 360 RoP).
21. This provision gives the Court broad discretion to consider whether the prerequisites for disposing of the action are present. The assessment is not in the hands of the parties, although the facts and arguments brought forward by them can have an impact on the Court's decision.¹
22. In the present proceedings, the patent has been revoked in its entirety by the OD of the EPO after the filing of the defence to the revocation action and the application to amend the patent by Spruce on 15 October 2025 and before the expiry of the time limit for filing the reply to the defence to the revocation action and the defence to the application to amend the patent by Neurocrine on 16 December 2025. The decision of the OD became final in January 2026 by declaration of Spruce. This means that the patent has been revoked ab initio.
23. Neurocrine has indeed requested to only declare its revocation action devoid of purpose under the condition that Spruce makes the non-confidential undertaking that it will not enforce any divisional of the patent against Neurocrine, but this request is outside the scope of R. 360 RoP. Neurocrine has not argued that a decision of the Court on the claim for revocation of the patent still serves any purpose. The revocation action of Neurocrine is solely directed to the (now revoked) patent and not to any other claim scope. The mere fact that the patent has been revoked does not mean that every (within the rules applied for and granted) divisional will suffer the same fate. The conclusion is, therefore, that after the final decision of the OD, Neurocrine's request for revocation of the patent has become devoid of purpose and that there is no longer any need to adjudicate on it. This means that

¹ Ballinno BV v. Kinexion Sports & Media GmbH, UPC_CoA_328/2024, order of 12 May 2025

there is reason to (unconditionally) dispose of the revocation action of Neurocrine pursuant to R. 360 RoP.

24. The request of Spruce to stay the proceedings is a subsidiary request, that subsidiary request does not need to be assessed.

Allocation of the costs

25. Disposal of an action pursuant to R. 360 RoP can include a decision on whom shall bear the costs.²
26. With the final decision of the OD to entirely revoke the patent, the revocation action of Neurocrine has been fully satisfied. In the Court's view this means that Neurocrine is the successful party and Spruce the unsuccessful party in these proceedings.
27. For this reason, the general rule, that Spruce as the unsuccessful party must bear the reasonable and proportionate legal costs and other expenses incurred by Neurocrine as the successful party (Art. 69(1) UPCA), applies here in principle.
28. As the Court understands, Spruce argues that equity requires a different allocation of costs, because Neurocrine has caused unnecessary costs to Spruce (Art. 69(3) UPCA), by refusing to agree to a stay of the proceedings (pursuant to Rule 295(d) RoP) pending the opposition proceedings as requested by Spruce on 18 September 2025 and by (inadmissibly and too late) amending its grounds of invalidity (adding a new novelty attack) and adducing opinion evidence in/to the reply to the defence and the defence to the application to amend the patent on 16 December 2025.
29. In the opinion of the Court, these arguments put forward by Spruce cannot lead to an allocation of costs that deviates from the previous ruling wherein Spruce must bear the reasonable and proportionate legal costs of Neurocrine. Initially, the request to stay the proceedings was made by Spruce pursuant to Rule 295(a) RoP, according to which the Court may stay the proceedings even in the event of opposition by the other party and only on the basis of a likelihood assessment regarding a rapid decision by the EPO. It is clear that Neurocrine's consent played no part in the Court's decision.
30. In fact, with regard to Neurocrine's objection to Spruce's request to stay the proceedings during the opposition proceedings, the Court ruled in its order of 30 September 2025 that Neurocrine's objection was justified, because – given the stage of these proceedings and the opposition proceedings, and therefore in the light of Rule 295(a) RoP, – it was at most of short term interest of Spruce to stay the proceedings, but did not serve the interest of Neurocrine or any of the principles of proportionality, flexibility, fairness and equity. It follows that the costs incurred by Spruce in these proceedings after that order, for example for submitting the defence to the revocation action and the application to amend the patent on 15 October 2025, therefore cannot be regarded as unnecessary. What (unnecessary) costs Spruce incurred by parts of or evidence submitted together with the reply to the defence and the defence to the application to amend the patent, is not clear. At that point the OD had already revoked the patent in its entirety and the grounds for this decision were already provided, and not long after that Spruce confirmed to the Court that it would

² Ballinno BV v. Kinexion Sports & Media GmbH, UPC_CoA_328/2024, order of 12 May 2025, paragraph 57

not file a rejoinder to the reply to the revocation action or a reply to the defence to the application to amend the patent in these proceedings.

31. Insofar as Spruce means that it is unfair that it has to pay Neurocrine's costs incurred in arguing the new invalidity (novelty) attack and submitting opinion evidence, this is not an argument that can lead to an allocation of costs that deviates from the general rule set out in Art. 69 UPCA. What Spruce is arguing is that these costs incurred by Neurocrine are unreasonable and not proportionate, so that Spruce cannot be ordered to bear them. The question of the reasonableness and proportionality of Neurocrine's costs will be discussed below.
32. The conclusion of the foregoing is that Spruce as the unsuccessful party must bear the reasonable and proportionate legal costs of Neurocrine and that equity does not require another allocation of costs. Spruce's request that Neurocrine should bear the costs of Spruce incurred by Neurocrine's refusal to stay of the proceedings and application to amend its grounds for invalidity and seek to adduce opinion evidence, will therefore be rejected.

Reasonable and proportionate costs

33. Both parties agree that the value of the proceedings (revocation action) in accordance with R. 370.6 RoP should be set at EUR 7 million. This value results (also undisputed) in a ceiling for recoverable costs of EUR 600.000.
34. Despite this, the parties do not agree on what legal costs of Neurocrine are reasonable and proportionate.
35. Neurocrine highlighted that in their letter dated 7 January 2026 (Exhibit 45), following the decision of OP Counsellor Nelson on behalf of Spruce, they showed willingness to take over, wholly or in part, the legal costs. The letter stated: *'Our client recognises that in the circumstances, your client will be entitled to its costs of the action that were reasonable and proportionate to the matters in dispute before the UPC. We note that your client's recoverable costs would be assessed by the Court based on the agreed €7 million value in dispute and the stage of proceedings. In that respect, we note that as the written phase has not yet closed, your client will be entitled to seek a refund of a proportion of the fees paid to the Court to issue these proceedings.'*
36. The costs incurred by Neurocrine amount to \$755,748.45 (approximately EUR 634,828.70, based on the rate set on 27 February 2026), as documented in Exhibits CR-62 and 63, which detail the work by four partners, six associates, two technical assistants, and one paralegal.
37. On 6 February 2026 Spruce responded to Neurocrine's position, contesting the costs in point 4 of their submission and arguing that if the EUR 600.000 ceiling applied to the entire proceeding, the same amount could not be derived out of the written phase alone. Spruce further claimed that the narratives in Exhibits CR-62 and CR-63 were vague and lacked detailed descriptions of the hours worked, as well as information about who performed the work and their seniority level.
38. The Court finds that Neurocrine is entitled to reimbursement of costs pursuant to Art. 69(1) UPCA, as specified below.

39. The Court considers that Neurocrine's cost statement is sufficiently detailed, showing the number of lawyers involved and hours spent. The Court's role is only to assess whether the number of lawyers and hours are disproportionate to the case's complexity, not to verify the professional competence of the lawyers involved in the case. Furthermore, even in the Exhibit HGF-54 presented by Spruce, the hours spent by Spruce's defence team are not detailed. Spruce claims to have incurred over EUR 60.000 in defence costs under R. 360 and R. 295(a) RoP, which aligns with the costs charged by Neurocrine's legal team.
40. Spruce's final argument that costs before the Court of Milan are overlapping those in the UK and before the OD does not account for different legal standards. Moreover, Spruce did not demonstrate the equivalence of Neurocrine's hours spent across those proceedings, which could have been proven through a R. 190 RoP motion.
41. Beyond this consideration, the ceiling of recoverable costs is in principle based on a full procedure, with a written phase, an interim phase and a oral phase. Given that Neurocrine has already filed its Statement of Claim and its Reply to the Defence and its Defence to the Application to amend the patent, and that most legal costs are front-loaded in this system, the Court is inclined to award Neurocrine 80% of the maximum recoverable costs, totalling EUR 480.000.
42. This also directly addresses Spruce's argument that Neurocrine is not entitled to the representation costs incurred for the (as Spruce sees it: inadmissibly and too late) filed invalidity (novelty) attack and opinion evidence in its reply to the defence and the defence to the application to amend the patent on 16 December 2025. With or without that attack and that evidence, the reasonable and proportionate representation costs to be borne by Spruce would be the same.
43. Neurocrine additionally claims costs of an expert pursuant to R. 153 RoP and the amount of Court fees paid by Neurocrine insofar it will not be reimbursed by the Court pursuant to R. 370.9(b)(i) RoP.
44. With regard to Neurocrine's request for reimbursement of expert costs, the Court does not consider these costs incurred as eligible for reimbursement. As it is not in dispute, an almost identical declaration of this expert was filed in the opposition proceedings. As Neurocrine has not provided any further explanation of these costs other than that these costs are "incurred expert costs", the Court cannot rule out Spruce's argument that these costs are not presented with sufficient detail to determine whether these costs were attributable solely to these proceedings.
45. Spruce has not contested Neurocrine's request insofar as it relates to the amount of Court fees paid by Neurocrine up until the amount that will not be reimbursed by the Court pursuant to R. 370.9(b)(i) RoP. The amount claimed in that regard (see below: 40% of EUR 20.000, i.e. EUR 8.000) must be reimbursed by Spruce to Neurocrine.
46. The conclusion of this is that the Court will order that Spruce shall bear the costs of Neurocrine for this revocation action, up to a value of EUR 480.000 for representation costs and EUR 8.000 for the non-reimbursable court fees, in total, therefore EUR 488.000.

Costs in relation to the application for disposal of the action

47. On 6 February 2026 Spruce (additionally) requested the Court to order that Spruce is entitled to its costs in relation to the application for disposal of the action. This request will be rejected because the Court could (and would) have disposed of the action ex officio.

Reimbursement Court fees

48. Neurocrine's request for reimbursement of 60% of the Court fees (and thus an amount of EUR 12.000) can be granted, as the revocation action has been filed before 1 January 2026 (amended R. 370.9 (b) RoP) and that action is disposed before the closure of the written procedure (R. 370.9 (b)(i) RoP).

Confidentiality

49. When it comes to the applications for confidentiality, the parties do agree, in the sense that their requests are mirror images of each other.
50. Insofar as they request that the information (amounts) highlighted in grey in Neurocrine's response to the application for disposal of the action, which response was filed on 27 January 2026, and the information (amounts) highlighted in grey in Spruce's reply to the response to the application for disposal, which reply was filed on 6 February 2026, is confidential information, and that those amounts should be excluded from publication pursuant to R. 262.1(a) RoP, from any documents made available pursuant to R. 262.1(b) RoP and from any information made available in response to an application pursuant to R. 262.3 RoP, the requests will be dismissed.
51. After all (with reference to earlier decisions of the Milan Central Division, for example UPC_CFI_477/2025 5 June 2025), in principle, the costs of the proceedings are not covered by confidentiality unless they are specifically indicative of the company's financial capacity, its commercial strategy, or the importance of the patent as a corporate asset. The amounts of the legal costs do not (simply) say anything about the company's financial capacity, its commercial strategy, or the importance of the patent as a corporate asset.
52. This is different for the information in the Exhibits CR-62, CR-63 and HGF-54, which exhibits can be considered as specifically indicative of their company's financial capacity, their commercial strategy, and/or the importance of the patent as a corporate asset. The Court will follow the parties in this regard. These exhibits will therefore be regarded as covered by confidentiality between the parties within the meaning of Art. 58 UPCA and R. 262.2 RoP.
53. In its application for confidentiality pursuant to R. 262.2 RoP Neurocrine states that the confidential information should not be used in any other litigation. In response to this application, Spruce indicates that it does not agree with this, in the sense that it should also be possible to use the confidential information (Exhibits CR-62, CR-63 and HGF-54) in parallel litigation relating to the same patent, such as a revocation action before the UK Patents Court. In its reply to Spruce's application for confidentiality, Neurocrine accepts this by acknowledging that an application under R. 262.2 RoP cannot in and of itself restrict the other party to use the confidential information between the same parties regarding the same patent, as long as it is used in a way that its confidential nature will not be destroyed. As such the applications for confidentiality of both parties will be granted.

54. This implies that Exhibits CR-62, CR-63 and HGF-54 will not be released to the public. The requests of the parties to exclude Exhibits CR-62, CR-63 and HGF-54 from any documents made available pursuant to R. 262.1 (b) RoP and from any information made available in response to an application pursuant to R. 262.3 RoP, will therefore be granted, but with the following (under 54.) caveat (with reference to LD Brussels, 16 February 2026, UPC_CFI_1357/2025).
55. R. 262 RoP deals with access to procedural information for the public and thus manifests the principle of procedural publicity (Art. 45 UPCA) by regulating access to procedural information in the Register. R. 262.1 RoP states that written pleadings and evidence will only be made available to the public if an application is successful. Here, no third-party request has yet been made under R. 262.1 (b) and 262.3 RoP. Therefore, the aforementioned grant is to be considered "*provisional*" in that it could be reconsidered if a member of the public requests access. In such a case, the application submitted by Neurocrine and Spruce would have to be reassessed based on the arguments of the parties involved.

Leave to appeal

56. No need to leave to appeal on the disposal of the proceedings. Pursuant to R. 363.2 RoP, orders pursuant to R. 360 RoP are considered final decisions pursuant to R. 220.1(a) RoP, an issue that was raised by the Munich Local Division (UPC_CFI_249/2023, 19/12/2023) in the decision excerpted below, in which the Munich Local Division effectively observes that the verb used in the Rule is the one traditionally used for dismissal (abweisen) and not for the termination of proceedings (abtragen).
57. Under R. 157 RoP, the decision of the panel as to costs only may be appealed to the Court of Appeal in accordance with R. 221 RoP.

ORDER AND DECISION ON COSTS:

The Court

- 1 Orders to dispose of the revocation action UPC_CFI 722/25 pursuant to R. 360 RoP;
2. Sets the value of the proceedings (revocation action) in accordance with R. 370.6 RoP at EUR 7 million and the ceiling of recoverable costs at EUR 600.000;
3. Rules that Spruce shall pay the legal costs [and court fees] incurred by Neurocrine to an amount of EUR 488.000;
4. Orders that Neurocrine to be reimbursed 60% of the court fees paid, and thus an amount of EUR 12.000;
5. Considers the following information classified as confidential within the meaning of Art. 58 UPCA and (provisional) R. 262.2 RoP:

Exhibits CR-62 and CR-63
Exhibit HGF-54,

and specifically orders that this information of the one party shall not be used by the other party for any purpose other than the litigation of the present case UPC_CFI_772/025 and parallel litigation between the same parties regarding **EP 3 784 233**

6. Orders the Registry not to make available to the public the information referred to under 5.
7. Informs both parties that the order under 6. may be reconsidered upon introduction and assessment of a request introduced by the “public” in application of R. 262.1 (b) RoP;
8. Rejects the other requests.

Issued in Milan on 13 March 2026

<u>NAMES AND SIGNATURES</u>	
Andrea POSTIGLIONE Presiding Judge	
Marije KNIJFF Legally qualified judge Judge-rapporteur	
Andreas GUSTAFSSON Technically qualified judge	
Deputy Registrar (clerk)	

Where the decision is taken by the Court of First Instance pursuant to Rules 360, 361 and 362 it is a final decision within the meaning of Rule 220.1(a).