



Düsseldorf local division
UPC_CFI_2107/2025

Decision

of the Court of First Instance of the Unified Patent Court
issued on 25 March 2026
concerning EP 1 962 668

Claimants:

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

represented by:

Dr Christof Augenstein, Attorney-at-law, Dr Katharina Brandt, Attorney-at-law, Kather Augenstein Rechtsanwälte PartGmbH, Bahnstraße 16, 40212 Düsseldorf, Germany

also acting on behalf of:

Patent Attorney Dr Matthias Stöbel, Patent Attorney Dr Eva Hennekemper, Altmann Stöbel Dick Patentanwälte PartGmbH, Theodor-Heuss-Anlage 2, 68165 Mannheim, Germany

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DEFENDANT:

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

represented by:

Dr Christopher Maierhöfer, Attorney-at-law, Roksana Hosseini, LL.M. (KCL), Attorney-at-law, Dr Jonathan Hechler, LL.M. (USC), Bird & Bird LLP, Maximiliansplatz 22, 80333 Munich, Germany

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PATENT AT ISSUE:

European Patent No. EP 1 962 668

JUDICIAL PANEL/CHAMBER:

Panel 1 of the Düsseldorf local division

JUDGES:

This order was issued by the presiding judge, Mr Thomas, the legally qualified judge Dr Schumacher, acting as the judge-rapporteur, and the legally qualified judge Mr Kupecz.

LANGUAGE OF THE PROCEEDINGS: German

SUBJECT: R. 265.1(2) RoP – Application to withdraw the action
R. 370.9, R. 370.11 RoP – Application for reimbursement of court fees

BRIEF SUMMARY OF THE FACTS:

1. By document dated 22 December 2025, the claimants brought a patent infringement action against the defendants.
2. Even before the conclusion of the written procedure, the claimants, by a document dated 5 March 2026, the plaintiffs declared their withdrawal of the action and requested a refund of 50% of the court costs.
3. The claimants request that
 - I. to allow the withdrawal of the claim and to declare the proceedings closed;
 - II. to reimburse them for 50% of the court costs in accordance with Rule 370.9(b) of the RoP.
4. The defendants have consented to the withdrawal of the claim.
5. The claimants have stated that the parties have reached an out-of-court settlement. The settlement provides that each party shall bear its own costs and that there shall be no reimbursement of costs between the parties. A decision on costs is therefore not required. The defendants have also stated that no applications for costs will be made.

REASONS FOR THE DECISION:

6. The decision follows the parties' unanimously expressed intention.
7. Although Rule 265.2(c) of the RoP requires a decision on costs pursuant to Part 1, Chapter 5 of the RoP, such a decision was dispensable in this case in view of the parties' unanimous declaration that no decision on costs was required (see UPC_CFI_505/2024, Order of 24 January 2025, para. 13 – DexCom v. Abbott).

8. The order for the proportionate reimbursement of court costs follows the corresponding application by the claimants and is based on Rules 370.9(b)(i) and 370.11 of the RoP.

DECISION:

1. The withdrawal of the claim is permitted on application by the claimants and with the consent of the defendant.
2. The proceedings are hereby declared closed.
3. This decision is to be entered in the register.
4. There is no need to rule on the parties' costs.
5. The Registrar is instructed to reimburse the Claimant as soon as possible for 50% of the court fees paid by her in these proceedings, amounting to EUR 7,500.
6. The value in dispute for the claim is set at EUR 1,000,000. Issued in

Düsseldorf on 25 March 2026

NAMES AND SIGNATURES

Presiding Judge Thomas	Ronny Thomas Digital signed by Ronny Thomas Date: 23 March 2026 14:14:50 +01:00
Legally qualified judge Dr Schumacher	JuleKathrin Schumacher Digitally signed by Jule Kathrin Schumacher Date: 25 March 2026 08:10:41 +01:00
Legally qualified judge Kupecz	András Ferenc Kupecz Digitally signed by András Ferenc Kupecz Date: 23 March 2026 14:23:51 +01:00
On behalf of the Deputy-Registrar	LAURA CHANTAL DANIEL Digitally signed by LAURA CHANTAL DANIEL Date: 25 March 2026 08:17:33 +01:00