



UPC Court of Appeal  
UPC\_CoA\_49/2026

## PROCEDURAL ORDER

of the Court of Appeal of the Unified Patent Court

issued on 17 April 2026

concerning an application for leave to appeal against a decision on costs (R. 221.3 RoP)

APPLICANT (RESPONDENT IN COST APPLICATION AND APPLICANT IN THE MAIN PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

**Guardant Health, Inc.**, Palo Alto, California, United States of America

(hereinafter referred to as : “Guardant”)

represented by Ms. Agathe Michel-De Cazotte, attorney at law, Carpmaels & Ransford LLP, London, United Kingdom

RESPONDENTS (APPLICANTS IN COST APPLICATION AND DEFENDANTS IN THE MAIN PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

1. **Sophia Genetics SA**, Rolle, Switzerland
2. **Sophia Genetics SAS**, Bidart, France
3. **Sophia Genetics SRL**, Milan, Italy
4. **Sophia Genetics GmbH**, Freiburg, Germany

(hereinafter referred to as: “Sophia”)

represented by Ms. Liz Cohen and other representatives, attorneys at law, Bristows (Ireland) LLP, Dublin, Ireland

PATENTS AT ISSUE

EP 3 470 533

EP 3 591 073

EP 3 443 066

EP 3 766 986

STANDING JUDGE

This order has been adopted by Nathalie Sabotier, standing judge

IMPUGNED ORDER OF THE COURT OF FIRST INSTANCE

Paris Local Division, 16 March 2026, issued in UPC-CFI 0000591/2026, (linked to the main provisional measures proceedings UPC\_CFI\_808/2025)

LANGUAGE OF THE PROCEEDINGS

English

SUMMARY OF FACTS AND PARTIES' REQUESTS:

1. On 29 August 2025, Guardant lodged an application for provisional measures before the Local Division Paris against Sophia for infringement of four of its European patents (EP'533, EP'073, EP'066 and EP'986). At the stage of the reply to the objection, Guardant withdrew its request regarding EP'533.
2. By order dated 23 January 2026, the Local Division Paris rejected the application for provisional measures under EP'073, EP'066 and EP'986 and ordered Guardant to pay an interim award of costs of the proceedings amounting to EUR 400,000.
3. On 9 February 2026, Guardant appealed the order only with regard to EP'066 and costs.
4. On 12 February 2026, Sophia lodged an application for a cost decision, in accordance with R. 150 RoP. On the same date, Sophia filed a confidentiality application concerning information in the cost application itself and the supporting exhibits SG106 (invoices of costs incurred by Sophia).
5. In its written comments dated 2 March 2026, Guardant raised the inadmissibility of the cost application and, in the alternative, requested its dismissal as not well-founded. Concerning the confidentiality application, Guardant did not dispute the classification of the concerned information as confidential but requested a wider confidentiality circle than the one sought by Sophia.
6. By "procedural order" dated 16 March 2026 (the impugned order), the judge-rapporteur ordered:  
*"On confidentiality:*  
  
*-The following documents are classified as confidential: the invoice values and total costs incurred by Sophia, outlined in the Cost Application and Exhibit SG106, containing the invoices relating to the above information.*  
  
*-The access to these documents is limited to the following persons: Guardant's UPC representatives and their legal team in the case CFI 808/2025, and two natural persons/employees of Guardant (...)*  
  
*On costs:*  
  
*-Sets the costs to be paid by Guardant to Sophia within one month of the date of the present order, as follows: representation costs (including travel expenses): 600.000 euros, noting that the interim award of costs has already been ordered at the amount of 400.00 euros in the final order of 23 January 2026 to be paid on 10 March 2026."*
7. On 31 March 2026, Guardant lodged an application for leave to appeal against the impugned order, in accordance with R. 157 and R. 221 RoP. Guardant requests that (application, p. 5):
  1. Leave to appeal shall be granted on the cost order (not on confidentiality).
  2. If such leave to appeal is granted, to join the future appeal proceedings on costs with the PI appeal proceedings already pending before the second panel of the Court of Appeal under no. UPC\_CoA\_19/2026.

8. By procedural order dated 3 April 2026, Sophia was given the opportunity to comment on this application, in accordance with R.220.3 RoP analogously applicable to applications for leave to appeal of cost decisions.
9. On 10 April 2026, Sophia responded that they had no comments on the application on leave to appeal or joinder, and requested a timetable for submissions on the substance of the appeal.

INDICATION OF PARTIES' SUBMISSIONS:

10. Guardant argues that the cost order was prematurely granted, as, in the impugned order, the judge-rapporteur ruled at the same time on confidentiality and on costs. As a result, the decision on costs was made before Guardant had access to the unredacted version of the application and Exhibit SG106 and before he could comment on them, in violation of Art 76(2) UPCA.
11. Guardant further argues that the haste with which the Local Division Paris issued the cost order in the present case is all the more incomprehensible that an appeal against the order on provisional measures had been lodged before the application for a cost decision and given the sizeable interim awards of costs already granted. Guardant adds that the order dated 23 January 2026 could be overturned and for that reason parties often agree to stay costs proceedings pending appeal for efficiency reasons.
12. Sophia did not oppose the requests.

REASONS FOR THE ORDER

Leave to appeal

13. Leave to appeal is granted. The standing judge agrees with Guardant, and Sophia did not contest this, that the cost decision should have been issued after Guardant had access to the unredacted version of the application and exhibit SG106, and had the opportunity to comment on them.

Request to join these proceedings to appeal UPC CoA 19/2026

14. The assessment of costs is the subject of a specific and separate procedure (R.150 et seq. RoP), which also includes a specific appeal procedure in accordance with R.157 and R. 221 RoP. (UPC\_CoA\_1/2024, Order of 29 July 2024, Hanshow v. VusionGroup, para 9; UPC\_CoA\_302/2025, Order of 30 March 2026, Rematec v. Europe Forestry, para 9). According to R.221.5 RoP., if leave to appeal a cost decision is granted, the standing judge shall decide the appeal.
15. It follows from the above that request no.2 must be rejected.
16. The standing judge orders the parties to take the following steps on the substance of the appeal of the cost decision: Guardant shall lodge its written submission no later than 4 May and Sophia shall lodge its response no later than 18 May 2026.

PROCEDURAL ORDER

- I. Leave to appeal the impugned order is granted.
- II. The request to join these appeal proceedings of cost decision with the pending appeal no. UPC\_CoA\_19/2026 is rejected.

- III. The standing judge orders the following steps: Guardant shall lodge its written submission on the substance of its appeal **no later than 4 May 2026** and Sophia shall lodge its response **no later than 18 May 2026**.

Issued on 17 April 2026.

Nathalie Sabotier, standing judge