



Düsseldorf Local Division
UPC_CFI_140/2024

Order
of the Court of First Instance of the Unified Patent Court
delivered on 27 April 2026
concerning EP 2 697 391 B1

CLAIMANT:

10x Genomics, Inc., legally represented by the Board of Directors, this represented by the CEO Serge Saxonov , 6230 Stoneridge Mall Road, 94588-3260 Pleasanton, CA, USA

represented by: Attorney-at-law Prof Dr Tilman Müller-Stoy, Attorney-at-law Dr Martin Drews, Patent attorney Dr Axel Berger, Prinzregentenplatz 7, 81675 Munich, Germany

electronic address for service: mueller-stoy@bardehle.de

DEFENDANT:

Curio Bioscience Inc., represented by its CEO Stephen Fodor 4030 Fabian Way, Palo Alto, CA 94303, USA

represented by: Attorney-at-law Agathe Michel-de Cazotte, European Patent attorney Cameron Marshall, 1 Southampton Row WC1B 5HA London, United Kingdom

electronic address for service: U010318UC@carpmaels.com

co-counsel: Attorney-at-law Dr Christoph Höhne, Attorney-at-law Isabelle Schaller, Breite Strasse 29 – 31, 40213 Düsseldorf, Germany

PATENT IN SUIT:

European patent n° EP 2 697 391 B1

PANEL/DIVISION:

Panel 1 of the Local Division in Düsseldorf

DECIDING JUDGES:

The order was issued by Presiding Judge Thomas acting as judge-rapporteur, by the legally

qualified judge Dr Thom, the legally qualified judge Kupecz and the technically qualified judge Dr Schmidt.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT OF THE PROCEEDINGS: R. 352.2 RoP – Release of security

SUMMARY OF THE FACTS:

1. The Claimant has brought an action against the Defendants for infringing European patent EP 2 697 391 B1 (hereinafter: “patent in suit”).
2. In its decision dated 16 June 2025, the Court found an infringement of claim 14 of the patent in suit, issued an injunction on that basis and ordered the Defendant to recall and destroy the infringing products, provide information and to compensate the Claimant for damages. The action was dismissed in all other aspects. Regarding costs, the Court ordered that the costs of the PI proceedings and the proceedings on the merits shall be borne by the Claimant in an amount of 30 % and by the Defendant in an amount of 70 %. The value in dispute of the PI proceedings was set at € 2,000,000 and the value of the infringement action at € 3,000,000. No appeal against this decision is pending.
3. On 3 December 2024, the Court ordered the Defendant to provide security for legal costs and other expenses to the Claimant in an amount of € 200,000, either by way of deposit on the UPC account dedicated for security deposits, alternatively by way of bank guarantee issued by a bank licensed in the European Union within four weeks from the date of service of this order.
4. Following this order, Defendants deposited € 200,000 in the UPC account dedicated for security deposits (Exhibit CR-Sec 1).
5. On 2 February 2026, the Court handed down its cost decisions on the parties’ cost applications (UPC_CFI_657/2025 and UPC_CFI_658/2025). Neither party has appealed against this decisions. The Claimant has received the amount that the Defendant was required to pay them in accordance with these decisions.
6. Consequently, the Defendant filed an application for release of the security on 2 April 2026.
7. The Claimant, who was given the opportunity to comment on the application, did not object to this release.

GROUNDS FOR THE ORDER:

8. The decision regarding the repayment of the security for costs is based on R. 352.2 RoP by analogy. The Claimant did not object to the repayment requested by the Defendant. Therefore, the Claimant has no continuing interest in retaining the security.

ORDER:

The security for costs provided by the Defendant will be released.

Düsseldorf on 27 April 2026

NAMES AND SIGNATURES

Presiding Judge Thomas	
Legally qualified judge Dr Thom	
Legally qualified judge Kupecz	
Technically qualified judge Dr Schmidt	