



**Decision**  
**of the Court of First Instance of the Unified Patent Court**  
**Nordic-Baltic Regional Division**  
**issued on 12 May 2026**  
(withdrawal and confidentiality)

**APPLICANT in CFI 775/2025**

**RESPONDENT in CFI 776/2025 & CFI 777/2025**

- 1) **EDWARDS LIFESCIENCES CORPORATION** - One Edwards Way - 92614 - Irvine, California – US

Represented by Jens Olsson (Advokatbyrå Gulliksson AB), Siddharth Kusumakar & Bryce Matthewson (Powell Gilbert (Europe) LLP), Adam Rimmer (Powell Gilbert LLP), Dr. Jonas Weickert & Bernhard Thum (Thum & Partner)

**APPLICANTS in CFI 776/2025 & CFI 777/2025**

**RESPONDENTS in CFI 775/2025**

- 1) **MERIL LIFE SCIENCES PVT LIMITED** - Bilakhia House, Survey No. 135/139, Muktanand Marg, Chala - Gujarat 396191 - Vapi – IN
- 2) **MERIL GMBH** - Bornheimer Strasse 135 – 137 - D – 53119 - Bonn – DE
- 3) **SMIS INTERNATIONAL OÜ** - Harju maakond, Tallinn, Kesklinna linnaosa, Kaarli pst 9-1a - 10119 - Tallinn – EE
- 4) **SORMEDICA, UAB** - V. Kuzmos str. 28 - LT-08431 - Vilnius – LT
- 5) **INTERLUX, UAB** - Aviečių g. 16 - LT-08418 - Vilnius – LT
- 6) **VAB-LOGISTIK, UAB** - Laisvės pr. 60 - LT-05120 - Vilnius – LT

Represented by Andreas von Falck, Alexander Klicznik, Kerstin Jonen, Roman Würtenberger, Lars-Fabian Blume, Beatrice Wilden & Friederike Hermes (Hogan Lovells International LLP), Karin Westerberg & Julia Ericsson (Sandart & Partners Advokatbyrå)

## **PATENT AT ISSUE**

EP 3 769 722 B1

## **DIVISION**

Nordic-Baltic Regional Division

## **DECIDING JUDGE**

This decision has been issued by presiding judge Stefan Johansson, acting as judge-rapporteur

## **LANGUAGE OF THE PROCEEDINGS**

English

## **SUBJECT-MATTER**

Cost decisions – Withdrawal and requests for confidentiality

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## **SUMMARY OF FACTS**

1. On 21 July 2025, the Court of first instance (Nordic-Baltic Regional Division) issued its decision on the merits in case CFI 380/2023, which included an infringement action and counterclaims for revocation. In the decision, the Court decided in principle on the obligation to bear legal costs and other expenses.
2. On 21 August 2025, the parties submitted, inter alia, applications for cost decisions and applications for the protection of confidential information.
3. On 30 September 2025, the parties submitted requests for the stay of the proceedings for cost decisions pending the outcome of proceedings against EP 3 769 722 B1 that were pending before the Boards of Appeal of the European Patent Office.
4. After some correspondence concerning, inter alia, the confidentiality requests, the Court issued an order to stay the proceedings, which also included a preliminary order on the confidentiality requests.
5. When the proceedings were resumed, the parties reached a settlement and submitted withdrawals of their applications for cost decisions but maintained their confidentiality requests.

## **REQUESTS**

6. Edwards Lifesciences Corporation (hereinafter referred to as Edwards, or the Claimant) has requested that the Court
  - I. permits the withdrawal of its application for a cost decision (CFI\_775/2025),
  - II. declares the proceedings for a cost decision closed, and

- III. orders that specific sections and exhibits of the application for a cost decision to be “Confidential Information” in the sense of Art. 58 UPCA:
    - the information marked in grey under paragraphs 10, 14, 15, 16, 17, 21, 23, 24, 25, 26, 27, 28, 30 and 32 in the (the unredacted version of the) application for a cost decision; and
    - Exhibits EDW-Costs-2 and EDW-Costs-3 to the application for a cost decision;
  - IV. restricts access to the Confidential Information to the Defendants and their representatives in these proceedings;
  - V. orders the persons authorised to access the Confidential Information in accordance with Request IV. not to disclose the Confidential Information to any third party outside of these court proceedings and not to use the Confidential Information for purposes unrelated to these proceedings. These obligations shall continue to apply even after the conclusion of these proceedings;
  - VI. orders that prior to publication of the reasons for the cost decision or other announcements, any Confidential Information be redacted therein.
7. Meril Life Sciences PVT Limited, Meril GmbH, Smis International OÜ, Sormedica, UAB, and Interlux, UAB (hereinafter referred to as Meril et al. or the Defendants) have requested that the Court
- I. permits the withdrawal of their applications for a cost decision (CFI\_776/2025 and CFI\_777/2025),
  - II. declares the proceedings for cost decisions closed,
  - III. declares the following sections and exhibits of the applications for a cost decision to be "Confidential Information" in the sense of Art. 58 UPCA:
    - the information marked in grey in the (unredacted version of the) applications for a cost decision; and
    - Exhibits HL Costs 1 to HL Costs 6 to the applications for a cost decision;
  - IV. restricts access to the Confidential Information to Claimant and its representatives in the proceedings relating to EP 3 769 722 B1 before the Court;
  - V. orders that the persons authorized to access the Confidential Information in accordance with Request IV. must not disclose any of the Confidential Information to any third party outside these proceedings and must not to use the Confidential Information for purposes unrelated to these proceedings, whereby these obligations shall continue to apply even after the conclusion of these proceedings;
  - VI. orders that prior to publication of the reasons for the Cost Decision or other announcements, any Confidential Information be redacted therein.
8. The parties have agreed to each other’s requests.

## GROUNDINGS FOR THE DECISION

9. The decision to permit the withdrawals and close the proceedings follows the parties' jointly expressed will.
10. The parties have not challenged that the information in question is confidential, and the Court agrees that the conditions for declaring the alleged confidential information as confidential are fulfilled.
11. The Court may – in accordance with Rule 262A RoP – restrict the access and use of certain information, which may include protection against the other party or its representatives disclosing the information (see e.g. UPC\_CoA\_70/2025 and UPC\_CoA\_001/2025, order of 1 August 2025). The parties' requests for such orders are justified and shall be granted. A culpable breach of the order may result in the imposition of a penalty payment.
12. Since the parties have reached a settlement and the proceedings hereby are closed, the parties' requests no. VI. have become devoid of purpose.
13. This decision does not prejudge the consideration of any requests pursuant R. 262.3 RoP.

## DECISION

### The Court

- I. permits the withdrawals and declares these proceedings closed;
- II. orders that this decision be entered on the Register;
- III. orders the following sections of Edwards' application for a cost decision and exhibits to be "Confidential Information" in the sense of Art. 58 UPCA:
  - a) the information marked in grey under paragraphs 10, 14, 15, 16, 17, 21, 23, 24, 25, 26, 27, 28, 30 and 32 in the unredacted version of Edwards' application for a cost decision; and
  - b) Exhibits EDW-Costs-2 and EDW-Costs-3 to the application for a cost decision;and restricts, on part of the Defendants (Meril et al.), the access to this Confidential Information to the Defendants and their representatives in these proceedings;
- IV. orders the following sections of Meril et al.'s applications for a cost decision and exhibits to be "Confidential Information" in the sense of Art. 58 UPCA:
  - o the information marked in grey in the unredacted version of Meril et al.'s applications for a cost decision; and
  - o Exhibits HL Costs 1 to HL Costs 6 submitted with the applications for a cost decision;and restricts, on part of the Claimant (Edwards), the access to this Confidential Information to the Claimant and its representatives in these proceedings;

- V. orders that the persons authorized to access the Confidential Information in accordance with paragraphs III. and IV. of this order must not disclose any of the Confidential Information to any third party outside these proceedings and must not use the Confidential Information for purposes unrelated to these proceedings, whereby these obligations shall continue to apply even after the conclusion of these proceedings;

in the event of a culpable breach of this order, the Court may impose a periodic penalty payment for each violation, which will be determined having regard to the circumstances of the individual breach.

Issued in Stockholm on 12 May 2026

Stefan Johansson  
Presiding judge and judge-rapporteur