



ORDER
of the Court of First Instance of the Unified Patent Court
issued on 19 May 2026
concerning R. 20

CLAIMANT

Abbott Diabetes Care Inc.
1360 South Loop Road –
CA 94502 - Alameda – US'

Represented by: Christian Dekoninck,
Eoin Martyn and Gisbert Hohagen (Taylor
Wessing)

“Abbott”

DEFENDANTS

1. **Sinocare Inc**, 264 Guyuan Road, Changsha. Hunan Province, CN
2. **A. Menarini Diagnostics s.r.l.**, Via Sette Santi 3, 50131 Firenze, IT
3. **CODIFI Srl Consorzio Stabile per la Distribuzione**, Via Sette Santi 3, 50131 Firenze, IT
4. **Menarini Benelux S.A./N.V., Divisie Nederland**, Europalaan 2, 5232BC, 's-Hertogenbosch, NL
5. **Menarini Diagnósticos S.A.**, Avenida del Maresme 120, E-08918, Badalona, Barcelona, Spain,
6. **A.Menarini Diagnostics LTD**, 405 Wharfedale Road, Wokingham, Berkshire RG41 5RA, UK,
7. **Menarini Diagnósticos, LDA**, Rua de Malhães, 1 Piso 2B 2770-071, Paço De Arcos, Lisbon, Portugal,
8. **Berlin-Chemie AG** (previously known as A.Menarini Diagnostics Deutschland), Glienicke Weg 125, 12489, Berlin, Germany,
9. **A.Menarini GmbH**, Pottendorfer Strasse 25-27/3/1, A-1120, Vienna, Austria,
10. **A.Menarini Diagnostics France SAS**, 3-5 Rue du Jura, 94150 Rungis, France,
11. **Obelis S.A.**, Generaal Wahislaan 53, 1030, Schaarbeek, Belgium,
12. **Obelis Swiss GmbH**, Ruessenstrasse 12, 6340, Baar, Switzerland,
13. **Carestores BV**, Grindweg 82, 3055VD, Rotterdam, The Netherlands.

Defendant 1, 11, 12 and 13 represented by Tjibbe Douma
Defendant 2-10 represented by Edoardo Barbera,
Collectively: **“Defendants”**

PATENT AT ISSUE EP4344633

PANEL Panel of the local division in The Hague

DECIDING JUDGE This order is issued by the judge-rapporteur.

LANGUAGE OF PROCEEDINGS: English

PROCEDURE

1. In an infringement action initiated by Abbott on 20 November 2025, following preliminary measure proceedings, Defendants filed a preliminary objection (“PO”). Abbott responded.

REQUEST

2. Defendants request that the Court:
 - Deny jurisdiction for Menarini UK, Menarini ES and Obelis Swiss.
 - Limit its jurisdiction to the UPC Contracting Member States for defendants A.Menarini (defendant 2), Menarini (B)NL (defendant, 4) Menarini PT (defendant 7), Menarini DE (defendant 8), Menarini AUT (defendant 9), Menarini FR (defendant 10) and Codifi (defendant 3).
 - Limit jurisdiction for defendant 1 Sinocare to (i) the UPC Contracting Member States (and can thus not entail any long arm jurisdiction) and (ii) acts relating to SinoCare iCan i3 products.
3. Abbott requests the court to reject the PO.
4. Both parties suggest a practical approach in which a decision on the PO is postponed until later in the proceedings, because the PO cannot lead to complete dismissal of the main proceedings.

GROUND

5. The PO cannot lead to the complete dismissal of the action on the grounds of jurisdiction, nor can it lead to the LD The Hague being incompetent to hear the entire case, as rightly noted by the parties. Furthermore, case law regarding the interpretation of certain jurisdiction and competence rules in the context of the UPC, as well as some other rules which are relevant thereto (e.g. the interpretation of Art. 63 UPCA regarding the infringing nature of an intermediary’s actions, is evolving rapidly. In these circumstances, the JR defers the decision on jurisdiction and competence to the main proceedings pursuant to R.20.2.RoP. This will enable the parties and the court to consider new developments.

ORDER

The preliminary objection is to be dealt with in the main proceedings.

Margot
Elsa Kokke

Digitally signed by
Margot Elsa Kokke
Date: 2026.05.19
18:16:40 +02'00'