



Düsseldorf Local Division
UPC_CFI_195/2025
UPC_CFI_568/2026

Decision
of the Court of First Instance of the Unified Patent Court
issued on 8 June 2026
concerning EP 4 252 857

CLAIMANTS:

1. **Sanofi Biotechnologies SAS**, 82 avenue Raspail, 94250 Gentilly, France, represented by its chairman, Laurent Gilhodes,
2. **Regeneron Pharmaceuticals Inc.**, 777 Old Saw Mill River Road, Tarrytown, New York 10591, United States of America, represented by its CEO Leonard Schleifer,

all Claimants represented by: Dr. Niels Hölder, Mike Gruber, Dr. Michael Pfeifer and all other UPC Representatives of HOFFMANN EITLE PartmbB,

Daniel Wise, Agathe Michel-de Cazotte and all other UPC Representatives of CARPMEALS & RANSFORD, 1 Southampton Row WC1B 5HA London, United Kingdom,

electronic address for service: nhoelder@hoffmanneitle.com

DEFENDANTS:

1. **Amgen Inc.**, One Amgen Center Drive, Mail Stop 2-28-C, 91320 1799 Thousand Oaks, California, USA, represented by its CEO Robert Bradway,
2. **Amgen Europe B.V.**, Minervum 7061, 4817 ZK Breda, The Netherlands, represented by its managing directors Jan Arie Bouman, Paulus Johannes Dekkers and Daniëlle Christine IJkema,
3. **Amgen N.V.**, Telecomlaan 5-7 1831 Diegem, Belgium, represented by its Directors Gwenaël Caesens, Paraskevi Florou and Gabor Sztaniszlav,
4. **Amgen GmbH**, Riesstraße 24, 80992 Munich, Germany, represented by its managing directors Manfred Heinzer, Adam Stewart Elinoff and Andreas Wolfgang Bierl,
5. **Amgen B.V.**, Minervum 7061 Breda, 4817 DH, The Netherlands, represented by its directors Johannes Jacobus Michel Maria Rijnierse, Maria Carolina Correa and Paraskevi Florou,

6. **Amgen S.A.S.**, 18-20 Quai du Point du Jour, Boulogne-Billancourt, 92100 France, represented by its president Corinne Buffet,
7. **Amgen S.R.L.**, Via Enrico Tazzoli 6, Milano (Mi), 20154 Milano, Italy, represented by its directors Corrado Napolitano and Paraskevi Florou,

all Defendants represented by: Johannes Heselberger, Nadine Westermeyer and all other UPC Representatives of BARDEHLE PAGENBERG Partnerschaft mbB, Prinzregentenplatz 7, 81675 München, Germany

electronic address for service: heselberger@bardehle.de

PATENT AT ISSUE:

European patent n° EP 4 252 857

PANEL/DIVISION:

Panel 2 of the Local Division in Düsseldorf

DECIDING JUDGES:

This Order was issued by Presiding Judge Dr Thom, legally qualified Judge Dr Rincken, legally qualified Judge Kupecz and technically qualified Judge Dorland-Galliot.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT OF THE PROCEEDINGS: R. 265.1, 370.9 RoP – Withdrawal and reimbursement

SUMMARY OF FACTS AND PARTIES' REQUESTS:

1. The Claimants filed a patent infringement action against the Defendants and the Defendants filed a counterclaim for revocation against the Claimant before 1 January 2026. The infringement action was separated from infringement proceedings UPC_CFI_505/2023 by Order of 30 January 2025 rectified by Order of 3 February 2025. By Order of 6 August 2025 the Court stayed both proceedings pending the outcome of the appeal against the first instance decision ORD_598583/2023 of the Local Division Düsseldorf in the infringement proceedings UPC_CFI_505/2023, ACT_597355/2023 relating to patent EP 3 536 712 ("EP712").
2. Even prior to the closure of the written procedure, the Claimants withdrew the infringement action by written submission dated 11 March 2026, and the Defendants also withdrew the counterclaim for revocation by written submission dated 12 March 2026.
3. The Defendants agreed to the withdrawal of the infringement action, and the Claimants agreed to the withdrawal of the counterclaim for revocation.
4. The Claimants request that the Court,
 - I. lifts the stay of the infringement proceedings with reference number UPC_CFI_195/2025 (Infringement Proceedings) insofar as required for the purpose

of allowing the Application for withdrawal of the Infringement Proceedings and Application for reimbursement of court fees, and for the purpose of issuing an order of withdrawal;

- II. permits the withdrawal of the Infringement Proceedings, initiated as an extension of the infringement proceedings in relation to EP 2 536 712 on 25 September 2024;
- III. reimburses Claimants 50% of the court fees;
- IV. closes the Infringement Proceedings.

5. The Defendants request,

that the withdrawal of the counterclaim for revocation UPC_CFI_568/2025 be permitted, and the reimbursement of 50 % of the court fees paid.

GROUNDS OF ORDER:

Withdrawal

6. The R. 265 RoP decision on withdrawal reflects the joint will of the parties involved.
7. Although R. 265.2(c) RoP states that decisions on costs shall be taken in accordance with Part 1, Chapter 5, this is not necessary here, as both parties have confirmed that they agree to bear their own costs and that separate proceedings for a cost decision are unnecessary (cf. UPC_CoA_569/2024, Order of 24 January 2025 – DexCom v. Abbott).

Reimbursement of Court fees

8. According to R. 370.9(b)(i) RoP as it reads until 31 December 2025, in case of the withdrawal of an action (R. 265 RoP), the party liable for the Court fees will be reimbursed by 60 % if the action is withdrawn before the closure of the written procedure.
9. This provision has been modified following the amendments to R. 370.9 RoP, which entered into force on 1 January 2026. The amendments apply to actions and applications filed after 31 December 2025 (see page 4 of the Decision of the Administrative Committee of 4 November 2025 on the Amendment of the table of court fees and other related changes to the Rules of Procedure and Guidelines).
10. In case the application for withdrawal and reimbursement is filed after 1 January 2026, reimbursement shall therefore be ordered in accordance with the new provision (see CoA, Decision of 9 January 2026, CoA_257/2025, VMR Products LLC v. NJOY Netherlands BV; UPC-CoA_916/2025, Decision of 26 May 2026, Hurom v. NUC Electronics).

11. Following the amendments to R. 370.9(b) RoP, in case of the withdrawal of an action (R. 265 RoP), the party liable for the Court fees will be reimbursed by 50 % if the action is withdrawn before the closure of the written procedure.
12. In the present case, both the applications to withdraw the infringement action and the counterclaim for revocation were filed before the closure of the written procedure, however, after 1 January 2026. Thus, reimbursement by 50 % (and not 60 %) is to be ordered in accordance with the provision of R. 370.9 RoP, as applicable from 1 January 2026. The court fees paid for the infringement action amount to € 225,000 which was ordered by the Court pursuant R. 263.4 RoP in conjunction with R. 302.2 RoP. When separating both infringement actions the Court calculated the additional fees on the basis of a cumulated value of dispute amounting to € 70,000,000.

ORDER:

- I. Panel 2 took over the case on 1 March 2026.
- II. The Court's Order of 6 August 2026 is lifted for the purpose to permit the withdrawal and the reimbursement of court fees.
- III. The Court
 1. permits the withdrawal of the infringement action and the withdrawal of the counterclaim and declares both proceedings closed;
 2. orders that this decision be entered in the register;
 3. declares that there is no need for a cost decision;
 4. orders the Registrar to reimburse the Claimant, as soon as possible, 50 % of the court fees it has paid in these proceedings, amounting to € 112,500 (= 50 % of € 225,000);
 5. orders the Registrar to reimburse the Defendants, as soon as possible, 50% of the court fees they have paid in these proceedings, amounting to € 10,000 (50 % of € 20,000);
 6. sets the value in dispute for the infringement action at € 50,000,000 and the value in dispute for the counterclaim for revocation at € 50,000,000.

Issued in Düsseldorf on 8 June 2026

NAMES AND SIGNATURES

Presiding Judge Dr Thom	
Legally Qualified Judge Dr Rinken	
Legally Qualified Judge Kupecz	
on behalf of Technically Qualified Judge Dorland-Galliot	
For the Sub-Registry	