



**Local Division Munich**  
**UPC\_CFI\_1160/2026**

**Order**  
**of the Court of First Instance of the Unified Patent Court**  
**Local Division Munich**  
**issued on 26 June 2026**

**CLAIMANT/APPLICANT:**

**Edwards Lifesciences Corporation**, 1 Edwards Way, 92614, Irvine, US

represented by: Bryce Matthewson, Siddharth Kusumakar, Adam Rimmer  
(Powell Gilbert)

**DEFENDANTS/RESPONENTS:**

- 1. Meril Gmbh**, Bornheimer Straße 135-137 - 53119 - Bonn – DE
- 2. Meril Life Sciences Pvt Ltd.**, M1-M2, Meril Park, Survey No 135/2/B & 174/2 Muktanand Marg, Chala, Vapi - 396 191 Gujarat - Vapi – IN
- 3. Meril Italy S.r.l.**, Piazza Tre Torri 2, 20145, Milan, IT

represented by: Dr. Andreas von Falck, Dr. Roman Würtenberger, Beatrice Wilden, Chia Ching Chuong (Hogan Lovells)

**PATENT AT ISSUE:**

European patent n° 3 669 828

**PANEL/DIVISION:**

Panel 1a of the Local Division Munich.

**DECIDING JUDGE:**

This order has been issued by Presiding Judge Dr. Matthias Zigann acting as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS:

English

SUBJECT OF THE PROCEEDINGS:

APPLICATION FOR THE DETERMINATION OF DAMAGES (Art. 68 UPCA, R. 125, R. 126 and R. 131 RoP) WITH REQUEST TO LAY OPEN BOOKS (R. 131.1(c) and R. 141 RoP)

PROCEDURAL BACKGROUND:

1. With decision of the Munich Local Division issued on 4 April 2025 and served on the parties on the same day (UPC\_CFI\_501/2023, ORD\_598588/2023 in Action Number ACT\_597277/2023 and ORD\_69128/2024 in Action Number CC\_23112/2024, the Decision<sup>1</sup>) this Court held, inter alia, that Meril GmbH (Meril Germany), Meril Life Science Pvt. Ltd (Meril India) and Meril Italy S.r.l. (Meril Italy), (together, Meril or the Defendants):

(i) infringed EP 3 669 828 B2 (EP 828) owned by Edwards Lifesciences Corporation (Edwards) with respect to the Myval Transcatheter Heart Valve (the Myval THV) and the assembly that comprises the Myval THV and the Navigator THV delivery apparatus (the Myval System), (together, the Infringing Products);<sup>2</sup> and therefore

(ii) are jointly and severally obliged to compensate Edwards for the damage (including interest) that Edwards has suffered and will suffer as a result of their infringing acts committed since 5 May 2021.

The Decision has not been appealed and has thus become final.

2. With brief dated 2 April 2026 Edwards filed an application for the determination of damages (the Application), which includes a request for an order to lay open books.

3. With brief dated 10 June 2026 Meril filed a DEFENCE TO APPLICATION FOR THE DETERMINATION OF DAMAGES WITH REQUEST TO LAY OPEN BOOKS together with an APPLICATION FOR PROTECTION OF CONFIDENTIAL INFORMATION.

4. With a brief dated 12 June 2026, Edwards responded to the application for the protection of confidential information.

5. On 15 June 2026, the JR granted the confidentiality request. On the same day, the Sub-Registry changed the status of the documents classified as 'HC' to 'R', thus making them available to Edwards' UPC representative. Furthermore, the Sub-Registry uploaded a relevant document.

6. With brief dated 24. June 2026, Edwards informed the court that their UPC representative had only become aware of the change in confidentiality status on 23 June 2026, as no

notification email had been sent. They requested clarification or an extension to the deadline for filing a reply to the defence.

7. On the same day, the JR invited Meril to submit observations:

'Respondents are invited to submit their observations within one day. Applicants should note that, after the observations have been considered, the maximum extension to the deadline that can be granted is two days. This is because the UPC representative for the applicant should have inquired with the sub-registry by 17 June 2026 at the latest.'

8. In a brief dated 25 June 2026, Meril informed the court that they did not object to a limited extension of two days. In their view, a further extension is not justified.

#### REQUESTS BY THE PARTIES:

9. Edwards requests:

I. pursuant to R. 9.1 RoP, confirm and declare that the 14-day period under R. 142.3 RoP for the Applicant to lodge its Reply (the Reply) to the Defendants' Defence to the Applicant's application for the determination of damages with request to lay open books (the Defence) runs from 23 June 2026, being the date on which the Applicant in fact obtained access to the unredacted versions of the Defendants' Defence and Confidentiality Application for protection of confidential information (the Confidentiality Application); or

II. in the alternative, pursuant to R. 9.3(a) RoP, order that the Applicant be granted an extension to the deadline for filing its Reply to the Defence such that the deadline is 14 days from 23 June 2026 (i.e. 7 July 2026).

#### GROUNDS

10. Only a limited extension of two days can be granted, as the UPC representative for Edwards should have inquired with the sub-registry by 17 June 2026 at the latest. Meril does not object to this.

11. Edwards was aware of the JR's order dated 16 June 2026. This order instructed the sub-registry to change the confidentiality status from 'HC' to 'R'. Therefore, execution of this order was expected the next day at the latest. In fact, the change was made only two and a half hours after the order had been uploaded, on the same day. Had the UPC representative for Edwards inquired with the sub-registry, they would have been informed of the successful change to the confidentiality status.

12. However, it must be noted that the current instructions for the sub-registry are to be reviewed and amended in light of the fact that the CMS does not send out automatic notifications when the confidentiality status of a document is changed, which has resulted in the current eight-page, twenty-paragraph application.

ORDER

Edwards is granted an extension to the deadline for filing its reply to the defence until 1 July 2026. The application is otherwise rejected.

INFORMATION ABOUT REVIEW BY PANEL

Any party may request that this Order be referred to the panel for a review pursuant to R. 333 RoP. Pending review, the Order shall be effective (R. 102.2 RoP)

Dr. Zigann  
Presiding Judge