



**Düsseldorf local division**  
**UPC\_CFI\_701/2025**

**Procedural Order**  
**of the Court of First Instance of the Unified Patent Court**  
**issued on 16 July 2026**  
**concerning EP 3 548 898 B1**

Claimant:

**Imusyn GmbH & Co. KG**, Feodor-Lynen-Str. 5, 30625 Hanover, Germany, legally represented by imusyn Beteiligungs GmbH, at the same address, which is in turn legally represented by its managing director Marta Albis Camps, at the same address

represented by:

Miriam Kiefer, Attorney-at-law, and Donna Magdalena Gulla, Attorney-at-law, of the law firm Kather Augenstein, Bahnstraße 16, 40212 Düsseldorf, Germany

electronic service address:

kiefer@katheraugenstein.com

supported by:

Patent Attorney and European Patent Attorney Dr Stefan Taruttis, Aegidientorplatz 2B, 30159 Hanover, Germany

DEFENDANT:

**BAG Diagnostics GmbH**, Amtsgerichtsstr. 1–5, 35423 Lich, Germany, legally represented by its managing directors Dr Ingo Dunya Meier and Dr Nicolas Sachsenberg, of the same address,

represented by:

Dr Peter Meyer, Attorney-at-law, Simmons & Simmons LLP, Gewürzmühlstraße 11, 80538 Munich, Germany

supported by:

Eugen Tuscherer, Attorney-at-law; Dr Christiane Katja Schwager, patent attorney; and Dorothee Oerter, Attorney-at-law, of the law firm adotec. Patent- und Rechtsanwaltspartnerschaft Tappe mbB, Georg-Schlosser-Straße 6, 35390 Gießen, Germany

PATENT AT ISSUE:

EUROPEAN PATENT NO. EP 3 548 898 B1

Panel:

Panel 1 of the Düsseldorf local division JUDGES

INVOLVED:

This order was issued by the presiding judge, Thomas, acting as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS: German

SUBJECT: Rule 262.2 of the RoP – Protection of confidential information

REASONS FOR THE ORDER:

Pursuant to Rule 262.1(b) of the RoP, pleadings and evidence filed with the court and recorded by the Registry shall be made available to the public upon a reasoned application addressed to the Registry. However, pursuant to Rule 262.2, first sentence, of the RoP, a party may apply for certain information contained in documents or evidence to be treated as confidential, citing specific grounds for doing so.

The defendant has made use of this option in the present case and, in support of its application for confidentiality, has stated that the settlement agreement concluded between the parties and the declaration of cessation and undertaking submitted are each subject to a binding confidentiality regime, the precise terms of which must be kept confidential. Furthermore, in this context, the defendant also provides information on internal processes and sales activities which are confidential and must remain so.

The defendant has thus demonstrated specific grounds supporting its request for confidential treatment of the information it has classified as requiring confidentiality. On this basis, this information was to be classified as confidential. The Claimant did not object to such classification.

The specific consequences arising from this in each case—regarding the handling of an application for access to the file, a possible exclusion of the public from parts of the oral hearing, and the need to redact information in any decision—will have to be determined in the context of the respective procedural situation. In particular, the general exclusion of information classified as requiring confidentiality from access by third parties – as already sought by the defendant – is out of the question, if only because, pursuant to Rule 262.6 of the RoP, the defendant's interest in confidentiality must always be weighed against the interest of the applicant seeking access to the files. However, the latter cannot be assessed in abstract terms, but requires a specific assessment in each individual case.

ORDER:

The information highlighted in grey in the defendant's document of 29 June 2026, together with the accompanying Annex S 1, is classified as requiring confidentiality; this specifically includes the following information:

- a) the settlement agreement concluded between the parties in the context of the previous interim relief proceedings (Ref.: UPC\_CFI\_550/2025) (Annex S 1);
- b) information concerning the conclusion and content of the settlement agreement concluded between the parties in the previous interim relief proceedings (Case No.: UPC\_CFI\_550/2025), as well as the fulfilment of the obligations arising therefrom (pages 5, 6 and 7 of the document of 29 June 2026).

Issued in Düsseldorf on 16 July 2026

NAMES AND SIGNATURES

Presiding Judge Thomas