

Decision
of the Court of First Instance of the Unified Patent Court
issued on 25/08/2026
regarding: withdrawal

Claimant

- 1) **Genevant Sciences GmbH**
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Switzerland
- 2) **Arbutus Biopharma Corporation**
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United States of America

Claimants are represented by M.G.R. van Gardingen, K.M.L. Bijvank, H.W.J. Lambers, E.A.I. Lots, Dr. F. Lahrtz

Defendant

- 1) **Moderna, Inc.**
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- 2) **MODERNATX, INC.**
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- 3) **MODERNA SWITZERLAND GMBH**
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- 4) **MODERNA NETHERLANDS B.V.**
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15) **MODERNA BIOTECH UK LIMITED**

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Represented by R.Laddé (Defendants 1-2, 4-15) and J. Renken (Defendant 3)

PATENT AT ISSUE

<i>Patent no.</i>	<i>Proprietor/s</i>
EP2279254	Arbutus Biopharma Corporation

DECIDING JUDGE

FULL PANEL

Presiding judge	Edger Brinkman
Judge-rapporteur	Margot Kokke
Legally qualified judge	Samuel Granata
Technically qualified judge	Xavier Dorland-Galliot

LANGUAGE OF PROCEEDINGS: English

Subject-matter of the proceedings: Infringement proceedings
and counterclaim for revocation

POINTS AT ISSUE AND GROUNDS

1. Claimants and defendants request withdrawal of their respective claims (UPC-CFI-191/2025 for the infringement action and UPC-CFI-617/2025 for the counterclaim for revocation) pursuant to R.265.1 RoP because they have reached a settlement. They request the court to declare the proceedings closed.
2. All parties consent to the closure of both actions, evidenced by the signatures from representatives of both sides on the request.
3. The application is admissible as there is no final decision in the action. The request will be granted. The registry shall be instructed to register the closure of the action in the register.
4. Parties confirmed that a cost decision is not required in both actions, apart from reimbursement of court fees.
5. The Parties request reimbursement of the court fees pursuant to Rule 370.9(b) RoP in both actions. The requests are admissible, as the written procedure was still ongoing at the time of the withdrawal, since the Defendants had not yet submitted their Rejoinder to the Application to Amend. Pursuant to case law of the Court of Appeal, the Rules of Procedure as amended on 1 January 2026 apply, because the application (for withdrawal and reimbursement) was filed in 2026. Under the applicable rule, the Parties are entitled to reimbursement of 50% of the court fees. However, in this case the court deems the situation exceptional and sees reason to decrease the reimbursement payable to 25% (R.370.9(e) RoP). The exceptional character is due to (i) the fact that the settlement was reached almost at the end of the written phase when all but one of six written submissions had been exchanged (only the rejoinder regarding the application to amend was not filed) (ii) the large number of applications filed by the parties and (iii) the considerable number of orders issued by the court, including a R.19 RoP order and a R.333 RoP revision thereof. The requests are therefore granted only to that extent. The Registry is instructed to reimburse 25% of the court fees paid in both actions.

ORDER

The court:

1. allows the withdrawal of infringement action UPC-CFI-191 and counterclaim in revocation UPC-CFI-617/2025.
2. declares those proceedings closed;
3. orders that this decision shall be entered on the register (R.265.2(b));
4. orders the registry to reimburse the claimants in both actions 25% of the respective court fees paid;
5. declares that there is no further need for cost decisions.

Brinkman, presiding judge	
Granata, legally qualified judge	
Kokke, judge rapporteur	
Kokke, on behalf of Dorland-Galliot, technically qualified judge	
For the Deputy Registrar, clerk	