

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 **represented by** M.G.R. van Gardingen, K.M.L. Bijvank, H.W.J. Lambers, L.S. Bouzora.
F.J. Nicolle,

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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- 5) **MODERNA BIOTECH SPAIN, S.L.**
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- 6) **MODERNA GERMANY GMBH**
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- 11) **MODERNA SWEDEN AB**
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- 12) **MODERNA NORWAY AS**
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- 13) **MODERNA PORTUGAL UNIPessoal, LD**
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- 14) **MODERNA POLAND SP. Z O.O**
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- 15) **MODERNA BIOTECH UK LIMITED**
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United Kingdom

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

PATENT AT ISSUE

<i>Patent no.</i>	<i>Proprietor/s</i>
EP4241767	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-192/2025 for the infringement action and UPC-CFI-607/2025 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. Parties confirmed that a cost decision is not required in both actions.
4. 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
5. The Parties' request for reimbursement of the court fees pursuant to Rule 370.9(b) RoP in both actions are dismissed. Pursuant to Rule 370.9(e) RoP and the interpretation of the transitional law by the CoA, the amended rules apply, as the request (for withdrawal and reimbursement) was filed in 2026. Under the applicable rule, reimbursement is only given before the closure of the written phase. The present proceedings have already entered the interim phase. Accordingly, the requests for reimbursement of court fees are denied in both actions.

ORDER

The court:

1. allows the withdrawal of infringement action UPC-CFI-192 and counterclaim in revocation UPC-CFI-607/2025.
2. declares those proceedings closed;
3. orders that this decision shall be entered on the register (R.265.2(b));
4. dismisses the reimbursement requests;
5. declares that there is no 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	