



Action number:
UPC-CoA-99/2026
UPC-CoA-110/2026

**Order
of the Court of Appeal of the Unified Patent Court concerning an
application for a stay of proceedings (Rule 295(m) of the RoP)
issued on 2 October 2026**

APPELLANTS (DEFENDANTS AND COUNTER-CLAIMANTS IN THE MAIN PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

1. **Canfield Scientific GmbH**, Otto-Brenner-Str. 203, 33604 Bielefeld, Germany
2. **Canfield Scientific, Inc.**, 4 Wood Hollow Road, Parsippany, NJ 07054, United States
3. **Canfield Scientific Europe, BV**, Proostwetering 28A, 3543 AE, Utrecht, Netherlands
4. **Canfield Scientific s.r.l.**, Via Panaro n.1, 41057 Spilamberto, Modena, Italy
5. **ESTHETEC SAS**, 6 rue Claude Dalsème, 92190 Meudon, Paris, France

hereinafter collectively referred to as: 'Canfield'

represented by Miriam Kiefer, Attorney-at-law, and other Attorneys-at-law at the law firm Kather Augenstein Rechtsanwälte PartGmbH

APPELLANT (CLAIMANT AND COUNTER-DEFENDANT IN THE MAIN PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

QUANTIFICARE S.A., 1180 Route des Dolines, Athena B, 06560 Valbonne, France,

hereinafter referred to as: "QUANTIFICARE"

represented by Dr Felix Klopmeier, of Lang & Rahmann Attorneys-at-law PartG mbB

PATENT AT

ISSUE EP 3

156 843

PANEL AND DECIDING JUDGES

Panel 1a

Klaus Grabinski, President of the Court of Appeal
Emmanuel Gougé, legally qualified judge and judge-rapporteur
Peter Blok, legally qualified judge

LANGUAGE OF THE PROCEEDINGS

German

CONTESTED DECISION OF THE COURT OF FIRST INSTANCE

- ☐ Decision of the Düsseldorf Local Division of 23 April 2026
- ☐ Action number of the Court of First Instance:

ACT_53557/2024	CC_6773/2025
UPC_CFI_559/2024	UPC_CFI_106/2025

BRIEF SUMMARY OF THE FACTS AND THE PARTIES' APPLICATIONS

1. QUANTIFICARE has brought proceedings against Canfield before the Düsseldorf local division ('local division') for infringement of European patent 3 156 843 ('the patent at issue').
2. Canfield has filed a counterclaim for revocation (CC_6773/2025, UPC_CFI_106/2025).
3. By decision of 23 April 2026 (the 'contested decision'), the local division largely upheld the infringement claim against Canfield. The local division dismissed the counterclaim for revocation.
4. By a document dated 23 June 2026, Canfield lodged an appeal against the contested decision in respect of both the infringement claim and the counterclaim for revocation.
5. In its statement of grounds of appeal filed on 24 August 2026, Canfield, in addition to the applications set out in the appeal of 23 June 2026, requests the suspension of the present appeal proceedings (UPC_CoA_99/2026, UPC_CoA_110/2026) pursuant to Rule 242(2)(a), 118(2)(b) and 295(m) of the RoP, until a final decision has been made on the action for annulment brought by Manteana Holdings SAS on 24 August 2026 and, in the alternative, until the Paris Central Division has ruled on the action for annulment.
6. Canfield bases its application for a stay on the action for revocation brought by Manteana Holdings SAS ('Manteana') on 24 August 2026 before the Paris Central Division, in which Manteana is pursuing further challenges to the validity of the patent at issue which, in Canfield's view, are highly promising and would lead to the revocation of the patent at issue.
7. QUANTIFICARE requests that the applications for suspension be dismissed.

REASONS FOR THE ORDER

8. Pursuant to Rule 118(2)(b) and Rule 242(2)(a) of the RoP, the Local or Regional Division may stay infringement proceedings until a decision has been made in the nullity proceedings if, during infringement proceedings before a Local or Regional Division, an action for nullity between the same parties is pending before the Central Division.
9. In view of the fact that proceedings before the Unified Patent Court must be conducted as efficiently and cost-effectively as possible and without delay (see Preamble, paragraphs 3 and 7), a stay of proceedings may only be considered if there are special circumstances justifying the delay in the proceedings resulting from such a stay (see UPC Board of Appeal, 17 February 2026, UPC_CoA_937/2025, bioMérieux v Labrador).

10. In the present case, such circumstances cannot be deemed to exist in the fact that a company not involved in the present proceedings, Manteana, brought an action for revocation of the patent at issue before the Paris Central Division on 24 August 2026.
11. In the present case, the appeal is directed not only against the first-instance infringement decision but also against the first-instance decision dismissing the counterclaim for revocation. The Court of Appeal will therefore also have to examine, in the context of the appeal proceedings, the grounds for invalidity put forward in the counterclaim for invalidity, in so far as the appellant challenges the local division's assessment of those grounds in the contested decision. Since the Court of Appeal must itself review the legal validity of the patent at issue within the aforementioned framework, there is no reason to stay the proceedings in view of an action for revocation brought by a third party in separate revocation proceedings before the UPC Central Division.
12. Furthermore, the appellant may submit new applications, facts and evidence, provided that the requirements of Rule 222.2 of the RoP are met. A stay of proceedings with regard to applications, facts and evidence which may be raised in the proceedings before the Central Division – because those proceedings involve other parties – but which can no longer be raised in the present proceedings pursuant to Rule 222.2 of the RoP, is out of the question, as this would undermine the aforementioned Rule.
13. Furthermore, the action for annulment before the Central Division is only at the beginning of the written procedure, whilst the appeal proceedings are already at an advanced stage of the written procedure, meaning that a stay of the appeal proceedings would lead to a lengthy delay.
14. Consequently, there is no reason to stay the present appeal proceedings until a final decision has been given on Manteana's action for annulment of 24 August 2026. Similarly, there is no reason to stay the appeal proceedings until the Paris Central Division has ruled on that action for annulment.

ORDER

Canfield's applications for the suspension of the appeal proceedings are dismissed.

This order was issued on 2 October 2026.

Klaus Grabinski, President of the Court of Appeal

Emmanuel Gougé, legally qualified judge and judge-rapporteur

Peter Blok, legally qualified judge