Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

Brussels - Local Division

UPC_CFI_1357/2025
UPC_CFI_629/2025

Procedural Order
R. 353 RoP
(related to R. 105.5 RoP Order issued on 28 October 2026)
of the Court of First Instance of the Unified Patent Court
Issued on 29 October 2026
Concerning EP 3 107 487 B1

CLAIMANTS INFRINGEMENT ACTION (UPC_CFI_1357/2025)
DEFENDANTS COUNTERCLAIM FOR REVOCATION (UPC_CFI_629/2026)

ESTABLISHMENT LABS S.A.

Represented by:	Haseltine Lake Kempner LLP Haseltine Lake Kempner PartG mbB Joanna Deas Alex Rogers Harriet Crawford Joseph Lenthall
Electronic Address for servicing:	jdeas@hlk-ip.com
Hereafter referred to as:	*"Claimant"* or "*LABS*"

DEFENDANTS INFRINGEMENT ACTION (UPC_CFI_1357/2025)
CLAIMANTS COUNTERCLAIM FOR REVOCATION (UPC_CFI_629/2026)

(1) GC AESTHETICS PARENTCO LIMITED
(2) NAGOR LIMITED
(3) GC AESTHETICS MANAGEMENT LIMITED
(4) GC AESTHETICS (DISTRIBUTION) LIMITED
(5) GC AESTHETICS (France) SAS
(6) EUROSILICONE SAS
(7) GC AESTHETICS ITALY S.R.L.
(8) GC AESTHETICS GmbH
(9) GC AESTHETICS SPAIN, S.L.U.
(10) GLOBAL CONSOLIDATED AESTHETICS (UK) LIMITED
(11) GC AESTHETICS HOLDINGS LIMITED
(12) GC AESTHETICS FINANCE LIMITED
(13) ROMED N.V.

Represented by:	Bristows (Ireland) LLP Brian Cordery Dr Gregory Bacon Andrew Bowler James Boon
Electronic address for servicing:	gregory.bacon@bristows.com
Hereafter referred to as:	Collectively as "*Defendants*"

PATENT AT ISSUE

Number	Proprietor(s)
EP 3 107 487 B1	ESTABLISHMENT LABS S.A.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT MATTER: R. 105 RoP

PANEL - LOCAL DIVISION

Presiding Judge (Judge-Rapporteur):	Samuel Granata
Legally Qualified Judge:	Carine Gillet
Legally Qualified Judge:	Marije Knijff
Technically Qualified Judge:	Paolo Gerli

DECIDING JUDGES: Order issued by the Judge-Rapporteur

I. GROUNDS

1. In his R. 105 RoP Order issued on 28 October 2026, the Court mentioned in §11 under the heading Validity (lack of novelty: SilkSurface/SmoothSilk+Cereform) as follows:

> *(…) The Defendants also informed the Judge-Rapporteur that the Cereform-product was not used by the Defendants in the UK which will also lead to a different assessment. For this reason, the Defendants are maintaining their no-confidentiality argument at the UPC. (…)*

2. The same day, the Court received a request to reissue to the mentioned order making reference to a mistake stating the following: "*This passage records submissions made by the LABS, to which the Defendants were not invited to respond at the Interim Conference. The two references to "the Defendants" highlighted in the passage referred to above should rather be to "LABS". We also suggest that "no-confidentiality" is changed to "confidentiality" at the end of the passage, as LABS' position is one of confidential disclosure of the implants in question.*"

3. The Court considered this request as a R. 353 RoP request, and subsequently requested comments from LABS. In its communication LABS agreed to the rectifications (although its communication could not be uploaded into the system due to CMS-issues)

II. ORDER

The Judge-Rapporteur orders that §11 of the R. 105 RoP, dated 28 October 2026, under the heading 'Validity' (lack of novelty: SilkSurface/SmoothSilk+Cereform), should read as follows (the underlined passage accounts for the actual change):

> *The Judge-Rapporteur requested information regarding LABS' position on "confidentiality" in the UPC and UK proceedings (see §§126–129 of the Defendants' Rejoinder dated 7 September 2026 which pertains to the issue whether the surface characteristics of the SilkSurface/Smoothsilk implants sold before the priority date were made available to the public). More specifically, the Judge-Rapporteur raised the issue of an alleged inconsistency in these proceedings, namely that LABS supposedly "dropped the confidentiality argument" in the UK proceedings, stating in the cover letter that this was due to "reasons specific to the UK procedure". LABS further informed the Judge-Rapporteur of the specifics of the UK proceedings, especially the disproportionate costs of maintaining the confidentiality argument*

in the UK in relation to the value of the action in the UK. LABS also informed the Judge-Rapporteur that the Cereform-product was not used by the Defendants in the UK which will also lead to a different assessment. For this reason, LABS are maintaining their confidentiality argument at the UPC. The Judge-Rapporteur drew attention to the divergence (factual situation) on which the UK Court's and the UPC's assessments will have to be based, should the UPC accept the confidential nature of SilkSurface/Smoothsilk and/or its surface characteristics. The Judge-Rapporteur noted LABS's position, which the Court will consider further when assessing the case as a whole.

Issued by the Judge-Rapporteur on 29 October 2026

Samuel GRANATA Judge-Rapporteur Presiding Judge LD Brussels Legally Qualified Judge	Samuel Rocco M Granata Digitally signed by Samuel Rocco M Granata Date: 2026.10.29 14:52:15 +01'00'