Case Management Order
of the Court of First Instance of the Unified Patent Court
issued on 11/09/2026
regarding: rules 262A and 262.1

Claimant/Applicant

1) **CureVac Manufacturing GmbH** Represented by Judith Krens
Friedrich-Miescher-Straße 15
72076 Tübingen, Germany, "**CureVac**"

Defendants

1) **Moderna Inc.**
325 Binney Street, MA 02142 Cambridge, United States of America
2) **Moderna Netherlands B.V.**
Claude Debussylaan 7, 1082 MC Amsterdam, The Netherlands
3) **Moderna Switzerland GmbH**
Peter Merian Weg 10, 4052 Basel, Switzerland
4) **Moderna Biotech Spain SL**
C/ Julián Camarillo 31, 28037 Madrid, Spain
5) **ModernaTX, Inc.**
325 Binney Street, MA 02142 Cambridge, United States of America
6) **Moderna Poland Sp. Z o.o.**
Rondo Ignacego Daszyńskiego 1, 00843 Warsaw, Poland
7) **Moderna Biotech UK Ltd**
54 Portland Place, W1B 1DY London, United-Kingdom
8) **SAS Moderna France**
19 Rue Cognacq-Jay, 75007 Paris, France
9) **Moderna Germany GmbH**
Brienner Straße 45 a-d. c/o Design Offices Campusm, Königsplatz 80333 Munich, Germany
10) **Moderna Italy S.r.l.**
Via Vittorio Veneto 54/B, CAP 00187 Rome, Italy
11) **Moderna Norway AS**
Wergelandsveien 7 c/o Intertrust AS, 0167 Oslo, Norway
12) **Moderna Sweden AB**
Birger Jarlsgatan 12 c/o Scandinavian Trust AB, 11434 Stockholm, Sweden
13) **Moderna Portugal Unipessoal LDA**
Rua João Chagas N, 10B Direito, 1500-493 Lisbon, Portugal

Defendants 1-13 are represented by Rutger Kleemans and collectively referred to as "**Moderna**".

PATENT AT ISSUE

EP4108769	CureVac Manufacturing GmbH

DECIDING JUDGE

The panel consists of:

Presiding Judge and Judge rapporteur	**Margot Kokke**
Legally qualified judge	**Robert van Peursem**
Legally qualified judge	**Francois Thomas**
Technically qualified judge	**Xavier Dorland-galliot**

This order is issued by the judge-rapporteur.

LANGUAGE OF PROCEEDINGS: English

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

FACTS, PROCEDURE AND GROUNDS

1. For facts and procedure up to 11 September 2011, reference is made to the case management order of 11 September 2026. With that order, the Confidentiality Application was provisionally granted as requested.

2. Following the case management hearing held on 9 October 2026, parties have now reached agreement on the confidentiality regime and club. The agreed confidentiality request was uploaded today as a joint request pursuant to R.262A and R.262.2 RoP (the **Joint Request**). The Joined Request comprises three versions of the statement of defence (SoD):
    - a highly confidential version fully redacted version, with restricted access also for Curevac to the 'Manufacturing Process Information' (qualified as R.262A and R.262.2 confidential),
    - a confidential/partly redacted version that is qualified as R.262.2 confidential and
    - a fully redacted version.

3. The Joined Request is confirmed in the operative part below. In the order, Curevac is referred to as the Claimant, in line with the parties' Joint Request.

4. Parties also agree that the deadline for Curevac for filing its next submission will be extended with two weeks until 23 November 2026 (the R.9.3 Request). The extension is also confirmed below. Consequently, all subsequent submissions will move up two weeks, in accordance with the deadlines set in the RoP.

ORDER

The Court, having heard the parties,

pursuant to the Joint Request regarding confidentiality

I. **classifies** the information listed in more detail in the following table (which is highlighted in red or grey in the pleading or marked as confidential) as confidential vis-à-vis third parties and

the public (Rule 262.2 RoP UPC) and, insofar as it concerns the Manufacturing Process Information, as access-restricted vis-à-vis the Claimant (Rule 262A RoP UPC);

Confidential Information	Description
Passages highlighted in red in the HIGHLY CONFIDENTIAL Statement of Defence: Heading H.IV (on pages 15 and 107) Margin numbers: 21; 484-486; 490; 495. Exhibit DP 30, Exhibit DP 31, Exhibit DP 32 (and the List of Exhibits on page 122 concerning Exhibits DP 30-32).	[redacted] Exhibits DP 30, DP 31 and DP 32 in their entirety (the "Manufacturing Process Information"). Protected by R.262.2 and R.262A RoP
Passages highlighted in grey in the HIGHLY CONFIDENTIAL Statement of Defence: Margin numbers: 488; 495; 496; 500; 504; 505; 510; 515-520. Footnotes: 258-261	[redacted] Protected by R.262.2 RoP

II. **restricts access** to the Manufacturing Process Information exclusively to

a. the Claimant's authorised representatives and their assistants;
b. any external expert of the Claimant upon request or application to the Court;
c. one employee of CureVac SE and one employee of BioNTech, US Inc. , each as designated by the Claimant, provided that the Claimant may not designate any person who is involved in applying for patent applications concerned with the manufacture and/or processing of mRNA or in deciding upon the filing of such patent applications;

III. **orders** that the Manufacturing Process Information shall be treated as confidential by the Claimant's representatives and their assistants, any external experts and the employees referred to in Item II. of this Order; that such information shall not be used or disclosed outside of these court proceedings without the permission of the Court, except to the extent that it has come to the knowledge of the receiving party outside of these proceedings, provided that the receiving party has obtained it on a non-confidential basis from a source other than the Defendants or their affiliates, provided that such source is not bound by a confidentiality agreement with or other obligation of secrecy with the Defendants or their affiliates; that this obligation shall also apply to the Claimant and that the Claimant shall be responsible for

compliance with these obligations by the individuals designated under Item II.c; that the persons referred to in Item II. shall also be under an obligation to the Defendants to maintain the confidentiality of the Manufacturing Process Information and that this obligation of confidentiality shall continue to apply after the termination of these proceedings;

IV. **orders** that in the event of a culpable breach of the confidentiality provisions, the Court may impose a penalty payment for each violation which will be determined having regard to the circumstances of the individual breach;

V. **orders,** pursuant to Rule 262.2 RoP UPC, that the information subject to confidentiality under Item I. of this Application shall be kept confidential vis-à-vis third parties and the public, that it shall be excluded from any inspection under Rule 262.1(b) RoP UPC, that only the (fully) redacted version of the Statement of Defence shall be made available to any third party, and that Exhibits DP 30, DP 31 and DP 32 shall not be made available to any third party, subject to any order granted on an application under R. 262.3 RoP;

VI. **orders** that any person who becomes aware of the Manufacturing Process Information as a result of their involvement in the present proceedings (whether as a party, intervener, representative, witness, expert, employee of the Court or in any other way) shall treat that information as confidential and shall not use or disclose it outside of these court proceedings without the permission of the Court, subject to the same exception as set out in Item III. above;

VII. **orders** that the information subject to confidentiality under Item I. shall be redacted or, in the case of Exhibits DP 30 to DP 32, withheld in their entirety prior to any entry in or publication of the register and prior to any publication of the decisions, orders or the reasons for judgment in these proceedings, and that the public shall be excluded from the oral hearing insofar as that information is discussed directly or indirectly;

VIII. **holds** that the above orders, insofar as possible, are immediately enforceable notwithstanding revision or appeal;

IX. **instructs** the registry to change the confidentiality status of the version of the statement of defence uploaded today as HIGHLY CONFIDENTIAL version (R.262A and R.262.2 RoP) from HC to R;

<u>pursuant to the R.9.3 Request</u>

X. **grants** Curevac an extension for the filing of the next submission **until 23 November 2026.**

Kokke, presiding judge and judge rapporteur	Digitally signed Kokke Margot Elsa 2026-10-14 14:25:51 +0200 Unified Patent Court Einheitliches Patentgericht Juridiction unifiée du brevet
For the Deputy Registrar, clerk	

INFORMATION ABOUT PANEL REVIEW
Any party may request that this Order be referred to the panel for a review pursuant to R. 333 RoP.
Pending review, the Order shall be effective (R. 102.2 RoP)