Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

Milan Local Division

UPC CFI no. 3994/2026
order
issued on 25.11.2026

APPLICANT
HOGAN LOVELLS CADWALADER INTERNATIONAL LLP
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represented by
Steffen Elmar Steininger, at *Hogan Lovells Cadwalader International LLP*, Karl-Scharnagl-Ring 5, 80539 Munich, Germany

RESPONDENTS
1) ABBOTT DIABETES CARE INC.
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represented by
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3) SIBIONICS GMBH
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4) SIBIO TECHNOLOGY LIMITED
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all represented by
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DECIDING JUDGE
presiding judge and judge-rapporteur Pierluigi Perrotti

LANGUAGE OF PROCEEDINGS
English

SUBJECT OF THE ORDER
Application R. 262.1(b) RoP

SUMMARY OF FACTS
On 5 November 2026, Hogan Lovells Cadwalader International LLP ('HLC') - a law firm representing clients before the UPC - requests access pursuant to R. 262.1(b) RoP to the written pleadings and evidence filed in the proceedings UPC CFI no. 1086/2026, including their exhibits and any further pleadings concerning the alleged infringement.
The Applicant submits that the proceedings have been closed following the Court's order of 7 September 2026 granting the application for provisional measures in substantial part. Relying on the case law of the Court of Appeal, it argues that, once proceedings have come to an end, members of the public should, in principle, be granted access to written pleadings and evidence, subject to the balancing of the interests protected under Art. 45 UPCA.
As its legitimate interest, the Applicant relies on the need to better understand how the parties presented the case and the basis on which the Court reached its decision, with a view to providing professional and expert advice to current and future clients before the UPC. It further refers to the case law recognizing professional, scientific and educational purposes as legitimate grounds for access to the file once the proceedings have been concluded.
The Applicant accepts that access may be limited to redacted versions of documents containing confidential information and that personal data within the meaning of Regulation (EU) 2016/679 may likewise be redacted. It therefore submits that the interests protected under Art. 45 UPCA do not outweigh its legitimate interest in obtaining access to the requested documents.

Abbott does not object to the request for access as such, but submits that access should be subject to appropriate safeguards.
First, Abbott argues that certain documents contain personal data and confidential or commercially sensitive information, which should be redacted before access is granted. Abbott therefore requests that it be given the opportunity to prepare the necessary redacted versions.
Second, relying on the Court of Appeal's order of 17 November 2026 (*Vossius & Partner v Huawei and Netgear*, UPC CoA no. 189/2026), Abbott submits that the use of the documents should be limited to the Applicant's internal continuing education and client-advisory purposes. The Applicant should not be permitted to disclose or share the documents, or summaries of their contents, with any third party, including its clients, subject to a penalty payment in the event of non-compliance. If disclosure to a particular client is considered necessary, a separate request for access should be made on behalf of that client, who should be specifically identified.
Finally, if access is granted, Abbott undertakes to provide redacted versions of the relevant documents, together with a schematic representation identifying the information redacted. An

unredacted version of that representation would be provided to the Court only and should not be made available to the Applicant.

Respondents 2) - 6) do not object to the request for access as such. However, they submit that, should access be granted, it must be subject to restrictions in accordance with the principles established by the Court of Appeal in *Vossius & Partner v Huawei and Netgear* (UPC CoA no. 189/2026).
In particular, Respondents 2) - 6) request that access to the case file be granted exclusively to the Applicant and that the Applicant be prohibited, subject to an appropriate penalty to be determined by the Court, from publishing or sharing with any third party, including its clients, any information, pleadings or evidence obtained from the case file.

GROUNDS FOR THE ORDER

Under R. 262.1(b) RoP, access to written pleadings and evidence requires an individual assessment of the purpose for which access is sought and the identity of the applicant, having regard to the interests protected by Art. 45 UPCA. As confirmed by the Court of Appeal in its order of 17 November 2026 (UPC CoA no. 189/2026, *Vossius & Partner v Huawei and Netgear*), a law firm may itself qualify as a member of the public entitled to request access. The fact that access is sought for professional purposes does not, however, dispense with that individual assessment.
The Court must retain control over access and may not transfer that control to the person granted access. A law firm may use the information and knowledge obtained from the file for its internal professional education and for the purpose of advising clients. A distinction must therefore be drawn between using that information and knowledge in professional advice and giving third parties access to the documents or their contents. The provision of copies of pleadings, evidence or exhibits to third parties is not permitted. Nor may their contents, or summaries of those contents, be communicated in a manner which, in substance, gives a third party access to the file or to individual documents without the Court's individual assessment.
Where access by a particular client to the case file, or to individual pleadings or evidence contained therein, is required in the context of legal advice, a separate application for access must be made in respect of that specifically identified client. The client's interest in remaining unidentified does not, as a rule, prevail over the requirement that access remain subject to the Court's control.

In the present case, the Applicant seeks access in its own capacity as a law firm in order to better understand the parties' submissions and the basis on which the Court reached its decision, for the purposes of internal professional education and advising current and future clients. Those purposes constitute a legitimate interest in obtaining access. It is common ground and undisputed that the proceedings for provisional measures have concluded at first instance. Having regard to that circumstance and to the absence of any objection in principle by the Respondents, the Applicant's interest supports granting the application. The absence of an objection does not, however, dispense with the need to protect confidential information and personal data.

The concerns raised by the Respondents can be adequately addressed by limiting access to versions of the requested pleadings and evidence from which confidential or commercially sensitive information and personal data requiring protection have been redacted. The Respondents must therefore file such redacted versions within 30 days of service of this order.
The Respondents shall identify the redactions made and the grounds on which protection is claimed in a manner which enables both the Applicant and the Court to assess the criteria applied and the scope of the redactions without disclosing the information for which protection is claimed.
The Applicant shall be given 15 days from service of the redacted versions and the accompanying identification of the redactions to submit any observations concerning the criteria applied and the scope of the redactions. Service of those versions enables the Applicant to assess whether excessive redactions have been made and to request access to versions containing fewer redactions. Any dispute therefore concerns access to information withheld from the versions already served, rather than access to those versions themselves. If no observations are filed within that period, access shall be granted to the redacted versions as filed. If observations are filed, the Court shall determine whether any redactions must be reduced before access to the information in dispute is provided.
Subject to those safeguards, the interests requiring protection do not outweigh the Applicant's legitimate interest in access.

Access must therefore be confined to the Applicant. The Applicant may draw on the information and knowledge gained from the file in its internal professional education and in advising current and future clients, including by explaining legal or procedural issues in the light of that knowledge. It may not publish, transmit, supply copies of, or otherwise make available to third parties, including its clients, the pleadings, evidence or exhibits obtained pursuant to this order. The communication of their contents, or summaries of those contents, is likewise prohibited where it would, in substance, give a third party access to the file or to individual documents and thereby circumvent the Court's individual assessment under R. 262.1(b) RoP. The distinction turns on the substance of the communication, not on whether it is described as legal advice.
Accordingly, where a particular client requires access to the case file or to individual pleadings or evidence in the context of legal advice, a separate application must be made in respect of that specifically identified client. Such access cannot be derived from the access granted to the Applicant by the present order.
Pursuant to Art. 82(4) UPCA and R. 354.3 RoP, compliance with the prohibition on onward disclosure set out in paragraph 7 of the operative part may be secured by a recurring penalty payment payable to the Court. In view of the importance of maintaining the Court's individual control over access pursuant to R. 262.1(b) RoP, and of preventing that control from being circumvented by subsequent disclosure, a penalty payment of EUR 100,000 for each individual instance of culpable non-compliance is considered appropriate, proportionate and sufficiently deterrent.

ORDER

For these reasons, the Court hereby orders as follows:

1. The application for access under R. 262.1(b) RoP is granted subject to the conditions set out below.
2. Within 30 days of service of this order, the Respondents shall file versions of the written pleadings and evidence covered by the application, including their exhibits, redacted to protect confidential or commercially sensitive information and personal data requiring protection. The Respondents shall identify the redactions made and the grounds on which protection is claimed in a manner which enables the Applicant and the Court to assess the criteria applied and the scope of the redactions without disclosing the information for which protection is claimed.
3. Within 15 days of service of the redacted versions and the accompanying identification of the redactions referred to in paragraph 2, the Applicant may submit observations concerning the criteria applied and the scope of the redactions.
4. If no observations are submitted within the period specified in paragraph 3, the Applicant shall be granted access to the redacted versions filed pursuant to paragraph 2. If observations are submitted, any dispute concerning the criteria applied or the scope of the redactions shall be determined by the Court before access is provided.
5. The Applicant shall be granted access exclusively to the redacted versions referred to in paragraphs 2 to 4. No access is authorised by this order to the corresponding unredacted versions.
6. Access is granted solely to the Applicant law firm for the purposes of internal professional education and advising current and future clients, subject to the restrictions set out in paragraphs 7 and 8.
7. The Applicant shall not publish, transmit, supply copies of, or otherwise make available to any third party, including its clients, the pleadings, evidence or exhibits obtained pursuant to this order. It shall not disclose their contents, or summaries of their contents, in a manner which, in substance, gives a third party access to the file or to individual documents and thereby circumvents the Court's individual assessment under R. 262.1(b) RoP.
8. The restriction set out in paragraph 7 does not prevent the Applicant from drawing on the information and knowledge gained from the file for the purposes specified in paragraph 6, including by explaining legal or procedural issues in the light of that knowledge when advising clients. Such use shall not involve providing documents or communicating their contents in a manner prohibited by paragraph 7. The substance of the communication, rather than its description as legal advice, shall determine whether it constitutes prohibited onward disclosure.
9. Where access by a particular client to the case file, or to individual pleadings or evidence contained therein, is required in the context of legal advice, a separate application for access shall be made in respect of that specifically identified client. This order does not authorise such access or disclosure.
10. Pursuant to Art. 82(4) UPCA and R. 354.3 RoP, in the event of any culpable breach of the prohibition on onward disclosure set out in paragraph 7, the Applicant shall incur a penalty payment of EUR 100,000, payable to the Court, for each individual instance of non-compliance.

11. This order may be reviewed by the panel upon a reasoned application pursuant to R. 333 RoP. Any application for review shall be lodged within 15 days of service of this order.

Milan, 25 November 2026.

Pierluigi Perrotti presiding judge and judge rapporteur	Digitally signed Perrotti Pierluigi 2026-11-25 15:34:31 +0100 Unified Patent Court Einheitliches Patentgericht Juridiction unifiée du brevet