



**Local Division Munich
UPC_CFI_815/2024**

Order
of the Court of First Instance of the Unified Patent Court
Local Division Munich
concerning EP 3 646 825
delivered on 23 January 2025

CLAIMANT

Edwards Lifesciences Corporation, 1 Edwards Way - 92614 - Irvine - US

represented by: Boris Kreye, Elsa Tzschope (Bird & Bird)

assisted by: Bernhard Thum, Dr. Jonas Weickert (Thum & Partner); Siddharth Kusumakar, Tessa Waldron and Bryce Matthewson (Powell Gilbert)

DEFENDANTS

1) Meril Gmbh

Bornheimer Straße 135-137 - 53119 - Bonn - DE

2) Meril Life Sciences Pvt Ltd.

M1-M2, Meril Park, Survey No 135/2/B & 174/2 Muktanand Marg, Chala, Vapi - 396 191
Gujara- Vapi – IN

represented by: Dr. Andreas von Falck, Dr. Roman Würtenberger, Dr. Lukas Wollenschlaeger, Beatrice Wilden, Dr. Alexander Klicznik, Dr. Felipe Zilly (Hogan Lovells)

assisted by: Peter-Michael Weisse, Ole Dirks, Dr. Eva Maria Thörner (Wildanger)

PATENT AT ISSUE

European patent n° 3 646 825.

PANEL/DIVISION

Panel 1 of the Local Division Munich.

DECIDING JUDGES

This decision has been delivered by the presiding judge Dr. Matthias Zigann acting as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS

English

SUBJECT-MATTER OF THE PROCEEDINGS

Application for a cost decision (ACT_66577/2024 UPC_CFI_815/2024)
Application for a partial stay – R 295.d RoP (App_2875/2025 UPC_CFI_815/2024)

PARTIES' REQUESTS

Meril seeks:

I. the proceedings concerning Claimant's application for a cost decision, filed on 16 December 2024 in workflow App_66577/2024 (UPC_CFI_815/2024), be stayed pending a decision of the Court of Appeal in case APL_1926/2025 (UPC_CoA_21/2025) insofar as they do not relate to the costs of representation (cf. item I. of the application) in respect of which the proceedings are to be continued;

II. the proceedings concerning Claimant's application for the protection of allegedly confidential information, filed on 16 December 2024 in workflow App_66581/2024 (UPC_CFI_815/2024), be stayed pending a decision of the Court of Appeal in case APL_1926/2025 (UPC_CoA_21/2025).

Meril argues:

The proceedings concerning Claimant's application for a cost decision, filed on 16 December 2024 in workflow App_66577/2024 (UPC_CFI_815/2024), and the proceedings concerning Claimant's application for the protection of allegedly confidential information, filed on 16 December 2024 in workflow App_66581/2024 (UPC_CFI_815/2024), are to be stayed pending a decision of the Court of Appeal in case APL_1926/2025 (UPC_CoA_21/2025) in accordance with Defendants' requests under items no. I and II. on the basis of Rule 295 lit. d) RoP.

The proceedings are to be stayed to the extent requested at the joint request of the parties.

The parties agreed that

- the proceedings for a cost decision shall be continued with regard to the costs of representation,*
- the proceedings for a cost decision shall be stayed with regard to the other cost items,*
- the proceedings concerning Claimant's application for the protection of allegedly confidential information shall be stayed until the Court of Appeal has decided on Defendants' appeal which was filed on 15 January 2025 (see App_1926/2025, UPC_CoA_21/2025).*

Finally, we inform the judge-rapporteur that Claimant confirmed that Defendants' representatives can discuss the amount claimed as costs of representation (which Claimant

marked as confidential) with their clients. Given the approaching deadline for Defendants to comment on Claimant's application for a cost decision (which is 20 January 2025, cf. the order of 30 December 2024 and R. 301.1 RoP), they kindly ask the judge-rapporteur to proceed with their request as a matter of priority.

The Judge-Rapporteur replied to the accompanying emails that he did not see the benefit of a partial stay as it would in fact create more problems and that he would be prepared to order a full stay if both parties agreed.

Neither party requested a full stay in the ensuing email correspondence.

However, Meril informed the Court by email that if a full or partial stay of the costs proceedings was not granted, the application for a stay of the proceedings in respect of the confidential information application would not be maintained.

GROUNDS

According to Rule 295.d RoP, the court may stay the proceedings at the joint request of the parties. This provision does not provide for a partial stay. A full stay is not requested by both parties.

The Court sees no advantage in using its case-management powers to conduct the cost proceedings in such a way as to simulate a partial stay.

Meril's application must therefore be dismissed.

ORDER

Meril's application is dismissed.

DETAILS OF THE ORDER

Order no. ORD_3758/2025 in ACTION NUMBER: ACT_459987/2023

UPC number: UPC_CFI_815/2024

Action type: Infringement Action

Related proceeding no. Application No.: 2875/2025

Application Type: Generic procedural Application

Dr. Zigann
Presiding Judge