



Milan - Central Division - First
Instance - central division

UPC_CFI_698/2024
Order
of the Court of First Instance of the Unified Patent Court
delivered on 10/04/2025

APPLICANT/S

- 1) **ALIUD PHARMA GmbH** Represented by Phillip
(Applicant) - Gottlieb-Daimler-Str. 19 - 89150 - Rektorschek
Laichingen - DE

RELEVANT PROCEEDING PARTIES

ACCORD HEALTHCARE S.L.U.

main proceedings claimant - Edificio Este, Planta 6, World Trade Center, Moll
de Barcelona S/N - 08039 - Barcelona - ES

ACCORD HEALTHCARE LIMITED,

- Sage House, 319 Pinner Road, North Harrow - HA1 4HF - Middlesex - GB

ACCORD HEALTHCARE B.V.

- Winthontlaan 200 - 3526 KV - Utrecht - NL

Novartis AG

(Main proceeding party - Defendant)

- Lichtstrasse 35 - 4056 - Basel - CH

PATENT AT ISSUE

<i>Patent no.</i>	<i>Proprietor/s</i>
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EP2501384	Novartis AG
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DECIDING JUDGE: judge rapporteur

LANGUAGE OF PROCEEDINGS: English

ORDER

On 27 February 2025, ALIUD PHARMA G.m.b.H, Gottlieb-Daimler-Straße 19, Laichingen, Germany, filed an application with the Court of First Instance for access to the documents filed by the companies belonging to the ACCORD group on 14 November 2024 (Statement of Claim DNI, Annexes TW01 to TW 36) and to the documents filed by the defendant NOVARTIS on 10 February 2025 (Defence to Statement of Claim DNI, Annexes FS01 to FS 19, Exhibits).

The main parties to the proceedings were invited to submit observations.

Only NOVARTIS filed a written statement opposing the application.

In the meantime, the main parties to the proceedings have reached a settlement and the proceedings were closed on 28 March 2025.

On 8 April 2025, NOVARTIS' representatives sent the following email to the Court: *'Your Honour, We are writing on behalf of our client, Novartis AG following the closure of the action for declaration of noninfringement between Accord and Novartis (UPC_CFI 698/2024) (the "DNI Action"). Novartis maintains its position as set out in its submissions regarding Aliud's application for access to documents in the DNI Action as at the time that application was filed, which were submitted before the DNI Action was closed. However, in light of the closure of the DNI Action, Novartis no longer objects to Aliud's request for access to documents in these proceedings.*

Novartis does not consider that any parts of Accords' Statement of Claim or its Exhibits, or Novartis' Defence or its Exhibits, need to be kept confidential, save for the requirement for the redaction of personal data, including names, email addresses and signatures of the parties' employees and counsels, from any documents provided to Aliud'.

Novartis no longer opposes ALIUD's request.

ACCORD has not submitted a statement.

In the absence of any opposition, the request can be granted.

However, as the main proceedings are closed, NOVARTIS is no longer able to produce a redacted copy of the documents pursuant to Rule 262.2.

To address this issue, the judge does not consider it necessary to redact the parties' digital signatures, as according to the EUCJ (judgment in case C 200-23), only the handwritten signature of the natural person is covered by the GDPR (Article 4.1 of Regulation 2016/679).

As far as emails are concerned, only those that reveal the first and last name of the person are covered by the GDPR, therefore not company emails such as info@company.domain and those whose characteristics do not allow the identity of the person to be established.

To that end, the Court instructs the Registry to produce, within 15 days, a redacted copy of all the documents covered by ALIUD's request, with the emails with the above characteristics deleted.

Milan 10.04.2025

Judge rapporteur
Andrea Postiglione

INSTRUCTIONS TO THE PARTIES AND TO THE REGISTRY

the Court instructs the clerk to prepare within 15 days a redacted copy of all documents concerned by ALIUD's request, blacking out the emails that might reveal the person's name or surname (therefore not business emails like info@company.domain) and those from whose characteristics it is possible to trace the person's identity.

ORDER DETAILS

Order no. ORD_12069/2025 in ACTION NUMBER: ACT_61148/2024

UPC number: UPC_CFI_698/2024

Action type: Declaration of Non-Infringement

Related proceeding no. Application No.: 10151/2025

Application Type: APPLICATION_ROP262_1_b