



Decision
of the Court of First Instance of the Unified Patent Court
issued on 11 April 2025
concerning EP 4 183 412

CLAIMANT:

GlaxoSmithKline Biologicals SA, Rue de l'Institut 89, 1330 Rixensart, Belgium

Represented by: Attorney at law Oliver Jan Jüngst, Attorney at law Luca Brons, Bird & Bird LLP, Carl-Theodor-Straße 6, 40213 Düsseldorf, Germany

Participating: Patent Attorney Dr. Daniela Kinkeldey, Patent Attorney Dr. Anna Schadel, Bird & Bird LLP, Maximiliansplatz 22, 80333 Munich, Germany

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DEFENDANTS:

1. **Pfizer Europe MA EEIG**, Boulevard de la Plaine 17, 1050 Ixelles, Belgium
2. **Pfizer Manufacturing Belgium NV**, Rijksweg 12, 2870 Puurs, Belgium
3. **Pfizer Pharma GmbH**, Friedrichstraße 110, 10117 Berlin, Germany
4. **Pfizer Corporation Austria GmbH**, Floridsdorfer Hauptstraße 1, 1210 Wien, Austria
5. **Pfizer SA**, Boulevard de la Plaine 17, 1050 Ixelles, Belgium
6. **Pfizer Aps**, Lautrupvang 8, 2750 Ballerup, Denmark
7. **Pfizer Oy**, Tietokuja 4, 00330 Helsinki, Finland
8. **Pfizer SAS**, 23-25 Avenue du Docteur Lannelongue, 75014 Paris, France
9. **Pfizer S.r.l.**, Via Isonzo 71, 04100 Latina, Italy
10. **Pfizer B.V.**, Rivium Westlaan 142, 2909 LD Capelle aan den IJssel, Netherlands
11. **Laboratórios Pfizer, Lda.**, Lagoas Park, Edifício 10, 2740-244 Porto Salvo, Portugal

12. **Pfizer AB**, Solnavägen 3H, 113 63 Stockholm, Sweden
13. **Pfizer Luxembourg S.a.r.l.**, Rond-point du Kirchberg 51, Avenue J.F. Kennedy, I 1855 Luxembourg
14. **Pfizer Service Company S.r.l.**, Hoge Wei 10, 1930 Zaventem, Belgium

All represented by: Patent Attorney Gareth Williams, Marks & Clerk LLP, 15 Fetter Lane, London, EC4A 1BW, United Kingdom,

Attorney at law Dr. Claudia Milbradt, Attorney at law Dr. Tobias J. Hessel, Clifford Chance Partnerschaft mbB, Königsallee 59, 40215 Düsseldorf, Germany,

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PATENT AT ISSUE:

European patent n° EP 4 183 412 B1

PANEL/DIVISION:

Panel of the Local Division in Düsseldorf

DECIDING JUDGES:

This decision was issued by Presiding Judge Thomas, legally qualified judge Dr Schumacher acting as judge-rapporteur, legally qualified judge Postiglione and technically qualified judge Wadskov-Hansen.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT OF THE PROCEEDINGS: R. 265.1 RoP – Application for leave to withdraw the action
R. 370 RoP – Application for reimbursement of court fees

SUMMARY OF THE FACTS:

On 5 August 2024, the Claimant filed a patent infringement action against the Defendants.

Defendants 4., 6., 7., 8., 9., 11., 12. and 13. filed a counterclaim for revocation on 14 November 2024. By order of 4 March 2025, the counterclaim was referred to the Milan Central Division.

Prior to the closure of the written procedure, the Claimant, by brief dated 3 April, withdrew the infringement action and requested the reimbursement of 60 % of the court fees. The Claimant also stated that a cost decision is not requested or, in the alternative, the Court is requested to order that each party bears the costs it has incurred in the present proceedings, including the costs of the proceedings and the fees of its counsel.

On 7 April 2025, the Defendants agreed to the withdrawal of the infringement action and also informed the Court that the parties have agreed that there should be no decision as to costs or, in the alternative, no costs decision against either the Claimant or the Defendants. The Defendants also stated that they do not object to the reimbursement of 60 % of the court fees to the Claimant.

GROUNDS FOR THE DECISION:

The decision follows the parties' jointly expressed will.

Although R. 265.2(c) RoP provides that a decision on costs is to be taken in accordance with Part 1, Chapter 5, no decision on costs is required here, since both parties have declared that a cost decision is not requested (cf. UPC_CoA_569/2024, Order of 24 January 2025 – DexCom v. Abbott).

The order to reimburse the Claimant 60 % of the court fees is based on R. 370.11 RoP, R. 370.9(b)(i) RoP.

ORDER:

1. The withdrawal of the infringement action is allowed at the application of the Claimant and with the consent of the Defendants.
2. The proceedings referred to in point 1. are declared closed.
3. This decision shall be entered in the register.
4. A cost decision is not required.
5. The Registrar is directed to reimburse the Claimant as soon as possible 60 % of the Court fees paid by it in the court proceedings in relation to the infringement action, namely EUR 201,600,- EUR.
6. The value in dispute for the infringement action is set at more than EUR 50,000,000,-.

DETAILS OF THE ORDER:

App_16306/2025 related to the main proceeding ACT_45141/2024

UPC-Number: UPC_CFI_468/2024

Subject of the Proceedings: Patent infringement action

Issued in Düsseldorf on 11 April 2025

NAMES AND SIGNATURES

Presiding Judge Thomas	
Legally Qualified Judge Dr Schumacher	
Legally Qualified Judge Postiglione	
Technically Qualified Judge Wadskov-Hansen	
for the Sub-Registrar	