

**Procedural Order  
of the Court of First Instance of the Unified Patent Court  
issued on 04/06/2025**

APPLICANT/S – DEFENDANTS IN THE MAIN PROCEEDINGSIN THE MAIN PROCEEDINGS

- |    |   |                                  |
|----|---|----------------------------------|
| 1) | <b>Moderna, Inc.</b><br>325 Binney Street - MA 02142<br>Cambridge<br>- US               | Represented by Ruben<br>Laddé    |
| 2) | <b>ModernaTX, Inc.</b><br>325 Binney Street - MA 02142<br>Cambridge - US                | Represented by Ruben<br>Laddé    |
| 3) | <b>Moderna Switzerland GmbH</b><br>Peter Merian-Weg 10 - 4052<br>Basel - CH             | Represented by Joachim<br>Renken |
| 4) | <b>Moderna Netherlands B.V.</b><br>- Claude Debussylaan 7 –<br>1082 MC - Amsterdam - NL | Represented by Ruben<br>Laddé    |
| 5) | <b>Moderna Biotech Spain SL</b><br>- C/ Julián Camarillo 31 - 28037<br>Madrid - ES      | Represented by Ruben<br>Laddé    |

- |     |   |                               |
|-----|---|-------------------------------|
| 6)  | <b>Moderna Germany GmbH</b><br>- Brienner Straße 45 a-d. c/o Design Offices<br>Campus Königsplatz - 80333 - Munich - DE | Represented by Ruben<br>Laddé |
| 7)  | <b>Moderna France SASU</b><br>- 19 Rue Cognacq-Jay<br>75007 - Paris - FR  | Represented by Ruben<br>Laddé |
| 8)  | <b>Moderna Italy S.R.L.</b><br>- Via Vittorio Veneto 54/B<br>CAP 00187 - Rome - IT                                      | Represented by Ruben<br>Laddé |
| 9)  | <b>Moderna Belgium S.R.L.</b><br>- Avenue Marnix 23<br>1000 Brussels - BE   | Represented by Ruben<br>Laddé |
| 10) | <b>Moderna Denmark ApS</b><br>- C/O CSC (DENMARK) ApS Sundkrogsgade 21 -<br>2100 - Copenhagen - DK                      | Represented by Ruben<br>Laddé |
| 11) | <b>Moderna Sweden AB</b><br>- c/o Scandinavian Trust AB, Birger Jarlsgatan<br>12 - 114 34 - Stockholm - SE              | Represented by Ruben<br>Laddé |
| 12) | <b>Moderna Norway AS</b><br>c/o CSC (Norway) AS, Wergelandsveien 7 -<br>0167 - Oslo - NO                                | Represented by Ruben<br>Laddé |

- |     |  |                               |
|-----|--|-------------------------------|
| 13) | <b>Moderna Portugal Unipessoal LDA</b><br>- Rua João Chagas 10-B DTO - 1500-493 -<br>Lisbon - PT | Represented by Ruben<br>Laddé |
| 14) | <b>Moderna Poland SP. Z.O.O.</b><br>- Rondo Ignacego Daszyńskiego 1 - 00-843 -<br>Warsaw - PL    | Represented by Ruben<br>Laddé |
| 15) | <b>Moderna Biotech UK Limited</b><br>54 Portland Place - W1B 1DY - London – GB                   | Represented by Ruben<br>Laddé |

Applicants/Defendants 1 to 15, defendants in the main proceedings are hereinafter referred to as “**Defendants**” or “**Moderna**” and are referred to separately as “Moderna + country”, e.g. “Moderna Switzerland” for the defendant listed at 3) above.

#### RESPONDENT/S – CLAIMANTS IN THE MAIN PROCEEDINGS

- |    |  |                                     |
|----|--|-------------------------------------|
| 1) | <b>Genevant Sciences GmbH</b><br>(Respondent) - Viaduktstrasse 8 - 4051 - Basel<br>- CH                    | Represented by Markus Van Gardingen |
| 2) | <b>Arbutus Biopharma Corporation</b><br>(Respondent) - 701 Veterans Circle - PA 18974<br>- Warminster – US | Represented by Markus Van Gardingen |

Respondents/Claimants in the main proceedings are hereinafter collectively called: “**Claimants**”

#### PATENTS AT ISSUE

<i>Patent no.</i>	<i>Proprietor/s</i>
<b>EP2279254</b>	Arbutus Biopharma Corporation ( <b>in case 191/2025</b> )
<b>EP4241767</b>	Arbutus Biopharma Corporation ( <b>in case 192/2025</b> )

## DECIDING JUDGE

This order is issued by the judge-rapporteur.

LANGUAGE OF PROCEEDINGS: English

## SUBJECT-MATTER OF THE PROCEEDINGS

Rectification of an order - R. 353 RoP

## REQUESTS AND ARGUMENTS OF THE PARTIES

1. Moderna requests with two identical applications (App 25212/2025 in case UPC\_CFI\_191/2025 and App\_25215/2025 in case UPC\_CFI\_192/2025) rectification of the Procedural Order of the judge-rapporteur of 23 May 2025 regarding the Preliminary Objections of Moderna filed in both cases (the "PO Order"), as follows:

*to correct the Procedural Order of 23 May 2025 by deleting para. I. and II. of the operating part and amending the statements in mn. 12 and 13 of the grounds on the date of service on Moderna Poland, Moderna Belgium and Moderna Germany, and therefore on the admissibility of the Preliminary Objections for Moderna Poland, Moderna Belgium and Moderna Germany.*

2. Moderna points out that date of service mentioned in the PO Order for Moderna Germany, Moderna Belgium in both cases and for Moderna Poland in case 192/2025, is incorrect. The date of service for Moderna Poland in case 192/2025 should be 25 (instead of 21) March 2025. Based on the correct date of service, the deadline for filing the Preliminary Objections for Moderna Poland therefore expired on 25 April 2025. The Preliminary Objections filed on 24 April 2025 were filed in time. The dates of service on Moderna Germany and Moderna Belgium should be 29 March 2025 in case 191/2025 and 30 March 2025 in case 192/2025 pursuant to R. 271.6(b) RoP as the letters for Moderna Belgium and Moderna Germany were posted on 19 March 2025 (for case 191/2025) and 20 March 2025 (for case 192/2025). Thus,

the deadline for filing the Preliminary Objections for Moderna Belgium and Germany expired on 29/30 April 2025. The Preliminary Objections filed on 24 April 2025 were filed in time.

3. Claimants were given the opportunity to comment on the requests for rectification. They informed the court that they will not provide any comments on Defendants' requests and defer to the Court's judgment.

#### GROUND FOR THE ORDER

4. The applications are founded. The dates of service mentioned for Moderna Germany, Belgium and Poland in the PO Order are incorrect and constitute clerical mistakes, errors in calculation and/or obvious slips in the order which can be rectified pursuant to R.353 RoP. As a result, the preliminary objections filed on 24 April 2025 are admissible for all defendants.
5. The PO Order is rectified as set out in the operative part of this order below.
6. As both applications to rectify (25212/2025 and 25215/2025) are identical, and concern the same PO-order, it is not clear why Moderna filed the application twice in separate workflows. Both applications are dealt with in one order which will be uploaded in both workflows.

#### ORDER

ORD\_21852/2025 of 23 May 2025 is rectified as follows:

- A. Paragraphs 12 and 13 of the grounds for the order are deleted and replaced by the following:

*12. The defendant on which service of the SoCs in both cases was affected first, is Moderna UK. Service on this entity took place on 21 March 2025. Due to (national) holidays, the deadline for filing the PO for this defendant expired on 22 April 2025. The POs in both cases on behalf of Moderna UK were filed on this date and are therefore admissible.*

*13. POs on behalf of all other defendants were filed on 24 April 2025. As service on all those Defendants was affected on or after 24 March 2025, the POs are filed timely and are admissible.*

- B. Orders I and II are deleted and orders III and IV are renumbered to I and II.

#### ORDER DETAILS

Rectification of ORD\_21852/2025 in ACTION NUMBER: ACT\_10280/2025

UPC number: UPC\_CFI\_191/2025

And ACTION NUMBER: ACT\_10284/2025 UPC number: UPC\_CFI\_192/2025

Action type: Infringement Action

Application numbers 25212/2025 and 25215/2025 (R.353 RoP)

Related application No.: 19208/2025, 19158/2025, 19773/2025 and 19821/2025

Application Types: Preliminary objections (R.19 RoP)