



UPC_CFI_395/2023
Procedural Order
of the Court of First Instance of the Unified Patent Court
delivered on 12/02/2024

HEADNOTES

Extension and alignment of deadlines where there are multiple defendants. Oral agreement by all parties at a case management meeting on a date for the filing of the SoD which the Judge-Rapporteur considers reasonable.

KEYNOTES

Extension of time limits under Rule 23 RoP. Agreement between the parties on a date considered reasonable by the Judge-Rapporteur. Order under Rule 9.3 RoP.

RELEVANT PARTIES:

Claimant in the main proceedings:

- DexCom, Inc. represented by Anne-Charlotte Le Bihan

Defendants in the main proceedings:

- Abbott Laboratories
- Abbott Diabetes Care Inc.
- Abbott France
- Abbott
- Abbott B.V.
- Abbott S.r.l.
- Abbott Scandinavia Aktiebolag
- Abbott Oy
- Abbott Gesellschaft m.b.H.
- Abbott Laboratories A/S
- Abbott GmbH
- Abbott Diagnostics GmbH
- Abbott Logistics B.V.
- Newyu, Inc

Represented by Christian Dekoninck, Patricia Cappuyns, François Pochart

PATENT AT ISSUE

Patent no. *Proprietor*

EP EP3831282 DexCom, Inc.

DECIDING JUDGE: Judge-rapporteur Camille Lignieres

LANGUAGE OF PROCEEDINGS: English

SUBJECT-MATTER OF THE PROCEEDINGS: Infringement Action

ORDER

Dexcom, Inc. lodged an infringement action registered on 30/10/2023 before the Paris Local Division.

Electronic service of the Statement of Claim (SoC) attempted by the Court on 6/11/2023 was refused.

As regards service in EU countries, all registered letters with acknowledgement of receipt in accordance with R. 271.4 RoP were sent by the Court on 5/12/2023.

With the exception of the letter to Abbott Oy in Finland, all letters were duly delivered.

However, with regard to Abbott Oy, the Court notes that Patricia Cappuyns was connected via CMS on 24/01/2024.

As regards service on Newyu Inc in the USA, which is a non-EU country, service was effected by the Court in accordance with the Hague Service Convention under R. 274.1 (ii) RoP by sending an international registered letter with acknowledgement of receipt to the central authority designated by that country on 30/12/2023. The service is still in progress.

However, the Court received confirmation on 6/02/2024 that Patricia Cappuyns had lodged an appearance on behalf of the three US companies (Abbott Laboratories, Abbott Diabetes Care Inc and Newyu, Inc) and it is not disputed that Mrs Cappuyns has already been able to join the case via CMS.

At the request of the representatives of the Abbott entities, a case management meeting was scheduled by the Judge-Rapporteur on 5 February 2024 concerning the service of the application.



NOTES OF THE REGISTRY

During the case management meeting on the service of statement of claim issues at the UPC Paris Local Division today, in the presence of the judge-rapporteur and the clerk, all parties were represented and an agreement was reached on the service of statement of claim issues, as follows:

- the starting point of the delay for the filing of the statement of defence for all Abbots entities is aligned to 15/12/2023, the Statement of Defence is expected by 15/03/2024.

Paris, 5/02/24,
Charlotte Ferhat,
Clerk & Paris Local Division coordinator

CHARLOTTE
CAMILLE
CLAIRE FERHAT

Signature numérique
de CHARLOTTE
CAMILLE CLAIRE
FERHAT
Date : 2024.02.08
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Pursuant to R. 23 RoP, the time limit for filing the Statement of Defence is within three months of service of the SoC.

Pursuant to R. 9.3 and R. 334(a) and (b) RoP, the Judge-Rapporteur may, upon reasoned request of a party, extend or shorten any time limit specified in the UPC Rules of Procedure (RoP), even with retroactive effect.

The Judge-Rapporteur notes that the agreement between the parties proposes a reasonable extension of the time limit and that it is appropriate to align the time limit for all 14 defendants.

For all these reasons, it is ordered that:

- The starting point of the period for filing the statement of defence for all the Abbots entities is aligned to 15/12/2023, the statement of defence is expected by 15/03/2024.

Issued in Paris, 12 February 2024.

Judge-rapporteur Camille Lignieres

ORDER DETAILS

Order no. ORD_7657/2024 in ACTION NUMBER: ACT_583778/2023

UPC number: UPC_CFI_395/2023

Action type: Infringement Action