



**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 (APPLICANT)

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 order has been made 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 by Edwards (ACT_66577/2024 UPC_CFI_815/2024)
Application for confidentiality by Edwards – R 262A RoP (App_66581/2024)
Submission by Meril – R 9 (APP_1507/2025)
Application for confidentiality by Meril – R 262A RoP (App_1521/2025)
Rule 9 order (ORD_3866/2025 UPC_CFI_815/2024)

PARTIES` REQUESTS

Edwards seeks in ACT_66577/2024:

I. determines the costs to be reimbursed by Defendants 1) and 2) as set out below and to order that interest is to be paid on the determined costs at five percentage above the respective base interest rate pursuant to Section 247 of the Civil Code of the Federal Republic of Germany from the date of receipt of this application; and

II. orders Defendants 1) and 2) to pay the amount determined according to Request I. within a period of time as deemed appropriate by the Court.

Edwards seeks in App_66581/2024:

I. orders specific sections and Exhibits of the Application for a Cost Decision submitted in workflow 66577/2024 to be "Confidential Information" in the sense of Art. 58 UPCA, specifically

1. the information provided in the table for formal checks and mn. 2, 8, 9, 15, 17, 19, 21, 24, 26-29, 34, 35 and 37 marked in grey of the Application for a Cost Decision; and

2. Exhibits K-C 2 – K-C 5 to the Application for a Cost Decision;

II. restricts access to the Confidential Information to the representatives of Defendants before this Court and one employee of Defendants each to be specified by Defendants and who require access to the Confidential Information for the purposes of these proceedings;

in the alternative,

restricts access to Confidential Information to a suitable number of employees of Defendants and their legal representatives before this Court;

III. orders the persons authorized to access the Confidential Information in accordance with Request II. not to disclose Confidential Information to any third party outside of these court proceedings and to use the Confidential Information only for the purposes of these proceeding. The obligations shall continue to apply even after the conclusion of these proceedings;

IV. orders that an appropriate penalty payment be made to the Court in the event of a violation of the order under Request III, which is to be determined by the Court in reasonable proportion to the significance of the order;

V. orders that prior to publication of the reasons for the Cost Decision or other announcements, any Confidential Information be redacted therein.

With order dated 30 December 2024 the judge-rapporteur has ordered:

1. Provisional protection is granted as requested.
2. Meril is invited to comment on the confidentiality request within 10 days and the cost request within 20 days.

Meril requests in App_66581/2024:

Claimant's application for protection of confidential information of 16 December 2024 be dismissed.

The brief had been filed in a redacted version only. In App_1507/2025 Meril filed an unredacted version. In App_1521/2025 Meril filed a Rule 262A application with view to the unreacted version.

Meril explains:

that in the workflow concerning Claimant's application for protection of confidential information (App_66581/2024), Defendants were not able to request confidentiality. To avoid that, in the unlikely event of confidentiality measures being ordered, an unredacted version is being made available to a person not authorised to access the document in workflow App_66581/2024, Defendants uploaded

a redacted version as "Formal response to the Order of the Court" in workflow App_66581/2024, including Exhibit HL-262A 1,

an unredacted version of that "Formal response to the Order of the Court" as "Application" in workflow App_1507/2025, and

as a confidentiality is being requested in workflow App_1507/2025, the redacted version they upload as "Formal response to the Order of the Court" in workflow App_66581/2024.

Defendants' corresponding R.262A-application is linked to workflow App_1507/2025.

Defendants understand the unredacted version of Defendants' comments lodged in App_1507/2025, which was done as a matter of precaution to maintain the alleged confidentiality, as comments on the Court's order of 30 December 2024.

With several orders of today the Court has responded to applications to partly stay the cost proceedings and the proceedings relating to the confidentiality applications (App_3108/2025, App_2875/2025, App_2876/2025).

GROUNDS

Reference is made to the order of the Central Division, Paris Seat, of 30 July 2024 (APP_37662/2024 UPC_CFI_367/2023). The Court intends to follow this reasoning. This would mean that Meril would be granted unlimited access to the costs application. Restrictions under an implied application under Rule 262.2 RoP would apply to third parties or the public.

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Protection under Rule 262.2 RoP would also mean that Meril may not disclose the confidential information to third parties or the public.

Edwards is invited to comment within 10 days in workflow App_66581/2024. Once a decision on the confidentiality applications has become final, the Court will invite Meril to comment on the costs application.

ORDER

Edwards is invited to comment in the workflow App_66581/2024 within 10 days.

DETAILS OF THE ORDER

Order no. ORD_3866/2025 in ACTION NUMBER: ACT_459987/2023

UPC number: UPC_CFI_815/2024

Action type: Infringement Action

Dr. Zigann
Presiding Judge