



Local Chamber Munich

File no: **ORD_562104/2023 UPC_CFI_14/2023**
Nature of the action: **Infringement action**

Procedural order of the Court of First Instance of the Unified Patent Court, issued on: 16/08/2023

Date of receipt of application: 01.06.2023

Sanofi-Aventis Germany GmbH
(Defendant) - Industriepark Höchst, Brüningstraße 50 -
65926 - Frankfurt am Main - DE

Application served on 11/07/2023

Sanofi-Aventis Groupe S.A.
(Defendant) - 54 rue La Boétie - 75008 - Paris - FR

Application served on 11/07/2023

Sanofi Winthrop Industrie S.A.
(Defendant) - 82 avenue Raspail - 94250 - Gentilly - FR

Application served on 11/07/2023

Regeneron Pharmaceuticals Inc.
(Defendant) - 81 Columbia Turnpike - 12144 -
Rensselaer - US

Application served on 19/07/2023

KLÄGER

1) **Amgen Inc.**
(Plaintiff) - One Amgen Center Drive,
Mail- Stop 28-2-C - 91320-1799 -
Thousand Oaks - US

Represented by:
XXX

COMPLAINANT(R)

- | | | |
|----|---|---|
| 1) | Sanofi-Aventis Germany GmbH
(Defendant) - Industriepark Höchst,
Brüningstraße 50 - 65926 - Frankfurt am
Main - DE | Application served on
11/07/2023

Represented by:
XXX |
| 2) | Sanofi-Aventis Groupe S.A.
(Defendant) - 54 rue La Boétie - 75008
- Paris - FR | Application served on
11/07/2023

Represented by:
XXX |
| 3) | Sanofi Winthrop Industrie S.A.
(Defendant) - 82 avenue Raspail - 94250 -
Gentilly - FR | Application served on
11/07/2023

Represented by:
XXX |
| 4) | Regeneron Pharmaceuticals Inc
(Defendant) - 81 Columbia Turnpike -
12144 - Rensselaer - US | Application served on
19/07/2023

Represented by:
XXX |

PATENT AT ISSUE

<i>Patent no.</i>	<i>Owner</i>
EP3666797	Amgen Inc.

DECISIVE JUDGE

REPORTERS

Presiding Judge

Matthias Zigann

PROCEDURAL LANGUAGE: German

SUBJECT-MATTER OF THE CASE: Patent infringement

MOTIONS OF THE PARTIES

1)

The plaintiff filed a statement of claim dated 21.07.2023 (ORD_556750/2023 UPC_CFI_14/2023 - Workflow 2 "Separation of the defendant to 4") suggested,

to hear the invalidity action filed against the patent-in-suit before the Central Chamber - Munich Division together with the infringement action, insofar as it should be admissibly raised.

In this respect, the Central Chamber will soon take a decision on the appeal under Rule 19 of the Constitution.

2)

The defendant filed a written statement dated 10.08.2023 (ORD_551192/2023 UPC_CFI_14/2023 - Workflow 1 "Severance of defendant 4"),

a. order that the application be deemed to have been filed on 10 August 08.2023 or, in the alternative, on 20 June 2023,

b. is deemed to have been served on 20.06.2023, so that the time limit for the opposition (Rule 19) expires on 11.09.2023 and the time limit for the defence (Rule 23) expires on 10.11.2023;

in the alternative:

c. align the time limits for the opposition and the statement of defence for defendants 1-3 with the time limits for defendant 4.

3)

The plaintiff requested by written statement dated 10.08.2023 (ORD_560379/2023 UPC_CFI_14/2023 - Workflow "Uploading the attachments to the statement of claim"),

Reduce the time limit for the fourth defendant to respond so that it corresponds to the time limit for the first to third defendants to respond.

BRIEF PRESENTATION OF THE FACTS

Service on the 1st to 3rd defendants was effected on 11.07.2023 in accordance with Rule

271.1.c of the Rules of Procedure. The 4th defendant was also served on 19.07.2023 pursuant

to Rule 271.1.c of the Rules of Procedure. Defendants 1) to 4) are represented by the same

legal representative.

No annexes were submitted with the application. Instead, the application indicates that it is intended to submit annexes as soon as it is possible to serve the defendants electronically. By submission of 10.08.2023 (ORD_560379/2023 UPC_CFI_14/2023 - workflow "Upload of annexes to the application"), annexes were uploaded in response to the reporter's order of 09.08.2023.

DISPUTED POINTS

The time of effective service is disputed. Both parties seek an alignment of the time limits running for the defendants, but in different directions.

Due to the submission in different, partly already closed workflows, a consolidation has to be carried out.

REASONS FOR THE ORDER

Extensions and reductions of time limits are possible under Rule 9.3 of the Rules of Procedure after hearing the other party.

In order to maintain clarity within the different workflows ("arrangements") it is necessary to initiate a separate workflow per topic.

ARRANGEMENT

1. The applications submitted in the "wrong" workflows do not need to be repeated as an exception.
to be placed.
2. The parties may comment on the respective applications for extension or shortening of the deadline until 21 August 2023.
3. The suggestion to hear the invalidity action together with the infringement action will be considered by the Board after the Central Division's decision on the opposition is available.
4. For the topics of calculation of time limits, extension of time limits, shortening of time limits and joint hearing of infringement and nullity, only the workflow here is to be used.
5. In future, motions that do not fit the topic of an open workflow are to be presented in a new, separate workflow.

ARRANGEMENT DETAILS

Order No. ORD_562104/2023 UPC_CFI_14/2023

Type of procedure: procedural order on workflows No.of related
procedure: ACT_459916/2023 UPC_CFI_14/2023 Type of procedure:
infringement action