



UPC_CFI_ 425/2023
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:

- Abbott Diabetes Care Inc. represented by Christian Dekoninck

Defendants in the main proceedings:

- Dexcom Inc. represented by Thierry Lautier
- Dexcom International Limited represented by Thierry Lautier
- Dexcom France SAS represented by Thierry Lautier

PATENT AT ISSUE

Patent no.

Proprietor

EP3988471

Abbott Diabetes Care Inc.

DECIDING JUDGE: Judge-rapporteur Camille Lignieres

LANGUAGE OF PROCEEDINGS: English

SUBJECT-MATTER OF THE PROCEEDINGS: Infringement Action

ORDER

Abbott Diabetes Care Inc. lodged an infringement action registered on 14/11/2023 before the Paris Local Division.

Electronic service of the Statement of Claim (SoC) was not possible.

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 19/12/23.

With the exception of the letter to Dexcom International Limited in Ireland, all letters were duly delivered.

However, with regard to Dexcom International Limited, the Court notes that Me Lautier was connected via CMS on 25/01/2024.

Following a message sent by the Paris Local Division sub-registry concerning the service issue in the case at hand, Me Lautier requested that this issue be examined at a case management meeting already scheduled by the Judge-Rapporteur on 5 February 2024.



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NOTES OF THE REGISTRY

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

- The starting point of the delay for the filing of the Statement of Defence for all Dexcom entities is aligned to 15/01/2024, the Statement of Defence is expected by 15/04/2024.

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 3 defendants.

For all these reasons, it is ordered that:

- The starting point of the period for filing the statement of defence for all the Dexcom entities is aligned to 15/01/2024, the statement of defence is expected by 15/04/2024.

Issued in Paris, 12 February 2024.

Judge-rapporteur Camille Lignieres

ORDER DETAILS

Order no. ORD_7664/2024 in ACTION NUMBER: ACT_587074/2023

UPC number: UPC_CFI_425/2023

Action type: Infringement Action