



**Procedural Order**  
**of the Court of First Instance of the Unified Patent Court local division**  
**Düsseldorf**  
**issued on 29 April 2024**  
**concerning EP 2 697 391 B1**

KLÄGERIN:

**10x Genomics, Inc.**, 6230 Stoneridge Mall Road, 94588-3260 Pleasanton, CA, USA, legally represented by the Board of Directors, which is represented by CEO Serge Saxonov, ibid,

represented by: Lawyer Prof. Dr. Tilman Müller-Stoy,  
Attorney at Law  
Dr Martin Drews, Patent Attorney Dr Axel Berger, Prinzregentenplatz 7, 81675 Munich,

electronic Zustelladresse: mueller-stoy@bardehle.de

DEFENDANT :

**Curio Bioscience Inc.**, 4030 Fabian Way, Palo Alto, CA 94303, USA, represented by its CEO Stephen Fodor, ibid,

represented by: Agathe Michel-de Cazotte, European Patent Attorney  
Cameron Marschall, solicitor, 1 Southampton Row WC1B 5HA London, United Kingdom,

electronic

Zustelladresse: U010318UC@

carpmaels.com STREITPATENT:

EUROPEAN PATENT NO. EP 2 697 391 B1

DECISION-MAKING BODY/CHAMBER:

Judges of the Düsseldorf local division:

This procedural order was issued by presiding judge Thomas as judge-rapporteur, the legally qualified judge Dr Thom and the legally qualified judge Kupecz.

LANGUAGE OF THE PROCEEDINGS: German

SUBJECT: Art. 49(3) UPCA, R. 321 RP - Change of the language of the proceedings

BRIEF DESCRIPTION OF THE FACTS:

The plaintiff is bringing an action against the defendant for infringement of the European bundle patent EP 2 697 391 B1 (hereinafter referred to as the patent in suit), which was granted in the English language of the proceedings. It has filed its action in the German language of the proceedings.

In a document dated 23 April 2024 (App\_22293/2024), the defendant stated that the parties had agreed to change the language of the proceedings to English. In a document dated 24 April 2024 (App\_22330/2024), the plaintiff submitted a comparable pleading and requested a change of language,

pursuant to R. 321.1 RP, English, the language in which patent EP 2 697 391 B1 was granted, to be used as the language of the proceedings.

REASONS FOR THE ORDER:

Pursuant to Art. 49 (3) sentence 1 UPCA, the parties may agree to use the language in which the patent was granted as the language of the proceedings, subject to approval by the competent court. Against this background, a party may submit an application in either language at any time during the written procedure to use the language in which the patent was granted as the language of the proceedings, R. 321.1 RP.

The parties made use of this option in the present case and unanimously declared that they had decided to change the language of the proceedings from German to English. This language change is approved by the adjudicating body, which is why the application for such a language change had to be granted.

ORDER:

The unanimous application of the parties to change the language of the proceedings from German to English is granted.

The proceedings will be conducted in English from the date of this procedural order.

ORDER DETAILS:

App\_22293/2024 and App\_22330/2024 for the main file reference

ACT\_15774/2024 UPC number: UPC\_CFI\_140/2024

Type of proceedings: Action for infringement

Issued in Düsseldorf on 29 April 2024 NAMES

AND SIGNATURES

Presiding judge Thomas

**Ronny  
Thomas** Digitally signed by  
Ronny Thomas  
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Legally qualified judge Dr Thom

**Anna  
Bérénice  
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Legally qualified judge Kupecz

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