

Order
of the Court of First Instance of the Unified Patent Court
in the proceedings for preliminary measures
related to European Patent 2 152 073
delivered on 16.06.2024

CLAIMANT/S

- | | | |
|----|---|-------------------------------|
| 1) | Syngenta Limited
Jealott's Hill International Research Centre -
RG42 6EY - Bracknell, Berkshire - GB | Represented by
Jörn Peters |
|----|---|-------------------------------|

DEFENDANT/S

- | | | |
|----|--|---|
| 1) | Sumi Agro Limited
Bürgermeister-Neumeyr-Str. 7 - 85391 -
Allershausen - DE | Represented by
Gareth Williams and
Johannes Heselberger |
| 2) | Sumi Agro Europe Limited
Bürgermeister-Neumeyr-Str. 7 - 85391 -
Allershausen - DE | Represented by
Gareth Williams and
Johannes Heselberger |

PATENT AT ISSUE

Patent no.

Proprietor/s

EP2152073

Syngenta Limited

DECIDING JUDGE

COMPOSITION OF PANEL – FULL PANEL

Presiding judge and

Judge-rapporteur

Matthias Zigann

Legally qualified judge

Tobias Pichlmaier

Legally qualified judge

Walter Schober

The order was made by Presiding Judge Matthias Zigann, acting as Judge-Rapporteur.

REQUESTS

Defendants request:

That the information contained in Confidential Exhibit SA-1 and in Confidential Exhibit SA-9 is confidential information pursuant to R. 262A RoP, which is to be treated as strictly confidential and may not be used or disclosed outside the present legal dispute, even after its conclusion; the Applicant may only make the designated information accessible internally to such reliable employees who have a legitimate interest in it. The persons with access to confidential information are to be named to the Court and the Respondents. Any further access to the designated information must be declared inadmissible.

Claimant does not formally object to the application of the Defendants to treat the information contained in "Confidential Exhibits SA-1" and "Confidential Exhibit SA-9" confidential. It has provided a list of employees within the Claimants group of companies who will get access to the Exhibits in accordance with the Court's order, namely [REDACTED] and [REDACTED]

GROUNDS


The 262A application was submitted under APP_33361/2024. Due to a malfunction of the CMS, it is not possible to work on the application within this workflow. Therefore, the current workflow ORD_33490/2024 has been opened.

Claimant argues that the "Confidential Exhibits" in their view contain very little information that may be regarded as confidential within the meaning of the applicable Rules of Procedure, however it does not formally object to the application of the Defendants to treat the information contained in "Confidential Exhibits SA-1" and "Confidential Exhibit SA-9" confidential. Defendants have provided further grounds for their request. Claimant has not further commented on these further grounds. Therefore, confidentiality protection is to be provided as requested.

ORDER

The information contained in Confidential Exhibit SA-1 and Confidential Exhibit SA-9 is confidential information within the meaning of R. 262A of the Rules of Procedure, which must be treated as strictly confidential and may not be used or disclosed outside the present proceedings, even after their conclusion; the Claimant may only make the confidential information accessible to [REDACTED] and [REDACTED]. Any other access to the confidential information is hereby prohibited.

**Matthias
ZIGANN**

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Datum: 2024.06.16
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Dr. Zigann
Presiding Judge and Judge-rapporteur

ORDER DETAILS

ACTION NUMBER: ACT_23636/2024
Application number: APL_33361/2024
ORD number: ORD_33490/2024 (3)
UPC number: UPC_CFI_201/2024
Application Type: 262A