

**Case No. UPC\_CFI\_14/2023**

**Procedural Order No. ORD\_551192/2023 on Action No. ACT\_459916/2023 of the  
Court of First Instance of the Unified Patent Court of 17.07.2023**

Party to the action

1) Amgen Inc.

represented by: [REDACTED]

defendant parties

1) Sanofi-Aventis Germany GmbH

represented by: [REDACTED]

2) Sanofi-Aventis Groupe S.A.

represented by: [REDACTED]

3) Sanofi Winthrop Industrie S.A.

represented by: [REDACTED]

4) Regeneron Pharmaceuticals Inc.

represented by: ?

Patent-in-suit

*Patent No.*

*Holder*

**EP3666797**

Amgen, Inc

Judge:

COMPOSITION OF THE PANEL

Presiding Judge and Rapporteur

**Matthias Zigann**

legally qualified judge  
legally qualified judge

Tobias Pichlmaier  
Samuel Granata

REPORTER'S INSTRUCTIONS:

**Matthias Zigann**

LANGUAGE OF PROCEEDINGS:

**German**

ACTUAL STATEMENT

1. Service on the defendants 1 to 3 could already be effected by e-mail on 11.7.2023.
2. Service on the 4th Defendant by e-mail is currently not possible. In response to a corresponding inquiry by the Chairman, the fourth defendant was informed that service by e-mail would not be accepted. Service on the fourth defendant must therefore now be effected in accordance with Rule 274.1(a)(ii) of the Rules of Procedure.

REASONS:

1. This will lead to different timelines regarding the deadline for filing a statement of defense as well as regarding all other deadlines. Consequently, waiting for successful service on the fourth defendant would slow down the progress of the proceedings against defendants 1-3 by months. This can be countered by separating the proceedings against the fourth defendant in accordance with Rule 303.2 of the Rules of Procedure.
2. According to Rule 337 of the Rules of Procedure, the parties must be heard beforehand. This must be interpreted to mean that those parties who are already represented by a lawyer at the time of the hearing must be heard beforehand. This is because the hearing can formally only take place via the case management system. Only the legal representatives have access to this.
3. Unless the parties present reasons for a different allocation of the court fee, it will be appropriate to allocate the court fee equally between the Sanofi Group and Regeneron (cf. Rule 303.3 of the Rules of Procedure).

ORDERS AND DIRECTIONS TO PARTIES AND THE REGISTRY:

1. The proceedings concerning the fourth defendant shall be separated.
2. The claimant representative is requested to proceed as directed by the Registry in this regard.
3. The court fee already paid by the plaintiff shall be divided equally between the two proceedings.
4. The plaintiff and the defendants 1-3 have until July 21, 2023 to comment on this.

*[digital signature: Matthias Zigann]*

**DR. ZIGANN**

**PRESIDING JUDGE AND RAPPORTEUR**