

UPC\_CFI\_697/2025  
Procedural Order  
of the Court of First Instance of the Unified Patent Court  
delivered on 17/09/2025

APPLICANTS

- 1) Merz Therapeutics GmbH  
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60318 Frankfurt am Main - DE
- 2) Merz Pharmaceuticals LLC  
Unit 35/36,  
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27615 Raleigh, North Carolina - US
- 3) Merz Pharma France  
Tour EQHO, 2 Avenue Gambetta  
92400 Courbevoie – FR

Represented by  
Laëtitia Bénard

RESPONDENT – DEFENDANT

Viatis Santé  
1 rue de Turin  
69007 Lyon – FR

Represented by  
Marc Lauzeral

## PATENT AT ISSUE

<i>Patent no.</i>	<i>Proprietor</i>
EP2377536	Merz Pharmaceuticals, LLC

<i>Patent no.</i>	<i>SPC details</i>	
EP2377536	SPC ID	FR13C0033
	National Designations	FR

<i>Patent no.</i>	<i>SPC ID</i>	National Designations	Holders
EP2377536	FR13C0033	FR	Merz Pharmaceuticals, LLC

## COMPOSITION OF THE FULL PANEL

Presiding judge & Judge-rapporteur	Camille Lignières
Legally qualified judge	Carine Gillet
Legally qualified judge	Samuel Granata
Technically qualified judge	Rainer Friedrich

## DECIDING judge

Camille Lignieres, acting as Judge-rapporteur

LANGUAGE OF PROCEEDINGS: English

## ORDER

### Facts and procedure:

On 31 July 2025 MERZ entities lodged before the present Division an **application** of 30 pages (plus 6 pages for Annexes) for provisional measures pursuant to Article 62 UPCA and Rule 206 RoP .

This application was served on the Defendant (VIATRIS) on 10 August 2025.

By order of 18 August 2025 pursuant to Rule 209.1 RoP, the Judge rapporteur has invited the parties to comply with the timetable and summoned the parties to an oral hearing, as follows:

*Timetable*

- Defendant's Objection by 15 September 2025
- Claimants' last Reply by 25 September 2025 (a brief note, max 10 pages)
- Defendant's Rejoinder by 3 October 2025 (a brief note, max 10 pages)

And the Oral Hearing was confirmed to take place on 10 October 2025.

The **Objection** was filed by VIATRIS on 15 September 2025 with 473 pages (plus 8 pages for Annexes).

On 16 September 2025, MERZ filed a procedural application under R.9 RoP requesting that the Court:

A) As a primary claim

1. Orders the Respondent, under Rule 9.1 of the UPC Rules of Procedure, to file by a date deemed reasonable by the Court, such as 17 September 2025 18:00 CET, a consolidated Objection not exceeding a number of pages deemed reasonable by the Court, such as 70 pages (exclusive of annexes), with the 481-page version treated as withdrawn and expunged from the record; and
2. Grants the Applicants leave, pursuant to Rule 9.3 of the UPC Rules of Procedure, to file a Reply not exceeding a number of pages deemed reasonable by the Court, such as 40 pages (exclusive of annexes), by 29 September 2025;

B) Or, in the alternative

1. Orders the Respondent, under Rule 9.1 of the UPC Rules of Procedure, to file by a date deemed reasonable by the Court, such as 17 September 2025 18:00 CET, a consolidated Objection not exceeding a number of pages deemed reasonable by the Court, such as 100 pages (exclusive of annexes), with the 481-page version treated as withdrawn and expunged from the record; and
2. Grants the Applicants leave, pursuant to Rule 9.3 of the UPC Rules of Procedure, to file a Reply not exceeding a number of pages deemed reasonable by the Court, such as 70 pages (exclusive of annexes), by 29 September 2025.

MERZ argues notably that this manifest disparity in the parties' written submissions will deprive the Applicants of an equal opportunity to defend their case, overburden the Court with prolix submissions contrary to procedural economy, and jeopardise the integrity and timeliness of the 10 October hearing.

In reply of 16 September 2025, VIATRIS provided the following comments to object to the request from MERZ:

- The submissions 'layout facilitates easier reading, and based on Merz's layout, the Submissions are 177 pages long.
- Due to Merz's argumentation, Viatris must answer all the arguments raised over the 6844 pages in the opposition proceedings.
- The 177-page long discussion is justified by the object of the proceedings: two intellectual property rights, namely a SPC and a patent.

Alternatively, VIATRIS would accept to summarise its Objection on 140 pages via a new Exhibit filed by 21 September 2025 and would not oppose MERZ having the right to answer in 100 pages.

GROUND

A provisional measure application pursuant to R. 206 RoP is dealt with in the context of summary proceedings due to an urgent situation.

In the present case, the Application filed was reasonable enough with 30 pages.

Even if two Intellectual Property titles are involved, the 470-page objection filed by the Defendants is not appropriate in the context of provisional measures, particularly given the timeline established by the judge rapporteur.

## ORDER

In light of the principles of procedural economy, fairness and efficiency, the judge rapporteur orders that:

- VIATRIS files a 70-page summary of the main points of its **Objection** by 19 September 2025 at 2 pm.
- MERZ files its 40-page **Reply focused on validity matters by 29 September 2025 at 2 pm.**
- Moreover, the judge rapporteur will set up a case management meeting with the representatives at least one week before the oral hearing to organise its practical modalities.

-This order may be reviewed by the panel pursuant to R. 333 RoP.

Issued in Paris, on 17 September 2025.

C. LIGNIERES, Judge rapporteur

### ORDER DETAILS

Order no. ORD\_37065/2025

UPC number: UPC\_CFI\_697/2025

Related proceeding no. Application No.: 33980/2025

Application Type: Application for provisional measures (RoP206)