



Local Division Munich
UPC_CFI_2307/2026

Order
of the Court of First Instance of the Unified Patent Court
Local Division Munich
issued on 17 July 2026

APPLICANT:

OXFORD NANOPORE TECHNOLOGIES PLC

Gosling Building Edmund Halley Road, Oxford Science Park, Oxford,
Oxfordshire, United Kingdom, OX4 4DQ

represented by: Marianne Schaffner, Charlotte Chambon
(Gowling WLG (France) AARPI)

in short : "Oxford"

RESPONENTS:

1. **MGI TECH GmbH**
Volmerstraße 5-9, 12489 Berlin, Germany
2. **MGI TECH CO., LIMITED**
2nd Floor, Building 11, Beishan Industrial Zone Complex, Yantian District, Shenzhen
518083, People's Republic of China
3. **BGI HANGZHOU CYCLONESEQ TECHNOLOGY CO., LTD,**
Room 301, 3rd Floor, Building 1, Huayuan Village, No. 203, Zhenzhong Road, Xihu District,
Hangzhou, Zhejiang 310030, People's Republic of China

4. SHENZHEN BGI GENOMICS CO., LTD

1-1, 8 South, Building B, BGI Time Center, Yunhua Road 9, Yantian District, Shenzhen 518081, People's Republic of China

1) represented by: Dr. Stephan Neuhaus, Frits Gerritzen, Caroline Bley, Teresa Limberg, Sara Swinkels and all further registered representatives of Allen Overy Shearman Sterling LLP

1) supported by: Dr. Lasse Weinmann, Dr. Boris Tchitchanov, Dr. Elisabeth Engelhard, Dr. Michael Pfeifer, Dr. Dominik Scheible, Sofie McPherson, PhD and Dr. Daniel Offenbartl-Stiegert of Hoffmann Eitle Patent und Rechtsanwälte PartmbB

all four in short: "MGI"

PATENTS AT ISSUE:

European patents n° 2 422 198 B1, 2 715 343 B1, 2 964 779 B1, 3 097 210 B2

PANEL/DIVISION:

Panel 1a of the Local Division Munich:

Dr. Matthias Zigann (Presiding Judge and JR), Tobias Pichlmaier (LQJ), Rute Lopes (LQJ), Steen Wadskov-Hansen (TQJ)

DECIDING JUDGE:

This order has been issued by Presiding Judge Dr. Matthias Zigann acting as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS:

English

SUBJECT OF THE PROCEEDINGS:

RoP 206 (provisional measures)

Here: application for extension of time period to file an objection

PROCEDURAL BACKGROUND:

1. At 23:21 on 26 June 2026, Oxford filed an application for provisional measures with the LD Munich, declaring it urgent. In the application, Oxford argues that MGI is infringing, or is about to infringe, four patents by advertising and selling the 'Cyclone Devices', together with flow cells and reagents, in France, Denmark, Germany, Ireland, Liechtenstein, the Netherlands,

Switzerland and the UK. Oxford requested injunctive relief, sequestration and information in relation to these territories. No application was made for ex parte proceedings.

The court was informed in the application that the marketing and sale of the Cyclone Platform is the subject of ongoing patent infringement proceedings in the Federal Court of Australia. In the Australian proceedings, MGI Australia Pty Ltd and the second respondent have admitted that the CycloneSEQ-WT02 falls within the scope of the asserted claims of four Australian patents, which are the Australian equivalents of the patents asserted in these proceedings.

2. Due to the urgent nature of the application, the JR asked the President of the Court of First Instance on 29 June 2026 to swiftly appoint an international legally qualified judge and a technically qualified judge to the panel. The full panel held an initial deliberation on the application on 30 June 2026. The panel instructed the JR to issue the order mentioned under item 3.

3. On 30 June 2026 at 06:00 pm the judge-rapporteur made the following order:

“I. Oxford is invited to amend the application by adding a claim construction for each of the four patents, which should explain the features of the relevant patent claims. Oxford should also add an explanation of why the remedies sought for the territories where the UPCA is not applicable (Liechtenstein, Switzerland, Ireland and the UK) are well founded. This should include citing the relevant foreign legal provisions and providing translations into the language of the proceedings. This should be done within one week of the upload of this order. If Oxford considers this deadline too challenging, it shall limit the application to a smaller number of patents and/or territories.

II. Oxford is advised that the infringement mapping will probably only suffice if the defendants do not dispute infringement, as was the case in the Australian proceedings. Oxford is invited to amend the infringement mapping as a precaution within one week of this order being uploaded.

III. MGI is invited to file an objection pursuant to R. 209.1(a) RoP by 24 July 2026, provided that service is successful by that date. If this is not the case for all respondents, the panel will consider separating the case and setting new deadlines in the separation order.

IV. Oxford is invited to comment on MGI's objection by 31 July 2026.

V. MGI is invited to comment on Oxford's response by 6 August 2026.

VI. The panel will decide how to proceed formally with the application at a later stage. If the panel decides to hold an oral hearing, it will take place on 19 and 20 August 2026

at 9:00 am in Denisstr. 3, Munich (hearing room 212 and overflow room 220b). Parties are asked to reserve these dates.

VII. Oxford estimates the value of the proceedings at €500,000. The panel will re-estimate this value after MGI has filed the objection.”

4. The application for provisional measures (without exhibits) and the order dated 30 June 2026 were served to respondent 1) in hard copy on 7 July 2026.

5. At 9.53 pm on 7 July 2026, Oxford replied to the court's order with a brief. Among other things, the application regarding EP 2 964 779 B1 and EP 3 097 210 B2 was withdrawn. Furthermore, Oxford filed an amended version of the application brief. These briefs were made available to the representative of Respondent 1 on 9 July 2027 via Tresorit, as the representative was experiencing technical issues accessing the CMS case file.

6. The technical issues were resolved, and the representative of respondent 1) gained full access to the CMS file on 10 July 2026.

7. On 14 July 2026, respondent 1) filed an application for an extension to the time limit for filing an objection, requesting:

“1. extend the time limit for Respondent 1) to lodge its Objection to the Application for Provisional Measures from Friday, 24 July 2026 to Friday, 31 July 2026 pursuant to Rule 9.3(a) RoP;

2. in the alternative, extend the time limit by such shorter period as the Court considers appropriate but at least until Monday, 27 July 2026; and

3. make any further case-management directions necessary to preserve the efficient and fair conduct of these proceedings.”

8. At 01:19 on 15 July 2027, the judge-rapporteur uploaded the following communication to the parties.

“Applicant is invited to file observations on the deadline extension request by 17 July 2026. Parties are advised that a granted extension might have an effect on the date of the oral hearing”.

9. On 16 July 2026, Oxford filed observations on this application and informed the Court that they consented to the deadline being extended to 27 July, provided that the date for a possible oral hearing was not changed.

10. At 13:17 on 17 July 2026, the judge-rapporteur uploaded the following communication to the parties:

“Parties are advised that the respondents' applications for a time extension will be rejected. A reasoned order will be uploaded in due course. This information is intended to enable party representatives to begin making the necessary preparations.”

GROUND

11. The application to extend the time period for filing an objection is not well founded and is therefore to be rejected.

12. In the application, Respondent 1 argues that the time during which their representative had no access to the CMS case file should be added to the originally designated time period.

13. This argument incorrectly implies that the original time period assigned by the judge-rapporteur for the respondents to file an objection was longer than the time now available. This is not true. The judge-rapporteur anticipated difficulties in serving the application to the respondents. Taking these possible difficulties into account, the time period was not expressed in weeks after service, but in a specific date: 24 July 2026. This date, and the subsequent dates for filing a response, a counter-response, and a possible oral hearing, have been carefully chosen to strike a balance between the respondents' right to be heard, Oxford's right to fast and effective remedies, and the necessity of providing the panel members with enough time to prepare for a possible oral hearing after the last brief has been filed. As the application and order dated 30 June 2026 were served on respondent 1 on 7 July 2026, respondent 1 has more than two weeks to prepare and file the objection. Any alterations to this schedule would prevent the panel members from preparing the case thoroughly and would necessitate a later date for a potential oral hearing. Respondent 1 did not propose deciding without an oral hearing in exchange for an extension of time.

14. Respondent 1 further argues that the remaining time is too short anyway. However, the judge-rapporteur, backed by the panel members, disagrees. A period of more than two weeks is sufficient, given that the respondent group is already aware of the four patents and the allegation of infringement due to the ongoing Australian proceedings, and given that Oxford has withdrawn the application with respect to two of the four patents. The respondent group has already set out their case in writing in the Australian proceedings. Furthermore, it must be noted that Respondent 1) is represented by a team composed of five named UPC representatives and seven named patent attorneys. These team members were made public to the court at a time when the application had already been limited to two patents.

15. Oxford's consent was given on the condition that the date of the possible oral hearing is not changed. As explained above, any extension to the time limit for filing the objection would

result in the date of the oral hearing being moved. This condition has not been fulfilled, so no consent is present.

ORDER

The application is rejected.

INFORMATION ABOUT REVIEW BY PANEL

Any party may request that this Order be referred to the panel for a review pursuant to R. 333 RoP. Pending review, the Order shall be effective (R. 102.2 RoP)

Matthias
ZIGANN



Digital unterschrieben
von Matthias ZIGANN
Datum: 2026.07.17
17:14:49 +02'00'

Dr. Zigann
Presiding Judge