



UPC_CFI_424/2023
Final Order
of the Court of First Instance of the Unified Patent Court
delivered on 22 December 2023

Date of receipt of Statement of claim : Not provided

Dexcom Inc. Statement
(Defendant) - of claim
6340 served on
Sequence 30/11/2023
Drive - CA
92121-4356 -
San Diego -
US

Dexcom Statement
International of claim
Limited served on
(Defendant) - 20/12/2023
1 Lampousas
Street - 1095
- Nicosia - CY

REFERENCE CODE ECLI: Not provided

APPLICANT/S

- 1) **Abbott Diabetes Care Inc.** Represented by Eelco
(Applicant) - 1360 South Loop Road - CA 94502 Bergsma
- Alameda - US

RESPONDENT/S

RELEVANT PROCEEDING PARTIES

- 1) **Dexcom Inc.** Statement
(Main of claim
proceeding served on
party - Not 30/11/2023
provided) -
6340
Sequence
Drive - CA
92121-4356 -
San Diego -
US

- 2) **Dexcom** Statement
International of claim
Limited served on
(Main 20/12/2023
proceeding
party - Not
provided) - 1
Lampousas
Street - 1095
- Nicosia - CY

PATENT AT ISSUE

Patent no.

Proprietor/s

EP4070727

Abbott Diabetes Care Inc.

No SPC details provided

Patent no. *SPC details*

SPC ID

National Designations

No SPC Holders provided

<i>Patent no.</i>	<i>SPC ID</i>	<i>National Designations</i>	<i>Holders</i>
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DECIDING JUDGE

Judge-rapporteur **Edger Brinkman**

COMPOSITION OF PANEL – FULL PANEL

Presiding judge	Edger Brinkman
Judge-rapporteur	Edger Brinkman
Legally qualified judge	Pierluigi Perrotti
[Legally qualified judge	Margot Kokke]
[Technically qualified judge	Not provided]

LANGUAGE OF PROCEEDINGS: English

SUBJECT-MATTER OF THE PROCEEDINGS: Infringement proceedings

SUMMARY OF FACTS

Service on Dexcom International Limited by registered letter has not been successful at both addresses provided by the claimant. Abbott suggested in their letter of 14 December 2023, that contains a procedural application re R. 275.1 RoP, to perform an alternative service by use of an authorised process server in Ireland. Abbott now has submitted evidence that effective service has been effected on 20 December 2023 and that hence the SoD is to be filed within 3 months from that date.

GROUNDS FOR THE ORDER

The JR is satisfied by the affidavit provided by Abbott of good service by an Irish process server. This means the court no longer has to decide on the application of Abbott invoking R. 275.1. That application will therefore be denied, and it is ordered that service on defendant 2 (Dexcom International Limited) was properly effected on 20 December 2023. The term for filing the SoD is 3 months after that date.

ORDER

The application to invoke R. 275.1 RoP is denied;
Service on defendant 2 (Dexcom International Limited) was properly effected on 20 December 2023;
The term for filing the SoD is 3 months after that date.

INSTRUCTIONS TO THE PARTIES AND TO THE REGISTRY

The registry should record the proper service on 20 December 2023 in the CMS.

INFORMATION ABOUT APPEAL

No appeal possible

INFORMATION ABOUT COSTS AND DAMAGES

Costs of the service are provisionally to be borne by Abbott but later reimbursable depending on the outcome of the case

Order in ACTION NUMBER: ACT_586899/2023

UPC number: UPC_CFI_424/2023

Action type: Infringement Action

Related proceeding no. Application No.: 594779/2023

Application Type: Generic procedural Application

Issued on 22 December 2023 by E.F. Brinkman, presiding judge and judge-rapporteur