



Local Division Munich
UPC_CFI_14/2023

Order
in the proceedings before the
Court of First Instance of the Unified Patent Court
relating to European Patent 3 666 797
delivered on 29/07/2024

Date of receipt of Statement of claim : 01/06/2023

CLAIMANT

- 1) **Amgen Inc.** Represented by
One Amgen Center Drive, Mail-Stop 28-2-C - Johannes Heselberger
91320-1799 - Thousand Oaks - US

DEFENDANTS

- 1) **Sanofi-Aventis Deutschland GmbH** Represented by
Industriepark Höchst, Brüningstraße 50 - Niels Hölder
65926 - Frankfurt am Main - DE
- 2) **Sanofi-Aventis Groupe S.A.** Represented by
54 rue La Boétie - 75008 - Paris - FR Niels Hölder

- 3) **Sanofi Winthrop Industrie S.A.** Represented by
82 avenue Raspail - 94250 - Gentilly - FR Niels Hölder
- 4) **Regeneron Pharmaceuticals Inc.** Represented by
81 Columbia Turnpike - 12144 - Rensselaer - US Niels Hölder
US

PATENT AT ISSUE

<i>Patent no.</i>	<i>Proprietor</i>
EP3666797	Amgen Inc.

DECIDING JUDGESCOMPOSITION OF PANEL (1) – FULL PANEL

Presiding judge and Judge-rapporteur	Matthias Zigann
Legally qualified judge	Tobias Pichlmaier
Legally qualified judge	Samuel Granata
Technically qualified judge	Xavier Dorland-Galliot

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

LANGUAGE OF PROCEEDINGS: English

SUBJECT-MATTER OF THE PROCEEDINGS

Patent infringement
here: stay of proceedings

SUMMARY OF FACTS

The claimant alleges infringement of European Patent 3 666 797 by the defendants' drug Praluent ('Alirocumab').

Defendants 1-3 have filed oppositions with the European Patent Office and a separate revocation action with the Central Division (ACT_459505/2023 UPC_CFI_1/2023). The Claimant's preliminary objections in this respect were unsuccessful.

Defendant 4 filed a counterclaim for revocation with the Local Division Munich (CC_586764/2023).

By decision of February 2024 the Panel referred the counterclaim to the Central Division for decision.

The Central Division decided on 16 July 2024 on the stand-alone revocation action and the referred counterclaim for revocation. The patent was revoked in its entirety.

In view of this outcome, both parties agreed in an email exchange with the court to stay the infringement proceedings pending the outcome of the appeal against the revocation decision. The plaintiff further confirmed this by letter of 23 July 2024 (App_6996/2024).

GROUNDS

In view of the unanimous request of both parties, the infringement proceedings are stayed pursuant to Rules 37.4 and 295(m) of the Rules of Procedure. The date for the interim conference and the dates for the oral hearing are cancelled.

ORDER

1. The infringement proceedings are stayed as of today pending the outcome of the appeal against the revocation decision.
2. The date for the interim conference (30 July 2024) is cancelled.
3. The dates for the oral hearing (16-17 October 2024) are cancelled.

Dr. Zigann
Presiding Judge and Judge-rapporteur

ORDER DETAILS

Order no. ORD_43914/2024 in ACTION NUMBER: ACT_459916/2023
UPC number: UPC_CFI_14/2023
Action type: Infringement Action