

Order
of the Court of First Instance of the Unified Patent Court
in the proceedings for preliminary measures
related to European Patent 2 152 073
delivered on 12/06/2024

CLAIMANT/S

- | | |
|---|-------------------------------|
| 1) Syngenta Limited
(Applicant) - Jealott's Hill International
Research Centre - RG42 6EY - Bracknell,
Berkshire - GB | Represented by
Jörn Peters |
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DEFENDANT/S

- | | |
|---|---|
| 1) Sumi Agro Limited
(Defendant) - Bürgermeister-Neumeyr-Str. 7 -
85391 - Allershausen - DE | Represented by
Gareth Williams and
Johannes Heselberger |
| 2) Sumi Agro Europe Limited
(Defendant) - Bürgermeister-Neumeyr-Str. 7 -
85391 - Allershausen - DE | Represented by
Gareth Williams and
Johannes Heselberger |

PATENT AT ISSUE

Patent no.

Proprietor/s

EP2152073

Syngenta Limited

DECIDING JUDGE

COMPOSITION OF PANEL – FULL PANEL

Presiding judge and

Judge-rapporteur

Matthias Zigann

Legally qualified judge

Tobias Pichlmaier

Legally qualified judge

Walter Schober

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

REQUESTS BY THE PARTIES

The defendants request that the date for the oral hearing (11 July 2024) be postponed. They argue that the defendants' representatives will not be available on that date, but will be available the following day, 12 July 2024. Specifically, Johannes Heselberger has an oral hearing on 11 July 2024 at 11 a.m. at the Düsseldorf Regional Court (Case No. 4b O 13/23) in an unrelated matter of significant economic importance. This hearing has already been scheduled since 31 March 2023. Johannes Heselberger has been in contact with the presiding judge at the Düsseldorf Regional Court to determine whether the hearing date could be postponed, but this is not possible.

Plaintiff initially informed the Court that Plaintiff's counsel would be available for the proposed hearing date of 12 July 2024. The senior corporate representative among the Claimant's counsel, [REDACTED] who is the head of the Claimant's patent department and directly responsible for this litigation, will not be able to attend due to long-planned travel arrangements. All of the Applicant's counsel, including [REDACTED], would also be available on one of the alternative dates proposed by the Respondent's counsel for the following week, which dates are therefore preferred. The Claimant would appreciate it if one of these dates could be set for the Hearing instead of 12 July 2024.

However, by e-mail of 12 June 2024, the Claimant informed the Court that it would be available for an oral hearing on 12 July 2024.

GROUND

The Court has offered to change the date of the hearing to Friday 12 July 2024 at 8.00 a.m. The other dates proposed by both parties would not have been acceptable to the Court.

As the Claimant has finally informed the Court that it will be available for a hearing on 12 July, the request of the Defendant's counsel is granted.

ORDER

The date for the oral hearing is re-scheduled to 12 July 2024, 8.00 a.m.

ORDERS TO THE REGISTRY

The information on the UPC website should be updated accordingly.

**Matthias
ZIGANN**

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Matthias ZIGANN
Datum: 2024.06.12 17:34:21
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Dr. Zigann
Presiding Judge and Judge-rapporteur

ORDER DETAILS

Application Number:	App_34029/2024
UPC number:	UPC_CFI_201/2024
Application Type:	Application to re-schedule the date for the oral hearing