

IN THE CENTRAL DIVISION (MUNICH SECTION) OF THE UNIFIED PATENT COURT

CASE NUMBER ACT_464985/2023 (UPC_CFI_75/2023)

EUROPEAN PATENT NUMBER EP 3 056 563

APPLICANT:

MATHYS & SQUIRE LLP

The Shard, 32 London Bridge Street, London, SE1 9SG, UK

(Applicant)

RELEVANT PROCEEDING PARTIES:

1) ASTELLAS INSTITUTE FOR REGENERATIVE MEDICINE

9 Technology Drive, MA 01581, Westborough, USA

(Claimant)

2) HEALIOS K.K

Hamamatsu-cho 2-chome Minato-ku, 105-6115, Tokyo, Japan

(Defendant)

3) RIKEN

2-1, Hirosawa Wako-shi, 351-0198, Saitama, Japan

(Defendant)

4) OSAKA UNIVERSITY

1-1 Yamadaoka Suita-shi, 565-0871, Osaka, Japan

(Defendant)

APPLICATION FOR A PROCEDURAL ORDER UNDER RULE 9



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1. Rule 262.1(a) of the Rules of Procedure (“RoP”) provides that: “*Decisions and orders made by the Court shall be published.*”
2. While reviewing copies of written pleadings and evidence provided by the Court pursuant to an order dated 22 August 2024,¹ we have become aware that the Court has not published on its website the following orders, which are listed in the “Documents” tab in the CMS for action no. ACT_464985/2023 (UPC_CFI_75/2023):
 - Preliminary Order under Rule 28 dated 10 October 2023
 - Substantive Order under Rule 28 dated 17 October 2023
 - Substantive Order under Rule 28 dated 25 October 2023
 - Order under Rule 105.5 dated 18 March 2024
 - Substantive Order (summons to oral hearing) dated 30 May 2024
3. The “Orders” tab in the CMS for action no. ACT_464985/2023 (UPC_CFI_75/2023) further lists the following orders which have not been published on the Court’s website:
 - ORD_5122/2024 dated 30 April 2024
 - ORD_23594/2024 dated 30 April 2024
 - ORD_9444/2024 dated 22 February 2024
 - ORD_23599/2024 dated 30 April 2024
 - ORD_545724/2023 dated 12 July 2023
 - ORD_562982/2023 dated 18 August 2023
4. Further, the following orders from the related proceedings under Rule 262.1(b) RoP requesting access to the written pleadings and evidence in action no. ACT_464985/2023 (UPC_CFI_75/2023) have also not been published on the Court’s website:
 - Preliminary Order under Rule 262(1)(b) dated 5 December 2023
 - Preliminary Order under Rule 262(1)(b) dated 22 May 2024
 - Preliminary Order under Rule 262(1)(b) dated 24 July 2024.
5. Rule 9 RoP provides the Court with wide-ranging discretion to make a procedural order without express limitation as to the nature of such an order.

¹ [Order of 22 August 2024, ORD_591107/2023 in case no. App_588681/2023 \(UPC_CFI_75/2023\), *Mathys & Squire LLP v Astellas Institute for Regenerative Medicine*](#)

6. We are therefore making this application under Rule 9 RoP, requesting that the Court arrange for publication of the above orders in accordance with Rule 262.1(a) RoP.

Nicholas Fox, Alexander Robinson & Andreas Wietzke

For and on behalf of Mathys & Squire LLP