

EXTRACTS FROM THE MINUTES OF THE COURT REGISTRY
FRENCH REPUBLIC
IN THE NAME OF THE FRENCH PEOPLE

ECONOMIC ACTIVITIES COURT OF LYON

11/04/2025

INTERIM ORDER OF APRIL ELEVEN TWO THOUSAND TWENTY-FIVE

This case was referred to the interim jurisdiction by writ of summons dated March 13, 2025.

The case was heard at the interim proceedings hearing of March 24, 2025, at which the following persons were seated:

- Mr Patrick BOCCARDI, President,

assisted by :

- Mr Clément BRAVARD, clerk,

after which the President has deliberated to render this decision today:

Docket no.
2025R507

BETWEEN

- BIOMÉRIEUX SA

376 Chemin de l'Orme
69280 MARCY-L'ETOILE

APPLICANT - *represented by*

Anne-Florence RADUCAULT - lawyer

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Thierry LAUTIER - lawyer

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AND

- QIAGEN N.V.

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DEFENDANT - *represented by*

Gaël SOURBÉ - lawyer

Toque n° 1547 15 Rue Tupin 69002 LYON

Cabinet HOGAN LOVELLS LLP - Lawyers –
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- QIAGEN GMBH

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DEFENDANT - *represented by*

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Clerk's fees included in costs (Art. 701 of the Code of Civil Procedure): €45.68 EXCL. TAX, €9.14 VAT, €54.82 INCL. VAT

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2025R00507 - 2510100004/2

Enforceable copy delivered to Anne-Florence RADUCAULT

I – SUBJECT OF THE REQUEST AND SUBMISSIONS OF THE PARTIES

The content and grounds of the request are explained in the document initiating the proceedings attached to this order.

The pleas in law are set out by reference to the pleadings in accordance with article 455 of the Code of Civil Procedure:

- having regard to the submissions of BIOMÉRIEUX SA of 23 March 2025,
- having regard to the submissions of QIAGEN N.V. and QIAGEN GMBH of 22 March 2025.

The QIAGEN companies are part an international group operating in the supply of sequencing and molecular diagnostic analysis technologies, as well as in pharmaceutical research.

The QIAGEN Group companies developed a test kit for the detection of tuberculosis, marketed under the brand name QuantiFERON. The QuantiFERON technology is the subject of several patents, including European patent no. EP 2 726 883, issued on March 28, 2018. QuantiFERON kits accounted for 22% of QIAGEN Group sales in 2024.

BIOMERIEUX, a company specializing in in vitro diagnostics, developed in 2021 a kit for diagnosing latent tuberculosis infection.

On March 3, 2025, QIAGEN N.V. published a press release in English, with the following free translation into French: "QIAGEN files lawsuit against BIOMERIEUX before the German Unified Patent Court to protect key innovations of its QuantiFERON technology. QuantiFERON-TB Gold Plus plays a critical role in fighting the spread of tuberculosis worldwide. VENLO, The Netherlands - (BUSINESS WIRE) - QIAGEN N.V. (NYSE: QGEN; Frankfurt Prime Standard: QIA) today announced that it has filed a complaint against bioMérieux SA. (EPA BIM) for patent infringement, reinforcing its commitment to protecting the scientific advancements behind its proprietary QuantiFERON technology. The complaint, filed in the Local Division of the Court of First Instance of the Unified Patent Court (UPC) in Düsseldorf, Germany, concerns European patent EP 2 726 883 B2.

This patent, which is one of many held by QIAGEN protecting the QuantiFERON technology, covers important innovations in QuantiFERON-TB Gold Plus that is used worldwide for the detection of tuberculosis. Protecting our intellectual property is essential to ensuring continued innovation in infectious disease diagnostics, said Thierry Bernard, CEO of QIAGEN. QuantiFERON has transformed latent tuberculosis testing, and we will always take the necessary legal steps to defend our proprietary technologies against infringement."

This press release follows the action brought on February 28, 2025 by QIAGEN against BIOMERIEUX before the Unified Patent Court (UPC), a transnational jurisdiction, under the aforementioned patent. Through this action, QIAGEN intends to demonstrate that BIOMERIEUX has infringed one of its patents in order to market competing kits.

The BIOMERIEUX company considers that the judicial action referred to in the press release of March 3, 2025 was only notified on March 11, 2025. It maintains, that since no decision has yet been taken in these proceedings, the press release would therefore amount to disparagement.

The plaintiff in the proceedings also considers that the media coverage of QIAGEN's publication by numerous national and international press outlets, the resulting attention from the Autorité des Marchés Financiers (AMF) and the coincidental publication of its annual results on March 7, 2025 are likely to cause it damage and characterize an act of unfair competition by the companies of the QIAGEN group.

As part of its expedited interim proceedings, the BIOMERIEUX company is asking the judge to prohibit, under penalty of €10 million per infringement, the companies of the QIAGEN group to continue to publish any article intended for the public on a website, to order the publication of this order on QIAGEN's corporate website under penalty of 2 million per day of delay, to authorize it to publish the order, and to order QIAGEN N. V. and QIAGEN GmbH in solidum to pay the sum of €30 000 in application of article 700 of the Code of Civil Procedure.

The defendant contests the allegations made by BIOMERIEUX, seeks rejection of all its claims and payment of the sum of €30 000 based on the provisions of article 700 of the Code of Civil Procedure.

It is in this situation that the interim relief judge of the Economic Activities Court of Lyon is brought to rule on this case.



II – REASONS FOR THE ORDER

At the outset, the interim relief judge notes that the question of its jurisdiction along with the question of the application of French law raised by the company BIOMERIEUX is not contested by the defendants.

Regarding the characterization of a manifestly illicit disturbance.

Article 873 of the Code of Civil Procedure gives to the interim jurisdiction the power to prevent imminent damage or to put a stop to a manifestly illicit disturbance.

The defendants maintain that the existence of a manifestly illicit disturbance is assessed on the day the judge rules. For the QIAGEN Group companies, the deletion of the press release dated March 3, 2025 from the QIAGEN website, as witnessed by a bailiff on March 21, 2025, would *de facto* put an end to the disturbance.

However, the present judge considers that the press release of March 3, 2025 contains information liable to directly discredit the applicant. Indeed, by informing the technical circles concerned and the general public that a complaint for patent infringement has been lodged with the Unified Patent Court (UPC) against the company BIOMERIEUX, without communicating data on the context and the nature of the facts at the origin of the violation of which it accused, the QIAGEN group companies have created a situation which points to, without any adversarial debate and in the absence of any court decision, the BIOMERIEUX company as guilty of this patent violation in a highly sensitive speciality within the health sector.

Consequently, the disturbance alleged by BIOMERIEUX is manifestly illicit. The withdrawal after the fact of the press release is not of a nature to put an end to the disturbance suffered by the applicant, given the permanent visibility of the press release on scientific sites and on the Internet after its publication. The mere withdrawal of the press release does not constitute a measure capable of erasing the consequences of its publication.

Regarding the measures that the preliminary injunction judge may order in the event of an emergency.

According to QIAGEN N.V. and QIAGEN GmbH, the urgency referred to in the provisions of article 872 of the Code of Civil Procedure has not been established, once again due to the withdrawal of the press release. For the defendants, there is no urgency to take measures that could only have consequences for the future.

However, the present judge nonetheless rules that urgency has been established because of the risk of aggravating the damage suffered by BIOMERIEUX, in particular through information relayed by the financial press concerning the actions attributed to the company because of its status as a listed company.

It is evident from the documents in the case that numerous press articles reported on the complaint referred to by the QIAGEN group companies. The proximity of the date of publication of the press release to that of BIOMERIEUX's results, expected by the market, justifies taking measures urgently, to avoid increasing the applicant's prejudice.

At this stage, only publicity measures relating to the present order will make it possible to contain BIOMERIEUX's prejudice.

In this specific context, three types of measures are likely to put an end to the disturbance caused by the QIAGEN companies. They aim to put an end to communication by the QIAGEN group on the legal action it has taken, and to publish the present order on the parties' websites under penalty.

Therefore QIAGEN is forbidden to publish the disputed article while a court decision has not been rendered on this point. The penalty accompanying this measure will be of €50 000 for each recorded infraction.

The QIAGEN Group companies at the root of the manifestly illicit disturbance will also be condemned to publish the present order in full on the QIAGEN website, also subject to a penalty of €50 000 per day of delay after a 72 hours delay.

Finally, it is appropriate to authorize the BIOMERIEUX company to publish the present order on its website for a period of 3 months following the notification of the order.

Regarding the other requests.

It would be unfair for the company BIOMERIEUX SA to bear the attorneys fees not included in the costs to ensure the defense of its interests. Accordingly, the companies QIAGEN N.V. and QIAGEN GmbH will be ordered to pay in solidum the company the sum of €10 000, in accordance with the provisions of article 700 of the Code of Civil Procedure.

The same parties will be condemned to pay in solidum all costs of the present proceedings, with a deduction for the benefit of Maître Anne-Florence RADUCAULT pursuant to article 699 of the Code of Civil Procedure.

BY THESE REASONS

RULING PUBLICLY, BY ADVERSARIAL ORDER AND IN FIRST INSTANCE:

DECLARE that we have jurisdiction to rule on the BIOMERIEUX company's claims against the QIAGEN N.V. and QIAGEN GmbH companies;

STATE that French law is applicable to the present procedure.

STATE that there are grounds for interim proceedings.

RULE that the press release of March 3, 2025, published on the website of the QIAGEN GmbH company, constitutes an act of disparagement and unfair competition by the QIAGEN N.V. and QIAGEN GmbH companies against the BIOMERIEUX company, liable to give rise to civil liability.

PROHIBIT the QIAGEN N.V. and QIAGEN GmbH companies from publishing on any website or medium intended for the public or professionals the disputed article or any other article relating to the disputed action while a final decision has not been rendered, under penalty of €50 000 for each infraction after a period of 72 hours on presentation of the minute order.

ORDER the publication of the present order on the website www.qiagen.com, under the heading "Press Releases" for a minimum period of 3 months, at the sole expense of the QIAGEN N.V. and QIAGEN GmbH companies, taken in solidum, under penalty of €50 000 per day of delay beyond a 72 hours delay, on presentation of the minute order.

AUTHORIZE the BIOMERIEUX company to proceed with the full publication of the present order on the website www.biomerieux.com for a period of 3 months.

We **RESERVE** the liquidation of the penalty.

STATE that the present order is enforceable solely on presentation of the minute order.

DISMISS the entirety of the QIAGEN N.V. and QIAGEN GmbH companies' claims.

ORDER the QIAGEN N.V. and QIAGEN GmbH companies in solidum to pay to the BIOMERIEUX company the amount of €10 000 in accordance with Article 700 of the Code of Civil Procedure.

ORDER the QIAGEN N.V. and QIAGEN GmbH companies in solidum to pay all costs, which will be allocated to Maître Anne-Florence Raducault, lawyer, in accordance with Article 699 of the Code of Civil Procedure.

Pronounced by being made available at the clerk's office, after notice to the parties, in accordance with Article 450 paragraph 2 of the Code of Civil Procedure.

Thus judged and pronounced

Minute of decision signed by Patrick BOCCARDI, *Président*, and Clément BRAVARD, *Greffier*



ACCORDINGLY THE FRENCH REPUBLIC COMMANDS AND ORDERS

- **TO ALL BAILIFFS BASED ON THIS REQUIREMENT TO ENFORCE THIS DECISION.**
- **TO THE GENERAL PROSECUTORS AND THE PROSECUTORS OF THE REPUBLIC BEFORE THE COURTS OF FIRST INSTANCE TO PROVIDE ASSISTANCE.**
- **TO ALL COMMANDERS AND OFFICERS OF THE PUBLIC FORCE TO LEND A HAND WHEN LEGALLY REQUIRED.**

DECISION collated, certified compliant with the minute,
Including 6 pages + 189 in an annex and delivered in an enforceable form.

Le Greffier :

