



Press release dated April 01, 2025

10x Genomics and BARDEHLE PAGENBERG strike back against NanoString – EP/UP 4 108 782 upheld by EPO in slightly amended form

On March 20, 2025, following a three-day hearing, the Opposition Division of the European Patent Office (“EPO”) dismissed the oppositions filed by NanoString Technologies Inc. (“NanoString”) and two other opponents, ruling in favor of the patent proprietor President and Fellows of Harvard College (“Harvard”) and the exclusive licensee 10x Genomics Inc. (“10x Genomics”). The EPO upheld unitary patent EP/UP 4 108 782 in slightly amended form. This is the first unitary patent ever asserted at the UPC and based on which the Munich Local Division granted a preliminary injunction against NanoString in September 2023, which was later lifted by the Court of Appeal, namely in February 2024, in view of validity concerns in the context of preliminary relief sought. This marks another significant victory for 10x Genomics in its ongoing international patent dispute with NanoString. Main infringement proceedings at the Munich Local Division, which were meanwhile stayed, will now resume and go to trial in September 2025 where 10x Genomics is seeking, inter alia, a permanent injunction.

10x Genomics is an innovative U.S.-based company specialized in life sciences. The company actively safeguards its pioneering intellectual property associated with its proprietary Xenium platform, which facilitates gene expression analysis in tissue.

The opponents requested the revocation of the patent in its entirety based on all available grounds arguing no less than four novelty objections, 24 inventive step attacks based on eight different documents as a starting point, eight inadmissible extension objections, and six enablement objections. Following the three-day hearing, the patent was upheld in slightly amended form (according to AR2).

NanoString filed its opposition in response to 10x Genomics and Harvard suing the company at the UPC in provisional measures and main infringement proceedings. This opposition is part of a global patent dispute encompassing Germany and the US and multiple infringement and revocation proceedings based on multiple patents.

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Opposition Division of the EPO

Chair: Anne-Christin Tilkorn

First Examiner: Thomas Leber

Second Examiner: Véronique H. Fischer

BARDEHLE PAGENBERG combines the professional expertise of attorneys-at-law, patent attorneys, professional representatives before the European Patent Office, specialized trademark lawyers, and qualified technical consultants. Our consulting services are tailored to our clients' individual needs and the specific circumstances of each case.

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