



Düsseldorf local division
UPC_CFI_316/2024

Procedural order
of the Court of First Instance of the Unified Patent Court local division
Düsseldorf
issued on 17 June 2024
concerning EP 2 061 575 B1

Guiding principle:

In accordance with Rule 271.5 (a) of the Brussels Convention, service may be effected at any place within the Contracting Member States where the company or other legal person has a permanent or temporary place of business. The latter may be the case for a trade fair stand if - as is usually the case - at least deliveries are also advertised there.

Plaintiff:

M-A-S Maschinen- und Anlagenbau Schulz GmbH, Hobelweg 1, 4055 Pucking, Austria, legally represented by its Managing Director, Mr Martin Schnabl, *ibid*,

represented by: Attorney Dr Dirk Jestaedt, Krieger Mes Partnerschaft mbB,
Bennigsen-Platz 1, 40474 Düsseldorf,

Patent attorney Bernhard Ganahl, Patentanwälte HGF,
Neumarkter Straße 18, 81673 Munich,

electronic Zustelladresse: dirk.jestaedt@krieger-mes.de

defendant :

Altech Makina Sanayi ve Ticaret Anonim Sirketi, Akcaburgaz Mh. 3137 Sk. No: 22, 34522 Eseyurt/Istanbul, Turkey,

Delivery address: at the PRS Europe trade fair from 19/20 June 2024 in Amsterdam:

Fair Amsterdam Europaplein
24,
1078 GZ Amsterdam
Stand: G42

STREITPATENTE:

European Patents No. EP 2 061 575

ADJUDICATING BODY/CHAMBER:

Judges of the Düsseldorf local division:

This Order was issued by presiding judge Thomas, deputising for the rapporteur Dr Thom.

LANGUAGE OF THE PROCEEDINGS: German

SUBJECT: R. 271.5 (a) VerfO - Service of the statement of claim at a trade fair

BRIEF DESCRIPTION OF THE FACTS:

The plaintiff seeks service of the statement of claim at a trade fair in Amsterdam.

In their opinion, such service considerably speeds up the matter and, in particular, the service. The trade fair stand was a (temporary) place of business of the company and therefore a permissible place of service. Service at the trade fair in Amsterdam was all the more necessary as the contested embodiment was also directly exhibited there.

REASONS FOR THE ORDER:

Pursuant to Rule 271.5 (a) of the Brussels Convention, service may be effected at any place within the Contracting Member States where the company or other legal person has a permanent or temporary place of business. The latter may be the case for a trade fair stand if - as is usually the case - at least deliveries are also advertised there (see Tilman/Plassmann/v. Falck/Stoll, Unitary Patent, Unified Patent Court, EPGVerfO Rule 271 para. 14; Luginbühl/Hüttermann/M. Meyer Unitary Patent System, Rule 271 VerfO para. 45). In the absence of any indications to the contrary, this is to be assumed in the present case.

ORDER:

- I. The action, which was filed on 14 June 2024, was presented to the defendant at the PRS Europe trade fair from 19/20 June 2024 in Amsterdam to the following address:

**Fair Amsterdam
Europaplein 24,
1078 GZ Amsterdam
Stand: G42**

- II. The costs of the trade fair delivery are (for the time being) to be paid directly by the plaintiff.

ORDER DETAILS:

App_36031/2024 for the main file reference ACT_35545/2024

UPC number: UPC_CFI_316/2024

Type of proceedings: Action for infringement

Issued in Düsseldorf on 17 June 2024 NAMES

AND SIGNATURES

Presiding judge Thomas

Ronny
Thomas

Digitally signed by Ronny
Thomas Date: 2024.06.17
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