



## Brussels - Local Division

ORD\_55012/2024  
ACT\_25743/2024  
UPC\_CFI\_216/2024

CC\_53420/2024  
UPC\_CFI\_556/2024

**UPC\_CFI\_216/2024**  
**(UPC\_CFI\_556/2024)**  
**Procedural Decision (Order) In**  
**application of Rule 37 (2) RoP**  
**From the Court of First Instance of the Unified Patent Court (UPC) Local Division**  
**Brussels**  
**Referred to 25 October 2024**

**PLAINTIFF INFRINGEMENT CLAIM** (UPC\_CFI\_216/2024):

**DEFENDANT COUNTERCLAIM - INVALIDITY DEFENCE** (UPC\_CFI\_556/2024):

**CRETES NV**: Bissegemstraat 169 - 8560 Wevelgem (Belgium)

Represented by:

Mr. Pieter Callens, Mr. Fay Reynaert, Mr. Hans Verstrepen,  
lawyers, with offices at President Kennedypark 30A, 8500  
Kortrijk (Belgium);  
Ms Ellen Crabbé, patent attorney, with offices at  
Pottelsberghelaan 24, 9051 Sint-Denijs-Westrem (Belgium).

**DEFENDANT INFRINGEMENT CLAIM** (UPC\_CFI\_216/2024):

**CLAIMANT COUNTERCLAIM - NULLITY DEFENCE** (UPC\_CFI\_556/2024):

**HYLER BV**: Oude Gentstraat 28A - 8760 Meulebeke (Belgium)

Represented by:

Mr Kristof Roox, Mr Eline Van Bogget and Mr Margaux Dejonghe,  
Lawyers, with offices at Rue Joseph Stevens 7, 1000 Brussels  
(Belgium);  
Messrs Paul Hylarides and Anson Van Rooij, patent attorneys,  
with offices at De Roy van Zuidewijnlaan 45, GA 4818 Breda  
(The Netherlands) and Emmasingel 23, 5611 Eindhoven (The  
Netherlands), respectively.

**OCROOI(s) SUBJECT TO THE DISPUTE**

*Patent no.*

- EP3993602
- EP4284152

*Patent holder(s)*

CRETES NV  
CRETES SA

**LANGUAGE OF PROCEDURE:**

DUTCH

**PANEL/DIVISION:**

The Local Division (Brussels) is composed of the following panel:

Chairman / Judge-Reporter Samuel **Granata** Legally  
Qualified Judge Andrés **Kupecz**

Legally qualified judge

**Daniel Voss**

**DECIDING JUDGE:**

This procedural decision (order) was issued by the president (and also Judge Reporter) **Samuel Granata**, the legally qualified judge **Andras Kupecz** and the legally qualified judge **Daniel Voss**.

**FOUNDATIONS FOR THE DECISION**

The parties were heard regarding the procedure to be followed in the light of Article 33 (3) UPCA.

In application of R.37 (2) RoP, the Court deems it appropriate to deal with the main claim in the infringement proceedings (ACT\_25743/2024) (UPC\_CFI\_216/2024) and the counterclaim in the validity proceedings (CC\_53420/2024) (UPC\_CFI\_556/2024) together and for reasons of efficiency.

Indeed, such joint treatment allows parties to align their reasoning on the respective claims. Furthermore, it also points to a uniform interpretation of the relevant patents by the same panel which enhances legal certainty.

Finally, it is stated that, in the absence of exceptional circumstances, the parties requested the Judge-Rapporteur to hear main claim and counterclaim together.

**ADDITIONAL INFORMATION / REQUEST**

After issuance of this procedural decision in application of R. 37 (3) UPCA, the Chief Judge shall take necessary steps for appointment (allocation) of a technically qualified judge.

In accordance with R. 28 RoP, as soon as possible, after the Court becomes aware of any "*Application to Amend the Patent*" (R. 29(a) RoP), the Parties will be informed by the Judge-Rapporteur (by separate procedural decision), after being heard thereon regarding the respective dates for the *interim hearing* and pleading date.

Parties are requested not to omit to upload to CMS their arguments in the two separate (but to be dealt with together) proceedings ACT\_25743/2024 (UPC\_CFI\_216/2024) and CC\_53420/2024 (UPC\_CFI\_556/2024), if elaborated in the same document (which the panel considers appropriate).

**DECISION**

For the above reason and after hearing the parties, the Court of First Instance UPC (LD Brussels) decides to hear the claims in the infringement proceedings (ACT\_25743/2024) (UPC\_CFI\_216/2024) and the counterclaims in the validity proceedings (CC\_53420/2024) (UPC\_CFI\_556/2024) together in application of Article 33 (3) (a) UPCA.

Referred on 25 October 2024 by:

Samuel GRANATA Legally qualified judge  President	<b>Samuel Rocco M Granata</b> Digitally signed by Samuel Rocco M Granata Date: 2024.10.25 14:20:50 +02'00'
András KUPECZ  Legally qualified judge	<b>András Ferenc Kupecz</b> Digital unterschrieben von András Ferenc Kupecz Date: 2024.10.25 13:36:59 +02'00'
Daniel VOSS  Legally qualified judge	<b>Daniel Voß</b> Digital unterschrieben von Daniel Voß Date: 2024.10.25 12:41:55 +02'00'

**ORDER DETAILS**

ORDER No.:	ORD_55012/2024	
Action Number:	ACT_25743/2024	(CC_53420/2024)
UPC Number:	UPC_CFI_216/2024	(UPC CFI_556/2024)
Type of Action:	Infringement claim	(Invalidity claim - Counterclaim)