



**Preliminary Procedural Order**  
**of the Court of First Instance**  
**issued on 16 May 2025**  
**concerning EP 1 957 544 B1**

APPLICANT:

**DDP Specialty Electronic Materials US, LLC.**, legally represented by its directors, 974 Centre Road, Bldg 730, Wilmington, DE, 19805, United States

Represented by: Attorney-at-law Dr Andreas von Falck, Attorney-at-law Lea Gröbblinghoff, Attorney-at-law Diana Rodriguez, Hogan Lovells International LLP, Dreischeibenhaus 1, 40474 Düsseldorf, Germany

Electronic address for service: upc-hub@hoganlovells.com

contributing: Attorney-at-law and Patent Assessor Dr Martin Fähndrich, Attorney-at-law and European Patent Attorney Dr Tobias Timmerscheidt, Hogan Lovells International LLP, Dreischeibenhaus 1, 40474 Düsseldorf, Germany

DEFENDANT:

**Greenchemicals S.R.L.**, legally represented by its directors, Via Laboratori Autobianchi, 1 20832 Desio (MB), Italy

EUROPEAN PATENT NO. 1 957 544 B1

PANEL/DIVISION:

Panel of the Local Division in Düsseldorf

DECIDING JUDGES:

This order was issued by Judge Dr Thom acting as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT: R. 262A RoP – Protection of confidential information

GROUNDS OF THIS ORDER:

The confidentiality order shall be issued.

The reasons given by the Defendants as to why the imposed penalty in case of a culpable breach should be dropped are not convincing. If the information is known, the exception under section III applies. However, the Defendants have not demonstrated that the information in question was publicly available, even if the products had been purchased from a licensee of the Applicant. The Applicant argued that its licensees do not communicate the agreed prices to their customers and the Defendant failed to demonstrate that this was not the case here. Therefore, the order set out below is justified.

ORDER:

- I. The financial information contained in paragraph 73 of Applicant's comments submitted on 21 March 2025 highlighted in grey and in Exhibit HL 15 highlighted in yellow is classified as confidential within the meaning of Art. 58 UPCA in conjunction with R. 262.2 RoP.
- II. Access to the information classified as confidential in Section I shall be limited on the part of the Defendant to the following person:
  - Defendant's representatives to be appointed in the present proceedings
  - Mrs [REDACTED] employee in the administrative department of the Defendant.
- III. The information identified by the Applicant as confidential in Section I shall be treated as such by the Claimant's representatives and their teams and by the natural person named in Section II. until further notice and shall not be used or disclosed outside of these court proceedings, except to the extent that it has come to the knowledge of the receiving party outside of these proceedings, provided that the receiving party has obtained it on a non-confidential basis from a source other than the Applicant or its affiliates, provided that such source is not bound by a confidentiality agreement or other obligation of secrecy with the Applicant or its affiliates.
- III. In the event of a culpable breach of this order, the Court may impose a penalty payment for each breach, to be determined having regard to the circumstances of each case.
- IV. If the Defendants representatives make use of their possibility to grant access to confidential information to other members of their team, they are responsible for ensuring that their team maintains the confidentiality of the information. In the event of culpable breach of the confidentiality obligations the Defendant's representatives would therefore be liable. This also applies to any breach of the duty of confidentiality by any member of their team to whom they have granted access.
- V. The obligation to maintain secrecy shall continue to apply after the present proceedings have been concluded.

- VI. As the Applicant also requested that the information be kept confidential to any third party, this R.262.2-Request must be made in the correct CMS workflow.

DETAILS OF THE ORDER:

App\_14117/2025 under the main file reference ACT\_11006/2025

UPC number: UPC\_CFI\_203/2025

Type of procedure: Application for provisional measures

Issued in Düsseldorf on 16 May 2025

NAMES AND SIGNATURES

Anna  
Bérénice  
Dr. THOM

Digital  
unterscriben von  
Anna Bérénice Dr.  
THOM  
Datum: 2025.05.16  
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Judge Dr Thom