Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

Paris Local Division

UPC_CFI_163/2024
Decision on the merits
of the Court of First Instance of the Unified Patent Court
delivered on *23/05/2025*

HEADNOTES:

1) Concerning the discussion on the admissibility of unconditionally amended claims of the patent as requested by the Claimant: the Defendant argues an inadmissibility on the grounds of added matter based on an alleged unallowable intermediate generalisation. However, the argument from the Defendant that no less than eight features are inextricably linked is unfounded, as the Defendant has not demonstrated the link, and the skilled person would understand that in describing an embodiment, features may be used to illustrate its working that are not necessarily an essential part of the invention. Consequently, the amended claims do not comprise added matter.

2) Concerning the argument that an objection based on Art. 34 UPCA falls in the scope of R. 19 RoP: the Court considers that the issue in dispute is the territorial scope of the UPC's decisions. A preliminary objection under R. 19 RoP is limited to three matters: the jurisdiction and competence of the UPC, the competence of a division and the language of the Statement of claim. Under R.19 RoP, the international jurisdiction of the UPC (Article 31 UPCA), the substantive jurisdiction of the UPC (Article 32 UPCA) and the territorial jurisdiction amongst divisions (Article 33 UPCA) may be challenged. A distinction must be made between, on the one hand, the jurisdiction of the UPC (Articles 31, 32 and 33 UPCA) and, on the other hand, the territorial scope of the UPC's decisions, as defined in Article 34 UPCA related to "Territorial scope of decisions". In other words, Article 34 UPCA "relates to the scope of the effect of the decisions" (UPC_CFI_159/2024, LD Mannheim, Decision 11 March 2025, §107). The territorial scope of a UPC decision does not concern matters of jurisdiction or competence falling within the scope of application of R. 19 RoP. It follows from this that the Defendants' objection based on Article 34 UPCA is admissible.

3) Concerning claims for infringement remedies in a territory outside CMS: the patent owner's claim concerning alleged acts of infringement on Polish territory is admissible in light of the decision handed down by the CJEU in BSH v Electrolux, as has already

been stated by several divisions of the UPC concerning non-Contracting Member States (concerning either EU States or third States, UPC_CFI_355/2023, LD Düsseldorf, 28 January 2025; UPC_CFI 702/2024, LD Paris, 21 March, 2025; UPC_CFI 792/2024, Milan LD, 15 April, 2025: all decisions on long-arm jurisdiction). However, on the merits, the Claimant bears the burden of proof for the alleged facts in accordance with R. 13m RoP and R. 171.1 RoP. In the case at hand, no factual element has been introduced into the proceedings concerning the alleged infringement facts relating specifically to the alleged infringing products referred to in this application. It is only alleged that the Defendants' websites are accessible throughout Europe, and the turnover achieved by Defendant 1 in Europe is given without any indication as to whether the latter actually relates to the allegedly infringing products. Consequently, the Claimant's request for infringement based on the national part of the patent as granted for Poland cannot be considered as well-founded.

KEYWORDS:

Admissibility of the amendment of the patent, Added-matter, Intermediate generalisation, Article 138(1)(c) EPC,

Preliminary objection and Territorial scope of the UPC decisions, R.19 RoP and Article 34 UPCA.

Burden of proof, Infringement action, R. 13m RoP and R. 171.1 RoP.

CLAIMANT

1)	Hurom Co., Ltd 80-60 Golden root-ro, Juchon-myeon 62184 - Gimhae-si, Gyeongsangnam-do - KR	Represented by Sabine Agé, Klaus Haft Lonni Bas, Théophile Rebuffel

DEFENDANTS

1)	NUC Electronics Co., Ltd 280, Nowon-ro 41548 - Buk-gu, Daegu - KR	Represented by Didier INTES, Rodrigo CALVO DE NO, Vincent GILBEY, Gaston VEDEL,

2)	NUC Electronics Europe GmbH Schwalbacher Straße 76 65760 - Eschborn - DE	Represented by Didier INTES, Rodrigo CALVO DE NO, Vincent GILBEY, Gaston VEDEL,
3)	Warmcook 73 boulevard Gay Lussac 13014 - Marseille - FR	Represented by Didier INTES, Rodrigo CALVO DE NO, Vincent GILBEY, Gaston VEDEL,

PATENT AT ISSUE

Patent no.	*Proprietor*
EP3155936	HUROM Co., Ltd

COMPOSITION OF PANEL – FULL PANEL

Presiding judge & Judge-rapporteur	Camille Lignières
Legally qualified judge	Carine Gillet
Legally qualified judge	Pierluigi Perrotti
Technically qualified judge	Jeroen Meewisse

LANGUAGE OF PROCEEDINGS: English

DECISION

THE PARTIES

1. HUROM (hereinafter the "Claimant") is a Korean company that manufactures kitchen appliances, including juicers and blenders.
2. NUC Electronics Co. (hereinafter "Defendant 1" or "NUC") is the parent company of the NUC Group located in South Korea, specialising in the design, manufacture and distribution of household appliances, in particular juicers, juice extractors and blenders, under the KUVINGS trademarks.
3. NUC Electronics Europe (hereinafter "Defendant 2" or "NUC") is a German subsidiary of Defendant 1, responsible for the sale of NUC products in Germany.
4. WARMCOOK (hereinafter "Defendant 3") is a French company, independent of the NUC Group, located in Marseille, and operates as an importer and French distributor of various ranges of kitchen and cooking-related equipment and appliances, including NUC juicers.

PROCEEDINGS

5. On 3 April 2024, HUROM lodged an infringement action before the Paris Local Division, against NUC Electronics, NUC Electronics Europe and WARMCOOK, based on patent EP'936.
6. No preliminary objection was raised under R. 19 RoP.
7. The NUC entities and WARMCOOK filed a Statement of defence with a Counterclaim for revocation.
8. In its reply to the Statement of defence and its defence to the counterclaim, HUROM rejected the arguments for revocation of its patent and filed an application to unconditionally amend the patent and an auxiliary request to amend the patent.

PARTIES' REQUESTS

HUROM requests the Court:

1) With respect to the requests in the Statement of Claim (A. to C.),

   - To grant requests A. to C. as set forth in the Statement of Claim (in particular, the request to hold that the Claimant has demonstrated that the Defendants infringe the claims n° 1 to 3 and 5 to 8 of EP'936 and to order the Defendants to refrain from importing, exporting within the territory of the EU, offering, placing on the market, using an infringing juicer within France, Germany, Italy, The Netherlands and Poland, or storing it for these purposes) with the following amendments: In requests A.I. and B.I. the claims 1 to 3 and 5 to 8 of the patent-in-suit, as granted, are replaced by claims 1, 3 to 6 of the new Main Request;
   - To dismiss the Counterclaim for Revocation of EP 3 155 936 B1 in its entirety;

- To hold that the Application to Amend EP 3 155 936 B1 submitted as Auxiliary Request 1 is admissible;
- To hold that in requests A. and B, the claims 1 to 3, 5 to 8 of the patent-in-suit as granted are replaced by Amended claims 1 to 3 of the Auxiliary Request 1;
- To hold that the Claimant has demonstrated that claims 1 to 3 of the Auxiliary Request 1 have been and are infringed by the Defendants;
- To consequently order the injunctive measures requested under request A or request B of the Statement of Claim;
- To consequently order the corrective measures requested under request C of the Statement of Claim;
- To hold the Defendants' challenge of the Court's jurisdiction over acts committed in Poland inadmissible;
- To dismiss all the Defendants' requests to limit or reduce remedies requested by the Claimant for any of the reasons invoked;
- To dismiss the Defendants' request for interim award of costs;
- To order the Defendants to pay the Claimant the sum of EUR 200.000 as an interim award on the legal costs and other expenses as provided under Article 69.

2) <u>With respect to the application to amend the Patent,</u>

- As a main request, to hold that the Application to Amend the patent-in-suit submitted as new Main Request is admissible;
- As an auxiliary request, to hold that the Application to Amend EP 3 155 936 B1 submitted as Auxiliary Request 1 is admissible.

The NUC entities and WARMCOOK request the Court:

<u>Preliminary, regarding the Application to amend the Patent at hand:</u>

- To declare and judge that the Application to amend the Patent filed by HUROM does not fulfil the requirements of Rule 30.1(b) of the Rules of Procedure and is therefore inadmissible;

<u>Consequently:</u>

- To declare the action of Hurom Co. Ltd. inadmissible, as Hurom Co. Ltd. did not maintain its claims on the ground of claims 1 to 9 of the Patent as granted;
- In any event to declare and judge that claims 1 to 9 of the Patent, as granted, are invalid on the grounds that (i) granted claims 1 to 9 contain subject matter which extends beyond the content of the patent application as filed (article 123(2) EPC) and/or (ii) these claims lack inventive step (article 56 EPC);
- To pronounce the revocation of claims 1 to 9 of the Dutch, French, German and Italian parts of the Patent as granted.

As a main request, with regard to the Application to amend the Patent at issue as requested by HUROM:

- To declare and judge that the amendments proposed by Hurom Co. Ltd. in its Main Request are not allowable and that EP'936 cannot be maintained as requested, based on claims No. 1 to 6 as unconditionally amended by Hurom Co. Ltd. in its Main Request, since these claims are invalid on the grounds that (i) these claims contain subject-matter which extends beyond the contents of the patent application as filed (article 123(2) EPC) and/or (ii) these claims lack inventive step (article 56 EPC) ;

- In any event, to declare and judge that the amendments proposed by Hurom Co. Ltd. in its Auxiliary Request 1 are not allowable and that the European patent EP 3 155 936 cannot be maintained as requested, based on claims No. 1 to 3 of the European patent EP 3 155 936, as conditionally amended by Hurom Co. Ltd. in the Auxiliary Request 1, since these claims are invalid on the grounds that (i) contain subject-matter which extends beyond the content of the patent application as filed (article 123(2) EPC) and/or (ii) these claims lack inventive step (article 56 EPC);

- Consequently: to pronounce the revocation of the Dutch, French, German and Italian parts of (i) claims No. 1 to 6 of the European patent EP 3 155 936, as unconditionally amended by the Hurom Co., Ltd. in its Main Request, and of (ii) claims No. 1 to 3 of EP'936, as conditionally amended by Hurom Co. Ltd. in its Auxiliary Request 1;

- To dismiss and reject Hurom Co., Ltd.'s claims and action in their entirety, as inadmissible and unfounded;

- To order the transmission of the Judgment to be rendered to the European Patent Office and the Registers of the national Patent Offices of any Contracting Member States concerned, including the Dutch, French, German and Italian national Patent Offices, for registration purposes, as soon as such Judgment becomes final, upon request of the Registry or upon request of the most diligent party, at the exclusive expenses of Hurom Co., Ltd.

Subsidiarily, regarding the absence of infringement of EP' 936, as granted, as unconditionally amended in the Main Request or as conditionally amended in the Auxiliary Request 1:

- To declare and judge that the products designated as "Kuvings EVO820", "Kuvings REVO830", "Kuvings MOTIV 1", "Kuvings D9900" and "Kuvings C7000/C9500" do not reproduce the features of (i) claims 1 to 9 of the European patent EP 3 155 936, as granted, of (ii) claims No. 1 to 6 of the European patent EP 3 155 936, as unconditionally amended by the Hurom Co., Ltd. in its Main Request and of (iii) claims No. 1 to 3 of the European patent EP 3 155 936, as conditionally amended by Hurom Co. Ltd. in its Auxiliary Request 1;

- Consequently, to dismiss and reject Hurom Co., Ltd.'s claims and action in their entirety, as unfounded.

Even more subsidiarily, regarding remedies:

- To dismiss and reject Hurom Co., Ltd.'s claims regarding the inadmissibility of the Defendant's challenge of the Court's jurisdictional powers over acts committed in Poland;
- To declare and judge that Hurom Co., Ltd. has withdrawn its claims based on the unmodified version of the Polish part of the European patent EP 3 155 936 and that the Court has no jurisdiction to assess the validity or infringement of the Polish part of the European patent EP 3 155 936;
- To limit remedies, in particular injunction measures and damages requested by Hurom Co., Ltd. to the sole products actually held as infringing claims of the Dutch, French, German and/or Italian parts of the European patent EP 3 155 936, as unconditionally amended by Hurom Co., Ltd. in its Main Request and/or as conditionally amended by Hurom Co., Ltd. in its Auxiliary Request 1, should these claims be considered valid;
- To dismiss and reject destruction measures requested by Hurom Co., Ltd., as disproportionate;
- To limit damages to:
- Acts of infringement committed after June 1st, 2023; and
- Acts of infringement committed in the territory of Contracting Member States (France, Germany, Italy and the Netherlands), at the exclusion of Poland; and
- Acts committed after the date of (i) the assignment of rights to Hurom Co., Ltd. and of (ii) the full opposability of the rights of Hurom Co., Ltd. to NUC Electronics Co., Ltd., NUC Electronics Europe GmbH and/or Warmcook;
- Demonstrated and evidenced acts of infringement of EP' 936, as unconditionally amended by Hurom Co., Ltd. in its Main Request and/or as conditionally amended by Hurom Co., Ltd. in its Auxiliary Request 1, committed by NUC Electronics Co., Ltd., NUC Electronics Europe GmbH and/or Warmcook in the territories in the concerned Contracting Member States. In any event, reduce the interim award of damages requested by Hurom Co., Ltd.to a more reasonable and proportionate amount, not going beyond any indisputable, demonstrated and evidenced harm suffered by Hurom Co., Ltd.

In any event:

To order Hurom Co., Ltd. to pay to NUC Electronics Co., Ltd., NUC Electronics Europe GmbH and Warmcook the sum of € 175.000 (one hundred seventy-five thousand euros), as an interim award on the legal costs and other expenses incurred.

THE PATENT AT ISSUE

9. HUROM is the owner of a European patent designated as EP 3 155 936 B1 ("EP'936").
10. The international application leading to the patent at issue entitled "Juice extraction module for juicer", was filed on 4 June 2015, claiming Korean priority. The patent was granted by the European Patent Office on 16 October 2019 (Exhibit 3.1 from HUROM).

11. EP'936 is validated and remains in force in Germany, France, Italy, the Netherlands, Poland and the United Kingdom, and the annual fees have been regularly paid. The Court notes that the present infringement action does not concern the territory of the UK.
12. The Patent in-suit has not been opted out. It has neither been subject to opposition proceedings nor to revocation proceedings before the UPC Central Division. According to the Claimant, no revocation proceedings based on the patent-in-suit have been initiated or are currently pending before any national court (SoC §30).
13. The patent at issue relates to a juice-squeezing module for a juicer. The patent comprises 14 claims, of which claims 1 and 10 are independent. Claim 1 protects a device and claims 2 to 9 are dependent on claim 1. Independent claim 10, on which claims 11 to 14 are dependent, also claims a device.
14. The subject-matter of the patent at issue concerns a juice squeezing module for a juicer, and specifically, a juice squeezing module for a juicer that improves the structure of brush rotating means for driving a rotating brush adapted to continuously brush the inner peripheral surface of a juice squeezing drum and the outer peripheral surface of a screen drum (paragraph [0001]).
15. The patent at issue refers to the Korean Patent n° 0755440 as prior art disclosing a previously known design of such a juicer, including the following components, as described in paragraph [0003]: a cap (110) having an injection hole (111), a rotary shaft hole (112), a juice squeezing drum (120) having a remnant discharging hole (122) and a juice discharging hole (123), an engagement gear (127), a juice squeezing screw (130) having a screw ring gear (133) protruding from the lower end periphery and a lower rotary shaft (134), a screen drum (140), a rotating brush (150) and a driving body (160), as it is illustrated by Figs.1 and 2 of the patent, which are derived from the Korean patent of the prior art:

FIG.1

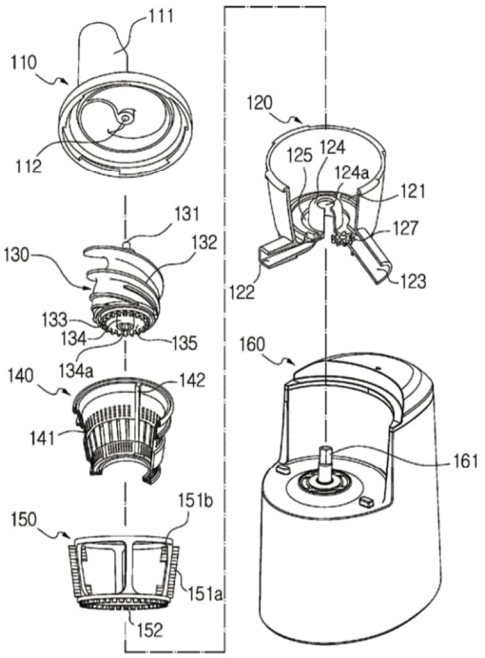
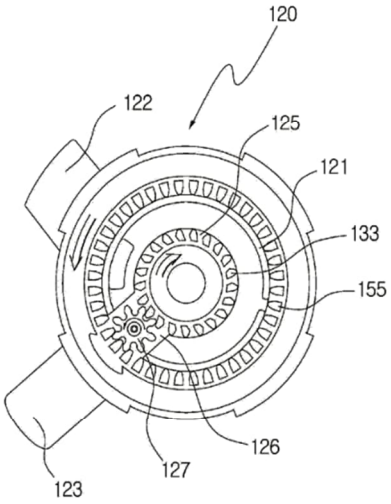


FIG.2



16. As illustrated in Fig. 2 above, the engagement gear (127) is engaged with the screw ring gear (133) at the inside of the screen drum guide protrusion (121) and at the same time engaged with the brush ring gear (152) at the outside of the screen drum guide protrusion (121) (paragraph [0004]).
17. This implies an engagement gear present in the part of the drum that also contains remnants, thereby risking undesirable leaks. Furthermore, this arrangement of the engagement gear decreases freedom of design [0006].
18. To solve the problems discussed, the patent-in-suit provides a juice squeezing module for a juicer wherein an engagement gear for engagedly rotating a rotating brush is not disposed on the area of the bottom surface of a juice squeezing drum wherein a juice squeezing screw is mounted, thus preventing remnants from being introduced into juice and further improving the freedom of design on the bottom surface of the juice squeezing drum (paragraph [0008]).
19. The patent states as its object [0008] that the engagement gear should not be disposed on the area of the bottom surface of a juice squeezing drum. In a first aspect (paragraphs [0009]- [0013]), the invention is discussed whereby a driving shaft is protruding upwards from a body. In a second aspect (paragraphs [0014]- [0018]), the invention is discussed with a driving shaft protruding downward from a body.

20. According to HUROM, the object of the invention is achieved by the subject-matter of the patent in suit, which comprises independent Claims 1 and 10 and the dependent claims. Claim 1 as granted, reads as follows:

"*A juice squeezing module for a juicer adapted to be mounted on a body (3) of the juicer with a driving shaft (5a) of a driving motor protruding upward there-from to perform a juice squeezing operation, the juice squeezing module comprising:*

a juice squeezing drum (10) mounted on the body (3)of the juicer in such a manner as to be open on the top surface thereof and having a juice discharging hole (11) and a remnant discharging hole (13) formed on the lower end periphery thereof and an engagement gear (15) disposed on the edge of the periphery of the bottom surface thereof;

a cap (20) adapted to cover the top surface of the juice squeezing drum (10) and having an injection hole (21) formed on the top side thereof;

a juice squeezing screw (30) rotatably mounted 10 at the inside of the juice squeezing drum (10) and having screw spiral lines (31) formed on the outer peripheral surface thereof and a power connector (33) disposed on the underside thereof in such a manner as to be connected to the driving shaft (5a);

a screen drum (40) mounted at the inside of the juice squeezing drum (10) and having a screen structure (41) as the outer peripheral wall thereof;

20 a rotating brush (50) disposed between the juice squeezing drum (10) and the screen drum (40) in such a manner as to rotate and brush the inner peripheral surface of the juice squeezing drum (10) and the outer peripheral surface of the 25 screen drum (40) and having a brush ring gear (55) mounted on the underside periphery thereof in such a manner as to be connected to the engagement gear (15);

characterised in that it further comprises

brush rotating means (60) disposed on the underside of the juice squeezing drum (10) to transmit the driving force of the driving shaft of 35 the body (3) of the juicer to the engagement gear (15) to rotate the rotating brush (50); and a brush rotating means cover (70) coupled to the underside of the juice squeezing drum (10) to cover and support the lower portion of the 40 brush rotating means (60), wherein the brush rotating means (60) is disposed between the underside of the juice squeezing drum (10) and the brush rotating means cover (70) coupled to the underside of 45 the juice squeezing drum (10)"

21. Claim 10 is not included as claims 10 to 14 do not form part of the dispute. Claims 10 to 14 as granted are included in the main and auxiliary requests, the only amendments being the appropriate numbering of the claims.
22. With regard to the preferred embodiments of the invention, a first embodiment is shown in Figure 3 (an exploded perspective view) in Figure 4 (a sectional view) and figure 5 (not included):

FIG.3

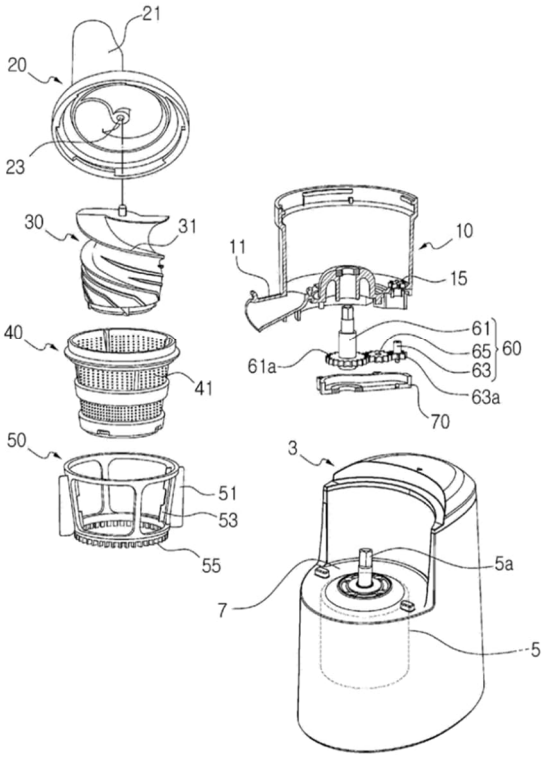
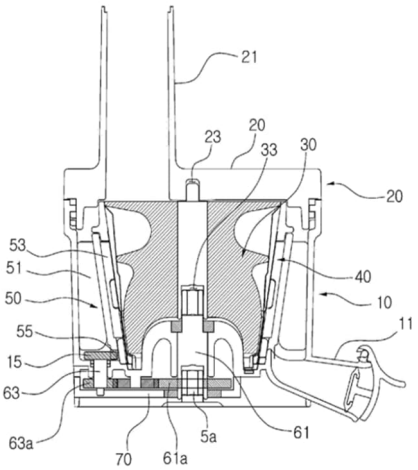


FIG.4



23. A second embodiment of the invention is shown in Figure 6 (an exploded perspective) and in Figure 7 (a sectional view).

FIG.6

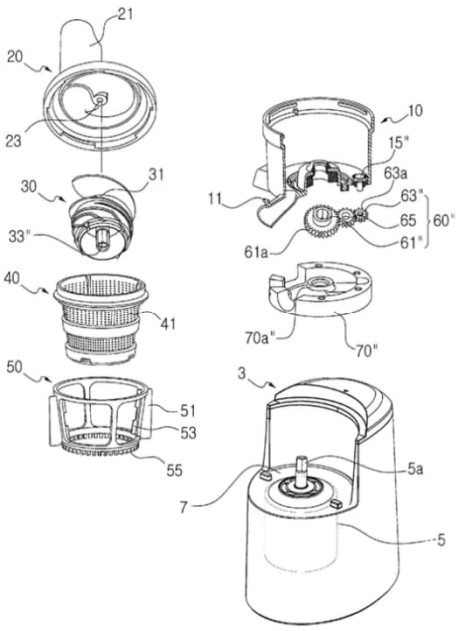
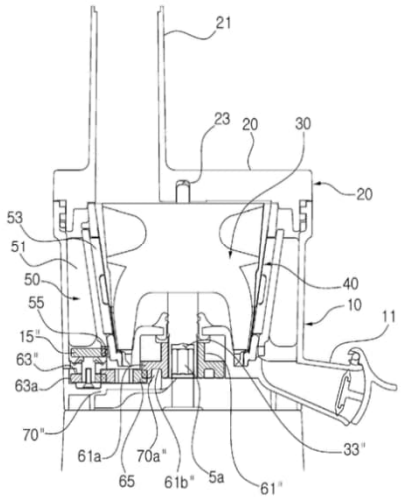


FIG.7



24. A third embodiment is concerned with the second aspect of the invention and is shown in Figure 8 of the patent (not included in this decision).
25. In response to the Statement of claim, HUROM has filed an application to unconditionally amend the patent in the main request (MR), to address the grounds for revocation. This includes an amended claim 1, based on the combination of claims 1, 2 and 3 of the patent (HRM 3.11). Features 1.7.1 to 1.7.3 are included in claim 1; these features, in short, describe the specific gearing arrangement of the brush rotating means.
26. Claim 1, which, according to the Main Request (unconditional amendment requested by HUROM: see Exhibit 3.1.1 from HUROM), is divided into features (the feature breakdown presentation by HUROM is not contested by the Defendants and adopted by the Court), reads as follows:

"[1] A juice squeezing module for a juicer adapted to be mounted on a body (3) of the juicer with a driving shaft (5a) of a driving motor protruding upward therefrom to perform a juice squeezing operation, the juice squeezing module comprising:

[1.1] a juice squeezing drum (10) mounted on the body (3) of the juicer in such a manner as to be open on the top surface thereof and having

[1.1.1] a juice discharging hole (11) and a remnant discharging hole (13) formed on the lower end periphery thereof and

[1.1.2] an engagement gear (15) disposed on the edge of the periphery of the bottom surface thereof;

[1.2] a cap (20) adapted to cover the top surface of the juice squeezing drum (10) and having an injection hole (21) formed on the top side thereof;

[1.3] a juice squeezing screw (30) rotatably mounted at the inside of the juice squeezing drum (10) and having screw spiral lines (31) formed on the outer peripheral surface thereof and a power connector (33) disposed on the underside thereof in such a manner as to be connected to the driving shaft (5a);

[1.4] a screen drum (40) mounted at the inside of the juice squeezing drum (10) and having a screen structure (41) as the outer peripheral wall thereof;

[1.5] a rotating brush (50) disposed between the juice squeezing drum (10) and the screen drum (40) in such a manner as to rotate and brush the inner peripheral surface of the juice squeezing drum (10) and the outer peripheral surface of the screen drum (40) and having a brush ring gear (55) mounted on the underside periphery thereof in such a manner as to be connected to the engagement gear (15)

[1.6.1] brush rotating means (60) disposed on the underside of the juice squeezing drum (10) to transmit the driving force of the driving shaft of the body (3) of the juicer to the engagement gear (15) to rotate the rotating brush (50);

and characterised in that it further comprises

[1.6.2] a brush rotating means cover (70) coupled to the underside of the juice squeezing drum (10) to cover and support the lower portion of the brush rotating means (60),

[1.6.3] wherein the brush rotating means (60) is disposed between the underside of the juice squeezing drum (10) and the brush rotating means cover (70) coupled to the underside of the juice squeezing drum (10).

[1.7.1] wherein the brush rotating means (60) is formed of a gear module connecting the driving shaft (5a) and the engagement gear (15) and comprising a first shaft gear (61) having a first gear (61a) formed on the outer peripheral surface thereof; and a second shaft gear (63) having a top end periphery coupled to a center shaft of the engagement gear and a second gear (63a) formed on the outer peripheral surface of the lower portion thereof

[1.7.2] wherein the driving shaft (5a), and the power connector (33) of the juice squeezing screw (30) and the first shaft gear (61) are connected to each other in such a manner as to rotate unitarily with each other, and

[1.7.3] wherein the driving force of the driving shaft (5a) is transmitted to the engagement gear (15) through the first shaft gear (61) and the second shaft gear."

27. Dependent claims 2 to 6 according to the Main Request read as follows:

" 2. The juice squeezing module for a juicer according to claim 13, wherein the gear module further comprises a gear (65) interposed between the first gear (61a) of the first shaft gear (61) and the second gear (63a) of the second shaft gear (63).

3. The juice squeezing module for a juicer according to claim 13, wherein a top end of the first shaft gear (61) is coupled to the power connector (33) and a bottom end of the first shaft gear (61) is coupled to the driving shaft (5a).

4. The juice squeezing module for a juicer according to claim 13, wherein the power connector (33) penetrates through and is coupled to the first shaft gear (61).

5. The juice squeezing module for a juicer according to claim 4, wherein the driving shaft (5a) is coupled to the power connector (33) penetrating through the first shaft gear (61).

6. The juice squeezing module for a juicer according to claim 1, wherein the driving shaft (5a) penetrates through the first shaft gear (61) and is coupled to the power connector (33).

28. Claims 7 to 11 of the main request correspond to claims 10 to 14 of the patent. These claims relate to the third embodiment.

GROUNDS FOR THE DECISION

Claim interpretation:

The skilled person

29. The Parties disagree on the definition of the skilled person.
30. According to the Claimant, the appropriate definition of the person skilled in the art is a mechanical engineer working in the specific field of juicers (§62 of Hurom's Statement dated 16 December 2024).
31. The Defendants argue that the skilled person is a mechanical engineer working in the field of kitchen appliances (Statement of 14 November 2024, section 1.2.1.1).
32. The Court does not adopt the definition proposed by the Claimant, narrowing the field to juicers, as a clear definition of what constitutes a juicer is not apparent.
33. On the other hand, defining the technical field to include all kitchen appliances as proposed by the Defendants is too broad, as this would include appliances that have little in common with juicers (a toaster, for example, is also a kitchen appliance).
34. Therefore, the Court considers that the skilled person is a mechanical engineer working in the field of juicers and related kitchen appliances, such as blenders.

Principles for claim interpretation

35. In accordance with Article 69 of the Convention on the Grant of European Patents (EPC) and the Protocol on its Interpretation, the present panel adopts the standard for the interpretation of patents established by the UPC Court of Appeal in two recent orders (UPC_CoA_335/2023 and UPC_CoA_1/2024), as follows:

1) The patent claim is not only the starting point, but the decisive basis for determining the protective scope of the European patent.

2) The interpretation of a patent claim does not depend solely on the strict, literal meaning of the wording used. Rather, the description and the drawings must always be used as explanatory aids for the interpretation of the patent claim and not only to resolve any ambiguities in the patent claim.

3) However, this does not mean that the patent claim serves only as a guideline and that its subject-matter may extend to what, from a consideration of the description and drawings, the patent proprietor has contemplated.

4) The patent claim is to be interpreted from the point of view of a person skilled in the art.

5) In applying these principles, the aim is to combine adequate protection for the patent proprietor with sufficient legal certainty for third parties.

36. These principles for the interpretation of a patent claim apply equally to the assessment of the infringement and the validity of a European patent. This follows from the function of patent claims, which under the European Patent Convention serve to define the scope of protection of the patent under Article 69 EPC and thus the rights of the patent proprietor in the designated Contracting States under Article 64 EPC, while considering the conditions for patentability under Article 52 to 57 EPC.

The disputed points in the interpretation of the Patent

37. The Parties disagree on the interpretation of certain terms in the features of Claim 1, as follows:

Power connector (in features 1.3, 1.7.2 and claims 3-6 of the main request)

38. The Parties disagree on what constitutes a power connector according to the patent.
39. The Claimant argues that a power connector is not merely a groove but also includes an outer peripheral surface to engage with the first shaft gear.
40. The Defendants argue that this interpretation is correct only in respect of the second embodiment of the patent. In the first embodiment however, the power connector is formed solely by a polygonal groove.
41. The Court notes that in the first embodiment of the patent, the power connector provided is an opening in the juice squeezing screw, as explicitly stated in the description, see paragraph [0033] of the patent, *'...desirably formed to a shape of a polygonal groove...'*. In the second embodiment, this opening is not present in the body of the screw, but is located on the inside of a part that extends downwards from the juice squeezing screw, as is illustrated in Figure 6. The final sentence of paragraph [0033] of the patent states regarding the power connector that '*...it does not matter in shape*'. Accordingly, a power connector should be interpreted broadly; the Court therefore considers a power connector to be the element of the screw which receives the driving force of the drive shaft, which may be an opening in the juice squeezing screw, or an extending hollow part which comprises an opening for receiving a drive shaft.

Shaft gear (in features 1.7.1-1.7.3 and claims 2-6 of the main request)

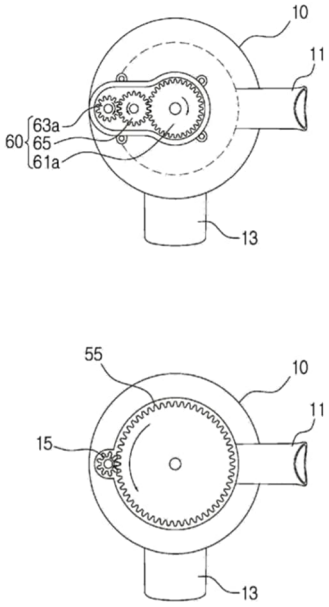
42. The Parties have debated the interpretation of the term 'shaft gear' as used in the patent.
43. According to the Claimant, a shaft gear should be interpreted as a shaft associated with a gear (§95 of HUROM's Statement dated 16.12.2024).
44. The Defendants argue that this is not a grammatically correct interpretation of a noun placed before another noun (page 35, NUC's Statement dated 14.11.2024).
45. Furthermore, the Defendants point out that shaft gear 63, according to the patent, does not comprise a shaft, as in the second embodiment, the shaft is associated with the engagement gear, as illustrated in Figure 6 of the patent.
46. Considering gear 63" as illustrated in Figure 6 of the patent, the Court concludes that the term 'shaft gear' according to the patent does not necessarily imply the presence of a shaft formed as one piece with the gear. In the patent, the term 'shaft gear' is

consistently used for gears that transfer driving force from a horizontal direction to a vertical direction, or vice versa. Therefore, gear 65 as well as the engagement gear 15 of the patent have not been named shaft gears, as they primarily transfer driving force in a horizontal plane. This makes the engagement gear of the second embodiment also a shaft gear, although it is not named as such. For this specific gear, the patent identifies the shaft part separately in paragraph [0041] as a 'centre shaft of an engagement gear 15'.

"On the edge of the periphery" in feature 1.1.2

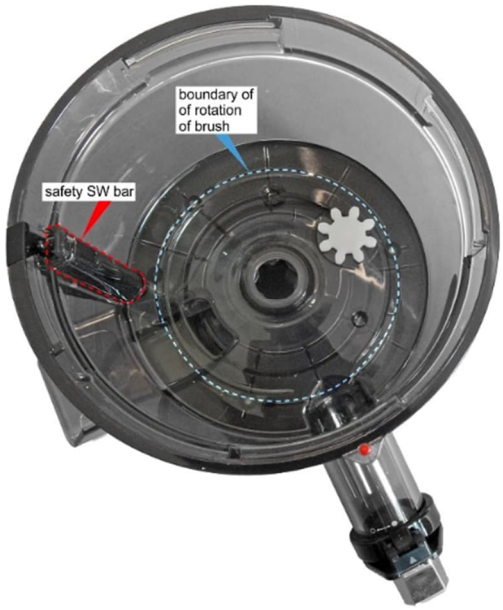
47. The Parties have furthermore discussed the interpretation of the term in feature 1.1.2 ("...an engagement gear (15) disposed on the edge of the periphery of the bottom surface thereof"). The Parties are divided on how far the engagement gear could be located from the inside wall of the juice squeezing drum, as it is mentioned in the patent that the engagement gear may also be positioned on the inside of the rotating brush, and not only disposed on the outside, as shown in Fig.5 of the patent, as follows:

FIG. 5



48. The Claimant states that: "The feature according to which the engagement gear is "*disposed on the edge of the periphery of the bottom surface of the juice squeezing drum*" is thus construed in relation with the location of the brush ring gear which is close to the outer periphery of the drum, and is understood as "*positioned not to engage with the screw gear*" (Page 42 SoC).

49. Further, the Claimant wrote about one of the alleged infringing products in which there is some space between the engagement gear and the wall of the drum, that "the engagement gear is positioned as close as possible to the housing wall within the boundary area where the rotation of the brush can avoid interference with the safety switch bar", which is intended to reproduce feature 1.1.2 (page 82, §154 of the Soc).



50. The Defendants have argued that the phrase 'on the edge of the periphery' implies a strict interpretation, meaning that it should not only be on the edge, but also on the periphery. From their discussion of the prior art, it follows that the Defendants accept that, according to the patent, the engagement gear may also be located on the inside of the rotating brush (see especially their discussion of D1).
51. The Court concludes that the parties agree on the position of the engagement gear on the inside of the rotating brush, which implies that the engagement gear is positioned at least the distance from the wall of the drum that allows the space necessary for the brush. On the other hand, the strict definition in the patent cannot be disregarded; therefore, the Court does not follow the Claimant's interpretation that feature 1.1.2 would only imply that the engagement gear is positioned not to engage with the screw gear.

VALIDITY OF THE PATENT AT ISSUE (AS unconditionally AMENDED)

Admissibility of the Main Request:

52. NUC states that the Claimant did not provide any explanation as to why the amendments satisfy the requirements of Articles 84 and 123(2), (3) EPC, as required by R. 30.1(b) RoP.
53. However, the Court notes that HUROM referred to Article 84 EPC in its Reply dated 17 September 2024, which included a table entitled "Requirements for the application to amend the patent – RoP 30". This table refers to sections 1.1 and

1.2.2.4 for the requirement under R. 30.1 (b) RoP, which addresses compliance of patent amendments with Articles 84 and 123(2), (3) EPC.

54. Paragraph 8 of section 1.1 indicates that the proposed amendments are supported by the description and by Figures 3, 4, 6 and 7, wherein HUROM quotes paragraphs [0010] and [0048].
55. Therefore, HUROM has sufficiently satisfied the requirement of Rule 30.1(b) RoP, and its application to unconditionally amend the patent at issue shall be declared admissible.

Concerning Claim 1 (as unconditionally amended according to the Main Request)

56. According to NUC, EP'936 cannot be maintained as requested, based on claims 1 to 6 as unconditionally amended by HUROM in its Main Request, since these claims are invalid on the grounds that they contain subject-matter which extends beyond the contents of the patent application as filed (Article 123(2) EPC) and/or these claims lack an inventive step (Article 56 EPC).
57. HUROM contests all these challenges on the validity.

ADDED-SUBJECT MATTER

Legal framework

58. Article 138(1)(c) EPC provides that a European patent may be revoked with effect for a Contracting State on the grounds that "*the subject-matter of the European patent extends beyond the content of the application as filed or, if the patent was granted on a divisional application or on a new application filed under Article 61, beyond the content of the earlier application as filed*".
59. The UPC Court of Appeal (UPC_CoA_382/2024, 14 February 2025, Abbott v Sibio) has set out its position with regard to the test for added matter:

"*There is added matter if the claim as granted contains subject-matter that extends beyond the content of the application as filed. In order to ascertain whether there is added matter, the Court must thus first ascertain what the skilled person would derive directly and unambiguously using his common general knowledge and seen objectively and relative to the date of filling, from the whole of the application as filed, whereby implicitly disclosed subject-matter, i.e. matter that is a clear and unambiguous consequence of what is explicitly mentioned, shall also be considered as part of its content*".

60. The present division will follow this test in its reasoning.

Parties' arguments

61. NUC submits that Claim 1 (as amended in MR) in its features 1.6.3, and 1.7.1 to 1.7.3 as well as Claims 3-6 (as amended in MR) are not supported in the application as filed (Exhibit 4.2 from NUC).
62. HUROM disputes these arguments.

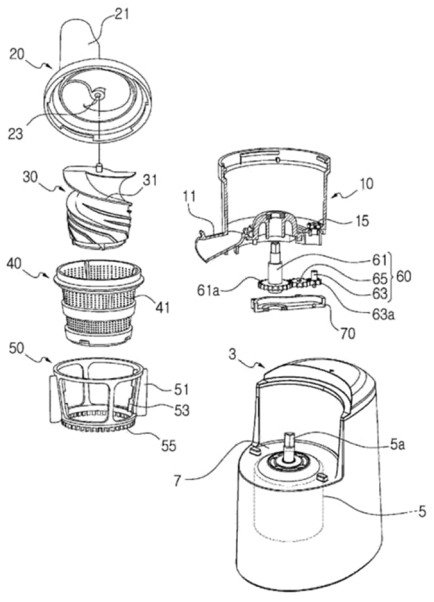
Grounds

Feature 1.6.3 in Claim 1 MR

"*[1.6.3] wherein the brush rotating means (60) is disposed between the underside of the juice squeezing drum (10) and the brush rotating means cover (70) coupled to the underside of the juice squeezing drum (10*)".

63. NUC states that Feature 1.6.3 according to which the brush rotating means is disposed between the underside of the juice squeezing drum and the brush rotating means cover, lacks support in the application as filed. (§ 1.1.1.2, p. 17 et seq. of the SoD dated July 17, 2024). They argue that, apart from the drawings, there is no indication that the brush rotating means is disposed between the underside of the juice squeezing drum and the brush rotating means cover (§ 1.1.2.1.1, p. 16 et seq of the Rejoinder dated November 11, 2024).
64. According to NUC, Feature 1.6.3 of claim 1 introduces features that aim at partially defining an embodiment described in the application but omits several specific and essential features of this embodiment, thereby resulting in an unallowable intermediate generalisation of the disclosure of the application as filed (§ 1.1.2.1.1, p. 16 et seq of the Rejoinder dated November 11, 2024).
65. However, HUROM correctly submits in its reply that Feature 1.6.3 is disclosed in the application as filed (Exhibit 4.2 of NUC), specifically paragraph [0012] states: "*According to the present invention, desirably, the juice squeezing module further includes a brush rotating means cover coupled to the underside of the juice squeezing drum to cover and support the lower portion of the brush rotating means".* Additionally, paragraph [0050] states: "Further, a brush rotating means cover 70 is coupled to the underside of the juice squeezing drum 10 on which the brush rotating means 60 is disposed." This is also shown in Figure 3:

FIG.3



66. According to the Court, these attacks are not convincing since the skilled person would directly locate the brush rotating means according to Feature 1.6.3, based on [0012] and [0050] and Figure 3 of the application as filed. The possibility of alternative options for the relative position of the cover and the brush rotating means, assuming that the skilled person would consider these feasible, does not imply that Feature 1.6.3 lacks support, as these alternatives are options, and are not inextricably connected with the arrangement of Feature 1.6.3 as it is claimed.
67. Also the statements in paragraph [0050] of the application that the cover has the *'shape of a casing open on the top end'* and that the cover is to *'..be sealedly coupled to the underside of the juice squeezing drum 10 by means of a packing and fastening members'* are not inextricably linked with Feature 1.6.3, as these features are not present in paragraph [0012]. Furthermore, the skilled person would take into account the discussion of the third embodiment, where it is stated with regard to the cover that '*it does not matter in shape'*, paragraph [0079]. Therefore, the Court considers that the amendment related to Feature 1.6.3 does not extend the subject matter, and thus, the ground for revocation of Article 138(1)(c) EPC is not applicable.

Features 1.7.1 to 1.7.3 of Claim 1 (as amended in MR)

"[1.7.1] wherein the brush rotating means (60) is formed of a gear module connecting the driving shaft (5a) and the engagement gear (15) ~~wherein the brush rotating means comprises~~: and comprising

a first shaft gear (61) having a first gear (61a) formed on the outer peripheral surface thereof ~~interposed between the driving shaft and the power connector of the juice squeezing screw in such a manner as to rotate unitarily with the juice squeezing screw and~~; and

a second shaft gear (63) having a top end periphery coupled to a center shaft of the engagement gear ~~and coupled to the center shaft of the engagement gear on the top end periphery thereof and having~~ a second gear (63a) formed on the outer peripheral surface of the lower portion thereof ~~in such a manner as to be connected to the first gear~~

[1.7.2] wherein the driving shaft (5a), and the power connector (33) of the juice squeezing screw (30) and the first shaft gear (61) are connected to each other in such a manner as to rotate unitarily with each other, and

[1.7.3] wherein the driving force of the driving shaft (5a) is transmitted to the engagement gear (15) through the first shaft gear (61) and the second shaft gear."

68. According to NUC, the original wording of claim 3 in the application defines a specific configuration, in which the first shaft gear is <u>interposed between</u> the driving shaft and the power connector. The same applies to paragraph [0010] of the application as filed, which uses the same wording. By contrast, Feature 1.7.2 of claim 1 as amended states that the driving shaft, the power connector and the first shaft gear are connected <u>to each other</u>. NUC argues that this modification generalises the scope of the application as filed, as the phrase "connected to" has a different

meaning to the phrase “interposed between” and therefore constitutes an unallowable intermediate generalisation (§ 1.1.2.1.6, p. 22 et seq of the Rejoinder dated November 14, 2024).

69. In other words, the Defendants take the view that claim 3 of the application as filed covers solely the first embodiment (with an indirect connection), because of the feature of a first shaft gear (61) being ‘...interposed between the driving shaft and the power connector of the juice squeezing screw in such a manner as to rotate unitarily with the juice squeezing screw...’. The Claimant argues that the term ‘interposed' should be interpreted more broadly, as an indication of the relative positions of the elements in question. Claimant therefore considers that claim 3 of the application as filed already covers both the embodiments shown in Figures 4 and 7.
70. The Court considers that, provided there is a basis in the application as filed, it is allowed to amend the claims pre-grant to include an embodiment that may have been left out of the claims of the application as filed, thereby modifying the scope. In the wording of Feature 1.7.2, the term ‘connected’ is used, which does not appear verbatim in the application as filed, as in the first embodiment, the term ‘interposed' is used, and in the second embodiment ‘engaged’ is used. The skilled person would regard the term ‘connected’ as an appropriate concept that covers both embodiments. In this respect, the Court notes that the final sentence of paragraph [0049] of the application states that the structure of the brush rotating means, of which the first shaft gear is part, may be freely varied. This indicates that the skilled person should not take this paragraph too literally. This amendment does not add matter, irrespective of how the term ‘interposed' is interpreted.
71. NUC has argued that the use of the term ‘gear module ‘in Feature 1.7.1 is not allowable, as this term is mentioned in paragraph [0048] only with respect to the first embodiment. HUROM has correctly pointed out that paragraph [0009] of the application refers to both the first and second embodiments. The Court furthermore notes that the arrangement of the gears of the brush rotating means in the second embodiment generally corresponds to that of the first embodiment, so that the skilled person would regard it as a gear module for the second embodiment, without difficulty. This amendment does not add matter.
72. NUC further argued that the rephrasing of Feature 1.7.1 concerning the second shaft gear is not allowable. The Court considers that this reformulation constitutes a correct and necessary clarification, which would be understood as such by the skilled person.
73. The further objections raised by NUC that amendments to Features 1.7.1 to 1.7.3 add matter, and that none of the amendments would therefore be allowable, are also unfounded, as there is adequate basis in the application for each of these amendments. NUC appears to argue that, for each of these amendments, the features should be literally present in the application, thereby applying an unduly strict criterion.
74. In light of these elements, Features 1.7.1 to 1.7.3 of Claim 1 as amended do not extend beyond the subject-matter of the application as filed.

Claim 3 (as amended in MR)

75. NUC has argued that claim 3 of the MR should include the term 'interposed', as this term is used in the description in relation to the first embodiment. Furthermore, it omits features that are inextricably linked, such as the 'polygonal groove' of the power connector and the coupling with the 'periphery' of the first shaft gear.
76. The Court notes that at least the first embodiment, as shown in Figures 3 to 5, provides an adequate basis for claim 3. The Court does not follow NUC's argument that the current wording of claim 3, in which the top end and bottom end of the first shaft gear are described as being 'coupled to', necessarily results in a broader scope than the term 'interposed'. The precise definition of 'interposed', as debated by the parties, is not necessary, as the Court finds that the term "interposed" does not require a coupling by definition. Consequently, there is no intermediate generalisation. It is also clear to the skilled person that the coupling using a polygonal groove is merely an example, which therefore does not need to appear in the claim and does not make an intermediate generalisation. The added matter attack on claim 3 of the MR fails.

Claim 4-5 (as amended in MR)

Claim 4: « *The juice squeezing module for a juicer according to claim 1, wherein the power connector (33) penetrates through and is coupled to the first shaft gear (61)*".

77. Claim 4 of the MR corresponds to claim 6 of the patent as granted, which was dependent on claim 3 of the patent. NUC argues that claim 3 can relate only to the first embodiment (Figures 3-5), while claim 6 of the patent is supported solely by the second embodiment and claim 4 of the MR therefore comprises added matter. Furthermore, NUC takes the view that several features used in the description for the second embodiment are inextricably linked with the features of claim 4, and that claim 4 therefore constitutes an intermediate generalisation.
78. In the discussion of the Features of 1.7.1 to 1.7.3, the Court concluded that the current claim 1 is supported by both of the first and second embodiments. Accordingly, claim 4 of the MR may be based solely on the second embodiment. The allegation of NUC that no less than eight features are inextricably linked is unfounded, as NUC has not demonstrated such a link, and the skilled person would understand that, in describing an embodiment, features may be used to illustrate its working that are not necessarily an essential part of the invention. Claim 4 does not contain added matter.

Claim 5: "*The juice squeezing module for a juicer according to claim 4, wherein the driving shaft (5a) is coupled to the power connector (33) penetrating through the first shaft gear (61)*".

79. NUC argues that during examination, when filing the amendments of claim 5 of the MR (addition of claim 7), the applicant cited Figures 3 and 4 of the application as filed as support (§ 1.1.6 and 1.1.7, pp. 26-28 of the Statement of Defence dated July 17, 2024), while the Claimant referred to the second embodiment in their reply. Furthermore, NUC concludes that the same applies for claim 5 of the Main Request

as for claim 4, namely that the claim is based on an arbitrary extraction of features (i.e. an unallowable intermediate generalisation), which extends beyond the content of the application as filed (§ 1.1.2.4 and 1.1.2.5, p. 28-29 et seq. of the Rejoinder dated November 11, 2024).

80. The Court considers that the amendment is allowable, as claim 5 is directly and unambiguously disclosed in the original application by the second embodiment as described *supra* (cf §77 and 78 in the present decision), which provides adequate support. Once again, the intermediate generalisation allegation is unfounded. Claim 5, therefore, does not include added matter.

Claim 6

81. NUC refers to the applicant's indication during the examination stage of the application that Figures 3 and 4 should be used to provide support for claim 6 of the MR. NUC then argues that there are inextricably linked features in the disclosure of this embodiment. The Claimant argues that support may also be derived from the second embodiment and maintains that the specific details cited by NUC are merely desirable details according to the description, and therefore not inextricably linked.
82. The Court considers the second embodiment the more straightforward support for this claim; however, since the parties both agree that the first embodiment also provides support, the Court concurs and finds that there is a basis in the application as filed. The Court does not consider any of the characteristics cited by NUC to give rise to an intermediate generalisation.
83. Therefore, NUC's arguments based on added matter are unsuccessful.

LACK OF AN INVENTIVE STEP

84. Article 56 EPC provides that "*[a]n invention shall be considered as involving an inventive step if, having regard to the state of the art, it is not obvious to a person skilled in the art.*"
85. In assessing inventiveness, it is necessary to determine whether, in light of the state of the art, a person skilled in the art would have arrived at the technical solution claimed by the patent using their technical knowledge and by performing simple operations. Inventive step is defined with respect to the specific problem encountered by the person skilled in the art.
86. In the case at hand, NUC submits that amended claims 1 to 6 of the Main Request lack an inventive step, referring to four prior art documents, as follows:

- D1 (CN202365584U) in combination with D2
- D2(KR20130016748A) in combination with any one of D1, D3 or D4 (KR20130098700A)
- D3 (KR101038074B1) in combination with D2

Concerning Claim 1, according to the Main Request:

Starting from D1, in view of D2:

Presentation of D1

87. Document "D1" corresponds to the Chinese utility model CN 202365584 U. (Exhibit BDL 6.1 and 6.1 bis). It relates to a juicer, which includes a cup, a juicing cup, a juicing screw, a filter mesh frame, a rotating brush and a drive mechanism (Abstract of Exhibit 6.1 bis) as it is illustrated in Fig 1 and Fig 2 of Document 1:

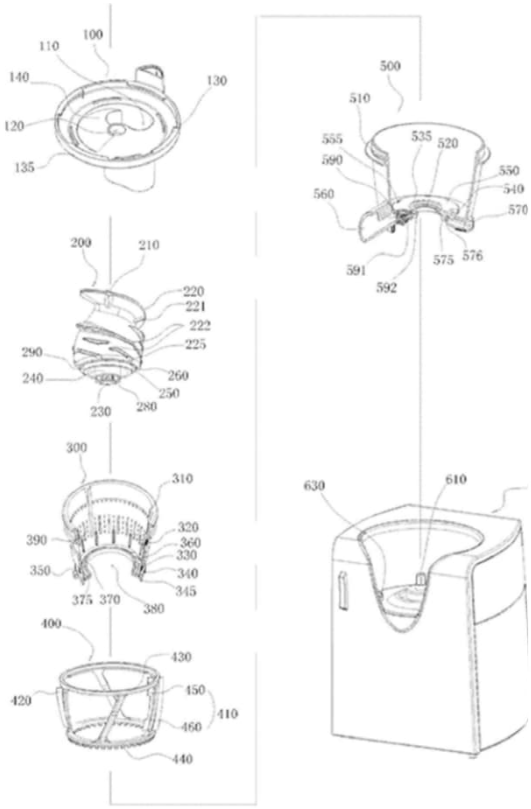


FIG. 1

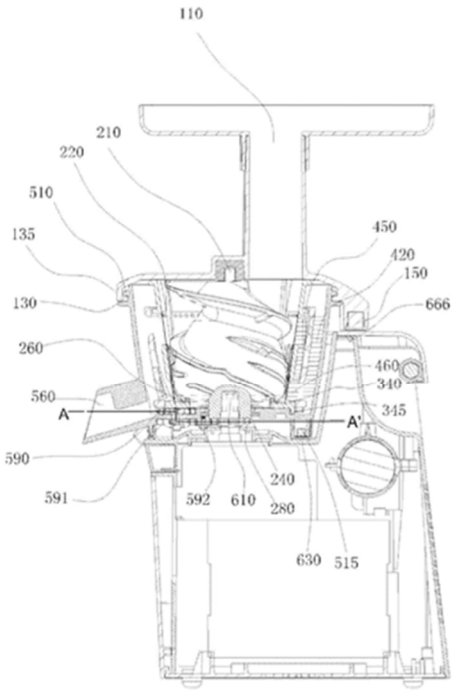


FIG. 2

88. Document "D2" is a Korean patent which discloses a juice squeezing module for a juicer (as described by NUC in the SoD pages 40 to 42).

Arguments of the parties

89. According to NUC, D1 discloses a juice squeezing module for a juicer adapted to be mounted on a body ("drive mechanism 600") of the juicer with a driving shaft ("polygonal shaft 610") of a driving motor protruding upward therefrom to perform a juice squeezing operation (feature 1), as illustrated in particular in Figs. 1 and 2, and described in §[0024], [0045] and [0046] of document D1 (page 32 to 40 of the SoD).

90. NUC argues that the only features of claim 1 of the main request that are not disclosed by D1, are the features [1.6.2] and [1.6.3, which relate to the brush rotating

means cover. Applying the problem-solution approach, NUC asserts that the technical effect of these features is merely that of covering the lower side of the brush rotating means. NUC then argues that such a cover is known from D2. The skilled person would apply a cover as disclosed in D2 in a juicing module according to D1 without needing to solve any apparent objective technical problem apart from enclosing the brush rotating means. Accordingly, claim 1 lacks an inventive step.

91. HUROM denies the alleged lack of inventiveness over D1, also applying the problem-solution approach, and argues as follows:

- First, D1 is not a realistic starting point, as its objective differs from that of the patent-in-suit. According to HUROM, the sole purpose of D1 is to provide a juicer that can prevent beans or vegetables from becoming stale and allow the squeezed juice to flow well downward, regardless of the type of vegetables or fruit used, i.e. even when the squeezed juice is thick water juice or soybean milk (BDL Exhibit No. 6.1 bis, paragraph [0008]).

- Second, HUROM argues that D1 does not disclose Feature 1.7.1 as the lower rotary shaft gear (280) in D1 is formed directly, in one piece, on the power connector of the screw, as shown in D1, figure 19, while the patent has a separate gear shaft. D1's 'lower rotary shaft 240' thereby cannot be both power connector and first shaft gear.

- Third, HUROM emphasises several effects of the Features 1.6.2., 1.6.3 and 1.7 that should be taken into account when defining an objective problem.

- Fourth, HUROM submits that the skilled person would need to reconfigure the entire juicer of D1, in order to arrange space for the gear module and cover of D2. The skilled person would have been discouraged from doing so, which supports the presence of an inventive step.

- Finally, HUROM argues that even if a gear module and cover according to D2 were implemented in D1, the skilled person would not obtain a juice-squeezing module according to claim 1.

92. NUC replies:

- First, the objective of D1 is the same as that of the patent, as D1 offers multiple other advantages beyond the one mentioned by HUROM. In particular, paragraph [0065] specifies that the placement of the juicing cup above the mechanism facilitates the flow of the juice without interference, and in any case, since D1 relates to the same use (squeezing juice) as the juice squeezing module of the patent, it cannot be excluded from consideration as a realistic starting point for the assessment of inventive step.

- Second, the "polygonal shaft hole 230" of D1 corresponds to the power connector of the Patent and is, in fact, substantially identical to a preferred form of this power connector according to the description of the Patent. Even though the "polygonal shaft hole 230" is integrally formed with the first shaft gear ("lower rotary shaft gear 280"),

these components are still connected. Furthermore, the patent does not require the separation of these parts. According to NUC, the relevant elements of Claim 1 as amended in the MR are disclosed in D1, as follows (page 38 of NUC's Rejoinder):

Patent	**D1**
Power connector (33)	"Polygonal shaft hole 230"
First shaft gear (61)	"Lower rotary shaft gear 280"
First gear (61a)	Gear teeth of the "lower rotary shaft gear 280"
Second shaft gear (63)	"first transmission gear 590"
Second gear(63a)	Gear teeth of the "first transmission gear 590"

93. Accordingly, Features 1.7.1 to 1.7.3 are all disclosed by D1. With respect to the technical effects of Features 1.6.2 and 1.6.3, as suggested by HUROM, NUC argues firstly, that these effects are neither mentioned nor implied in the patent and, secondly, that some of these alleged effects are not realised. For example, a cover according to the patent does not necessarily cover all of the brush rotating means. Furthermore, NUC has explained that the skilled person would not require a reconfiguration of the juicer of D1, since only the cover needs to be implemented, and not the gear train. This would require only a minor modification.

Opinion of the Court

94. The Court finds that the first argument presented by the Claimant, concerning the objective of the patent at issue, is not convincing, given that D1 aims to provide a juicer with a vertical orientation with the aim of preventing loss of nutrients and flavours, explicitly referring to 'low speed squeezing'. As stated in paragraph [0016]: *"the juicer of the utility model has the following advantages compared to the prior art: " The juicer of the utility model uses the juicing screw for low-speed squeezing instead of high-speed rotating knife for squeezing, so that various nutrients and intrinsic flavors contained in juice, soybean milk, etc are retained to the maximum extent, and it is possible to perform a wide range of juice extraction regardless of the types of vegetables and fruits*". Thus, D1 pursues the same or a similar objective of the patent at issue, qualifying it as a realistic starting point.

95. With respect to the arguments concerning Features 1.7.1-1.7.3, the Court notes the following:

- As discussed above, a power connector is an element of the screw that receives the driving force of the drive shaft, which may be an opening in the juice squeezing screw, or an extending hollow part that comprises an opening for receiving a drive shaft. The power connector in D1, therefore, comprises the 'polygonal shaft hole 230', as the drive shaft is received in this opening. The first shaft gear in D1 is identified as 'shaft gear 280'; the first gear formed on the outer peripheral surface thereof (61a) is formed by the gear teeth formed on the outer peripheral surface of 'shaft gear 280' in D1. This arrangement corresponds to the second embodiment of the patent, in which 'shaft

gear 61' also has a small or non-existent shaft but is nonetheless still a shaft gear. HUROM's assertion that D1's 'rotating shaft 240' corresponds to the first shaft gear 61 of the patent is thus incorrect, as this part is a hollow shaft, necessary for receiving the drive shaft, and is therefore a part of the power connector, similar to the second embodiment of the patent.

- The gear 280 is connected to shaft 240 in D1 and may be in one piece. It is not disclosed in D1 that the shaft gear is a separate part from the screw. However, it is assigned a separate number, and according to the text of D1, it is 'disposed at' (Exhibit 6.1). In the patent, it is not stated that the shaft gear should be a separate part, as pointed out by NUC. On the contrary, according to Feature 1.7.2, the shaft gear should rotate unitarily with the juice squeezing screw (paragraphs [0011] and [0041] of the patent). Furthermore, the patent provides no indication of any benefits arising from being able to interchange the shaft gear 61, whether for maintenance or for changing gear ratios, as HUROM has explained in detail. Therefore, the skilled person would not understand a separate shaft gear 61 to be essential for the claims of the patent.

96. D1 therefore discloses the features 1.7.1 to 1.7.3.

97. The Court therefore considers that the only differences between claim 1 of the MR and D1 are Features 1.6.2 and 1.6.3. The technical effect of these features lies in the covering and supporting of the brush-rotating means. The Court considers that the advantages listed by HUROM of providing a cover (page 62 of the reply), namely, that the gear train drive transmission is prone to damage and contamination without a cover, constitute normal advantages that the skilled person would reasonably expect from a cover. The cover disclosed in D2, namely the 'gear seating space part 64', serves both functions: supporting, as it is a gear seating part, and covering, as it is expressly stated in D2 that part 64 functions to close the gear seating space, see paragraph [0089]. The skilled person would therefore consider applying a cover as disclosed in D2 in a juice squeeing module according to D1, in order to mitigate problems with possible damage and contamination.
98. Contrary to HUROM's assertion, the skilled person would understand that only the cover disclosed in D2, and not the gear train also disclosed in D2, needs to be included, as the cover is presented as a separate part of the arrangement, independent of the specific gear train applied. The argument that the skilled person would not apply a cover according to D2 due to insufficient space in D1 is also unpersuasive. Even if the drawings do not show space for a cover, a skilled person would be capable of making the necessary space, as demonstrated by NUC. The cover is a relatively flat piece, so that only minor modifications are required. The Court adds that drawings in a patent publication serve to illustrate an invention, not to specify dimensions, so that it would be well within the capabilities of a skilled person to implement such modifications without an inventive step, if at all necessary.

99. In conclusion, for the reasons presented above, the invention set out in claim 1 as amended in the Main Request, does not involve an inventive step when assessed in view of D1 in combination with D2.

The dependent claims (2 to 6) in the patent as amended in the Main Request: lack of inventive step over D1

100. NUC submits that none of the dependent claims is inventive in view of the opposing prior art documents.

101. It must be demonstrated by HUROM that the dependent claims are inventive in themselves, by adding inventive technical features beyond claim 1, whereas it has been concluded above that the main independent claim does not involve an inventive step.

Claim 2 MR

102. Amended claim 2 of the patent-in-suit reads as follows:

"The juice squeezing module for a juicer according to claim 1, wherein the gear module further comprises a gear (65) interposed between the first gear (61 a) of the first shaft gear (61) and the second gear (63a) of the second shaft gear (63)."

103. The Claimant argues that, in D1, "the gear module does not comprise "a first shaft gear (61) having a first gear (61a) formed on the outer peripheral surface thereof" and therefore it does not disclose a gear (65) interposed between the first gear (61a) and the second gear (63a)".

104. The Court follows NUC's reasoning in its reply, considering that "the *interposed gear"* is disclosed in D1 ('592'). As explained in relation to amended claim 1, document D1 does indeed disclose a gear module comprising a first shaft gear ("lower rotary shaft gear 280") having a first gear (the corresponding gear teeth) formed on the outer peripheral surface thereof. Moreover, it also comprises a gear ("second transmission gear 592") interposed between the first gear of the first shaft gear (280) and the second gear of the second shaft gear (590), as shown in particular in Fig. 3 and described in paragraph [0029] of document D1.

105. Hence, the subject-matter of amended claim 2 is disclosed by D2. Claim 2 does not include an inventive technical feature and, like amended claim 1, also lacks an inventive step when starting from document D1 in view of document D2.

Claim 3 MR

106. Amended claim 3 of the patent-in-suit reads as follows:

"The juice squeezing module for a juicer according to claim 1, wherein a top end of the first shaft gear (61) is coupled to the power connector (33) and a bottom end of the first shaft gear (61) is coupled to the driving shaft (5a)."

107. HUROM asserts that, in D1, "it cannot be argued that a top end of the first shaft gear (61) is coupled to the power connector (33), as it cannot both be formed integrally with and coupled to it".

108. NUC replies that, according to the definition of “couple” in the Dictionary: “If one piece of equipment is coupled to another, it is joined to it so that the two pieces of equipment work together”. Since the top end of the first shaft gear (“lower rotary shaft gear 280”) may be, integrally formed with the power connector (“polygonal shaft hole 230”), as emphasized by the Claimant, both pieces are clearly joined to function together. They are thus indeed coupled. Therefore, the subject matter of amended claim 3 does not include an inventive technical feature and, like amended claim 1, also lacks an inventive step when starting from document D1 in view of document D2.

109. The Court notes that, in its discussion of added matter with respect of claim 3 of the MR, (claim 5 of the patent), the Claimant has maintained its view that the features of this claim are present in embodiments 1 and 2 of the patent. HUROM has pointed out that, in Figures 6 and 7, the driving shaft is located below, while the power connector is located above the first shaft gear. In line with this view, the Court observes that the general positions of the components of D1 – namely, the ‘lower rotary shaft gear 280’, the ‘lower rotary shaft 240’ with 'polygonal shaft hole 230’ and the ‘driving shaft 610’ are equal to the positioning of the equivalent components in Figure 7.

110. Therefore, the features of claim 3 are disclosed by D1 and claim 3 of the MR does not involve an inventive step in light of D1.

Claim 4 MR

111. Amended claim 4 of the patent-in-suit reads as follows:

"The juice squeezing module for a juicer according to claim 1, wherein the power connector (33) penetrates through and is coupled to the first shaft gear (61)."

112. The Claimant asserts that, since D1 does not disclose a separate power connector and a first shaft gear, the first one cannot penetrate through the second (§355 Reply to the SoD).

113. NUC replies that this assertion is clearly incorrect since the “polygonal shaft hole 230” of D1 corresponds to the power connector of the patent and is indeed substantially identical to the preferred form of that power connector according to the description of the patent. This “polygonal shaft hole 230” is not only integrally formed and thus coupled with the first shaft gear (“lower rotary shaft gear 280”), but also clearly penetrates through the latter, from its bottom, to allow the insertion of the driving shaft (“polygonal shaft 610”), as shown in particular in Figs. 1 and 2 of D1.

114. In the Court’s view, as discussed with regard to claim 1 of the Main Request, a power connector according to the patent is disclosed in D1 by 'polygonal shaft hole 230’, which is provided by ‘lower rotary shaft 240’. A first shaft gear is disclosed in D1 by ‘lower rotary shaft gear 280’. The skilled person would recognize that, by providing ‘lower rotary shaft gear 280’ at the bottom of ‘lower rotary shaft 240’, the opening provided for coupling with the drive shaft '610’ is necessarily extended downward. The 'Polygonal shaft hole 230’ thereby extends through the 'lower rotary

shaft gear 280' and thus it can be said to 'penetrate through' the gear, as stated in claim 4 of the patent. As the power connector disclosed in D1 is not merely formed by the 'polygonal shaft hole 230' but is provided by the 'lower rotary shaft 240', which thus forms a part of the power connector of D1, 'lower rotary shaft gear 280' is also coupled to the power connector, as it is formed in one piece with the 'lower rotary shaft 240'.

115. Thus, all features of claim 4 MR are thereby disclosed by D1.

Claim 5 MR

116. Amended claim 5 of the patent-in-suit reads as follows:

5. The juice squeezing module for a juicer according to claim 4, wherein the driving shaft (5a) is coupled to the power connector (33) penetrating through the first shaft gear (61).

117. The Claimant asserts that the lower rotary shaft (240) having a polygonal shaft hole (230) cannot be integrally formed with the lower rotary shaft gear (280) and penetrates through it, so that the polygonal shaft hole (230) cannot penetrates (sic) through the first shaft gear (61) (§362, Reply to the SD).

118. NUC replies that, in D1, the power connector ("polygonal shaft hole 230") is not only integrally formed and thus coupled with the first shaft gear ("lower rotary shaft gear 280"), but also clearly penetrates through the latter, from its bottom, to allow the insertion of the driving shaft ("polygonal shaft 610"), as shown in particular in Figures 1 and 2 of D1.

119. The Court is of the opinion that the power connector disclosed in D1 includes the 'polygonal shaft hole 230', which extends downwardly from the bottom of the 'lower rotary shaft 240' by providing the 'lower rotary shaft gear 280', as is shown in Figure 2 of D1. It thus also penetrates the first shaft gear. The 'drive shaft 610' is coupled to 'polygonal shaft hole 230', as is shown in Figure 2 and explained in paragraph [0045].

120. All features of claim 5 MR are therefore disclosed in D1.

Claim 6 MR

121. Amended claim 6 of the patent-in-suit reads as follows:

"The juice squeezing module for a juicer according to claim 1, wherein the driving shaft (5a) penetrates through the first shaft gear (61) and is coupled to the power connector (33)."

122. The Claimant argues that the lower rotary shaft (240) having a polygonal shaft hole (230) is integrally formed with the lower rotary shaft gear (280) and therefore cannot penetrate through it. Assuming this is possible – it is in fact technically impossible - the polygonal shaft (610) could not penetrate through only the lower rotary shaft gear (280) and couple with only the polygonal shaft hole (230) of the lower rotary shaft (240) in accordance with amended claim 6 (Reply to the SoD from HUROM §368).

123. However, as NUC correctly states, the amended claim 6 does not specify that the drive shaft penetrates through the first shaft gear only, or that it couples with

the power connector only. As the Claimant acknowledges, in D1, the drive shaft ("polygonal shaft 610") does penetrate through the first shaft gear ("lower rotary shaft gear 280"). Since it is furthermore directly coupled to the power connector ("polygonal shaft hole 230"), all the additional features of amended claim 6 are disclosed in D1.

124. To conclude, the subject matter of amended claims 2 to 6 MR does not include any additional novel technical feature and also lacks an inventive step when starting from document D1 in view of document D2. As a consequence, the inventive step attacks starting from documents D2 and D3 do not require discussion.

Auxiliary request

125. Pursuant to R. 30 RoP, HUROM has conditionally filed an auxiliary request to amend the patent at issue. Given the finding of a lack of inventive step of the main request, the condition for the auxiliary request is fulfilled. The auxiliary request reads as follows:

"*1. A juice squeezing module for a juicer adapted to be mounted on a body (3) of the juicer with a driving shaft (5a) of a driving motor protruding upward therefrom to perform a juice squeezing operation, the juice squeezing module comprising:*

a juice squeezing drum (10) mounted on the body (3) of the juicer in such a manner as to be open on the top surface thereof and having a juice discharging hole (11) and a remnant discharging hole (13) formed on the lower end periphery thereof and an engagement gear (15) disposed on the edge of the periphery of the bottom surface thereof;

a cap (20) adapted to cover the top surface of the juice squeezing drum (10) and having an injection hole (21) formed on the top side thereof;

a juice squeezing screw (30) rotatably mounted at the inside of the juice squeezing drum (10) and having screw spiral lines (31) formed on the outer peripheral surface thereof and a power connector (33) disposed on the underside thereof in such a manner as to be connected to the driving shaft (5a);

a screen drum (40) mounted at the inside of the juice squeezing drum (10) and having a screen structure (41) as the outer peripheral wall thereof;

a rotating brush (50) disposed between the juice squeezing drum (10) and the screen drum (40) in such a manner as to rotate and brush the inner peripheral surface of the juice squeezing drum (10) and the outer peripheral surface of the screen drum (40) and having a brush ring gear (55) mounted on the underside periphery thereof in such a manner as to be connected to the engagement gear (15);

brush rotating means (60) disposed on the underside of the juice squeezing drum (10) to transmit the driving force of the driving shaft of the body (3) of the juicer to the engagement gear (15) to rotate the rotating brush (50); and

characterised in that it further comprises:

a brush rotating means cover (70) coupled to the underside of the juice squeezing drum (10) to cover and support the lower portion of the brush rotating means (60),

wherein the brush rotating means (60) is disposed between the underside of the juice squeezing drum (10) and the brush rotating means cover (70) coupled to the underside of the juice squeezing drum (10).

wherein the brush rotating means (60) is formed of a gear module connecting the driving shaft (5a) and the engagement gear (15) and comprising a first shaft gear (61) having a first gear (61a) formed on the outer peripheral surface thereof and a second shaft gear (63) having a top end periphery coupled to a center shaft of the engagement gear and a second gear (63a) formed on the outer peripheral surface of the lower portion thereof,

wherein the driving shaft (5a), and the power connector (33) of the juice squeezing screw (30) and the first shaft gear (61) are connected to each other in such a manner as to rotate unitarily with each other, and wherein the driving force of the driving shaft (5a) is transmitted to the engagement gear (15) through the first shaft gear (61) and the second shaft gear,

wherein the power connector (33) penetrates through and is coupled to the first shaft gear (61),

wherein the driving shaft (5a) is coupled to the power connector (33) penetrating through the first shaft gear (61).

2. The juice squeezing module for a juicer according to claim 13, wherein the gear module further comprises a gear (65) interposed between the first gear (61a) of the first shaft gear (61) and the second gear (63a) of the second shaft gear (63).

3. The juice squeezing module for a juicer according to claim 13, wherein the driving shaft (5a) penetrates through the first shaft gear (61) and is coupled to the power connector (33).

And including claims 4-8, which correspond to claims 10 to 14 of the patent

126. HUROM contends (section 1.3.2, §131, page 47, Statement dated 16/12/2024) that amended claim 1 corresponds to a combination of Amended claims 1, 4 and 5 according to the Main Request, and amended claims 2 and 3 correspond respectively, to amended claims 2 and 6 according to Main Request. Thus, they refer

to their arguments related to the MR claims to demonstrate its validity, in particular with regard to the assessment of inventive step.

127. NUC replies that this proposed amendment is not allowable, arguing that the Auxiliary request lacks an inventive step for the same reasons set out in relation to claim 5 as amended in the Main Request (NUC's Rejoinder dated 14/11/2024: section 1.2.8, page 68).

128. The Court notes, as correctly explained by NUC, that the claim set according to the Claimant's Auxiliary Request 1, claim 1 as granted, has been amended by incorporating the additional features of claims 2, 3, 6 and 7 as granted. It follows that its scope corresponds to that of amended claim 5 according to the main request. Consequently, the Court refers to its reasoning *supra* in relation to amended claim 5 in the MR (§116 to §120 of the present decision) and concludes that the Auxiliary request submitted by HUROM lacks an inventive step for the same reasons.

129. In conclusion, the invention set out in claim 1 according to the Auxiliary request does not involve an inventive step when considered in view of prior-art document D1 combined with D2.

THE JURISDICTION ISSUE CONCERNING INFRINGEMENT IN POLAND on the basis of the patent as granted

130. HUROM requests that the Court rule on an injunction and remedies concerning infringement in Poland on the basis of the patent as granted (§161 Rejoinder 16/12/2024). The Court notes that the Polish part of the EP'936 cannot be revoked by the UPC nor amended. This point is not disputed by the parties. Accordingly, the only possible request concerning the acts of infringement must relate to the patent as granted.

131. NUC objects, in its Statement of Defence, that the UPC lacks jurisdiction under Article 34 UPCA, to rule on injunctions and remedies concerning acts of infringement committed within the territory of Poland (pages 109 and 110, SOD). HUROM responds that this objection should have been raised as a Preliminary Objection pursuant to R. 19 RoP within one month of the service of the Statement of Claim, and that NUC's objection is late and must be declared inadmissible for that reason. In any event, HUROM maintains that the Court has territorial jurisdiction over Poland in accordance with the Brussels Regulation (§600, Reply to the SoD).

132. The Court considers that the issue in dispute concerns the territorial scope of the UPC's decisions. A preliminary objection under R. 19 RoP is limited to three matters: the jurisdiction and competence of the UPC, the competence of a division and the language of the Statement of claim. Under R. 19 RoP, the international jurisdiction of the UPC (Article 31 UPCA), the substantive jurisdiction of the UPC (Article 32 UPCA) and the territorial jurisdiction amongst divisions (Article 33 UPCA) may be challenged.

133. A distinction must be made between, on the one hand, the jurisdiction of the UPC (Articles 31, 32 and 33 UPCA), and, on the other hand, the territorial scope of the UPC's decisions, as defined in Article 34 UPCA related to "Territorial scope of decisions". In other words, Article 34 UPCA "relates to the scope of the effect of the decisions"

(UPC_CFI_159/2024, LD Mannheim, Decision 11 March 2025, §107). The territorial scope of a UPC decision does not concern matters of jurisdiction or competence falling within the scope of application of R. 19 RoP. It follows that the Defendants' objection based on Article 34 UPCA is admissible.

134. HUROM's claim concerning alleged acts of infringement on Polish territory is admissible in light of the decision handed down by the CJEU in BSH v Electrolux, as has already been stated by several divisions of the UPC concerning non-contracting States of the UPC Agreement (concerning either EU States or third States, UPC_CFI_355/2023, LD Düsseldorf, 28 January 2025; UPC_CFI 702/2024, LD Paris, 21 March, 2025; UPC_CFI 792/2024, Milan LD, 15 April, 2025: all decisions on long arm jurisdiction). However, on the merits, the Claimant bears the burden of proof for the alleged facts in accordance with R. 13m and R. 171.1RoP. In the case at hand, no factual elements have been introduced into the proceedings concerning the alleged infringement facts relating specifically to the KUVINGS products referred to in this application. It is only alleged that the Kuvings and Warmcook's websites are accessible throughout Europe (SoC, section 3.3.1, pages 159-164), and the turnover achieved by Defendant 1 in Europe is given without any indication as to whether the latter actually relates to the allegedly infringing products (SoC, §383).

135. Consequently, HUROM's claim for infringement based on the national part of the patent as granted for Poland cannot be considered as well-founded.

136. In light of these reasons, the Court shall dismiss HUROM's claims for infringement in Poland on the basis of the Polish part of the EP patent as granted.

137. The Court notes that, in these circumstances, it is not necessary for the Court to address the dispute between the parties with respect to the temporal scope of remedies.

138. Finally, the Court also notes that NUC's objections to HUROM's rights in the title (specifically with respect to the transfer of the inventor's rights to HUROM) are subsidiary, i.e. to be dealt with only if the validity attacks were to be rejected. It is not necessary to consider this issue in the present case, given that the objections to the validity of the patent have been upheld by the Court.

CONCLUSION

139. Given the above, the Court shall pronounce the revocation of the Dutch, French, German and Italian parts of claims No. 1 to 6 of the European patent EP 3 155 936, as unconditionally amended in the Main Request, as well as claims 1 to 3 as amended in the Auxiliary request, in accordance with Article 138(1) EPC and Article 65(2) UPCA, as requested by the Defendants.

140. The Court considers that HUROM's infringement claims concerning alleged acts committed in Poland are admissible but must be dismissed.

141. Consequently, all the infringement claims brought by HUROM and all related requests must be dismissed.

Concerning the costs:

142. In accordance with R. 118.5 RoP, the Court decides, in principle, that since HUROM has failed in its claim for infringement of the patent EP'936 patent it shall bear all the costs of the proceedings in accordance with Article 69 of the UPCA.

143. NUC has requested an interim award of EUR 175.000 in representation costs, without, however, submitting any evidence in support of the amount claimed. The Court considers that the request is insufficiently substantiated. Consequently, the costs of the proceedings will be determined by the Court in separate proceedings, at the request of a party for a decision on costs pursuant to R. 151 RoP.

144. Accordingly, NUC's application for an interim award on costs must be dismissed.

DECISION

The Court:

1. Declares HUROM's requests for amendment of the patent at issue admissible;

2. Revokes the Dutch, French, German and Italian parts of claims No. 1 to 6 of the European Patent EP 3 155 936, as unconditionally amended in the Main Request, and claims 1 to 3 as amended in the Auxiliary request, in accordance with Article 138(1) EPC and Article 65(2) UPCA.

3. Dismisses all HUROM's infringement claims;

4. Orders the Registry to transmit a copy of this decision to the European Patent Office and to the national patent offices of the Contracting Member States concerned, in accordance with Article 65(5) UPCA, after the expiry of the deadline for appeal;

6. Orders HUROM to bear the costs of the proceedings in the action CFI_163/2024, while dismissing the requests by NUC Electronics Co., NUC Electronics Europe and WARMCOOK for an interim award of costs in the amount of 175.000 Euros.

Issued in Paris, on 23 May 2025.

Camille Lignières, Presiding judge and Judge-rapporteur

Camille Lignières
Date :
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Carine Gillet, Legally qualified judge

Carine Gillet
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Pierluigi Perrotti, Legally qualified judge

Pierluigi Perrotti
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da Pierluigi Perrotti
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Jeroen Meewisse, Technically qualified judge

Jeroen Willem Meewisse

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Datum: 2025.05.23 14:04:49 +02'00'

Marielle Brasseur, clerk

Marielle BRASSEUR

Date : 2025.05.23 15:01:26 +02'00'

INFORMATION ON APPEAL

An appeal against the present decision may be filed by any party which has been unsuccessful, in whole or in part, with its requests, within two months of notification of the decision at the Court of Appeal (Article 73 (1) UPCA, R. 220.1 (a) RoP, R.224.1 (a) RoP).

INFORMATION ON ENFORCEMENT

A certified copy of the enforceable decision will be issued by the Assistant Registrar at the request of the enforcing party (Article 82 UPCA, Article 37(2) UPCA, R. 118.8 RoP, R. 158.2 RoP, R. 354 RoP and R. 355.4 RoP).

ORDER DETAILS

Order no. ORD_69293/2024 in ACTION NUMBER: ACT_17434/2024

UPC number: UPC_CFI_163/2024

Action type: Infringement Action