

**Order**  
**of the Court of First Instance of the Unified Patent Court**  
**issued on 3 June 2025**  
**concerning EP 3 511 174**  
**App\_20512/2025**

CLAIMANT:

**FUJIFILM Corporation**, 26-30, Nishiazabu 2-chome, Minato-ku, Tokyo 106-8620, Japan,

represented by: Tobias Hahn, HOYNG ROKH MONEGIER, Steinstraße 20,  
40212 Düsseldorf, Germany

electronic address for service: tobias.hahn@hoyngrokh.com

DEFENDANTS:

**1. Kodak GmbH**, Kesselstraße 19, 70327 Stuttgart,

represented by: Elena Hennecke, Freshfields Bruckhaus Deringer  
Rechtsanwälte Steuerberater PartG mbB, Feldmühleplatz 1,  
40545 Düsseldorf, Germany

electronic address for service: elena.hennecke@freshfields.com

**2. Kodak Graphic Communications GmbH**, Kesselstraße 19, 70327 Stuttgart,

represented by: Elena Hennecke, Freshfields Bruckhaus Deringer  
Rechtsanwälte Steuerberater PartG mbB, Maximiliansplatz  
13, 80333 Munich, Germany

electronic address for service: elena.hennecke@freshfields.com

**3. Kodak Holding GmbH**, Kesselstraße 19, 70327 Stuttgart,

represented by: Elena Hennecke, Freshfields Bruckhaus Deringer  
Rechtsanwälte Steuerberater PartG mbB, Maximiliansplatz  
13, 80333 Munich, Germany

electronic address for service: elena.hennecke@freshfields.com

PATENT AT ISSUE:

European patent EP3 511 174

PANEL/DIVISION:

Panel of the Local Division in Mannheim

DECIDING JUDGES:

This order was issued by Judge Prof. Dr. Tochtermann acting as presiding judge and judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT OF THE PROCEEDINGS: INTENDED Enforcement warning

STATEMENT OF FACTS AND REQUESTS:

Claimant requested, contained in Claimant's Notification of intended enforcement, to issue a warning to the defendants as follows:

We request,  
that the UPC —LD Mannheim issues a warning to the Defendant that in the event of any breach of and/or failure to comply with any of the orders set out in Section B.II. (Information) of the operative part of the judgement dated 2 April 2025, ref. UPC\_CFI\_365/2023 after the expiry of a period of three (3) weeks following service of the notification, the respective Defendants shall pay to the court a penalty of up to EUR 30,000.00 per day of delay and/or non-compliance, with any days that have commenced counting as full days.

In this context the court referred to para 140 of its decision of 2 April 2025 which reads:

"The panel exercises its discretion not to determine a fixed time period for the provision of the information and not to set an amount of penalty in case of non-compliance up-front, thereby retaining the flexibility to take into account the circumstances of the failure if the Defendants should fail to provide proper information in due time. As regularly, the infringer has to provide the information as soon as possible without undue delay. Also the request to provide information supported by evidence verified by an independent accountant had to be rejected as the comprehensiveness of the information rendered is sufficiently ensured by the possibility of severe penalties to be imposed on Defendants, if falsified and/or insufficient information is rendered."

and gave the defendants the possibility to comment, which request to reject the request.

For further details it is referred to the briefs and exhibits.

GROUNDS FOR THE ORDER:

The request to issue a warning is to be rejected. The panel explicitly decided in the main decision that no fixed time period for the provision of the information is set and that no amount of penalty is set up-front. All related points will have to be addressed in the course of an application to impose penalties.

ORDER:

The application 20512/2025 to issue a warning of 29 April 2025 is rejected.

Issued in Mannheim on 3 June 2025

NAMES AND SIGNATURES

Prof. Dr. Tochtermann  
Presiding judge and judge-rapporteur