Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

Central Division

Paris Seat

DECISION
of the Court of First Instance of the Unified Patent Court
Central division (Paris seat)
issued on 28 July 2025
in the revocation action No. ACT_28227/2024
UPC_CFI_239/2024

HEADNOTES: 1. While terms used in patent documents should be given their normal meaning in the relevant art, the description and the drawings, when considered in the context of document's contents and not in isolation, may give these terms a different meaning (in the case at hand, the Court affirmed, applying this principle, that according to the ordinary meaning of the wording in common language, as well as in the context of the description and drawings of the patent, the term "a working surface" was to be interpreted as meaning "one working surface").

KEYWORDS: claim interpretation; added subject-matter.

CLAIMANT:

[redacted] - [redacted]

represented by Jasper Carl Verhahn, Meissner Bolte

DEFENDANT:

Essetre Holding spa - via della Repubblica Serenissima, 7, 36016 Thiene (VI), Italy

represented by Giorgio Alessandro Karaghiosoff, Praxi Intellectual Property S.p.A.

PATENT AT ISSUE:

European Patent n° EP 2 875 923 B1

PANEL:

Panel 2:

Presiding judge and judge-rapporteur	Paolo Catallozzi
Legally qualified judge	Tatyana Zhilova
Technically qualified judge	Claus Emeros

DECIDING JUDGE:

This decision has been issued by the panel.

SUMMARY OF FACTS AND PARTIES' REQUESTS:

1. On 17 May 2025 [redacted] filed a revocation action against Essetre Holding s.p.a. before this Central Division, registered as No. ACT_28227/2024 UPC_CFI_239/2024, requesting that the European Patent n° EP 2 875 923 B1 is revoked to the extent of claims 1, 3, 4, 5, 6, 9 and 10 with effect in the territory of the member states of the Unified Patent Court Agreement for which the patent has effect and the defendant is to bear the legal costs of the proceedings.

2. The patent at issue was filed by the defendant on 31 October 2014 and claims priority of a patent application of 20 November 2013 (IT PD2013A000316). The date of publication and mention of the grant of the patent is 17 August 2016. The patent has 10 claims, one of which is independent, and the others are dependent.

3. The patent relates to a machine for machining walls. Its independent claim 1 reads as follows:
"A machine (10) for machining walls, particularly for walls made of wood or multilayer walls and the like, comprising a portal (11) with one or more working heads (12), and a working surface (13) for resting a wall (14) to be machined, said portal (11) and said working surface (13) being configured for the movement of one with respect to the other, said machine for machining walls being characterized in that said working surface (13) comprises a first and second opposite support and movement frames (17, 18), both provided with means for translation and rotation (19, 20) with respect to a fixed base frame (21) and configured so as to allow each support and movement frame (17, 18) to provide the following configurations:
   - a lowered substantially horizontal configuration for machining a wall (14),
   - an inclined configuration that faces the other opposite support and movement frame (17, 18) for turning over a wall (14) supported by said first support and movement frame (17) onto said second opposite support and movement frame (18)".

4. In the statement of claim the claimant argues that the patent is invalid because the subject-matter of claim 1 lacks novelty in view of DE 34 12 441 C2 (Exhibit 'MB1') and https://www.youtube.com/watch?v=cx7niE7jBLc (Exhibit 'MB7') and is not inventive over the prior art starting from 'MB1' in combination either with common general knowledge or DE 298 03 473 U1 (Exhibit 'MB2') or https://www.youtube.com/watch?v=6LYjgIy0ZCc (Exhibit 'MB6') or 'MB7'. It further submits that the challenged dependent claims 3, 4, 5, 6, 9 and 10 also ack novelty or inventive step.

5. On 8 August 2024 the defendant lodged the defence to revocation, which included an application to amend the patent as a principal, unconditional request and five auxiliary requests.

6. With its reply to defence to revocation and defence to the application to amend the patent, filed on 7 October 2024, the claimant argued that the principal request is inadmissible due to lack of clarity, it is not supported by the disclosure of the application as originally filed, it lacks novelty in view of 'MB1' and 'MB7' and it is not based on any inventive step starting from 'MB1' in combination either with common general knowledge, or with 'MB6' or 'MB7', or with 'MB2', or starting from either MB1 or MB7 in combination with DE 3429231 A1 (Exhibit 'MB3') or with https://www.youtube.com/watch?v=YcRF25RU9S8 (Exhibit 'MB8'). It further argues that the auxiliary requests also lack compliance with Articles 84, 123 (2) 54 and 56 of the European Patent Convention.

7. On 6 November 2024 the defendant lodged its rejoinder to the claimant's reply requesting that the revocation action be rejected and that patent at issue be maintained according to the principal request to amend the patent or, in alternative, to Auxiliary Request 1, 2, 4 or 5, in the order. With this submission the defendant declared to withdraw from Auxiliary Request 3.

8. On 5 December 2024 the claimant submitted its rejoinder to the defendant's reply to defence to application to amend the patent insisting that none of the auxiliary requests is admissible and therefore that the request for the revocation of the patent, to the extent requested, is justified.

9. After the closure of the written procedure an interim conference was held on 18 April 2025 in which the judge-rapporteur explored the possibilities for settling the dispute, without success, and identified certain main issues that needed to be addressed at the oral hearing with particular focus. In this interim conference the defendant confirmed the withdrawal of Auxiliary Request 3 and the value of the proceedings for the purpose of applying the scale of ceilings for recoverable costs was set at euro 100,000.00.

10. Finally, the oral hearing was held on 3 June 2025.

GROUNDS FOR THE DECISION:

Claim interpretation.

11. As previously mentioned, the invention relates to a machine for machining walls, particularly for walls made of wood or multilayer walls and the like (see para. [0001]).

12. It is noted in the patent that, in the field of prefabricated structures for the construction of buildings, the practice is known and increasingly widespread of setting up prefabricated walls that are constituted for example by one or more superimposed layers of wooden material and that such structures meet the need that is increasingly felt by operators in the sector to offer structures in the manufacture of which materials of natural origin are used (see paras. [0002] and [0003]).

13. The patent acknowledges that nowadays use is generally made of "mobile portal" machines, which are arranged so as to slide on adapted sliding guides with respect to a working surface and require that there be one or two auxiliary lateral carriages, which are necessary in order to

overturn the wall being machined, so that both one side and the opposite side of a same wall can be machined (see paras. [0004] and [0008]).

14. The aim of the patented invention is to provide a machine for machining walls, which is capable of overcoming the limitations of conventional machines, in particular, by devising a machine with no auxiliary lateral carriages for the overturning of a wall being machined, more compact overall, faster and more precise with respect to conventional machines (see paras. [0012], [0013], [0014] and [0015]).

15. Claim 1 of the patent at issue, as resulting from the amendment unconditionally requested by the defendant in its defence to revocation (Principal request), may be structured as follows:

(1.0) A machine (10) for machining walls, particularly for walls made of wood or multilayer walls and the like, comprising:
(1.1) a portal (11) with one or more working heads (12), and
(1.2) a working surface (13) for resting a wall (14) to be machined,
(1.3) said portal (11) and said working surface (13) being configured for the movement of one with respect to the other,
said machine for machining walls being characterized in that
(1.4) said working surface (13) comprises a first and second opposite support and movement frames (17, 18),
(1.5) both provided with means for translation and rotation (19, 20) with respect to a fixed base frame (21) and
(1.6) configured so as to allow each support and movement frame (17, 18) to provide the following configurations:
(1.6.1) - a lowered substantially horizontal configuration for machining a wall (14),
(1.6.2) - an inclined configuration that faces the other opposite support and movement frame (17, 18) for turning over a wall (14) supported by said first support and movement frame (17) onto said second opposite support and movement frame (18).
(1.6.3) - by a lateral retraction of the said support and movement frames relatively to the said fixed base frame (21) and simultaneous rotation of the said support and movement frames (17, 18).

16. With regard to the interpretation of the claims, it must be borne in mind that: the patent claim is not only the starting point, but the decisive basis for determining the protective scope of the European patent; the interpretation of a patent claim does not depend solely on the strict, literal meaning of the wording used, as the description and the drawings must always be used as explanatory aids for the interpretation of the patent claim, but 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 (see, Court of Appeal, order issued on 26 February 2024, UPC_CoA_335/2023).

17. Therefore, while terms used in patent documents should be given their normal meaning in the relevant art, the description and the drawings, considered in the context of the contents of the document and not in isolation from the remainder of it, may give to these terms a different meaning. In this respect they may represent the patent's own lexicon (see on this point, also, Court of Appeal, order issued on 13 May 2024, UPC_CoA_1/2024; Hamburg LD, decision issued

on 30 April 2025, UPC_CFI_278/2023; Paris CD, decision issued on 26 December 2024, UPC_CFI_338/2023 and 410/2023; Munich CD, decision issued on 16 July 2024, UPC_CFI_1/2023).

18. The relative assessment must be carried out from the point of view of a person skilled in the art. In accordance with what the claimant proposed – and not disputed by the defendant – the Court considers that the person skilled in the art must be identified as a mechanical engineer with a university degree in mechanical engineering with a specialization in mechanical design, having several years of professional experience in the construction of machine tools and a high level of expertise in the fields of mechanics, electrics, pneumatics and hydraulics.

19. A few features need to be carefully examined both because the parties debated the interpretation of these features and, more fundamentally, because they relate to relevant aspects of the claimed invention.

20. Feature (1.2) mentions a working surface. In this regard, the defendant argues that the term “a” is an article, but it also includes a numerical meaning which is the meaning of “one”, and therefore must be interpreted according to this latter meaning.

21. The claimant objects to this, noting that claim 1 refers to a machine for machining walls specified by an open list of its components (as indicated by the word “comprising” in feature (1.0) and that subsequent features introduce structural entities of the machine with the indefinite article “a”, which the skilled person in the art will interpret as the machine comprising at least one of these entities. The claimant further adds that throughout the description there is no mention of exactly one working surface or exactly one fixed base frame and that the reference to the figures is also not relevant in this context, since they only show one particular embodiment of the invention. As the proprietor has explicitly left open the question of how many working surfaces or fixed base frames are configured and has not limited it to just one single working surface or fixed base frame, the claim is to be interpreted as broadly as possible and the person skilled in the art would receive no incentive to follow the defendant’s limited interpretation.

22. The Court considers that according to the ordinary meaning of the wording in common language as well as in the context of the description and the drawings of the patent, the term “a working surface” is to be interpreted as meaning “one working surface”. In this regard it is worth noting that the term “working surface” does not imply that the surface is planar but can also have other shapes including a folded shape.

23. Indeed, paras. [0008] and [0009] state that the prior art conventional machines required one or two auxiliary lateral carriages in order to overturn the wall being machined and allow both sides of the same wall to be machined. This is because one carriage serves to turn the panel over, while the second carriage moves under the portal carrying the work tools.

24. Then, in paras. [0012], [0013], [0014] and [0015] the patent discloses that the aim of the claimed invention is to overcome the prior art conventional machines limitations and drawbacks by providing a machine (also) with no auxiliary lateral carriages for the overturning of a wall being machined. This design eliminates the lateral encumbrances of auxiliary carriages for turning over the wall, making the process faster and more precise than with machines according to the state of the art.

25. Although these paragraphs do not mention the working surface, the skilled person would understand that there is a working surface, that this working surface is structurally formed by two sub-surfaces and that these sub-surfaces are each defined by one of the two support and movement frames. It is also understood that these two support and movement frames are combined with a fixed base frame, i.e. one shared base frame.

26. This is consistent with paras. [0019] and [0020], in which there are several references to "the working surface" and always in singular.

27. Furthermore, feature (1.3) states that this working surface and the portal [disclosed in feature (1.1)] are configured for movement of one with respect to the other. Feature (1.4) specifies that said working surface comprises a first and second opposite support and movement frames, i.e. two opposite support and movement frames are part of the working surface. In this regard, it is noted that the wording of feature (1.4) uses the term "working surface" in singular. Feature (1.5) further defines that both the support and movement frames are provided with means for translation and rotation with respect to a fixed base frame. It follows from this that the two support and movement frames are provided on the fixed base frame and are provided such that the two support and movement frames can move relative to this fixed base frame.

28. In relation to the wording of feature (1.5), the claimant also alleges that the term "means for translation and rotation" is functional and does not provide any limitation regarding the specific structure providing this functionality and argues that the claim neither specifies a direction of translation nor an orientation of the axes of rotation for these means, nor the connection or relationship between the working surface and the fixed base frame.

29. In this regard the Court finds that in feature (1.5) two movements of both of the two support and movement frames are defined: a translational movement and a rotational movement. This rotational movement is related to the rotational axis and, therefore, defines a longitudinal direction. From the figures, particularly figs. 7 to 9, it becomes unambiguous to the skilled person that the translation movement is from side to side, i.e. essentially perpendicular relative to the longitudinal direction of the rotation axis about which the rotation of the frames takes place.

30. Feature (1.6.3) refers to a "lateral retraction" of the support and movement frames. The claimant objects that the wording is ambiguous as four different interpretations are possible: (a1) each support and movement frame is configured to individually perform a lateral and rotational movement within the same time frame; (a2) each support and movement frame is configured to individually perform a synchronous lateral and rotational movement; (b1) both support and movement frames are configured to perform a rotation within the same time frame; or (b2) both support and movement frames are configured to perform a synchronous rotation.

31. The Court notes that feature (1.6.3) is a sub-feature of feature (1.6). In this latter feature, the configurations of each of the support and movement frames are defined in the sub-features (1.6.1) and (1.6.2), where (1.6.1) defines a lowered substantially horizontal configuration, which is shown in fig. 8, and (1.6.2) defines an inclined configuration that faces the opposite support and movement frame, which is shown in fig. 10. The function of how the support and movement frames are moved between said two configurations of features (1.6.1) and (1.6.2) is disclosed in feature (1.6.3) which describes a lateral retraction of the support and movement frames relative to the fixed base frame and simultaneous rotation of the support and movement frames.

Lack of clarity.

32. The claimant argues that claim 1 does not fulfil the requirements of Art. 84 'EPC', since feature (1.6.3) can be interpreted in four different ways and therefore introduces an ambiguity with regard to the scope of protection.

33. Furthermore, it is not clear in which direction the support and movement frames are to be laterally retracted relative to the fixed base frame and the logical relation between feature (1.6.3) and the remaining claim features, as it is not specified which of the two configurations disclosed in feature (1.6.3) refers to, nor how either the lowered substantially horizontal configuration of feature (1.6.1) or the inclined configuration of feature (1.6.2) can be achieved "by a lateral retraction" and "simultaneous rotation" of the frames.

34. The Court notes that following the interpretation above, the function of how the support and movement frames are moved between said two configurations of features (1.6.1) and (1.6.2) is defined in (1.6.3) as a lateral retraction of said support and movement frames relative to the fixed base frame and simultaneous rotation of the support and movement frames. Therefore, the term "lateral retraction" can be clearly interpreted by the skilled person taking into account the description and it is unambiguous to the skilled person that the lateral retraction is in a direction from side to side, i.e. in a perpendicular direction to the longitudinal direction.

Added subject-matter.

35. The claimant argues that the subject-matter of claim 1 is extended beyond the content of the application as filed since the added feature (1.6.3) does not have support in para. [0041] as the defendant indicated. In particular, the claimant finds that there is no support for the claimed lateral retraction relative to said fixed base frame.

36. The claimant further contends that the addition of the feature (1.6.3) to claim 1 results in an intermediate generalization as para. [0041] refers to technical features which are directly associated with the disclosure of said para. [0041], or which are part of the process of which para. [0041] is only one dependent aspect, that are not contained in claim 1. In particular, there is an omission of the features regarding the frames being pushed by the linear actuators 43 and 44 and the preceding process steps, consisting of a first step governed by an electronic control unit that manages and coordinates the sequences of steps, the use of the various movement motors for translation motion chains and linear actuators for rotation and the wall resting on the abutments.

37. The Court finds that the claimant is incorrect. Feature (1.6.3) has a basis in para. [0041] which discloses that "Subsequently, or at the same time as the lateral retraction, the frames 17 and 18 rotate, pushed by the linear actuators 43 and 44, as in Figure 9, in order to face each other as in Figure 10".

38. Para. [0049] specifies that "The invention thus conceived is susceptible of numerous modifications and variations, all of which are within the scope of the appended claims. Moreover, all the details may be substituted by other, technically equivalent elements and para. [0050] states that "In practice the devices and the components employed, provided they are compatible with the specific use, and the contingent dimensions and shapes, may be any according to requirements and to the state of the art.

39. Hence, para. [0041] provides one example, which is shown in figs. 7, 8 and 9, and according to paras. [0049] and [0050] variants and technically equivalent elements to this example may be used.

40. This is confirmed in feature (1.5) where the term "means for translation and rotation" is used, which encompasses both the one example of para. [0041] and the technically equivalent elements mentioned in paras. [0049] and [0050].

41. Thus, no added subject-matter is introduced by the addition of feature (1.6.3) to claim 1, not even as an intermediate generalization.

42. Finally, the claimant points out that para. [0041] does not disclose that rotation occurs simultaneously with lateral retraction. Rather, it is disclosed in this paragraph that the rotation may take place at the same time.

43. On this point, the Court follows an interpretation of the terms according to their ordinary meaning, the term "at the same time" is synonymous with the term "simultaneous". Therefore, since there is no different technical teaching resulting from using of the word "simultaneous" instead of "at the same time", it is found that the subject-matter of claim 1 satisfies the requirements of Article 123 (2) 'EPC' as no added subject-matter is introduced by the addition of feature 1.6.3 to claim 1.

Lack of novelty of claim 1 in view of 'MB1'.

44. The claimant argues that claim 1 of the patent at issue lacks novelty over 'MB1' because all the features are explicitly or implicitly disclosed in this document.

45. In particular, the claimant notes that: 'MB1' discloses a machine for machining walls made of wood or multilayer walls and the like (see col. 1, lines 29-31 and Fig. 1 of 'MB1'), as in feature (1.0), comprising two portals 7 and 11 (see Fig. 1 and col. 2, l. 47-54 and col. 3, l. 12-20), as in feature (1.1.), and a working surface for resting a wall to be machined (see col. 3, lines 2-4, and fig. 1), as in feature (1.2); the portals 7 and 11 are movable with respect to the working surface (see col. 2, l. 49, and col. 3, l. 15), thus anticipating feature (1.3); the machine comprises means, consisting of two elongated plate-like units, to turn over workpieces resting on the upper part of the working surface onto the lower part of the working surface ("butterfly turner") (see col. 2, l. 65 to col. 3, l. 4), as in feature (1.4); support and movement frames are provided with means for translation and rotation (see col. 3, l. 4-7), as in feature (1.5); the "butterfly turner" disclosed in 'MB1' fulfils feature group (1.6).

46. Reference is made to 'MB6', which shows the configuration and functionality of a butterfly turner as understood by a person skilled in the art.

47. The claimant argues that in order to anticipate feature (1.6.3), it is sufficient to show a machine with means for translation and rotation which are suitable to effect the specified movement, and that the examination of the novelty of claim 1 must also be carried out in the light of the fact that feature (1.6.3) does not relate to any structural features which define the claimed machine in more technical detail; rather, this feature describes a process feature. Therefore, the feature is anticipated by the prior art if the prior art has such structural means by which the process steps can be carried out.

48. The defendant objects that in ‘MB1’ only one of the two support and movement frames between which the workpiece has to be turned is provided with translation and rotation means and that said translation means do not act between the support and movement frame in order to cause said support and movement frame to displace with a translation and a rotation relative to the “not fixed basic frame”. Therefore, features (1.4) and (1.5) are not disclosed.

49. Furthermore, the claimed simultaneous rotation and translation of the support and movement frames requires time coincidence of the rotation and of the translation of the frames which is lacking in ‘MB1’.

50. It must be borne in mind that, for the purpose of the application of Article 54 (1) ‘EPC’, an invention is to be considered part of the state of the art when it is found clearly integrally, directly and unambiguously in one single piece of prior art and it is identical in its constitutive elements, in the same form, with the same arrangement and the same features (see Munich LD, decision issued on 31 July 2024, UPC_CFI_233/2023).

51. This issue is to be addressed from the vantage point of the notional skilled person, taking into account this person’s common general knowledge at the publication date of the cited document in the case of prior art cited under Article 54 (2) ‘EPC’ (see Düsseldorf LD, decision issued on 28 January 2025, UPC_CFI_335/2023).

52. Having this in mind, the Court finds that ‘MB1’ does not clearly disclose a “butterfly turner” but only shows some generic details of such a turner. While it is true that one could design such a “butterfly turner” to carry out movements according to the features (1.6.1), (1.6.2) and (1.6.3), ‘MB1’ neither discloses a structure of a “butterfly turner” which could provide these features, nor does it disclose said features in a functional way. Simply declaring that ‘MB1’ is structurally in condition to operate according to features (1.6.1) to (1.6.3) constitute an *ex post facto* introduction of non-disclosed features into ‘MB1’.

53. Actually, ‘MB1’ does not disclose a working surface that is comprised of two opposite frames that are provided on the same (single) fixed base frame and a portal with working heads configured for movement relative to the working surface. By contrast, in ‘MB1’ there are two separate portals with a working head on each to machine two working surfaces. Therefore, features (1.1) and (1.2) are not anticipated by ‘MB1’.

54. Furthermore, in ‘MB1’ there is no disclosure of a working surface comprised of two support and movement frames provided on a shared fixed base frame. Thus, features (1.4) and (1.5) are also not present there.

Lack of novelty of claim 1 in view of ‘MB7’.

55. The claimant argues that subject-matter of claim 1 is also anticipated by the disclosure of ‘MB7.

56. ‘MB7’ is a video which illustrates the “butterfly turner” referred to in ‘MB1’.

57. The Court finds that the reasoning concerning the lack of novelty ground for revocation submitted in view of ‘MB1’ applies also with regard to this piece of prior art.

58. The machining apparatus of ‘MB7’ neither discloses that each support and movement frame can provide the configurations defined in features (1.6), (1.6.1) and (1.6.2) by performing the

simultaneous translation and rotation movements relative to the fixed base frame [as specified in feature (1.5)] and as described in feature (1.6.3).

Lack of inventive step of claims 1.

59. The claimant argues that claim 1 lacks an inventive step over 'MB1' combined with the common general knowledge or 'MB2' or 'MB6' or 'MB7'.

60. The Court notes that the assessment of the inventive step must be carried out in the light of Article 56 'EPC' according to which 'An 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'. Hence, it is necessary to determine whether, given the state of the art, a person skilled in the art would have obtained the technical solution claimed by the patent using their technical knowledge and carrying out simple operations. Inventive step is defined in terms of the specific problem encountered by the person skilled in the art (see, Paris LD, decision issued on 3 July 2024, UPC_CFI_230/2023).

61. In order to assess whether or not a claimed invention is obvious to a person skilled in the art, it is first necessary to determine one or more teachings in the prior art that would have been of interest to a person skilled in the art who, at the priority date of the patent in suit, was seeking to develop an invention or process similar to that disclosed in the prior art. Then, it must be assessed whether it would have been obvious for the skilled person to arrive at the claimed solution of the underlying technical problem on the basis of a realistic disclosure of the selected prior art (see, Munich CD, decision issued on 17 October 2024, UPC_CFI_252/2023; Dusseldorf LD, decision issued on 10 October 2024, UPC_CFI_363/2023).

62. As previously mentioned, the underlying problem of the invention is to overcome limitations and drawbacks of the prior art conventional machines and, in this regard, to provide a machine with reduced lateral dimensions and able to carry out the turning process more quickly. Accordingly, this is regarded as the objective technical problem.

63. The claimant argues that if it is assumed that 'MB1' does not implicitly disclose all features of claim 1, the person skilled in the art will arrive at all features without exercising an inventive step when implementing the teaching of 'MB1'. The claimant adds that assuming that feature (1.6.3) is the only distinguishing feature over 'MB1', no technical effect associated with said feature is derivable from the patent, so that the person skilled in the art would implement it without exercising an inventive step.

64. The Court is of the opinion that the skilled person in the art is familiar with the "butterfly turner" but would not find this technique useful in order to solve the above-identified objective technical problem, since the overall footprint would not be reduced by providing the "butterfly turner" between the two working surfaces of 'MB1', and the turning process would not be sped up.

65. The claimant points out that the person skilled in the art, considering an implementation of the required workpiece turning mechanism, would depart from 'MB1' and consult 'MB2', so as to implement the lever turner in one or both of the panel stations in order to arrive at the subject-matter of claim 1 without exercising an inventive step.

66. ‘MB2’ discloses a kind of “butterfly turner”, which shows the features (1.4) to (1.6.2). However, the steps for executing the turning of a workpiece are in sequence, as they are carried out one after the other, and no alternative to the turning process is disclosed; no indication is given regarding possible improvements to the speed of the turning process or to the reduction of lateral space during operation.

67. Furthermore, there is no guidance to the skilled person on how the “butterfly turner” according to ‘MB2’ should be integrated in the machine of ‘MB1’. The skilled person could try to modify the double working surfaces each with their portals as in ‘MB1’ into a single working surface. Another attempt could be that the skilled person could modify each of the double working surfaces to provide each with a butterfly turner according to ‘MB2’ changing the configuration to provide a butterfly turner that turns the workpiece by transferring it from one working surface to the other. Consulting ‘MB2’ the skilled person would not be prompted to redesign the portals in ‘MB1’, also because there is no disclosure of a portal in ‘MB2’.

68. Hence, starting from ‘MB1’ and having realised the objective technical problem, the skilled person would not have obtain useful information from ‘MB2’.

69. Both ‘MB6’ and ‘MB7’ show the same machining apparatus as ‘MB1’. Therefore, for the same reasons, the skilled person would not find any indication in these pieces of prior art on how to adapt the “butterfly turner” to solve the technical problem addressed in the patent at issue

Final conclusions.

70. For these reasons, the grounds of invalidity raised by the claimant against the patent at issue, as amended by the Principal request submitted on 8 August 2024, are unfounded and any arguments of the parties which have not been specifically addressed, including the validity of the Auxiliary requests submitted by the defendant are deemed moot.

71. Therefore, the patent EP ‘923 shall be maintained in the amended version (Principal Request), which reads as follows:

“1. A machine (10) for machining walls, particularly for walls made of wood or multilayer walls and the like, comprising a portal (11) with one or more working heads (12), and a working surface (13) for resting a wall (14) to be machined, said portal (11) and said working surface (13) being configured for the movement of one with respect to the other, said machine for machining walls being characterized in that said working surface (13) comprises a first and second opposite support and movement frames (17, 18), both provided with means for translation and rotation (19, 20) with respect to a fixed base frame (21) and configured so as to allow each support and movement frame (17, 18) to provide the following configurations:
- a lowered substantially horizontal configuration for machining a wall (14),

- an inclined configuration that faces the other opposite support and movement frame (17, 18) for turning over a wall (14) supported by said first support and movement frame (17) onto said second opposite support and movement frame (18),

- said means for translation and rotation (19, 20) being also configured such that the said two support and movement frames retreat laterally outwardly with respect to the said base frame

(21) and at the same time as the lateral retraction said two support and movement frames (17, 18)rotate in order to face each other and for turning over the wall (14).

2. The machine according to claim 1, characterized in that each one of the two frames (17, 18) is substantially comb-shaped, with a longitudinal bar (22, 23) and a plurality of crossmembers (24, 25), which are fixed at right angles to the respective longitudinal bar.

3. The machine according to one or more of the preceding claims, characterized in that said translation and rotation means (19, 20) provide for each frame (17, 18) at least two translation and rotation units, which are applied to respective spaced crossmembers of the corresponding frame.

4. The machine according to one or more of the preceding claims, characterized in that said translation and rotation means (19, 20) are interposed between a crossmember (24, 25) of the corresponding frame (17, 18) and a corresponding underlying crossmember (26, 27) of the base frame (21).

5. The machine according to one or more of the preceding claims, characterized in that said translation and rotation means (19, 20) comprise a slider (30, 31) that is arranged so as to slide on a guide (32, 33) arranged above the corresponding crossmember (26,27) of the base frame (21), the corresponding crossmember (24, 25) of the support and movement frame (17, 18) being pivoted to the slider (30, 31).

6. The machine according to the preceding claims, characterized in that said slider (30, 31) is moved with respect to its guide (32, 33) by way of pusher or traction means.

7. The machine according to one or more of the preceding claims, characterized in that said pusher or traction means are provided by way of a chain transmission (36, 37), said chain (36, 37) being coupled to the slider (30, 31) by way of a bracket (38, 39).

8. The machine according to one or more of the preceding claims, characterized in that said chain (36, 37) is actuated by a pinion (40, 41) that is keyed on a driving shaft that is extended longitudinally to the direction of extension of the working surface (13) and actuates simultaneously all the chains (36, 37) related to a same frame (17, 18) by way of corresponding pinions.

9. The machine according to one or more of the preceding claims, characterized in that said translation and rotation means (19, 20) comprise, for the provision of the rotation, a linear actuator (43, 44) that is interposed between the slider (30, 31) and the corresponding crossmember of the support frame (24, 25).

10. The machine according to one or more of the preceding claims, characterized in that said wall (14) being machined is kept in position on the frames (17, 18) by way of fixed abutments (45, 46), which are fixed at the ends respectively of the crossmembers (24, 25) of the two frames (17, 18), and movable abutments (47, 48)".

Costs.

72. As the revocation action is dismissed because the defendant due to the defendant's submission of a patent limitation during the proceedings, the panel deems it appropriate that the costs of

the Court and of the parties shall be borne by the claimant, in the amount of 70%, and by the defendant, in the amount of 30%.

73. The Court notes that during the interim conference, the value of the revocation action for the purpose of applying the scale of ceilings for recoverable costs was set at 100,000.00 euros and confirms this evaluation.

DECISION

The Court,

a) rejects the revocation action filed by [redacted] on 17 May 2024;

b) maintains European patent n° EP 2 875 923 B1 as amended by the Principal request submitted on 8 August 2024;

c) orders that the Registry shall send a copy of this decision to the European Patent Office and to the national patent office of any Contracting Member States concerned, after the deadline for appeal has passed;

d) orders that the costs of the proceedings shall be borne by the claimant in the amount of 70%, and by the defendant for the remaining fraction.

Issued on 28 July 2025.

The presiding judge and judge-rapporteur

Paolo Catallozzi

Paolo Catallozzi
Firmato digitalmente da Paolo Catallozzi
Data: 2025.07.28 15:53:14 +02'00'

The legally qualified judge

Tatyana Zhilova

Tatyana Zhilova
Signature numérique de Tatyana Zhilova
Date : 2025.07.28 13:28:00 +02'00'

The technically qualified judge

Claus Elmeros

Claus Elmeros
Digitalt signeret af Claus Elmeros
Dato: 2025.07.28 13:20:32 +02'00'

The clerk

Charlotte Ferhat

CHARLOTTE CAMILLE CLAIRE FERHAT
Signature numérique de CHARLOTTE CAMILLE CLAIRE FERHAT
Date : 2025.07.28 12:44:37 +02'00'

ORDER DETAILS

Order no. ORD_69319/2024 in ACTION NUMBER: ACT_28227/2024
UPC number: UPC_CFI_239/2024
Action type: Revocation Action
Related proceeding no. Not provided Not provided
Not provided Not provided