



## Central Division Paris Seat

**Decision  
of the Court of First Instance of the Unified Patent Court  
Central Division (Paris Seat)  
delivered on 31. July 2025  
lodged in the revocation action  
ACT 579176/2023 UPC\_CFI-361/2023**

**PARTIES:**

**Claimant:**

**Toyota Motor Europe NV/SA**, Avenue du Bourget 60, 1140 Evere, Belgium, represented by its CEO Yoshihiro Nakatal

Representative: Dr. Constanze Krenz, David Kless, DLA Piper UK LLP, Maximilianstr. 2, 80539 Munich, German

**Defendant:**

**Neo Wireless GmbH & Co. KG**, Formerstr. 47, 40878 Ratingen, Germany, represented by its managing director Björn Rappen,

Representative: Dr. Christoph Walke, Matthias Waters, Dr. Martin Rütten, Cohausz&Florack, Bleichstraße 14, Düsseldorf, Germany

**PATENT AT ISSUE:**

EP 3 876 490

**PANEL:**

Panel 1 of the Central Division - Paris Seat

**DECIDING JUDGE:**

This decision has been issued by the Judge-rapporteur Maximilian Haedicke, the legally qualified judge Tatyana Zhilova representing the presiding judge Marjolein Visser and the technically qualified judge Udo Matter.

**LANGUAGE OF PROCEEDINGS:**

English

## SUMMARY OF FACTS

With date of 20 October 2023, Claimant filed a revocation action before the seat of the Central Division of the Unified Patent Court.

On 19 July 2024 the judge-rapporteur and the technically qualified judge held the interim conference. The order after the interim conference was issued on 23 July 2024 (ORD\_598396/2023: ACT\_579176/2023). The parties were requested to submit a summary of their arguments until 16 September 2024. The date for the oral hearing has been confirmed for 25 September 2024.

With order ORD\_46629/2024, ACT\_579176/2023 of 21 August 2024 the oral hearing was suspended.

The Court stayed the proceeding with order ORD\_46629/2024 ACT\_579176/2023 of 10 October 2024 No. App\_45991/2024 upon request of the parties.

On 25 June 2025, the Claimant's representative filed an application for withdrawal of proceedings under Rule 265 of the Rules of Procedure of the Unified Patent Court (No. App\_30331/2025 UPC\_CFI\_361/2023).

Claimant requests:

- I. The court allows the withdrawal of the revocation action (UPC\_CFI\_361/2023, ACT\_579176/2023) and orders the proceedings closed.
- II. The court orders the reimbursement of 40% of the Court fees, i.e. EUR 8.000, to Toyota Motor Europe in accordance with R. 370.9 (b) (ii) RoP.

Claimant further stated that a decision on the recoverable costs is not needed by the parties.

According to Rule 265 Defendant was invited to comment. With submission of 9 July 2025 Defendant confirmed the withdrawal as requested by Claimant according to the application for withdrawal filed on 25 June 2025. Defendant does also not request a cost decision.

## GROUND FOR THE DECISION

### 1.

According to Rule 265 of the Rules of Procedure (RoP), a Claimant may apply to withdraw its action as long as there is no final decision.

If withdrawal is permitted, the Court shall:

- a) give a decision declaring the proceedings closed;
- b) order the decision to be entered on the register; and
- c) issue a cost decision in accordance with Part 1, Chapter 5 RoP.

The Court will refrain from issuing a decision on costs as this is not requested.

Claimant's request for reimbursement is partially well-founded. The request for reimbursement is not justified on the basis of R. 370.9 (b) (ii) RoP, but on the basis of R. 370.9 (b) (iii).

## **2.**

A request for reimbursement on the basis of R. 370.9 (b) (ii) RoP is justified if the action is withdrawn before the closure of the interim procedure. The conditions under which the interim procedure is considered to be closed are stipulated in R.110 RoP. According to R.110 (2) RoP the interim procedure shall be deemed closed where final dates have been set pursuant to 103 and 104 on the last date set.

Rules 103 RoP and 104 RoP refer to orders issued in the interim conference.

On 19 July 2024 the judge-rapporteur and the technically qualified judge held the interim conference. The order after the interim conference was issued on 23 July 2024 (ORD\_598396/2023, ACT\_579176/2023). The last date set in the order following the interim conference was 16 September 2024.

Therefore, the interim procedure was closed on 16 September 2024.

## **3.**

A request for reimbursement on the basis of R. 370.9 (b) (iii) RoP is justified if the action is withdrawn before the closure of the oral procedure.

The oral procedure was cancelled so that the withdrawal was submitted before the closure of the oral procedure.

## **4.**

Accordingly, the party liable for the court fees (Claimant) will be reimbursed by 20% because the action was withdrawn before the closure of the oral procedure. 20% of the court fee of EUR 20,000 is EUR €4,000.

## DECISION

The Court

- I. declares that the request for withdrawal is granted;
- II. declares case UPC\_CFI\_361/2023, ACT\_579176/2023, terminated pursuant to rule 265.2(a) RoP;
- III. orders that this decision be entered in the UPC register in accordance with rule 265.2(b) RoP;
- IV. orders the reimbursement of 20% of the Court fees, i.e. EUR 4.000, to plaintiff in accordance with R. 370.9 (b) (ii) RoP.
- V. rejects all further requests.

Names and Signatures	
Judges	For the Deputy-Registrar
<p><b>Marjolein Visser</b>, Presiding judge: (on leave and replaced by Legally qualified judge <b>Tatyana Zhilova</b>)</p> <p><b>Maximilian Haedicke</b>, Legally qualified judge and judge-rapporteur:</p> <p><b>Udo Matter</b>, Technically qualified judge:</p>	

Order details

Order no. ORD\_34062/2025 in ACTION NUMBER: ACT\_579176/2023

UPC number: UPC\_CFI\_361/2023

Action type: Revocation Action

Related proceeding no. Application No.: 30331/2025

Application Type: Application for leave to withdraw an action (RoP265)