



Local Division Munich
UPC_CFI_358/2025
ACT_18767/2025

Procedural Order

of the Court of First Instance of the Unified Patent Court

Local Division Munich

issued on 11 August 2025

Claimant:

Syntorr LP, 1 Georgiou Gennadiou, 6031 Larnaca, CY

represented by: Henrik Holzapfel

Defendants:

1. **Arthrex Inc.**, 1370 Creekside Boulevard, Naples, Florida 34108 – US
2. **Arthrex GmbH**, Erwin-Hielscher-Str. 9, 81249 Munich – DE
3. **Arthrex Distribution Hub EMEA B.V.**, Ampèrestraat 9, 5928 PE Venlo - NL

represented by: Ralph Nack

Language of the proceedings:

English

Patents at issue:

EP 2 670 898

Panel:

Panel 1 of the Local Division Munich

Deciding Judge:

This order has been issued by the Judge-rapporteur Tobias Pichlmaier

Points at issue:

Security for costs

PARTIES REQUESTS

Defendants request that the Court

1. order the Claimant to provide security in the total amount of EUR 3.300.000 for the costs and expenses incurred and/or to be incurred by the Defendants i.e., EUR 1.100.000 per Defendant, which the Claimant has to pay either by payment into a bank account of the Unified Patent Court or by a bank guarantee issued by a major European bank under the direct supervision of the European Central Bank to be chosen by Claimant;
2. order that Claimant provide the security according to request No. 1 within three weeks,
or, in the alternative to request No. 2,
2a. order that Claimant provide the security according to request No. 1 within a period to be determined by the Court.

Claimant requests are as follows:

- I. The Court refrains from ordering the Claimant to provide security for the costs and expenses incurred and/or to be incurred by the Defendants.
- II. In the alternative, the Court orders the Claimant to provide security in the total amount of EUR 1.000.000 (further in the alternative: up to EUR 2.000.000, as deemed appropriate by the Court) in aggregate for all Defendants for the costs and expenses incurred and/or to be incurred by the Defendants, and the Court allows the Claimant to provide security by insurance with anti-avoidance endorsement from an insurer licensed in the European Union and to be chosen by the Claimant, within a time limit of six weeks.
- III. Further in the alternative, the Court orders the Claimant to provide security in the amount and in the way that the Court deems appropriate.

SUMMARY OF THE FACTS

In the view of Defendants Claimant is obliged to provide adequate security for costs.

Claimant has concluded a litigation insurance with an anti-avoidance endorsement giving the Defendants an irrevocable and direct claim against the insurer.

In the opinion of Defendants this insurance policy is no adequate substitute for the statutory means of security provision under Rule 158(1) RoP.

GROUND

Claimant is obliged to provide adequate security for costs.

According to Rule 158(1) RoP, Claimant's insurance policy is no adequate security.

An order to provide a security exceeding the regular ceiling for recoverable costs (2 Mio. € in the case at hand) is not justified.

This order may only be appealed if it has first been reviewed by the panel pursuant to Rule 333.1 RoP (UPC_CoA_430/2025).

ORDER

- I. It is ordered that Claimant must provide security for costs to Defendants in the total amount of € 2.000.000,00 by 30 September 2025. The security can be provided either
 - by a bank guarantee issued by a bank established and authorised to operate within the territory of the EPC Contracting Member Statesor
 - by depositing the security amount in the Unified Patent Court's account set up for this purpose.
- II. Claimant's attention is drawn to the fact that a default judgment may be entered in accordance with Rule 355 RoP if the security is not provided within the time limit set in this order.
- III. The parties' further requests are dismissed.

Pichlmaier
Judge-rapporteur