



Düsseldorf local division
UPC_CFI_885/2025

Order
of the Court of First Instance of the Unified Patent Court
issued on 22 September 2025
concerning EP 2 983 864 B1

APPLICANT:

OTEC Präzisionsfinish GmbH, represented by its managing directors Helmut and Nico Gegenheimer and Soran Jota, Heinrich-Hertz-Straße 24, 75334 Straubenhardt Conweiler, Germany

represented by:

Klaus Haft, solicitor, Joscha Torweihe, solicitor, Antonia Wilhelm, solicitor, HOYNG ROKH MONEGIER, Steinstraße 20, 40212 Düsseldorf and Theatinerstr. 7 / Eingang Maffeigasse, 80333 Munich, Germany

European Patent Attorney Steffen Lenz, Lichti Patentanwälte Partnerschaft mbB, Bergwaldstraße 1, 76227 Karlsruhe, Germany

Electronic delivery address: klaus.haft@hoyngrokh.com_

OPPOSING PARTY:

STEROS GPA INNOVATIVE S.L., Calle Maracaibo 1, Nau 2, 08030, Barcelona, Spain

Trade fair address: Trade fair stand: Hall 11, Stand E38, Exhibition Grounds, Hermes Allee, 30521 Hanover, Germany

PATENT APPLICATION:

EUROPEAN PATENT NO. EP 2 983 864 B1

JUDICIAL PANEL/CHAMBER:

Düsseldorf Local Division Panel of Judges:

This order was issued by Presiding Judge Thomas as judge-rapporteur, legally qualified Judge Dr. Schumacher and legally qualified Judge Dr. Schober.

qualified judge Dr Schumacher and legally qualified judge Dr Schober.

LANGUAGE OF THE PROCEEDINGS: German

SUBJECT: Art. 60 UPC Agreement, R. 194 (d), 196, 197, 199 RoP – Application for inspection and preservation of evidence

SUMMARY OF THE FACTS:

On 22 September 2025, the applicant filed an application for an order for inspection and preservation of evidence at the respondent's exhibition stand in advance of a main action.

The applicant is the sole owner of European Patent 2 983 864 B1 (Annex HRM 3; hereinafter referred to as the patent application), which was filed in the German language of the proceedings on 26 March 2014, claiming the priority of two German patent applications (DE 102013006010 and DE 102013016053) dated 9 April 2013 and 27 September 2013, respectively. The grant of the patent application was published on 26 April 2017. The patent application is currently in force in Austria, Belgium, Switzerland, Liechtenstein, the Czech Republic, Germany, Spain, France, Great Britain, Ireland, Italy, Luxembourg, Poland and Turkey.

No preliminary objection was filed against the grant of the patent applied for. In main proceedings brought by the applicant against the respondent before the Düsseldorf local division concerning another machine (UPC_CFI_511/2025; see below for further details), the respondent filed a counterclaim for annulment of the disputed patent in a document dated 16 September 2025.

The patent application is entitled "Method and apparatus for surface treatment of workpieces". Its patent claim 1 is worded as follows:

"Method for surface treatment of workpieces by moving the workpiece relative to a bulk material consisting of abrasive and/or polishing granules, wherein the workpiece is rotated (p_4) about at least one axis relative to the bulk material consisting of abrasive and/or polishing granules, wherein the workpiece is accelerated relative to the bulk material consisting of abrasive and/or polishing granulate at different rotational speeds (R_1, R_2), **characterised in that** the workpiece and/or a container (11) holding the bulk material consisting of the grinding and/or polishing granulate is rotated at continuously varying rotational speeds with continuous acceleration."

The respondent is the parent company of the GPAINNOVA Group. The GPAINNOVA Group is active in various areas of technology, including surface finishing, marine robotics, high-performance electronics and medical technology.

The respondent offers electropolishing machines in various sizes for different areas of application. On its website <https://www.dlyte.com/de/produkte/>, the respondent offers machines from the PRO500 series under its "DLyte" brand, namely the PRO 500, the PRO500 Carbide and the PRO500 Hybrid. According to the information on the website, these machines are designed for industrial use and are versatile in industries such as the automotive industry,

aerospace, toolmaking and medical technology. With regard to the presentation of the machines on the website, reference is made to Annexes HRM 6 and HRM 7.

The respondent is currently exhibiting at the EMO Hannover 2025 trade fair, which is taking place in Hannover from 22 September 2025 to 26 September 2025. There, it is presenting a "DLyte PRO500 Automated Cell".

The DLyte PRO500 Automated Cell is part of the PRO500 series and consists of at least one DLyte PRO500 and an automated cell comprising a cell and a robot arm. While the DLyte PRO500 performs an electropolishing process, the automated cell automatically loads and unloads the machine. Reference is made to the HRM 20 system in the product brochure for the DLyte PRO500. The respondent is responsible for the manufacture, marketing and distribution of the DLyte PRO500 Automated Cell.

The applicant had already filed an application with the Düsseldorf local division on 25 March 2025 against the respondent and another party to inspect electro-polishing machines, namely those of the "DLyte Compact" series. The Düsseldorf local division issued an inspection and viewing order on 26 March. The subsequent inspection took place on 26 March 2025 at the Interdental Show (IDS) trade fair in Cologne. The patent attorney Stephan Freischem, who was appointed as an expert, prepared an expert opinion on 23 April 2025, the content of which is referred to in Annex HRM 26. On 12 June 2025, the applicant filed a main action with the local division in Düsseldorf (UPC_CFI_511/2025). It was not possible to inspect a "PRO500" machine at the IDS in Cologne because it was not on display there.

The applicant argues that it is not possible for it to obtain access to a "PRO500" machine. On the one hand, the price for significantly smaller machines from the respondent is already between EUR 30,000 and EUR 100,000, so it can be assumed that the price for the significantly larger "PRO500" machine is well over EUR 100,000. A test purchase, even if it were possible, would therefore be unreasonable. Secondly, it was not possible for the applicant to purchase such a machine due to the distribution channels for such highly specialised industrial machines, which were sold as a personalised business via "well-known" distribution channels, an exclusive dealer network. In most countries, there is only one permanent reseller of the respondent's machines, and in larger countries there are two. The resellers have a very close relationship with the respective manufacturer of the machines, so that the applicant would not be supplied. An anonymous purchase of the machines in question is also not possible because, due to the enormous financial burden of a purchase, the buyers of these machines want to ensure that the machines bring the desired added value to their business. Normally, a trial run would take place on the manufacturer's premises or the customers would first receive a test machine. The test phase would allow the test buyer or its exclusive resellers to establish close contact. It would therefore be noticeable if this close contact were to be lacking in individual cases, for example if the applicant only wanted to purchase the machine for test purposes. The sale would probably be stopped. The large machines designed for industrial purposes at issue here are not products that can be purchased anonymously. For example, more detailed information is available on the websites of dealers who sell the "PRO500".

Making a request conditional. This also highlights the personal nature of a purchase, which makes an anonymous test purchase impossible.

THE APPLICANT'S APPLICATIONS:

- I. To grant the applicant:
 1. A DLyte PRO500 Automated Cell in working order on site at the respondent's exhibition stand at the EMO trade fair in Hanover in 2025, which will take place in Hanover from 22 September 2025 to 26 September 2025 inclusive at the exhibition grounds, Hermes Allee, 30521 Hanover, Germany, by a bailiff, an expert and a lawyer and a patent attorney representing the applicant, in particular:
 - a. to put the DLyte PRO500 Automated Cell into operation, whereby the respondent is instructed to enter any necessary passwords,
 - b. for the purpose and duration of measuring the movement sequence and rotational speed of the workpiece holder of the DLyte PRO500 Automated Cell, attaching a smartphone to the workpiece holder,
 - c. to make appropriate settings on the DLyte PRO500 Automated Cell in order to avoid falsification of the measurement results, in particular deactivating the vibration unit of the container,
 - d. to select and activate a programme on the DLyte PRO500 Automated Cell that sets the workpiece holder in motion for the purpose of measurement,
 - e. if provided by the DLyte PRO500 Automated Cell, configure and activate a programme yourself that moves the workpiece holder for the purpose of measurement,
 - f. perform the measurement while the DLyte PRO500 Automated Cell is in operation,
 - g. Repeat the measurement process until a sufficient measurement of the rotational speed and movement sequence of the DLyte PRO500 Automated Cell workpiece holder has been obtained,
 2. or to use a comparable measurement method.
 3. Alternatively, in the event that applications I.1 and I.2 are impossible:
 - a. physically seize one DLyte PRO500 Automated Cell and all technical, advertising and commercial documents relating to the DLyte PRO500 Automated Cell during the EMO Hannover 2025 trade fair, which will take place in Hannover from 22 September 2025 to 26 September 2025 inclusive

at the exhibition grounds, Hermes Allee, 30521 Hanover, Germany, by a bailiff, or to physically seize the DLyte PRO500 Automated Cell at any other location in Germany;

4. to prepare a detailed description of the DLyte PRO500 Automated Cell, including a detailed description of the features of the DLyte PRO500 Automated Cell and the relevant technical, promotional and commercial documentation relating to the DLyte PRO500 Automated Cell at all locations specified in Section I.1;
- II. to appoint patent attorney Stephan Freischem, Salierring 47-53, 50677 Cologne, as an expert and to determine that he may be replaced by a European patent attorney working in the same law firm as Stephan Freischem;
 - III. to allow the bailiff, Mr [...], to be assisted by the expert in carrying out the measures to preserve evidence in accordance with the order to be issued in this matter, and to determine that, in the event of his unavailability, he may be replaced by any other competent expert;
 - IV. that Mr Joscha Torweihe, UPC Agreement representative and legal representative of the applicant in this matter from the law firm Hoyng ROKH Monegier, Steinstraße 20, 40212 Düsseldorf, may be present during the measures requested under Section I, or another solicitor from the law firm Hoyng ROKH Monegier if Mr Torweihe is unavailable;
 - V. that Mr Steffen Lenz, patent attorney, UPC representative and patent attorney involved in this matter at the patent law firm Lichti, Bergwaldstraße 1, 76227 Karlsruhe, may be present during the measures requested under Section I, or another patent attorney from the patent law firm Lichti if Mr Lenz is unavailable;
 - VI. order that the employees and directors of the respondent may not be present during the enforcement of the order to be issued in this case and that the bailiff is not entitled to make an exception to this in accordance with the applicable national law;
 - VII. order that the persons involved in carrying out the measures to preserve evidence in accordance with the order to be issued, such as the bailiff, the expert and/or the party representative, may not disclose any information about these measures to the respondent or third parties and may not provide any opportunity to inspect or examine the DLyte PRO500 Automated Cell or the detailed report, unless the respondent agrees or on the basis of a further order by the UPC Agreement;
 - VIII. to oblige the respondent to cooperate in the implementation of the inspection and preservation of evidence in accordance with the order to be issued in this matter and to grant the bailiff and the expert, at their request,

- unrestricted access to the DLyte PRO500 Automated Cell, including the input of passwords,
 - granting access to part of the DLyte PRO500 Automated Cell, and/or
 - to put the DLyte PRO500 Automated Cell into operation and into various operating states;
- IX. to order the respondent to instruct its managing directors and employees to comply with the requests of the bailiff and/or the expert in accordance with Section VII;
- X. to impose a penalty payment of EUR 2,500 for each 15-minute period that elapses between the bailiff's or expert's request to grant access for inspection in accordance with Section I and the actual granting of the requested access;
- XI. order the bailiff to provide the respondent with a copy of the order to be issued in this matter, together with a copy of the application, to at least one representative of the respondent who is present at the location where the respective measures are being carried out;
- XII. order that the order to be issued in this manner be immediately enforceable;
- XIII. order that service be effected by the bailiff in cooperation with Mr Joscha Torweihe, as specified in section IV, or another solicitor from the law firm Hoyng ROKH Monegier if Mr Torweihe is unavailable;
- XIV. to suspend all decisions on costs for the time being.

REASONS FOR THE ORDER:

The application for an order for inspection and preservation of evidence (R. 192, 199 RoP) is successful to the extent specified.

I.

The Düsseldorf local division has jurisdiction pursuant to Art. 32 (1) c), 33 (1) b), 60 UPC Agreement. The application has been filed in an admissible manner in accordance with R. 192 RoP. In particular, the applicant has stated that it intends to bring an action on the merits against the respondent before the Düsseldorf local division.

II.

Furthermore, the applicant has credibly demonstrated that the patent in suit may be infringed by the respondent (Article 60(1) UPC Agreement).

In view of the circumstances of the case described above, it is possible that the product "DLyte PRO500 Automated Cell", as exhibited at the EMO Hannover trade fair, makes use of the technical teaching of the patent in suit.

The applicant, who is entitled to bring the action as the proprietor of the patent applied for, has submitted a product brochure for the "DLyte PRO500" (Exhibit HRM 20), a product video available on YouTube (Exhibit HRM 22) and screenshots thereof, a technical drawing available on the respondent's website together with a product description (Exhibit HRM 24) and a comparison of the functionality of the "DLyte PRO500" with that of the "DLyte 1D" and "DLyte 100D" machines, which have already been examined by experts (see expert opinion of 23 April 2025, Annex HRM 26), which is why it assumes that all the features of the patent application are realised in the "DLyte PRO500 Automated Cell" product.

The applicant was not required to provide further details on the legal status of the patent at issue, which has since been challenged by a counterclaim for annulment. Since there is no clear indication to cast doubt on the legal validity of the patent at issue, for example as a result of a negative decision on legal validity, an examination of legal validity was not necessary for the issuance of the present order (see UPC_CoA_327/2025, order of 15 July 2025, para. 43 – Maguin v. Tiru).

III.

The applicant has also demonstrated that the application is urgent (Rule 194.2(a) of the RoP). In addition, it has demonstrated grounds for issuing an ex parte order (Rule 194.2(b), (c) and 197 of the RoP).

1.

The inspection or preservation of evidence is urgent.

The applicant has clearly demonstrated that the product "DLyte PRO500 Automated Cell" exhibited at the EMO trade fair in Hanover in 2025 may make use of the technical teaching of claim 1 of the patent application. However, sufficient substantiation can only be achieved by examining the product exhibited at the aforementioned trade fair, including measurements of the machine's movement sequences and, in particular, its rotational speed and acceleration behaviour. According to the applicant's submission, machines such as the "DLyte PRO500 Automated Cell" are not readily available, and companies that have purchased and use such machines are generally unwilling to grant "outsiders" (patent holders) access to their premises or machines. The EMO trade fair in Hanover in 2025 therefore offers the applicant an opportunity to gather evidence of the alleged infringement of the patent in question.

2.

The order was to be issued ex parte pursuant to R. 192.3, 197 RoP. Otherwise, there would be a demonstrable risk that evidence would be destroyed or would no longer be available for other reasons (R. 197.1 Alt. 2 RoP).

As the applicant has clearly explained, there is a serious risk that the "DLyte PRO500 Automated Cell" will be removed from the exhibition grounds at short notice or that individual polishing processes pre-programmed by the respondent will be deactivated by means of a software update. This could result in the loss of evidence that could be used to confirm the infringement

. Due to the specific market conditions already described in detail, it would be virtually impossible for the applicant to obtain evidence of what it considers to be an infringement of the patent in question by the aforementioned products.

IV.

In the context of the discretionary decision, the interests of the applicant prevail.

Based on the information available to it to date, the applicant has plausibly explained why it assumes that all features of claim 1 of the patent in suit are realised in the product exhibited at the EMO trade fair in Hanover in 2025. It has also explained in a comprehensible manner why, due to the specific circumstances in the relevant market, it has no other options for gathering evidence of what it considers to be an infringement of the patent application by the product "DLyte PRO500 Automated Cell", which is why it is dependent on an examination of the product exhibited at the EMO Hannover 2025 trade fair in order to preserve evidence.

Against this background, the present order is necessary in order to satisfy the applicant's overriding interests in this respect. The measures ordered do not place an unreasonable burden on the respondent. The confidentiality orders included in the order take sufficient account of the respondent's interests in confidentiality.

V.

The applicant has paid the court fee for the application for inspection/preservation of evidence, R. 192.5 RoP.

VI.

The order provides, in accordance with R. 196.4, .5 RoP, that an expert shall be appointed to carry out the measures. There are no objections to the person of the expert, even taking into account the objections raised by the respondent in the application and in the main proceedings already pending before the Düsseldorf local division concerning other products (UPC_CFI_511/2025). The expert is already familiar with the basic technology and process due to the described inspection of other machines belonging to the respondent at the IDS Cologne trade fair in March of this year. His impartiality is not called into question either by his participation in a joint event organised by the American Intellectual Property Law Association (AIPLA) and the GRUR practice group at the offices of the applicant's legal representatives, or by the contact with a legal representative of the applicant described in the expert opinion in Annex HRM 26 (Annex SV1 therein, page 5).

In order to assist the expert in securing evidence, the Chamber made use of the option granted by R. 196.5 sentence 2 RoP to order the assistance of a bailiff. The bailiff's involvement was particularly necessary for the alternative request for seizure in rem, which under national law falls within the jurisdiction of bailiffs (UPC_CFI_539/2024 (LD Düsseldorf), order of 18 October 2024 – Bekaert Binjiang Steel v. Siltronic).

A solicitor and patent attorney named by the applicant was to be permitted to participate in the inspection. However, although the applicant further requested in its application

that a legal and patent attorney representative be granted access to the inspection itself, this request, which was not substantiated in detail, could not be granted.

According to R. 196.5 RoP, members or representatives of the applicant itself were to be excluded from the inspection and preservation of evidence. In view of proportionality and the protection of confidential information, the number of legal representatives present during the inspection was also to be limited (Art. 60 (1) UPC Agreement, R. 196.1 RoP). The confidentiality measures ordered with regard to the legal representatives, the expert and the bailiff also take into account the respondent's interests in confidentiality, as does the procedure described above following receipt of the detailed description.

Furthermore, it was necessary to order that the detailed description to be prepared by the expert may only be used in main proceedings against the respondent (R. 196.2 RoP).

The costs of the inspection and preservation of evidence to be carried out by the expert, including the detailed description to be prepared by the expert, shall in any case be paid by the applicant until further notice, as she has requested the inspection. Unless the expert waives the payment of an advance for his costs, the applicant shall pay the expert a reasonable advance, to be determined by the expert, before the inspection begins.

This order, together with the documents referred to in section XV, shall be served by the bailiff in cooperation with the applicant's legal representative present at the inspection and preservation of evidence in accordance with section VIII.1, in accordance with R. 197.2 RoP.

VII.

The general threat of coercive measures included in the order gives the Chamber the necessary flexibility to respond to any breaches of this order, taking into account the interests of both parties and the seriousness of the breach.

In this specific case, it was possible to refrain from ordering security to be provided. The special circumstances required for an ex parte order (R. 196.6 RoP) are present. Unlike in the case of an injunction, the respondent faces only minor damage at most as a result of the inspection and preservation of evidence. It remains entitled to offer and distribute the products under investigation (UPC_CFI_260/2025 (LD Düsseldorf), order of 26 March 2025, p. 9 f. – OTEC Präzisionsfinish v. STEROS; distinction from: UPC_CFI_177/2023 (LD Düsseldorf), order of 22 June 2023 – myStromer v. Revolt). On this basis, and taking into account the short duration of the trade fair, issuing an order for the provision of security would unreasonably delay the preservation of evidence and inspection, which justifies refraining from issuing an order for the provision of security in the present case.

VIII.

Insofar as the applicant sought, in the alternative, permission to seize the product to be investigated "at any other location in Germany," this could not be granted on grounds of either specificity or proportionality. The description of the permissible measures in the order also complies with the requirement of specificity.

There are no apparent reasons for excluding representatives and employees of the respondent from participating in the inspection. Such an exclusion sought by the applicant is already precluded by the fact that the employees and managing directors of the respondent, in accordance with the applicant's request, must comply with the requests of the bailiff and/or the expert.

ORDER:

The following inspection and evidence preservation order is issued without prior hearing of the respondent:

- I. The applicant is permitted to have a functional "DLyte PRO500 Automated Cell" inspected by an expert and a bailiff at the respondent's exhibition stand at the EMO trade fair in Hanover in 2025, which will take place from 22 September 2025 to 26 September 2025 at the exhibition grounds, Hermes Allee, 30521 Hanover, Germany, by an expert and a bailiff, and to
 1. putting the "DLyte PRO500 Automated Cell" into operation, whereby the application-opponent is instructed to enter any necessary passwords;
 2. for the purpose and duration of measuring the movement sequence and rotational speed of the workpiece holder of the "DLyte PRO500 Automated Cell", to attach a smartphone to the workpiece holder;
 3. to make appropriate settings on the "DLyte PRO500 Automated Cell" in order to avoid falsification of the measurement results, in particular deactivating the vibration unit of the container;
 4. selecting and activating a programme on the "DLyte PRO500 Automated Cell" that sets the workpiece holder in motion for the purpose of measurement;
 5. if provided by the "DLyte PRO500 Automated Cell", configure and activate a programme that sets the workpiece holder in motion for the purpose of measurement;
 6. carrying out the measurement while the "DLyte PRO500 Automated Cell" is in operation;
 7. repeat the measurement process until a sufficient measurement of the rotational speed and movement sequence of the workpiece holder of the "DLyte PRO500 Automated Cell".
- II. If an on-site inspection in accordance with Section I is not possible, the applicant shall be permitted to display one copy each of a "DLyte PRO500 Automated Cell" and all technical, promotional and commercial documentation relating to the "DLyte PRO500 Automated Cell" during the EMO Hannover 2025 trade fair, which will take place from 22 September 2025 to 26 September 2025 inclusive at the exhibition grounds, Hermes Allee, 30521 Hannover, Germany, by a bailiff

and then have them inspected by an expert as described in Section I.

- III. The expert shall, within a period of two weeks after completion of the measures specified in Sections I and II, prepare a detailed description of the "DLyte PRO500 Automated Cell" and submit it to the Chamber, which shall contain a detailed description of the features of the "DLyte PRO500 Automated Cell" relevant for assessing an infringement of the patent in suit.
- IV. The description prepared in accordance with Section III and all other results of the inspection and preservation of evidence may only be used in main proceedings against the respondent.
- V. The following person is appointed as an expert to carry out the aforementioned measures:

Patent attorney Stephan Freischem, Salierring 47-53, 50677
Cologne.

This person may be replaced by a European patent attorney working in the same law firm.

- VI. The bailiff [...] is appointed as an assistant to the expert to support him.

In the event that the latter is prevented from carrying out the inspection and evidence preservation measures, he may be replaced by a locally competent bailiff to be appointed by the application.

- VII. In the interests of protecting the respondent's trade secrets, which may come to light during the inspection and preservation of evidence, the expert and the bailiff are instructed to maintain confidentiality both towards the applicant personally and towards third parties.
- VIII. During the execution of this order, the following representatives of the applicant are permitted to be present in addition to the expert and the bailiff:
 1. Mr Joscha Torweihe, solicitor, UPC Agreement representative and legal representative of the applicant in this matter from the law firm Hoyng ROKH Monegier, Steinstraße 20, 40212 Düsseldorf, or another solicitor from the law firm Hoyng ROKH Monegier if Mr Torweihe is unavailable;
 2. Mr Steffen Lenz, patent attorney, UPC representative and patent attorney involved in this matter at the patent law firm Lichti, Bergwaldstraße 1, 76227 Karlsruhe, may be present during the measures requested in section I, or another patent attorney from the patent law firm Lichti if Mr Lenz is unavailable.

Representatives, employees or other staff of the applicant may not be present during the execution of this order with regard to the inspection and preservation of evidence.

- IX. The respondent is ordered to cooperate in the implementation of the measures for inspection and preservation of evidence in accordance with this order and, at the request of the bailiff and the expert, to allow them
1. and the persons authorised to be present in accordance with Section VIII, to enter the respondent's exhibition stand at the EMO Hannover 2025 trade fair, which will take place from 22 September 2025 to 26 September 2025 inclusive at the exhibition grounds, Hermes Allee, 30521 Hannover, Germany, in order to carry out the inspection and preservation of evidence in accordance with this order;
 2. to grant unrestricted access to the "DLyte PRO500 Automated Cell", including the entry of passwords;
 3. to grant access to part of the "DLyte PRO500 Automated Cell";
 4. to put the "DLyte PRO500 Automated Cell" into operation and into various operating states

and instruct its managing directors and employees to comply with the requests of the bailiff or the expert.

- X. The persons involved in carrying out the inspection and securing evidence, in particular the bailiff, the expert and the applicant's representatives, are obliged to keep confidential any facts that come to their knowledge in the course of executing the entire order, both vis-à-vis third parties and vis-à-vis the applicant.

In addition, the aforementioned persons may not, until a release order has been issued by the Unified Patent Court, give the applicant or third parties any opportunity to inspect the "DLyte PRO500 Automated Cell", any documents and products that may have been seized, or the detailed description to be prepared by the expert.

- XI. The respondent shall be requested to comment on any confidentiality interests it may have after the expert appointed to carry out this order has submitted the detailed description to be prepared in accordance with Section III. The above-mentioned representatives of the applicant, who were permitted to be present during the inspection and preservation of evidence, shall be heard. Only then shall the court decide whether and to what extent the detailed description shall be brought to the personal attention of the applicant and whether the duty of confidentiality shall be lifted for the representatives of the applicant.
- XII. The applicant is obliged to bear the costs of the inspection and preservation of evidence, including the preparation of the detailed description. The applicant

is required to pay the expert an appropriate advance on costs, to be determined by the expert, before the inspection begins, unless the expert waives such an advance on costs.

- XIII. In the event of a culpable violation of this order, the court may impose a penalty payment on each party for each violation, the amount of which may be determined by the court taking into account the circumstances of the individual case.
- XIV. The measures for inspection and preservation of evidence shall be lifted at the application of the respondent or shall otherwise cease to have effect if the applicant does not, within a period of no more than 31 calendar days or 20 working days, whichever is longer, after the written description of the applicant to be prepared in accordance with Section III has been disclosed or the court has decided by a final decision not to grant access to this description, has brought an action against the respondent.
- XV. This order shall be served in person by one of the applicant's representatives named in section VIII, together with a copy of the application for this order, including the evidence and other documents on which the application is based prior to or upon the execution of this order, as well as the notice of provisional measures and instructions for access to the proceedings, immediately upon the execution of the measures.

This shall be served by the bailiff in cooperation with the applicant's legal representative present at the inspection and preservation of evidence in accordance with Section VIII.1.

- XVI. In all other respects, the application for inspection and preservation of evidence is rejected.

INFORMATION ON REVIEW AND APPEAL:

The respondent may request a review of this order within 30 days of the execution of the measures (Art. 60 (6) UPC Agreement, R. 197.3 RoP).

The party adversely affected may appeal against this order within 15 days of its delivery (Art. 73 (2) a) UPC Agreement, R. 220.1 c) RoP).

DETAILS OF THE ORDER:

UPC number: UPC_CFI_885/2025

Type of proceedings: Application for preservation of evidence and inspection

Issued on 22 September 2025 NAMES
AND SIGNATURES

<p>Presiding Judge Thomas</p>	<p>Ronny Thomas signed by Digital Ronny Thomas Date: 23 September 2025 13:25:07 +02'00'</p>
<p>Legally qualified judge Dr. Schumacher</p>	<p>JuleKathrin Schumacher Digitally signed by Jule Kathrin Schumacher Date: 23 September 2025 14:27:41 +02'00'</p>
<p>Legally qualified judge Dr Schober</p>	<p>Walter Schober Digitally signed by Walter Schober Date: 23 September 2025 13:54:57 +02'00'</p>
<p>for the Deputy-Registrar</p>	<p>Rachida Boudra-Seddiki Digitally signed by Rachida Boudra-Seddiki Date: 23 September 2025 14:22:59 +02'00'</p>