



Decision

of the Court of First Instance of the Unified Patent Court

Local Division Mannheim

delivered on 2 October 2025

concerning EP 2 028 981

CLAIMANT

Hurom Co., Ltd.

- 80-60, Golden root-ro - 62184 - Juchon-myeon,
Gimhae-si, Gyeongsangnam-do - KR

Represented by Klaus Haft

DEFENDANT

NUC Electronics Co., Ltd

- 280, Nowon-ro - 41548 - Buk-gu, Daegu - KR

Represented by Martin
Momtschilow

PATENT AT ISSUE:

European Patent No EP 2 028 981

PANEL/DEVISION:

Panel of the Local Division in Mannheim

DECIDING JUDGES:

This decision is delivered by the presiding judge Tochtermann, the legally qualified judge Böttcher as judge-rapporteur and the legally qualified judge Perrotti.

LANGUAGE OF PROCEEDINGS: English

SUBJECT-MATTER OF THE PROCEEDINGS: Patent infringement action

DATE OF THE ORAL HEARING: 28 January 2025 and 4 September 2025

SUMMARY OF THE FACTS:

1. Claimant is suing defendant for the alleged infringement of the EP 2 028 981 B1 which relates to a juice extractor (hereinafter: the patent-in-suit). Claimant, a manufacturer of juicers and blenders, is the registered proprietor of the national part of the patent in *inter alia* Poland, Spain, Turkey and the United Kingdom (cf. exhibit P7). The patent-in-suit was originally filed by and granted to the inventor Mr. Kim, Young-Ki and is in force in the aforementioned countries. Claim 1 of the patent-in-suit reads as follows in the language of the patent:

A juice extractor comprising:

a cover (100) having an inlet port formed on one side of an upper part thereof and a rotary shaft hole (120) formed in the center of an inner part thereof;

a housing (500) installed on a lower part of the cover, and having a guide jaw formed on a bottom of the housing, a draff outlet port (570) and a juice outlet port (560) formed apart from each other on a lower end part of the housing, a waterproof cylinder having a through hole and formed in the center of the lower end part of the housing, and a pressure discharge passage formed around a lower part of the waterproof cylinder;

a screw (200) having an upper rotary shaft formed on an upper part of the screw (200) to be rotatably inserted into the rotary shaft hole, a plurality of screw spirals formed on an outer surface of the screw, an inner ring formed at a lower end of the screw to project downward and having a plurality of screw gears rotatably inserted into the pressure discharge passage, a lower space formed inside the inner ring to receive the waterproof cylinder therein, and a lower rotary shaft formed in the center of a lower part of the screw and a polygonal shaft hole formed thereon;

a mesh drum insertable into the guide jaw of the housing, the mesh drum (300) having a mesh structure formed on an outer wall of the mesh drum (300) to discharge juice to the juice outlet port, and a plurality of wall blades longitudinally formed on an inner surface of the mesh drum;

a rotary brush installed (400) between the housing and the mesh drum (300) to be rotated, and having a brush holder in which a brush for continuously sweeping the mesh drum and the housing is installed; and a drive unit having (600) a polygonal shaft that is inserted into the polygonal shaft hole through the through hole of the waterproof cylinder, and rotating the screw at (200) a low speed;

wherein the housing accommodating the screw is longitudinally fixed to an upper side of the drive unit (600) so as to press, grind and extract juice from materials put into the inlet port and to discharge the draff.

2. To Claimant's mind, slow juicers marketed by defendant under the name "AUTO10" ("contested embodiment") are falling within the scope of the patent-in-suit.
3. Defendant is a Korean company specializing in the manufacturing and sale of kitchen appliances under the brand "Kuvings" and is the parent company of the NUC group. Defendant provides a list of its global subsidiaries and distributors on its Korean website under <https://www.nuc.co.kr/company/global> (exhibit P15/15a) which provides as contact for

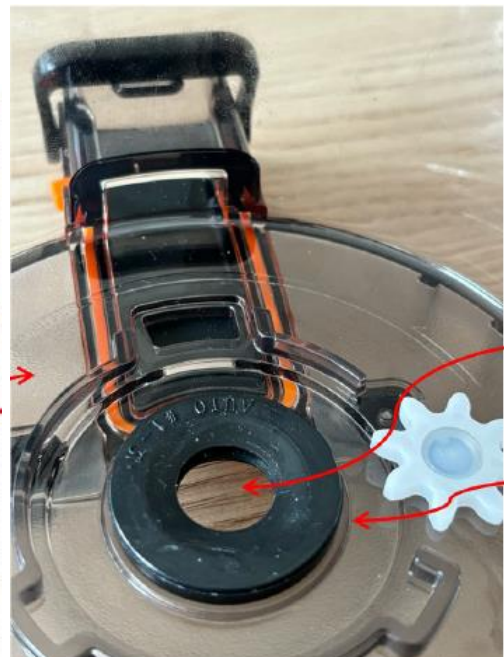
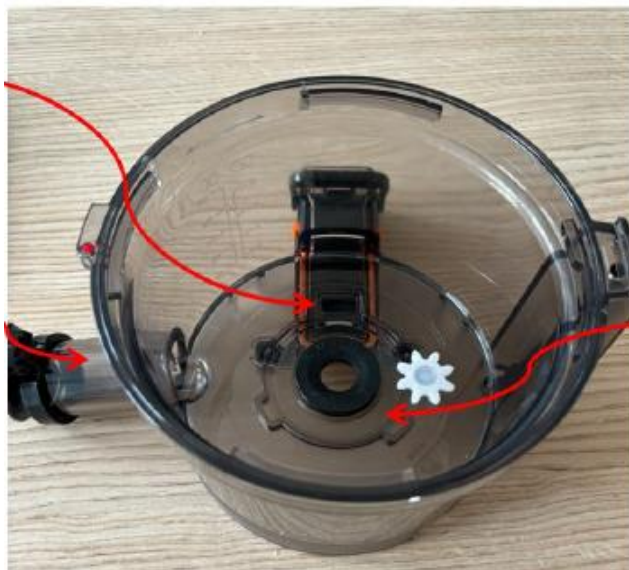
Europe its German subsidiary NUC Electronics Europe GmbH and directs to the website “kuvings.de” on which NUC Electronics Europe GmbH offers Defendant’s products. For France, defendant’s Korean website directs to kuvings.fr, the website of the French distributor. NUC Electronics Europe GmbH and Warmcook are defendants in a parallel infringement proceeding before the Local Division Mannheim (UPC_CFI_159/2024) regarding the same patent-in-suit and the same contested embodiment.

4. Claimant submitted the following picture of the contested embodiment from the websites of the NUC Electronics Europe GmbH:



5. In addition, Claimant, inter alia, filed the following photographs (exhibit P12, arrows added by claimant) showing

- the drum section (labeled “Pressbehälter” in the previous picture), in the upper left photograph together with the “AUTO hopper” on top (labeled “Behälter” and “Deckel” in the previous picture):



- and the drive unit (labeled “Motorsocket” in the picture of the previous marginal number, circles added by Claimant):



6. By order of 11 March 2025, the panel separated the proceedings with regard to Poland, Spain and the United Kingdom because the decision of the ECJ in re C-339/22 (BSH Hausgeräte) had not been delivered until the end of the oral hearing but only thereafter on 25 February 2025. This separated proceeding is the subject-matter of the decision at hand, whereas the panel ruled on the other part of the action including the Turkish national part of the patent-in-suit, in its decision of 11 March 2025 (hereinafter referred to as “decision of 11 March 2025”). According to this decision, these other national parts of the patent-in-suit (apart from the Turkish national part, for which the panel denied jurisdiction in that decision) were found infringed and the infringement action therefore was largely successful. By order of 1 April 2025, the parties were given the opportunity to comment on the separated part at hand following the ECJ’s decision in re BSH Hausgeräte (cf. workflow ORD_15955/2025).

REQUESTS OF THE PARTIES

7. For the sake of clarity the requests submitted are once again reflected hereinafter in their entirety, **highlighting in yellow the parts of interest to the separated proceedings regarding Poland, Spain and the United Kingdom**. Claimant requests (cf. permitted amended request from the brief of 21 January 2025, workflow to order ORD_2344/2025):

A. As main request,

- I. **to hold that claimant has demonstrated that defendant infringes the claims No. 1, 2, 3, 4, 6, 7, 8 and 9 of the European patent No. EP 2 028 981;**

II. to order defendant to refrain from

importing, exporting in the EU territory, offering, placing on the market, using a juicer within Germany, Denmark, France, Italy, The Netherlands or storing it for those purposes, that has the following features

1. A juice extractor comprising:

a cover (100) having an inlet port formed on one side of an upper part thereof and a rotary shaft hole (120) formed in the center of an inner part thereof;

a housing (500) installed on a lower part of the cover, and having a guide jaw formed on a bottom of the housing, a draff outlet port (570) and a juice outlet port (560) formed apart from each other on a lower end part of the housing, a waterproof cylinder having a through hole and formed in the center of the lower end part of the housing, and a pressure discharge passage formed around a lower part of the waterproof cylinder;

a screw (200) having an upper rotary shaft formed on an upper part of the screw (200) to be rotatably inserted into the rotary shaft hole, a plurality of screw spirals formed on an outer surface of the screw, an inner ring formed at a lower end of the screw to project downward and having a plurality of screw gears rotatably inserted into the pressure discharge passage, a lower space formed inside the inner ring to receive the waterproof cylinder therein, and a lower rotary shaft formed in the center of a lower part of the screw and a polygonal shaft hole formed thereon;

a mesh drum insertable into the guide jaw of the housing, the mesh drum (300) having a mesh structure formed on an outer wall of the mesh drum (300) to discharge juice to the juice outlet port, and a plurality of wall blades longitudinally formed on an inner surface of the mesh drum; a rotary brush installed (400) between the housing and the mesh drum (300) to be rotated, and having a brush holder in which a brush for continuously sweeping the mesh drum and the housing is installed; and

a drive unit having (600) a polygonal shaft that is inserted into the polygonal shaft hole through the through hole of the waterproof cylinder, and rotating the screw at (200) a low speed;

wherein the housing accommodating the screw is longitudinally fixed to an upper side of the drive unit (600) so as to press, grind and extract juice from materials put into the inlet port and to discharge the draff.

- direct infringement of claim 1 EP 2 028 981 B1 -

in particular,

2. The juice extractor of claim 1,

wherein the pressure discharge passage of the housing is connected to the juice outlet port (560)

- direct infringement of claim 2 EP 2 028 981 B1 -

and/or,

3. The juice extractor of claim 1, further comprising:

a discharge jaw formed at an end of a lower part of the spirals of the screw (200) by internally cutting a lower border of the screw; a bottom ring formed at an end of a lower part of the mesh drum (300), and having an inner ring insertion hole formed thereon to accommodate the inner ring; a discharge slant surface formed on an upper surface of the bottom ring, the discharge slant surface being in the form of a circular arc of which the depth is increased in a rotating direction of the screw; a mesh drum discharge hole connected to an end of the discharge slant surface to discharge the draff out of the mesh drum (300) and a housing discharge hole formed on one side of the bottom of the housing and connected to the mesh drum discharge hole and the draff outlet port (570); wherein the discharge jaw discharges the draff to the draff outlet port (570) through the housing discharge hole by pushing the draff to the mesh drum discharge (360) hole as the discharge jaw is rotated along the discharge slant surface (350).

- direct infringement of claim 3 EP 2 028 981 B1 -

and/or

4. The juice extractor of claim 3,

wherein a circular projection is formed at an edge of an inner side of the bottom ring (340), circular groove is formed on an outer side of the circular projection, an outer ring (260) is formed on an outer periphery of the inner ring (250) to project downward, and a circular projection insertion hole is formed between the inner ring (250) and the outer ring (260); wherein the outer ring is rotatably inserted into the circular groove to extend a contact area with the draff being guided by the discharge jaw (225), and the circular projection is inserted into the circular projection insertion hole to minimize an inflow of the draff to the pressure discharge passage.

- direct infringement of claim 4 EP 2 028 981 B1 -

5. The juice extractor of claim 1,

wherein a plurality of engagement jaws are formed on a border of a lower end part of the cover (100), a plurality of engagement projections are formed on an outer periphery of an upper end of the housing (500), and engagement hooks are formed on the drive unit; wherein the housing (500) that is secured to the cover (100) by the engagement of the engagement jaws with the engagement projections is detachably secured to the drive unit by the engagement hooks.

- direct infringement of claim 6 EP 2 028 981 B1 -

6. The juice extractor of claim 1,

wherein the brush (400) is composed of a net brush (410) attached to an inner surface of the brush holder (430) to continuously sweep the outer wall of the mesh drum (300), and a housing brush attached to an outer surface of the brush holder to continuously sweep the inner wall of the housing (500).

- direct infringement of claim 7 EP 2 028 981 B1 -

7. The juice extractor of claim 1,

wherein a brush gear (440) is mounted on a lower part of the brush holder (430), and an intermediate gear is rotatably mounted on the lower surface of the housing (500) to be engaged with the brush gear (440); wherein the intermediate gear, which is engaged with the screw gear, rotates the brush gear.

- direct infringement of claim 8 EP 2 028 981 B1 -

8. The juice extractor of claim 1,

wherein a slant surface is formed on a lower end surface of the inlet port of the cover (100) in the rotating direction of the screw (300).

- direct infringement of claim 9 EP 2 028 981 B1 -

- III. to order, that in the event of any violation of the injunction in accordance with no. II above, Defendant shall pay to the Court a penalty sum of at least EUR 2,000 per infringing unit and/or a penalty sum of at least EUR 10,000 for each day of violation of this injunction.

B. As a subsidiary request

- I. to hold that claimant has demonstrated that the contested "AUTO 10" reproduces OR implements claims No. 1, 2, 3, 4, 6, 7, 8 and 9 of European patent No. 2 028 981;

- II. to order defendant to refrain from:

importing, exporting in the EU territory, making, offering, placing on the market, using the contested "Auto 10" within the territory of Germany, Denmark, France, Italy, the Netherlands or storing or importing it for those purposes, that has the following features

1. A juice extractor comprising:

a cover (100) having an inlet port formed on one side of an upper part thereof and a rotary shaft hole (120) formed in the center of an inner part thereof;

a housing (500) installed on a lower part of the cover, and having a guide jaw formed on a bottom of the housing, a draff outlet port (570) and a juice outlet port (560) formed apart from each other on a lower end part of the housing, a waterproof cylinder having a through hole and formed in the center of the lower end part of the housing, and a pressure discharge passage formed around a lower part of the waterproof cylinder;

a screw (200) having an upper rotary shaft formed on an upper part of the screw (200) to be rotatably inserted into the rotary shaft hole, a plurality of screw spirals formed on an outer surface of the screw, an inner ring formed at a lower end of the screw to project downward and having a plurality of screw gears rotatably inserted into the pressure discharge passage, a lower space formed inside the inner ring to receive the waterproof cylinder therein, and a lower rotary shaft formed in the center of a lower part of the screw and a polygonal shaft hole formed thereon;

a mesh drum insertable into the guide jaw of the housing, the mesh drum (300) having a mesh structure formed on an outer wall of the mesh drum (300) to discharge juice to the juice outlet port, and a plurality of wall blades longitudinally formed on an inner surface of the mesh drum; a rotary brush installed (400) between the housing and the mesh drum (300) to be rotated, and having a brush holder in which a brush for continuously sweeping the mesh drum and the housing is installed; and

a drive unit having (600) a polygonal shaft that is inserted into the polygonal shaft hole through the through hole of the waterproof cylinder, and rotating the screw at (200) a low speed;

wherein the housing accommodating the screw is longitudinally fixed to an upper side of the drive unit (600) so as to press, grind and extract juice from materials put into the inlet port and to discharge the draff.

- direct infringement of claim 1 EP 2 028 981 B1 -

in particular,

2. The juice extractor of claim 1,

wherein the pressure discharge passage of the housing is connected to the juice outlet port (560)

- direct infringement of claim 2 EP 2 028 981 B1 -

and/or,

3. The juice extractor of claim 1, further comprising:

a discharge jaw formed at an end of a lower part of the spirals of the screw (200) by internally cutting a lower border of the screw; a bottom ring formed at an end of a lower part of the mesh drum (300), and having an inner ring insertion hole formed thereon to accommodate the inner ring; a discharge slant surface formed on an upper surface of the bottom ring, the discharge slant surface being in the form of a circular arc of which the depth is increased in a rotating direction of the screw; a mesh drum discharge hole connected to an end of the discharge slant surface to discharge the draff out of the mesh drum (300) and a housing discharge hole formed on one side of the bottom of the housing and connected to the mesh drum discharge hole and the draff outlet port (570); wherein the discharge jaw discharges the draff to the draff outlet port (570) through the housing discharge hole by pushing the draff to the mesh drum discharge (360) hole as the discharge jaw is rotated along the discharge slant surface (350).

- direct infringement of claim 3 EP 2 028 981 B1 -

and/or

4. The juice extractor of claim 3,

wherein a circular projection is formed at an edge of an inner side of the bottom ring (340), circular groove is formed on an outer side of the circular projection, an outer ring (260) is formed on an outer periphery of the inner ring (250) to project downward, and a circular projection insertion hole is formed between the inner ring (250) and the outer ring (260); wherein the outer ring is rotatably inserted into the circular groove to extend a contact area with the draff being guided by the discharge jaw (225), and the circular projection is inserted into the circular projection insertion hole to minimize an inflow of the draff to the pressure discharge passage.

- direct infringement of claim 4 EP 2 028 981 B1 -

5. The juice extractor of claim 1,

wherein a plurality of engagement jaws are formed on a border of a lower end part of the cover (100), a plurality of engagement projections are formed on an outer periphery of an upper end of the housing (500), and engagement hooks are formed on the drive unit; wherein the housing (500) that is secured to the

cover (100) by the engagement of the engagement jaws with the engagement projections is detachably secured to the drive unit by the engagement hooks.

- direct infringement of claim 6 EP 2 028 981 B1 -

6. The juice extractor of claim 1,

wherein the brush (400) is composed of a net brush (410) attached to an inner surface of the brush holder (430) to continuously sweep the outer wall of the mesh drum (300), and a housing brush attached to an outer surface of the brush holder to continuously sweep the inner wall of the housing (500).

- direct infringement of claim 7 EP 2 028 981 B1 -

7. The juice extractor of claim 1,

wherein a brush gear (440) is mounted on a lower part of the brush holder (430), and an intermediate gear is rotatably mounted on the lower surface of the housing (500) to be engaged with the brush gear (440); wherein the intermediate gear, which is engaged with the screw gear, rotates the brush gear.

- direct infringement of claim 8 EP 2 028 981 B1 -

8. The juice extractor of claim 1,

wherein a slant surface is formed on a lower end surface of the inlet port of the cover (100) in the rotating direction of the screw (300).

- direct infringement of claim 9 EP 2 028 981 B1 -

- III. to order, that in the event of any violation of the injunction in accordance with no. II above, Defendant shall pay to the Court a penalty sum of at least EUR 2,000 per infringing unit and/or a penalty sum of at least EUR 10,000 for each day of violation of this injunction.

C. As further requests,

- I. to hold that defendant shall pay damages to claimant compensating all losses caused by the infringing acts of EP 2 028 981 in
- France since 2 April 2019 and as long as EP 2 028 981 B1 is in force;
 - Germany since 14 April 2015 and as long as EP 2 028 981 B1 is in force
 - Italy, The Netherlands, Denmark, Romania, Poland, Spain, United Kingdom, Turkey since 23 September 2015 and as long as EP 2 028 981 B1 is in force
- II. to order defendant to pay to claimant EUR 100.000 (one hundred thousand euros) in compensation for the moral prejudice suffered;
- III. to order defendant to inform claimant to the extent of which it has committed infringing acts referred to under C.I. , stating
- i. the origin and distribution channels;
 - ii. the quantities produced, manufactured, delivered, received or ordered, as well as the price obtained;

in particular

- manufacturing quantities and times;
- the individual deliveries, broken down by delivery quantities, times and prices and the respective product designations as well as the names and addresses of the customers;
- the turnover, the gross margin and the contribution margin generated by defendant with the sale of these products;
- the individual offers, broken down by quantities, times and prices and product designations as well as the names and addresses of the commercial offer recipients;
- the advertising carried out, broken down by advertising media, their circulation, distribution period and distribution area, and in the case of Internet advertising, the domain, access figures and placement periods of each campaign;
- the identity of all third parties involved in the distribution, in particular the names and addresses of the commercial buyers and the sales outlets for which the products were intended;

whereby details requiring confidentiality may, at the discretion of the court, be redacted or made available only to certain persons;

iii. within twenty-one days of the date of service of the decision, supported by evidence verified by an independent accountant, under a penalty of EUR 10.000 per delay day from the month following the date of service of the judgment to be handed down;

- IV. to order defendant to pay claimant interim awards on damages in the amount of EUR 30,000 as provided under Rule 119 of the Rules of Procedure pending the communication of the requested accounting information, claimant retaining the right to bring an action at a later date for the determination of the damages;
- V. to order defendant to destroy at its own expense the products, material and/or implements referred to under A. II. – as a subsidiary request: referred to under B.II. – which are in its possession and/or ownership within Germany, Denmark, France, Italy, The Netherlands and to provide claimant with proper evidence certified by an independent bailiff as to how and when the destruction was carried out;
- VI. to order defendant to recall the products referred to under A. II. – as a subsidiary request: referred to under B.II. – which have been placed on the market from the channels of commerce, with reference to the infringement determined by a court of law (judgement of [...] on [...]) and with the binding promise to reimburse any fees and to assume any necessary packaging and transport costs as well as customs and storage costs associated with the return and to take back the products,

whereby an exhaustive list of all recipients is to be provided to claimant;

- VII. to order defendant to definitively remove the products referred to under A. II. – as a subsidiary request: referred to under B.II. – from the channels of commerce, specifically taking the following measures at their own expense:
 - 1. defendant shall take all possible and reasonable measures to identify the locations and owners of the products referred to under A. II (as a subsidiary request: referred to under B.II.);

2. to the extent that defendant itself has legal or actual control over the products referred to under A. II. (as a subsidiary request: referred to under B.II.), such measures as are legally permissible and reasonable shall be taken to ensure that such products come into and remain in defendant's immediate possession;
3. to the extent that defendant does not have legal or actual control over the products referred to under A. II. (as a subsidiary request: referred to under B.II.), they shall take all legally permissible and reasonable steps to induce the persons holding claims for restitution against the holders of the control of the products to assert such claims and/or to assist such persons in asserting such claims;

VIII. to order for defendant

1. to place on its website, within seven days from the date of service of the decision and for a continuous period of at least two weeks, the following statement (or a statement as the Court deems appropriate), to be displayed in a manner visible directly on the website's home- or landing page, in a text box separate from the website's other content having a white background and black letters, set in type-face Arial and having at least 12pt size, and to provide claimant with evidence as to when and how the statement was placed:

"On [date of decision], the Unified Patent Court has ruled that NUC ELECTRONICS CO., LTD, infringed European Patent No.2 028 981 held by Hurom Co., Ltd., by selling, and offering for sale Kuvings "AUTO 10". As a consequence, NUC ELECTRONICS CO., LTD, was ordered to terminate all commercial activities related to these products in Germany, Denmark, France, Italy and The Netherlands immediately. We apologize for any inconvenience this may cause and will be reaching out directly to commercial clients and customers to offer an appropriate solution."

2. to send to its commercial clients and customers, within seven days from the date of service of the decision, in the national language of the respective client or customers, a letter with the following contents only (or such contents as the Court deems appropriate) and without caption, and to provide claimant with copies of all letters sent:

" NUC ELECTRONIS CO., LTD, has infringed Hurom's European Patent No. 2 028 981 with its products Kuvings AUTO 10. Those products may no longer be offered for sale or sold in Germany, France, Denmark, Italy and The Netherlands, either on- or offline. We hereby request you to remove (images of) these products from your websites, from your shops and from other promotional and sales channels, to cease all sales and offers for sale of these products, and to return to us these products within seven days from the date of this letter. We will refund the purchase price and all costs associated with the return of the products to you."

- IX. In any case, to order defendant to pay claimant the sum of EUR 56.000 as an interim award on the legal costs and other expenses as provided under Article 69 of the Unified Patent Court Agreement and Rule 118(5), 119 and 150(2) of the Rules of Procedure.

8. Defendant requests

- I.1. to declare and judge that claimant has not demonstrated that defendant infringes the **claims 1 to 4 and 6 to 9 of the European patent EP 2 028 981;**

- I.2. Consequently, to dismiss and reject claimant's action of April 10, 2024 (ACT_17365/2024) in its entirety.
- II. In the alternative, it is requested as a subsidiary request to grant claimant's action of April 10, 2024 (ACT_17365/2024) on the basis of the auxiliary claim in part B. only, subject to the specification that the claim expressly includes the specific model no. "KHS-2520CE" in addition to the name of the contested product "AUTO10".
- III. With regard to claimant's further requests (part C.), the following is requested – also in the alternative as a subsidiary request:
 1. to limit the claims for damages as follows:
 - a. temporally
 - aa. for acts of infringement in Germany for the period after March 5, 2024;
 - bb. for acts of infringement in Denmark for the period after June 1, 2023;
 - cc. for acts of infringement in France for the period after April 18, 2024;
 - dd. for acts of infringement in Italy for the period after June 1, 2023 and
 - ee. for acts of infringement in the Netherlands for the period after April 18, 2024;
 - b. territorially, to the countries of Germany, France and the Netherlands; and as a subsidiary request to countries that are Contracting Member States;
 2. to reduce the non-material damages pursuant to claimant's requests in part C. II., the provisional damages pursuant to part C. IV. and the provisional claim for reimbursement of costs pursuant to part C. b. (which ought to be C. IX.) to an appropriate amount in accordance with the proven damage suffered by claimant;
 3. to dismiss claimant's claim for information pursuant to request C. III. Insofar as it relates to the production of the infringing items and to the sale/delivery to non-commercial customers, and to reduce the penalty payment further requested in part C. III. iii) to a reasonable rate not exceeding EUR 250 per day of delay, the delay starting only after a period of 30 days after the communication of the Court's decision pursuant to Rule 118.8 S. 1 RoP;
 4. to amend request C. VIII. to the effect that the publication of the decision of the UPC must be made by claimant, for which defendant must reimburse the costs to a reasonable extent, whereby the claim for reimbursement of costs may not exceed an amount of EUR 1,000.00.
- IV. In addition, it is requested, to order claimant to pay to defendant the amount of EUR 45,000 as an interim award on the legal costs incurred.

POINTS AT ISSUE

9. The parties dispute about different aspects.

JURISDICTION

10. Defendant opines that the UPC has no jurisdiction over national parts of EU member states that have decided against joining the UPC system such as Poland and Spain. Their decision not to transfer judicial sovereignty to the UPC had to be accepted and respected. Assuming jurisdiction also contradicted Art. 34 UPCA which limited the UPC's jurisdiction to its member states. Nothing else applied to countries which are even Non-EU member states as the United Kingdom and therefore were excluded from participating in the UPC system. These considerations were not affected by the ECJ's ruling in re BSH Hausgeräte. Moreover, Defendant argues that the consideration of the ECJ's ruling in re BSH Hausgeräte are strictly limited to a situation where defendant is sued at his domicile in accordance with Art. 4 (1) Brussels Ia Reg. and cannot be transferred to the situation at hand, where defendant has no domicile in a forum state of the court but is being sued on the basis of Art. 7 (2) Brussels Ia Reg. Claimant refers to Art. 71b (2), (3), Art. 7 (2) Brussels Ia Reg.

JURISDICTION OF THE UPC OVER ACTS COMMITTED BEFORE 1 JUNE 2023

11. Defendant rejects any jurisdiction of the UPC over infringing acts ending before the entry into force of the UPCA on 1 June 2023.

RELEVANCE OF THE OBJECTIONS TO JURISDICTION

12. Claimant additionally rejects any objections to the jurisdiction by referring to R. 19.7 RoP because such objections should have been addressed in a preliminary objection under R. 19 RoP.

CLAIMANT'S ENTITLEMENT TO THE PATENT-IN-SUIT AND THE ALLEGED CLAIMS BASED THEREON

13. Defendant disputes Claimant's entitlement to the patent-in-suit and the claims for past use based thereon. For further details, reference is made to the decision of 11 March 2025 (paras. 13).

CONSTRUCTION OF THE PATENT-IN-SUIT

14. For the parties' arguments on the construction of the patent-in-suit and on the implementation of its teaching by the attacked embodiment, it is referred to the the decision of 11 March 2025 (paras. 14 to 28).

INFRINGEMENT ACTS

15. Claimant states, that Defendant sells its juicers to dealers across Europe, in particular to its distributor Warmcook and its subsidiary NUC Electronics Europe GmbH functioning as its European sales branch. In Claimant's opinion, it must be assumed that Defendant delivers the contested embodiments to Spain, Poland and the United Kingdom via its German subsidiary NUC Electronics Europe GmbH designated as the relevant importer by the CE and UK CA mark found on the contested embodiment from the test purchase in Germany (exhibit P 14, P13).
16. Defendant points out that Claimant did demonstrate and prove any acts of infringement of Defendant within the territory of the patent-in-suit

REMEDIES

17. To Defendant's mind, a specific designation of the infringing embodiment in the requests is required, and the requests are too broad in particular with regard to the alleged infringing acts of using and exporting.

REQUEST FOR DECLARATION ON DAMAGES (C.I.)

18. In Defendant's opinion, the periods in time for which Claimant can assert claims for damages are restricted and depend on the date of the (alleged) assignment of the patent-in-suit and statutes of limitation. They may further depend on the date of the registration of the assignment with the national patent register and national translation requirements.

REQUEST TO PAY DAMAGES IN COMPENSATION FOR MORAL PREJUDICE (C.II.)

19. In Defendant's opinion, opting for Art. 68 (3)(b) UPCA as done by Claimant by basing its request for an interim award of damages on the principles of license analogy excludes damages in compensation for moral prejudice pursuant to Art. 68 (3)(a) UPCA. Apart from that, compensation for non-material damages should only be granted in extremely exceptional cases and in the event of particularly serious infringements, which Claimant did not demonstrate on the instant facts.

REQUEST FOR INTERIM AWARD OF DAMAGES (C.IV.)

20. In order to preliminarily estimate damages, Claimant in particular relies on published Korean Government's 2023 export turnover data for Defendant and assumes a share of 20 %

for the contested embodiment. Defendant rejects the approach as unfounded in its entirety.

REQUEST FOR INFORMATION (C.III.)

21. Defendant considers the request to be too broad. It would not owe information related to manufacturing and about names and contact details of non-commercial customers.

Request C.IX. – Interim awards of costs

22. Claimant requests 50 % of the maximum recoverable costs of 112.000 EUR based on a value in suit of 750.000 EUR.

23. In Defendant's opinion, the request is unfounded in particular because Claimant did not send a cease-and-desist letter or equivalent warning letter and therefore did never allow defendant to discuss the alleged infringement out-of-court. Vice versa, the Court shall grant defendant an interim award requiring Claimant to pay it the sum of 45,000 EUR as a reimbursement of legal defense costs pursuant to Art. 69 UPCA, R. 118(5), 119, 150(2) RoP.

REFERENCE

24. For further details on the points at issue, reference is made to parties' briefs and exhibits.

GROUND FOR THE DECISION

A. REQUESTS IN THE OPERATIVE PART OF THE STATEMENT OF CLAIM RELEVANT TO THE SEPARATED PROCEEDINGS AT HAND

25. Requests A.II. and B.II. relate solely to the UPCA member states listed therein and are therefore of no relevance to the separated proceedings at hand. The same is true for the requests C.V. (destruction), C.VI. (recall) and C.VII (definite removal) which refer back to requests A.II. and B.II. Only products that are subject to the acts mentioned in A.II. and B.II., i.e. the acts listed therein and regarded as infringing in said UPCA member states according to A.II. and B.II., are "the products referred to under A.II. – as subsidiary request: referred under B.II. –" within in the meaning of the requests C.V. to C.VII. In addition, request C.V. (destruction) is explicitly based on possession or ownership within the very UPCA member states that are mentioned in A.II. and B.II. This finding is further confirmed by the fact that the Claimant bases its requests under C.V., C.VI. and C.VII solely on the law of the UPCA (cf.

statement of claim (“SoC”), para. 264) and that Claimant refers with regard to the relevant provisions of the applicable substantive national laws of Poland, Spain and the United Kingdom only to claims for damages and information (cf. brief of 22 April 2025, paras. 35 et seqq.).

26. The requests under C.VIII. (publication to be made on the website, letters to be sent to commercial clients and customers) are also based solely on infringement within said UPCA member states. Both the text to be published and the text of the letters to be sent refer to infringement in said UPCA member states only. Again, furthermore, Claimant bases these requests on provisions of the UPCA (cf. SoC, para. 266, brief of 21 January 2025, paras. 10 et seqq. (workflow ORD_2344/2025)).

27. Request C.IV (interim awards on damages) does not contain any explicit exclusion of damages resulting from infringements in Poland, Spain or the United Kingdom. In particular, the reference to R. 119 RoP does not constitute such an indication, taking its procedural character into account. However, such limitation unambiguously follows from the reasoning given in the statement of claim. In the section of the statement of claim relating to the interim award on damages (D.V.1.a, b, paras. 289 et seqq.), the Claimant only elaborates on national substantive law of other countries. Even more decisive is the fact that the Claimant calculates the amount claimed as interim award on the basis of estimated export turnover and export quantities for a group of countries that does not include Poland, Spain or the United Kingdom.

28. For all other requests, despite their broad wording, sufficiently clear indications are lacking that they only relate to UPC member states.

29. A comprehensive decision on request C.IX. (interim award on legal costs and other expenses) has already been made in the decision of 11 March 2025 (para. 135).

B. ADMISSIBILITY

30. The action is admissible as far as it is part of the present separated proceedings.

International jurisdiction of the UPC

31. Contrary to Claimant, due to the primacy of Union law, the objections against international jurisdiction are not precluded by R. 19.7 RoP. For further details, it is referred to the decision of 11 March 2025 (para. 48).
32. In principle, as Defendant is not domiciled in a member state of the European Union, the jurisdiction follows from Art. 71b (2), Art. 7 (2) Brussels Ia Reg. for infringement in the EU member states Poland and Spain as well as in the Non-EU member state United Kingdom.
33. Art. 71b (1) in conjunction with Art. 6 (1) Brussels Ia Reg. refers in principle to the national laws for defendants not domiciled within the European Union. However, since the UPC as a court common to its member states has no national law within the meaning of Art. 6 Brussels Ia Reg., Art. 71b (2) Brussels Ia Reg. stipulates that, where a defendant is not domiciled in a member state of the European Union, and the regulation does not otherwise confer jurisdiction over him, Chapter II of the Brussels Ia Reg. (i.e. Art. 4 to 35) shall apply as appropriate regardless of defendant's domicile.
34. The necessary international element of the legal relationship in question can result from its link to another EU member state or to a third state (cf. ECJ, judgment of 8 September 2022, C-399/21 paras. 27 et seqq. – IRnova; judgment of 1 March 2005, C-281/02, para. 26 – Owusu).

ECJ's ruling in re BSH Hausgeräte – applicability to the UPC

35. According to the ECJ's ruling in re BSH Hausgeräte, the court of the Member State of the European Union in which the defendant is domiciled (Article 4(1) of the Brussels Ia Regulation) does have jurisdiction to rule on an infringement action based on a patent granted or validated in another EU member state (such as Poland and Spain) (even if the invalidity of this patent were raised as a defence which is not the case here) (cf. ECJ, judgment of 25 February 2025, C-399/22, para. 52 – BSH Hausgeräte).
36. Similarly, in principle, the courts of the EU member states also have jurisdiction on an infringement action based on a patent granted or validated in a Non-EU member state (cf. ECJ, judgment of 25 February 2025, C-399/22, para. 61 – BSH Hausgeräte). This is true save for the restrictions referred to in paragraphs 63 to 65 of the ECJ's judgment in re BSH Hausgeräte (Lugano Convention (Art. 73 (1) Brussels Ia Reg.) or applicable bilateral convention

according to Art. 73 (3) Brussels Ia Reg. as the case may be or a situation under Art. 33 or 34 Brussels Ia Reg). Still, there is no jurisdiction for a defence which seeks to affect the existence or content of that patent in that third state, or to cause its national register to be amended (cf. ECJ, judgment of 25 February 2025, C-399/22, paras. 74 et seq.).

37. These principles are applicable to the UPC as a court common to the UPCA member states when assessing its international jurisdiction in accordance with Art. 71b Brussels Ia Reg. (cf. Local Division Paris, order of 21 March 2025, UPC_CFI_702/2024; Local Division Munich, order of 14 April 2025, UPC_CFI_566/2024, 39/2025; Local Division Milan, order of 15 April 2025, UPC_CFI_792/2024; Local Division Paris, decision of 23 May 2025, UPC_CFI_163/2024; Local Division Mannheim, decisions of 18 July 2025, UPC_CFI_359/2023, 365/2023; Local Division Hamburg, order of 14 August 2025, UPC_CFI_387/2025; prior to the ECJ's judgment in re BSH Hausgeräte: Local Division Dusseldorf, decision of 28 January 2025, UPC_CFI_355/2023).

38. Art. 71b Brussels Ia Regulation and the UPCA do not lead to another result. The term “matter governed by that instrument” in Art. 71b (1) Brussels Ia Reg. that also is relevant for the scope of Art. 71b (2) Brussels Ia Reg. does not relate to the territorial scope of jurisdiction but to the substantive legal matter for which the EU member states that are parties to the instrument have transferred the jurisdiction from their national courts to the common court. Rather Art. 71b (1) Brussels Ia Reg. clarifies that the common court has international jurisdiction when the national courts of the participating EU member states would have jurisdiction in the absence of the instrument establishing the common court. Since (leaving aside the transition period and opt-outs) the national courts of the UPCA member states would have jurisdiction over infringement actions in relation to the Polish, Spanish and UK national part in accordance with ECJ's ruling in re BSH Hausgeräte, so does the UPC (cf. for further details LD Dusseldorf, decision of 28 January 2025, UPC_CFI_355/2023, p. 22/23), whereby for Defendants domiciled outside the EU Art. 71b (2) Brussels Ia Reg. applies instead of the relevant national law pursuant to Art. 6 Brussels Ia Reg. For this reason, contrary to Defendant, the decision of Poland and Spain not to transfer judicial sovereignty to the UPC is not affected because, in accordance with the ECJ's ruling in re BSH Hausgeräte, they do not have exclusive sovereign jurisdiction over infringement proceedings regarding their national parts. Therefore, they cannot exclude the jurisdiction of national courts of other EU member states if these courts have jurisdiction in accordance with the ECJ's ruling

in re BSH Hausgeräte. In consequence (cf. Art. 71a (1), Art. 71b (1), (2) Brussels Ia Reg.), they cannot exclude either that other EU member states transfer such jurisdiction of their national courts to a common court – be it that such common court had been set up by way of enhanced cooperation as found to be in line with EU law by the ECJ (ECJ cases C-274/11 and C-295/11, ECLI:EU:C:2013:240).

39. No different results follow from the UPCA, in particular not from Art. 34 UPCA. This provision does not deal with the international jurisdiction in the first place (which, within the UPCA, is governed by Art. 31 UPCA). The provision does not exclude the UPC's jurisdiction over national parts of European patents in relation to Non-UPC member states. There is no indication that the UPCA member states intended to transfer jurisdiction to the UPC with regard to their national parts of a European patent only, thereby reserving jurisdiction with regard to other national parts to their national courts. For further details, reference is made to LD Dusseldorf, decision of 28 January 2025, UPC_CFI_355/2023 (p. 23).

ECJ's ruling in re BSH Hausgeräte – applicability to jurisdiction under Art. 7 (2) Brussels Ia Reg.

40. Contrary to Defendant, the ECJ's ruling in re BSH Hausgeräte, which relates to a case in which jurisdiction was established under Art. 4 (1) Brussels Ia Reg., also applies to cases in which jurisdiction follows from Art. 7 (2) Brussels Ia Reg.
41. First, the ruling sets out that, as far as a patent registered in an EU member state is concerned, the international jurisdiction for infringement actions established by Art. 4 (1) Brussels Ia Reg. is not restricted by Art. 24 (4) Brussels Ia Reg. even if an invalidity defense is raised. This follows from the fact that the provision of Art. 24 (4) Brussels Ia Reg. relates solely to proceedings and decisions that affect the registration, existence or content of such a registered right. An infringement action does not have such effect. In consequence, as the provision does not confer jurisdiction, let alone exclusive jurisdiction for an infringement action to the EU member state of registration, it does not, from the outset, limit jurisdiction for an infringement action that is established by any provision of the Brussels Ia Reg. This relates not only to jurisdiction established pursuant to Art. 4 (1) Brussels Ia Reg., but also to jurisdiction established by Art. 7 (2) Brussels Ia Reg. Therefore, for instance, a company domiciled in Germany with employees in France could not only be sued before German national courts being the courts of its domicile (Art. 4 (1) Brussels Ia Reg.), but also,

based on Art. 7 (2) Brussels Ia Reg., before French or Austrian national courts if these employees, acting in France, infringe an Austrian national patent (cf. ECJ, judgement of 19 April 2012, C-523/10 paras. 32 et seqq. – Wintersteiger; for further details on the scope of Art. 7 (2) Brussels Ia Reg., cf. infra). In both cases, jurisdiction for an infringement action that is conferred by Art. 4 (1) or Art. 7 (2) Brussels Ia Reg. is not excluded or restricted by Art. 24 (4) Brussels Ia Reg. The fact that Art. 24 (4) Brussels Ia Reg. must be interpreted strictly in the light of Art. 4 (1) Brussels Ia Reg. (cf. ECJ, judgment of 25 February 2025, C-399/22, in particular paras. 43, 61 – BSH Hausgeräte) and must not be extended to infringement actions the outcome of which, by their legal nature, does not affect the existence or content of the patent-in-suit leads to a narrow scope and exceptional character in general, not only in a situation in which Art. 4 (1) Brussels Ia Reg. is applicable. The scope of the exclusive jurisdiction conferred by Art. 24 (4) Brussels Ia Reg. is always the same regardless of whether Art. 24 (4) Brussels Ia Reg. comes into play in context with Art. 4 (1) Brussels Ia Reg. or with any other provision of the Brussels Ia Reg. that may confer jurisdiction for an infringement action such as Art. 7 (2) Brussels Ia Reg. In consequence, Art. 24 (4) Brussels Ia Reg. is not only not applicable to infringement actions that are filed before the courts of a defendant's state of domicile. Rather, it is not applicable to infringement actions at all.

42. Second, the ECJ's ruling in re BSH Hausgeräte sets out that, as far as a patent registered in a Non-EU member state is concerned, Art. 24 (4) Brussels Ia Reg. is not applicable from the outset (cf. ECJ, judgment of 25 February 2025, C-399/22, para. 57 – BSH Hausgeräte). For patents registered in a Non-EU member state, the ECJ's ruling further sets out that the international jurisdiction for infringement actions established by Art. 4 (1) Brussels Ia Reg. is not restricted by international law principles such as the principles of the relative effect of treaties and the principle of non-interference even if, in this context, the issue of validity of the patent in question is raised, as long as the decision sought in that regard is not such as to affect the existence or content of that patent in that third state, or to cause its national register to be amended (cf. ECJ, judgment of 25 February 2025, C-399/22, paras. 68 to 74 – BSH Hausgeräte). However, the jurisdiction may be limited by the restrictions referred to in paras. 63 to 65 of re BSH Hausgeräte, i.e. the Lugano Convention (Art. 73 (1) Brussels Ia Reg.) or applicable bilateral conventions according to Art. 73 (3) Brussels Ia Reg. as the case may be or a situation under Art. 33 or 34 Brussels Ia Reg. In consequence, in the absence of such restrictions, all provisions of the Brussels Ia Reg. that may establish international jurisdiction apply in accordance with their scope of application. Again, the

decisive point is not that jurisdiction is established under Art. 4 (1) Brussels Ia Reg. but that there are no rules or principles that reserve jurisdiction for an infringement action to the state where the patent is registered. This is even true for an infringement action in the context of which the issue of validity of the patent concerned is raised if the restrictions referred to in paras. 63 to 65 of re BSH Hausgeräte and outlined supra are observed.

43. Apart from that, there is no other reason to treat jurisdiction based on Art. 4 (1) and Art. 7 (2) Brussels Ia Reg. differently in this regard. Art. 24 (4) Brussels Ia Reg., which, in the absence of any issue raised in regard to validity, has no bearing in the case at hand anyway, does not relate to infringement actions. The limitations to jurisdiction as mentioned in paras. 63 to 65 of the ECJ's ruling in re BSH Hausgeräte are independent of whether the jurisdiction of the courts of an EU member state is based on Art. 4 (1) or Art. 7 (2) Brussels Ia Reg. Similarly, the principles of general international law discussed in the ECJ's ruling in re BSH Hausgeräte (paras. 68 to 75) do not justify a different result compared to cases in which the jurisdiction follows from Art. 4 (1) Brussels Ia Reg. Like jurisdiction based on Art. 4 (1) Brussels Ia Reg., jurisdiction established under Art. 7 (2) Brussels Ia Reg. does not violate the international law principle of relative effect of treaties. In both cases, for the reasons given in the ECJ's ruling in re BSH Hausgeräte, ruling on an infringement action regarding a foreign patent merely with *inter partes* effect does not interfere with the judicial sovereignty of the state of registration and therefore does not violate the international law principle of non-interference. Art. 4 (1) or Art. 7 (2) Brussels Ia Reg. themselves also do not provide any reasons for restricting BSH Hausgeräte to jurisdiction based on Art. 4 (1) Brussels Ia Reg. Naturally, Art. 7 (2) Brussels Ia Reg. also leads to predictable results. The option to sue a person allegedly liable for tort, delict or quasi-delict in the courts for the place where the harmful event occurred or may occur – taking into account the proximity of the forum to the action - is also a principle of international procedural law and is no less justified than the option to sue a person in the courts of domicile – taking into account the proximity of the forum to defendant's person. There is no legitimate interest of a defendant apparent in not being sued at the place where the harmful event occurred or may occur.

Substantive scope of Art. 7 (2) Brussels Ia Reg.

44. According to the established case law of the ECJ, the term “place where the harmful event occurred or may occur” in Art. 7 (2) Brussels Ia Reg. covers both the place where the damage occurred and the place of the event giving rise to it, so that claimant has the option to sue defendant in the courts for either of those places (cf. ECJ, judgment of 3 October 2013, C-170/12 paras. 26 et seqq. – Pinckney; judgment of 19 April 2012, C-523/10 paras. 19 et seqq. – Wintersteiger; Court of Appeal, order of 3 September 2025, UPC_CoA_188/2024, para. 12 ii)).
45. The place of the event giving rise to the damage, as far as a registered intellectual property right is concerned, is not restricted to the country in which the right is registered. Such view would equate the place where the damage occurs, i.e. where the intellectual property right is infringed, and the place of the event giving rise to it (being both the country of registration) without sufficient justification. Rather, the territorial scope of a registered intellectual property right like a patent being limited to the country of its validation does not exclude that the decisive factual acts giving rise to an infringement are committed in a different country – as long as they have effects upon the national patent (cf. ECJ, judgment of 19 April 2012, C-523/10 – Wintersteiger (concerning a national trade mark); different opinion before Wintersteiger e.g. Higher Regional Court Dusseldorf, decision of 22 July 1999, 2 U 127/98, BeckRS 1999, 14813 sub 3.).
46. The proximity to the place where the action controlling the events takes place typically facilitates the gathering of evidence and the conduct of proceedings (cf. ECJ, judgment of 19 April 2012, C-523/10, paras. 32 et seqq. – Wintersteiger). In ECJ’s ruling in re Wintersteiger concerning an alleged infringement of a national Austrian trade mark by means of advertising on the website of an internet search provider, the ECJ therefore considered the place of establishment of defendant to be the relevant place of action because it was this place where the activation of the process leading to the display of the allegedly infringing mark on the website of the internet search provider was decided (ibid. para. 37 i.c.w. para. 35). In this context, the ECJ expressly noted that the territorial limitation of protection of a national mark is not such as to exclude the international jurisdiction of courts other than the courts of the EU member state in which the trade mark is registered (ibid. para. 30). As far as ECJ’s rulings refer to the fact that infringement of an intellectual property right whose

protection is limited to the territory of the Member State of registration by virtue of a registration must be brought before the courts of that Member State and that the courts of that Member State are best placed to determine whether there has been actual infringement of that right, this relates only to the determination of the place where the damage occurred, not to the place of the event giving rise to it (cf. ECJ, judgment of 3 October 2013, C-170/12 para. 37 in conjunction with para. 29 (place of success) – Pinckney; judgement of 19 April 2012, C-523/10 paras. 25, 28 (place of success) in contrast to paras. 32 et seqq. (place of action) – Wintersteiger). It therefore does not exclude the option to choose the place where the acts are committed that give rise to the damage to bring an action.

Consequences in the case at hand

47. Applying these principles to the case at hand, the court has jurisdiction to hear the case regarding Poland, Spain and the United Kingdom in accordance with Art. 71b (2), Art. 7 (2) Brussels Ia Reg.
48. In particular, none of the restrictions referred to in paras. 63 to 65 in re BSH Hausgeräte applies to the Non-EU member state United Kingdom. The United Kingdom is no contracting member state to the Lugano Convention. The parties to the infringement action at hand did not bring forward any bilateral convention between a member state to the UPCA and the United Kingdom stipulating that the courts or other authorities in the United Kingdom have exclusive jurisdiction over disputes relating to the infringement (or, not relevant here, the validity) of patents granted or validated in the United Kingdom. Thus, it can be left open whether such bilateral convention with only one or several but not all member states to the UPCA would suffice. In the absence of any proceeding in the United Kingdom which relates to the infringement or validity of the patent-in-suit in the United Kingdom, there is no situation which falls into the scope of Art. 33 or Art. 34 Brussels Ia Reg. either so that there is no reason to stay or dismiss the proceedings according to these provisions. The ECJ's ruling in re BSH Hausgeräte deals with the principles of international law, in particular with the principles of non-interference, forum inconvenience and comity, exhaustively so that there is no room for denying jurisdiction on these grounds in deviation from the ECJ's ruling.
49. Claimant relevantly states that Defendant infringes upon the patent-in-suit in Poland, Spain and the United Kingdom by shipping attacked embodiments to Poland, Spain and the

United Kingdom via its subsidiary NUC Electronics Europe GmbH and its distributor Warmcook, which both were shipping attacked embodiments to Poland, Spain and the United Kingdom and have their place of business in and acting from the UPC territory.

50. For the purpose of assessing jurisdiction, these statements are relevant because Claimant has good reason to make them. Warmcook's French web page from the French web shop (cf. decision of 11 March 2025 in the parallel proceedings UPC_CFI_159/2024, para. 108, exhibit 11/11a in the parallel proceedings UPC_CFI_159/2024) states in general terms that Warmcook ships products to all EU member states and the United Kingdom (alongside Switzerland and French overseas territories). The fact that Warmcook's website uses the French language and Euro as currency does not alter the fact that the website itself states shipments to said countries outside France. NUC Electronics Europe GmbH is undisputedly the European sales branch of defendant, and the importer according to the CE mark and the equivalent UK mark on the nameplate of the test purchase (exhibit P14), designating NUC Electronics Europe GmbH as the relevant importer for the EU and the UK respectively. Contrary to Defendant, the fact that the website "eu.kuvings.com" (exhibit P4) does not list Spain (nor Denmark or Italy) under the caption "Europe with Kuvings" - as it does not highlight Spain, Denmark and Italy on the map shown thereon either - does not significantly call into question that the activity of NUC Electronics Europe GmbH being the European sales branch also relates to Spain (and Denmark and Italy). The same applies to the fact that the website of Defendant (exhibit P 3/3a and P15/15a), which lists NUC Electronics Europe GmbH as the "Europe branch", does not provide a link for Spain either - as it does not provide links for Denmark and Italy either. Rather, these websites seem to merely depict countries in which the NUC group has an independent third party distribution partner as well as countries without such distribution partner, but not countries where its products are not available. This is confirmed by the following facts: First, NUC Electronics Europe GmbH (and not one of the external distributors) is designated as importer for the EU and the UK on the CE and UK mark of the contested embodiment (exhibit P 14). Second, Defendant's website (exhibit P3/3a and P15/15a) speaks of "NUC overseas distributors" with regard to the links provided thereon, and the website "eu.kuvings.com" (exhibit P4) has a button next to the buttons for the different countries which shows the remark "be our partner! eu-sales@kuvings.com". This clearly indicates that the countries expressly mentioned and highlighted on the map therein are countries with distribution partners and that they are looking for distribution partners for those remaining EU countries in which they

do not yet have an independent distribution partner and which therefore are not expressly mentioned and not highlighted on the map. Thus, the foregoing circumstances are no indication that NUC Electronics Europe GmbH and Warmcook do not ship contested embodiments to Poland, Spain and the United Kingdom (or to Denmark or Italy). Since Defendant designates and links to its distributors including its French distributor Warmcook and to its German subsidiary NUC Electronics Europe GmbH on its Korean webpage (exhibit P3/3a and P15/15a) and is the owner of the German and European trade marks “Kuvings”, Claimant also had sufficient facts to state that Defendant is involved in the acts committed by its subsidiary NUC Electronics Europe GmbH and its French distributor Warmcook.

51. Against this backdrop, Claimant’s statement that Defendant ships contested embodiments to Poland, Spain and the United Kingdom via its subsidiary NUC Electronics Europe GmbH and its distributor Warmcook is no statement into the blue and therefore relevant when determining jurisdiction. For these reasons, the assessment of the statement differs significantly from that of the statement relating to Turkey where no supportive circumstances existed that there were any acts within the UPC territory relating to Turkey (cf. decision of 11 March 2025 para. 46).

52. As Claimant states acts of NUC Electronics Europe GmbH and Warmcook in Germany and France respectively that allegedly give rise to damage in Poland, Spain and the United Kingdom and that are allegedly attributable to Defendant, the UPC has international jurisdiction for an infringement action in relation to the Polish, German and UK part of the patent-in-suit against Defendant pursuant to Art. 31 UPCA, Art. 71b (2), Art. 7 (2) Brussels Ia Reg. in accordance with the principles outlined supra. Whether the facts submitted justify the conclusion that the acts of NUC Electronics Europe GmbH or Warmcook are actually attributable to Defendant, is a question that concerns the merits of case only (cf. Court of appeal, Order of 3 September 2024, UPC_CoA 188/2024 – AYLO/DISH para 12 vii).

Jurisdiction of the UPC over acts committed before 1 June 2023

53. Contrary to Defendant’s view, the UPC has jurisdiction for acts committed before the UPCA’s entry into force on 1 June 2023 (cf. Court of Appeal, Order of 16 January 2025, UPC_CoA_30/2024). For further details on the legal standard, reference is made to the decision of 11 March 2025 (para. 50). According to the excerpts from the national patent registers (exhibit P7), the patent-in-suit is in force in Poland, Spain and the United Kingdom.

Defendant did not dispute this, in particular did not submit deviating register entries. Against this background, it can be left open whether the UPC has jurisdiction over all national parts of an European bundle patent as long as at least only one national part was still in force on 1 June 2023 or whether the UPC solely has jurisdiction over the national parts that have not yet elapsed at that date and lacks jurisdiction for the other national parts.

Competence of the Local Division Mannheim

54. The competence of the Local Division Mannheim follows from Art. 33 (1) (a), sentence 3 UPCA. Claimant states an infringement *inter alia* in Germany. Whether defendant is actually liable for acts of its German subsidiary relates to the foundation of the statement of claim and is not a question of competence (cf. Court of Appeal, UPC_CoA_188/2024, GRUR 2025, 101 mn. 18 (on Art. 7 (2) Brussels Ia Reg.)). This competence pursuant to Art. 33 (1) (a) UPCA that is based on sufficiently substantiated alleged infringing acts of Defendant in Germany is not affected by the separation of the proceedings. Apart from that, the competence of the Local Division Mannheim also follows from the fact that Claimant relevantly states acts committed by NUC Electronics GmbH in Germany that allegedly result in an infringement of the Polish, Spanish and UK part of the patent-in-suit and that are allegedly attributable to Defendant.

55. As confirmed by Art. 33 (2) UPCA, with regard to territorial scope, the competence established under Art. 33 (1) (a) UPCA extends to all national parts of the same European patent in the UPC member states. The same applies to national parts of non-UPC member states.

SPECIFICITY OF THE REQUESTS

56. Contrary to Defendant, Claimant's requests do not lack specificity. There is no need to limit the requests to the specific infringing product. For further details, it is referred to the decision of 11 March 2025 (para. 52).

C. CLAIMANT'S OWNERSHIP OF THE PATENT-IN-SUIT

57. Contrary to Defendant, Claimant has sufficiently established that it is the owner of the patent-in-suit. Claimant is undisputedly registered as proprietor in Poland, Spain and the United Kingdom. Defendant has not refuted the at least strong indicative effect resulting therefrom that Claimant is the owner of the respective national part. Apart from that, the

panel has no doubts that Claimant is the owner of the patent-in-suit. For further details, it is referred to the decision of 11 March 2025 (paras. 54 et seqq.).

D. SCOPE OF THE PATENT-IN-SUIT

58. The patent-in-suit relates to a juice extractor. For a detailed description of its scope, it is referred to the decision 11 March 2025 (para. 59).

59. As a solution, the patent-in-suit provides in claim 1 a juice extractor, the features of which can be structured as follows (deviating classification numbers of defendant in brackets and italics):

[1A] A juice extractor comprising:

[1B] a cover (100) having an inlet port formed on one side of an upper part thereof and a rotary shaft hole (120) formed in the center of an inner part thereof,

[1C] a housing (500) installed on a lower part of the cover,

[1D] [the housing] having a guide jaw formed on a bottom of the housing (*[1C.1]*),

a draff outlet port (570) and a juice outlet port (560) formed apart from each other on a lower end part of the housing, (*[1C.2]*)

[1E] a waterproof cylinder having a through hole and formed in the center of the lower part of the housing, (*[1C.3]*)

[1F] a pressure discharge passage formed around a lower part of the waterproof cylinder, (*[1C.4]*)

[1G] a screw (200) having

an upper rotary shaft formed on an upper part of the screw (200) to be rotatably inserted into the rotary shaft hole (*[1G.1]*),

[1H] [said screw (200) further having] a plurality of screw spirals formed on an outer surface of the screw, (*[1G.2]*)

[1I] [said screw (200) further having] an inner ring formed at a lower end of the screw to project downward and having a plurality of screw gears rotatably inserted into the pressure discharge passage, (*[1G.3]*)

[1J] a lower space formed inside the inner ring to receive the waterproof cylinder therein, and (*[1G.4]*)

a lower rotary shaft formed in the center of a lower part of the screw and a polygonal shaft hole formed thereon, (*[1G.5]*)

- [1K] a mesh drum insertable into the guide jaw of the housing, the mesh drum (300) having a mesh structure formed on an outer wall of the mesh drum (300) to discharge juice to the juice outlet port, and [the mesh drum (300) having] a plurality of wall blades longitudinally formed on an inner surface of the mesh drum,
- [1L] a rotary brush (400) installed between the housing and the mesh drum (300) to be rotated, and having a brush holder in which a brush for continuously sweeping the mesh drum and the housing is installed,
- [1M] a drive unit (600) having a polygonal shaft that is inserted into the polygonal shaft hole through the through hole of the waterproof cylinder, and rotating the screw (200) at a low speed,
- [1N] wherein the housing accommodating the screw is longitudinally fixed to an upper side of the drive unit (600) so as to press, grind and extract juice from materials put into the inlet port and to discharge the draff.

Construction of Claim 1

60. For the construction of claim 1, it is referred to the decision of 11 March 2025 (paras. 61 et seqq.). No different result follows for the Polish, Spanish and the UK national part.
61. Admittedly, across the EPC member states, the respective national courts may slightly deviate in the way of interpreting Art. 69 EPC and the protocol on its interpretation. Such nuances according to the case law in different EPC member states are due to the lack of an instance ensuring a uniform application of Art. 69 EPC across the EPC member states and have to be accepted. The respective case law of their national courts in this regard is part of the national substantive law of the EPC member states which governs the infringement of European bundle patents in relation to their national parts (cf. infra under F. for more details). Therefore, when determining the substantive scope of a national part in relation to a non-UPC member state, the UPC, which harmonizes the interpretation with regard to the national parts of its member states only, has to observe the relevant legal standards on the application of Art. 69 EPC as set out in the relevant national case law of that non-UPC member state and, accordingly, apply Art. 69 EPC in the same way as a national court of that non-UPC member would do.
62. However, in the case at hand, applying these principles does not lead to a result different from that in the decision of 11 March 2025. The Claimant stated that it can be assumed that the findings of the panel in the case at hand are applicable to all EPC jurisdictions. Against this backdrop, it would have been for the Defendant to point at any differences

resulting from the case law regarding claim construction in Poland, Spain or the United Kingdom.

E. IMPLEMENTATION BY THE CONTESTED EMBODIMENT

63. The contested embodiment implements all features of claim 1. As far as Defendant does not dispute this, this is not based on a flawed analysis of the patent claim. Applying the claim construction set out in the decision of 11 March 2025 referred to above, the contested embodiment also implements the features [1B], [1C], [1E], [1F] and [1N] disputed by Defendant. For further details, reference is made to the decision of 11 March 2025 (paras. 83 et seqq.).

F. APPLICABLE SUBSTANTIVE LAW

64. The determination of the substantive law applicable to an alleged infringement is to be strictly distinguished from the jurisdiction to hear the case (cf. Kalden, GRUR Patent 2023, 178 mn. 52; McGuire, GRUR Patent 2024, 466 mn. 5).

65. In accordance with the established principles of international private law enshrined in Art. 8 (1), Art. 1 (1) in conjunction with (in the case of the United Kingdom) Art. 3 Rom II Regulation, infringements of the Polish, Spanish and UK national part of the patent-in-suit are governed by the substantive national law of Poland, Spain and the United Kingdom, respectively.

G. INFRINGING ACTS

66. In accordance with the *lex fori* principle of international procedural law, in principle, the legal standard as to when facts are considered to be undisputed is governed by the procedural law of the seized court regardless of the substantive national law applicable to the instant facts. Therefore, in the case at hand, in the absence of any particular circumstances pointing in another direction, the principles of the UPC on when facts are relevantly stated and disputed respectively, apply. In particular, in accordance with R. 171.2 RoP, facts that are relevantly stated by the party relying on them have to be specifically contested by the other party.

67. While Claimant has submitted with substance acts of its German subsidiary NUC Electronics Europe GmbH and its French distributor Warmcook that relates to infringement of the

Polish, Spanish and UK national part of the patent-in-suit, Claimant fails on arguing that those acts being attributable to Defendant under the relevant substantive national laws.

68. Claimant does not, at least not specifically allege own direct acts of infringement by Defendant within the territory of Poland, Spain or the United Kingdom, such as direct own offers, sales or shipments into Poland, Spain or the United Kingdom. Rather, Claimant asserts that Defendant infringes upon the patent-in-suit in Poland, Spain and the United Kingdom via its wholly owned German subsidiary NUC Electronics Europe GmbH and its French distributor Warmcook. The factual part of this statement, i.e. that NUC Electronics Europe GmbH and Warmcook offer and ship contested embodiments to Poland, Spain and the United Kingdom is not a statement into the blue and therefore relevant because, for the reasons discussed above under para. 50 in the section on jurisdiction, Claimant has good reasons for this statement. The same is true for the statement that Defendant is involved in the acts committed by NUC Electronics Europe GmbH or Warmcook. Both undisputedly are part of Defendant's distribution network (cf. the list of its global subsidiaries and distributors on its Korean webpage, exhibit P3/P3a and P15/15a, which undisputedly refers and links to its wholly owned German subsidiary NUC Electronics Europe GmbH as the "Europe Branch" and links to Warmcook for France). According to its own statement, Defendant delivers and hands over the contested embodiments to third parties, e.g. its subsidiary NUC Electronics Europe GmbH, within Korea, e.g. at the port of Busan, for shipment (SoD, para. 318). Furthermore, Claimant alleges that the contested embodiment is Defendant's flagship product (SoC, para. 334).

69. Against this background, it would have been for Defendant to specifically contest the factual statement regarding the shipments by its German subsidiary NUC Electronics Europe GmbH and its French distributor Warmcook by clearly stating that they never shipped and would never ship contested embodiments to the countries in question (even more so as they are neighbouring countries to France and Germany respectively), thereby specifying the basis of such statement, for instance, because they checked their books or installed effective measures which block shipment to the countries in question. However, Defendant failed to do so. As far as Defendant criticizes lack of substantiation and evidence, this does not even constitute a denial. Therefore, it is undisputed (R. 171.2 RoP) that NUC Electronics Europe GmbH and Warmcook offered and, in case of a purchase, shipped contested em-

bodiments to Poland, Spain and the United Kingdom. Similarly, it would have been for Defendant to clearly state that – although linking to distributors including Warmcook and NUC Electronics Europe GmbH (cf. SoC para. 248, Reply para. 177) on its own homepage, thereby designating NUC Electronics Europe GmbH as its “Europe Branch” (exhibit P3/3a and P15/15a) – Warmcook and in particular NUC Electronics Europe GmbH are totally free where to do business and are not controlled in this regard. That Defendant may hand over any products at a Korean port, i.e. in Busan, does not exclude that it controls and steers their destination.

70. Contrary to Defendant, this finding is in line with the decision of the LD Paris of 24 April 2025 (UPC_CFI_440/2025, GRUR-RS 2025, 7898, paras 108-110) because Claimant submitted sufficient facts supporting its statement of shipments by NUC Electronics Europe GmbH and Warmcook to Poland, Spain and the United Kingdom.

71. However, on the instant facts, it is not justified to establish Defendant’s liability for any infringing act committed by its wholly owned subsidiary NUC Electronics Europe GmbH or its distributor Warmcook within the territories of Poland, Spain and the United Kingdom.

72. As discussed above, since the alleged infringing acts relevant to the separated part of the proceedings at hand relate to the Polish, Spanish and UK national part of the patent-in-suit, the acts are governed by the substantive national law of Poland, Spain and the United Kingdom, respectively.

73. In the case at hand, Claimant submitted the relevant provisions of Polish, Spanish and UK law, which remained undisputed. However, Claimant – unlike the claimant in the case UPC_CFI_365/2023 decided upon by the LD Mannheim (cf. decision of 18 July 2025, paras. 20, 46 – Fuji v Kodak et al.) – did not elaborate on their application in a situation like the particular situation at hand in which no direct own acts by a defendant relating to the relevant territories exist, but only direct acts committed by separate legal entities that are part of defendant’s distribution network. It is not self-explanatory that the national law including the case law considers these acts to be attributable as acts of infringement to Defendant.

74. Although the content of relevant national law of Non-UPC member states is a question of law and not a question of facts and the principles of demonstration and non-challenge do not apply to question of law, it is primarily up for the party who wishes to rely on national

law to present it to the court in a sufficiently detailed manner, in particular to make specific and precise statements as to its content relevant to the case. Otherwise, the court, which cannot be expected to be familiar with the relevant national substantive law, is not able to assess whether to appoint a court expert and what specific question of national law should be asked. In particular, it cannot be determined whether the parties' views on the specific content of national law relevant to the case are consistent, so that the appointment of a court expert may be unnecessary because there is no reasonable doubt that the parties' common view is in fact correct.

75. Against this backdrop, it would have been for Claimant in the case at hand to submit the relevant law of Poland, Spain and the United Kingdom and the way of application according to case law. In particular, Claimant should have detailed under what conditions, according to the relevant national substantive law, acts of infringement committed by a separate legal entity are attributable to a party and that those conditions are met in the case at hand. At least in this particular situation, which differs from a simple infringement committed by own direct acts, it does not suffice to refer to the consequences that would arise if the substantive law of the UPCA were applicable and merely to assert in an unspecific manner that those consequences also follow from the substantive national law that is actually applicable. However, besides the submission of the text of the relevant provisions of the substantive national law that do not explicitly address this issue, Claimant asserts as a mere assessment without further details that Defendant were contributing to the infringement and therefore liable.

H. LEGAL CONSEQUENCES

DISMISSAL OF THE INFRINGEMENT ACTION REGARDING THE SEPARATED PART

76. In consequence, the infringement action regarding the separated part at hand is dismissed.

77. Since Defendant's request under I.2 is the mere opposite of Claimant's request under A.I., it has no independent bearing. In consequence, there is no need to separately rule on it.

DEFENDANT'S REQUEST FOR INTERIM AWARD OF COST

78. The request finds its basis in Art. 69 UPCA, R. R. 118(5), 119, R. 150(2) RoP.

79. Whereas the panel has already ruled on Claimant's request for interim award of costs comprehensively in the decision of 11 March 2024 (para. 135) by awarding the full amount requested, taking Claimant's success regarding the subject-matter of that decision into account, the panel then dismissed Defendant's request for an interim award of costs only in the light of its minor success regarding the subject-matter of that decision (para. 136). Therefore, the panel did not ruled comprehensively on Defendants' request in the decision of 11 March 2025.

80. Since the panel decides not to allocate costs incurred by Defendant to Claimant (cf. section J. infra), there is no need for an interim award on such costs

J. COSTS

81. The decision on costs is based on Art. 69 (1) UPCA, R. 118.5 RoP.

82. When assessing the success of a party in the event of a separation of proceedings, the entire legal dispute prior to the separation must be taken into account with regard to those parties who are involved in both parts of the separated proceedings. The separation must not result in an advantage or disadvantage for either party in the allocation of costs. Therefore, when assessing the extent of success and deciding on the allocation of costs, the original proceeding before separation has to be seen as the decisive basis for comparison.

83. The separated part at hand relates to a minor part of the proceedings before separation that has a value in dispute of only 10 % of that of the overall proceedings before separation (cf. decision of 11 March 2025, para. 140). Claimant did not specifically assert that Defendant's distributors for Poland and the United Kingdom offered or sold contested embodiments. For Spain, Defendant has no distributor and is in search for one (exhibit P4). The only acts of infringement asserted by Claimant with regard to Poland, Spain and the United Kingdom are shipments by Defendant's wholly owned German subsidiary NUC Electronics Europe GmbH and its French distributor Warmcook. The focus of their business activities is in France and Germany. In the separated part at hand, the requests are concentrated on damages and information without, in particular, requests for injunctive relief, destruction, recall and definite removal from the channel of commerce. Therefore, the separated part still relates to a minor part of the overall proceedings before separation. Against this backdrop, the panel exercises its discretion to the effect that Claimant has to bear the costs of

the court for filing the infringement action with regard to the separated part of the proceedings at hand, and the parties have to bear their legal costs themselves with regard to this separated part of the proceedings.

K. VALUE IN DISPUTE

84. In accordance with the decision of 11 March 2025 (para. 140) and for the reasons given therein, the panel sets the value in dispute for the separated proceedings at hand to be EUR 75.000.

DECISION:

- I. The action is dismissed.
- II. With regard to the present separated part of the proceedings, Claimant has to bear the costs of the court and the parties have to bear their legal costs themselves.

Delivered in Mannheim on 2 October 2025

NAMES AND SIGNATURES

Presiding judge Tochtermann	
Legally qualified judge Böttcher	
Legally qualified judge Perrotti	
For the Sub-Registrar: Kranz, Clerk LD Mannheim	

Information about appeal

An appeal against the present Decision may be lodged at the Court of Appeal, by any party which has been unsuccessful, in whole or in part, in its submissions, within two months of the date of its notification (Art. 73(1) UPCA, R. 220.1(a), 224.1(a) RoP).

Information about enforcement (Art. 82 UPCA, Art. Art. 37(2) UPCS, R. 118.8, 158.2, 354, 355.4 RoP)

The decision has no enforceable content.