



Milan Local Division

UPC CFI No. 226/2025 order pursuant to rule 360 RoP filed on 7 October 2025

PLAINTIFF

Hypertherm Inc.

DEFENDANT

Tec.Mo. s.r.l.

DECIDING BODY

On the recommendation of the judge-rapporteur (see rule 363 RoP), this order is adopted by the Panel composed as follows:

- Pierluigi PERROTTI presiding judge and judge-rapporteur
- Alima ZANA judge qualified in legal matters
- Samuel GRANATA judge qualified in legal matters

LANGUAGE OF THE PROCEEDINGS

Italian

Summary of the facts of the case and grounds for the decision

With a statement of claim filed on 14 March 2025, Hypertherm Inc. initiated proceedings against Tec.Mo. s.r.l. for infringement. The statement of claim was served on 2 April 2025.

On 6–10 June 2025, the parties filed a joint motion to suspend the present proceedings for three months pursuant to Rule 295.1(d) RoP, acknowledging that negotiations were underway to reach a settlement. In granting the request, the Court ordered the suspension of the proceedings until 12 September 2025.

On 25 September 2025, the parties filed a '*Joint Application for Termination of the Matter in Dispute*' requesting:

- pursuant to Rule 360 RoP, the settlement of the case with costs shared (as mutually agreed by the parties), since, due to the agreement reached between the parties, the matter in dispute has ceased to exist and the parties no longer have an interest in obtaining a judicial decision *on* the subject matter of the case, with the parties expressly waiving their right to be heard at a hearing;
- pursuant to Rule 370.9(c)(i) RoP, reimbursement to the claimant of the amount of €6,600, equal to 60% of *the court fees* (€11,000) paid at the time of filing the statement of claim, since the proceedings were concluded before the end of *the written procedure*.

The parties have mutually acknowledged that they have reached an out-of-court settlement agreement that also includes the settlement of litigation costs and that they therefore no longer have an interest in continuing the present proceedings, with the consequent declaration of the termination of the matter in dispute pursuant to Rule 360 RoP.

The request must be granted, as it is undisputed that the parties no longer have any interest in obtaining a ruling on the merits, not even on the costs of the proceedings.

Rule 370.9(c)(i) RoP provides that 60% of court fees may be refunded if the proceedings are settled before the close of the written procedure.

The Court notes that the rule in question refers in general terms to the settlement of the dispute by conciliation, without further clarification. The provision may therefore also apply in the present case, since the parties have expressly acknowledged this outcome by requesting the closure of the proceedings pursuant to Rule 360 RoP (see UPC CFI No. 75/2023 - order 23.7.2024, CD Munich).

In light of the above considerations, the parties' requests can be granted in full.

ORDER

having regard to Rules 360, 363 and 370.9(c) RoP, the Court

- orders that there is no need to adjudicate on the claims of the applicant, with the consequent dismissal of UPC CFI case No 226/2025;
- acknowledging that the parties have also reached an agreement on the costs of the proceedings, confirms the
the terms of the settlement agreement on this specific point;
 - orders the Registrar to reimburse Hypertherm Inc. the sum of
€6,600.00, equal to 60% of the court fees paid by it in these proceedings.

Milan, 7 October 2025.

Pierluigi Perrotti
presiding judge and judge rapporteur

Alima Zana
legally qualified judge

Samuel Granata
legally qualified judge for the Deputy

Registrar

Pierluigi
i
Perrotti
Alima
ZANA

Samuel Rocco
M Granata

Digitally signed by
Pierluigi Perrotti Date:
2025.10.07
09:49:32 +02'00'

Digitally signed by Alima
ZANA
Date: 06/10/2025 22:49:55
+02'00'

Digitally signed by Samuel Rocco
M Granata
Date: 2025.10.06 21:22:44 +02'00'



D'ORAZIO MANUELA
MINISTRY OF
JUSTICE 07.10.2025
08:59:28 GMT+01:00

INFORMATION ON THE APPEAL

Pursuant to Rule 363.2 RoP, this order constitutes a final decision pursuant to Rule 220.1(a) RoP. An appeal against this order may be lodged with the Court of Appeal by any party whose claims have not been upheld, in whole or in part, within two months of the date of its notification (Article 73.1 UPCA, Rules 220.1(a) and 224.1(a) RoP).