

Order
of the Court of First Instance
issued on 16 October 2025
concerning EP 2 826 630 B1 and EP 3 530 469 B1

Headnotes:

If an application for provisional measures is to be served under the Hague Convention, and the authority responsible for the service informs the Court several months after the request that service cannot be effected because the defendant does not exist at the provided address, the Court may deem the steps taken so far sufficient for proper service, provided that the applicant has credibly demonstrated that the address at which service was attempted is correct.

Keywords:

R. 275.2 RoP; service; alternative method; application for provisional measures

APPLICANT:

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contributing: Patent Attorney Dr Wolfgang Lippich, Patent Attorney Alexander von Poswik, Patent Attorney Martin Janovec,
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DEFENDANTS:

1. Zhuhai ouguan Electronic Technology Co., Ltd, Room 712-2, Building 2, No. 2288, Mingzhu South Road Qianshan, Xiangzhou District Zhuhai City, Guangdong, 519060, China

[2. Andreas Rentmeister e.K., Rufacherstr. 7, 79910 Freiburg, Germany]

Defendant 2. represented by: Attorney-at-law Jochen Bühling, Krieger Mes Rechtsanwälte Partnerschaft mbB, Bennigsen-Platz 1, 40474 Düsseldorf, Germany

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EUROPEAN PATENTS NO. EP 2 826 630 B1 and EP 3 530 469 B1

PANEL/DIVISION:

Panel of the Local Division in Düsseldorf

DECIDING JUDGES:

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

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT: R. 275.2 RoP – Order of good service

SUMMARY OF THE FACTS:

1. By way of an application for provisional measures, the Applicant seeks a preliminary injunction and further provisional measures against the Defendants in respect of an alleged infringement of EP 2 826 630 B1 and of EP 3 530 469 B1.
2. The application for provisional measures was filed on 28 May 2025. After the Applicant has submitted the translations requested by the Court, service on Defendant I was initiated via

the official online portal of the Central Authority of China on 4 June 2025.

3. According to the available online processing history, the documents to be delivered were forwarded within the Chinese authorities to the Supreme People's Court for further processing, where they arrived on 5 June 2025.
4. No further processing by the Chinese authorities could then be detected on the online portal.
5. Therefore, the Applicant asked Defendant I to voluntarily accept service of the application for provisional measures. The Applicant set a deadline of 15 September 2025. This request was unsuccessful.
6. Against this background, on 18 September 2025, the Applicant requested the Düsseldorf Local Division to make an inquiry to the Central Authority of China regarding the status of service of the application for provisional measures.
7. The Court complied with this request by submitting a corresponding inquiry in Chinese via the online portal.
8. On 23 September 2025, the Düsseldorf Local Division received a certificate issued by the Chinese authorities stating

“that the document has not been served, by reason of the following facts:

No such company at the address provided.”

9. As the Applicant considers that the service has been failed, it requests an order that the steps already taken be considered as good service.

INDICATION OF THE PARTIES' REQUESTS:

10. The Applicant requests:

1. that the Court order that the steps already taken to bring the Application for Provisional Measures ACT_24346/2025 to the attention of Defendant I constitute good service pursuant to Rule 275.2 RoP UPC. Service shall be deemed effective as of the date of this order;
2. the order according to item 1. be published on the Court's website with the names of the parties and the file number, so that the order can be found under the decisions published on the website.

GROUND FOR THE ORDER:

11. Pursuant to R. 275.2 RoP, on a reasoned request by the claimant, the Court may order that steps already taken to bring the statement of claim to the attention of the defendant by an alternative method or at an alternative place is good service.
12. According to its wording, R. 275.2 RoP concerns the service of the statement of claim and, therefore, the proceedings on the merits. However, given the urgent nature of the application for provisional measures, the option to consider the steps already taken as good service must apply all the more so for the Defendant's information about the application for provisional measures and its invitation to lodge an objection (R. 209.1(a) RoP).

13. This said, the Düsseldorf Local Division has exhausted all available means of formal service which are provided by Rules 270 to 274 RoP.
14. Service in accordance with the Hague Convention, initiated via the online service officially provided by the Central Authority of China on 4 June 2025, has definitely failed. Due to the urgent nature of applications for provisional measures, no further attempts at service are necessary.
15. The Düsseldorf Local Division has complied with all of the formal requirements set out in the Hague Convention. The Chinese authorities have not objected to the compliance with these requirements. Instead, they informed the Düsseldorf Local Division without further comprehensible justification and only upon request, that “no such company [exists] at the address provided”.
16. However, the Applicant has credibly demonstrated that the address provided by the Applicant in its application, to which service was attempted, is accurate and corresponds to the company’s registered address.
17. According to the Applicant, the address provided on Amazon, the website that Defendant I uses to sell its products, is a phonetic translation of the name and address of Defendant I in Chinese to the Latin alphabet:

Impressum & Info zum Verkäufer
Business-Verkäufer
Geschäftsname: Zhuhai Ouguan dianzi keji youxian gongsi
Geschäftsart: Unternehmen in Privatbesitz
Handelsregisternummer: 914404000567901959
UStID: DE355004318
Telefonnummer: +86 13016315697
E-Mail: ouguanuk@sina.com
Geschäftsadresse:
 QianShanMingZhuNanLu2288Hao2Dong
 712FangZhiEr
 ZHUHAI
 XiangZhou
 GUANGDONG
 519000
 CN

18. The Applicant has provided a clear explanation that this is merely a phonetic translation. The (exemplary) first line of the business address (“Geschäftsadresse”) was translated from Chinese to the Latin alphabet as follows:

Qian Shan	Ming Zhu	Nan	Lu	2288 Hao	2 Dong
前山	明珠	南 = South	路 = Road	号 = No.	栋 = Building

19. As the actual meaning of the address information could not be determined based solely on its phonetic transliteration – and in order to ensure the utmost accuracy – the Applicant has explained that its representatives conducted an independent verification of the address through an internal International Company Overview Report (“ICO Report”, see Exhibit FBD 8). The business name (“Geschäftsname”) provided on the Amazon page for Defendant I led to the following information with regard to the company address:

IDENTIFICATION

Given

Subject name: Zhuhai Ouguan dianzi keji youxian gongsi
Country: China

Verified

Subject name: ZHUHAI OUGUAN ELECTRONIC TECHNOLOGY CO., LTD.
Other style: 珠海欧冠电子科技有限公司
Address: Room 712-2, Building 2, No. 2288, Mingzhu South Road
Qianshan, Xiangzhou District
Town: Zhuhai City
State/province: Guangdong
Zip/postal code: 519060
Country: China

20. The ICO Report, as can be seen at the end of the document under “Source”, is based on the information provided by the “Market and Quality Supervision Administration of Zhuhai City Xiangzhou District”. According to the Applicant, this is a local Chinese government agency in the Xiangzhou District of Zhuhai City, Guangdong Province. It is responsible for market supervision, quality control, and regulatory enforcement in Xiangzhou District, where Defendant I is based. The agency is, inter alia, responsible for market entity registration and therefore maintains records of company registrations, including legal addresses.
21. In addition, the Applicant has comprehensibly referred to the website www.qcc.com. As the Applicant has explained, this website is a third party commercial corporate database which provides access to data on companies registered in China, including official registration details. The following excerpt shows the address provided for Defendant I, first in the original Chinese and then translated to English:

珠海市香洲区前山明珠南路2288号2栋712房之二 (邮编519060)

Room 712-2, Building 2, No. 2288 Mingzhu South Road, Qianshan, Xiangzhou District, Zhuhai City (Postcode 519060)

22. According to the Applicant, it based the address details of the application for provisional measures on the verified address. Set out below is the address as provided in the Chinese translation in the same address structure and with the postal code at the end (as also shown in the address provided by the Chinese database, above mn. 12):

中国广东省珠海市
香洲区前山明珠南路 2288 号 2 号楼 712-2 室
邮编：519060

23. On this basis, the Applicant has sufficiently demonstrated that the provided address is correct. However, the Chinese authorities did not serve the application for provisional measures to this address. Instead, three and a half months after they had received the documents for service via the website provided by the Chinese authorities for this purpose, they only responded to an inquiry by stating without further explanation that the respondent did not exist at the provided address.
24. This justifies considering the steps taken so far as proper service in accordance with R. 275.2 RoP (with regard to the refusal of service due to formal complaints, see: [UPC_CFI_330/2024](#) (LD Mannheim), Order of 31 July 2024 – Panasonic v Xiaomi).

25. Art. 15(2) of the Hague Convention does not preclude this. Insofar as this provision stipulates as one condition to be fulfilled that a period of time of not less than six months has elapsed since the date of the transmission of the document, this time limit cannot apply without restriction in PI proceedings. Applying this time limit formally puts the Applicant at risk of its legal protection potentially becoming ineffective. Art. 15(3) of the Hague Convention shows that the Convention also recognises this issue by allowing the order of provisional measures in urgent cases, despite the formal service requirements.
26. In the present case, all efforts to serve the application or otherwise bring it to Defendant's I attention have failed.
27. In the context of the attempted formal service, the authorities have stated that Defendant I does not exist at the address provided by the Applicant, despite the Applicant providing sufficient evidence that the address is correct. It is also not apparent that the Applicant would have other means of determining Defendant's I address. Furthermore, a renewed attempt at formal service would be incompatible with the Applicant's application for provisional measures, given that the first attempt already took three and a half months. Additionally, the Applicant's attempt to inform Defendant I of the application by email has remained unanswered. There are no other apparent alternative service options. Therefore, there is also no scope for an order under R. 275.1 RoP.
28. To ensure effective legal protection for the Applicant, it is therefore necessary to order that the steps already taken to bring the application for provisional measures to the attention of Defendant I is good service.
29. In order to enable Defendant I to take note of the present order without service, it was necessary to order that a separate reference to the present order be made on the Court's publicly available website.

ORDER:

- I. The steps already taken to bring the application for provisional measures in the proceedings UPC_CFI_449/2025 to the attention of Defendant I constitute good service pursuant to R. 275.2 RoP.
- II. Service is deemed to be effective as of the date of this order.
- III. This order shall be published on the Court's website with the names and the file number, so that the order can be found under the orders and decisions published on the website.

Presiding Judge Thomas	Ronny Thomas Digital unterschrieben von Ronny Thomas Datum: 2025.10.15 15:56:14 +02'00'
Legally qualified judge Dr Schumacher	Jule Kathrin Schumacher Digital unterschrieben von Jule Kathrin Schumacher Datum: 2025.10.15 16:17:40 +02'00'
Legally qualified judge Lopes	