



Local Division Munich
UPC_CFI_559/2025

Decision
of the Court of First Instance of the Unified Patent Court
issued on 20 October 2025

CLAIMANT

Shangrao Xinyuan Yuedong Technology Development Co., Ltd, No. 3 Yingbin Avenue,
Shangrao Economic and Technological Development Zone, 334100 Jiangxi Province, CN,

represented by: Marco Scheffler, Gulde & Partner Patent und Rechtsanwaltskanzlei mbB,
Berliner Freiheit 2, 10785 Berlin, DE.

DEFENDANTS

1. **LONGi Solar Technologie GmbH**, Bockenheimer Landstr. 51-53, 60325 Frankfurt am Main, DE,
2. **LONGi Green Energy Technology Co. Ltd**, No.388 Hangtian Middle Road, Chang'an District, Shaanxi Province 710100, Xi'an City, CN,
3. **Longi (Netherlands) Trading B. V.**, Boompjes Xb, 3011 40 Rotterdam, NL,
4. **Energy3000 solar GmbH**, Industriestraße V/1, 7052 Müllendorf, AT,
5. **Thomas Seifert**, Tubag Allee 6, 56642 Kruft, DE.

Defendant 1-4 represented by: Dr. Benjamin Schröer, Hogan Lovells International LLP,
Karl-Scharnagl-Ring 5, 80539 Munich, DE.

PATENT AT ISSUE

European patent no° EP 3 297 043 B1

PANEL/DIVISION

Panel 2 of the Local Division Munich

DECIDING JUDGE

This Order has been issued by Presiding Judge Ulrike Voß (Judge-rapporteur), Legally Qualified Judge Dr Daniel Voß and Legally Qualified Judge Samuel Granata.

LANGUAGE OF THE PROCEEDINGS

English

SUBJECT-MATTER OF THE PROCEEDINGS

Withdrawal action, Rule 265 RoP / Reimbursement court fees, Rule 370 RoP

SUMMARY OF FACTS

- 1 By Statement of claim dated 29 June 2025, the Claimant filed a patent infringement action against the Defendants.
- 2 By order of 26 August 2025, the Judge-rapporteur suspended the proceedings pursuant to Rule 295 (d) RoP due to settlement negotiations, following a joint application by the parties.
- 3 In a pleading dated 30 September 2025, received by the Court on 10 October 2025, the Claimant declared that the Claimant and the Defendants 1 – 4 have reached a comprehensive settlement agreement and that Defendant 5 has agreed to the withdrawal of the action.
- 4 Against this background, the Claimant requests:
 1. The Claimant hereby withdraws the action. It is requested that the withdrawal of the infringement action be permitted in accordance with R. 265.1 (1) and (2) RoP;
 2. The proceedings are declared terminated by decision in accordance with R. 265.2 (1) (a) RoP;
 3. No decision shall be made on the costs of representation (R. 152 RoP);
 4. Court fees shall be partially refunded to the Claimant in a rate of 60% in accordance with R. 370.9 lit. (b) (i) or (c) (i), (d) RoP
- 5 On 10 October 2025, the Judge-rapporteur gave the parties the opportunity to comment the Claimants' request within one week.
- 6 By statement of 13 October 2025, the Defendants 1 to 4 have declared their consent to the withdrawal. They further declared that no application for reimbursement of the parties' costs will be submitted.
- 7 Defendant 5 did not submit any comments.

REASONS

I.

- 8 Pursuant to Rule 265.1, first sentence, RoP, a claimant may, as long as there is no final decision in the action, request that the action be withdrawn. The application for withdrawal is not allowed, according to sentence 3, if the other party has a legitimate interest in the action being decided by the Court.
- 9 On this basis, the withdrawal is permitted. The withdrawal of the action was declared before a final decision was issued. The Defendants have not asserted any legitimate interests pursuant to Rule 265.1 RoP, nor can any such interests be identified in any other way. The Claimant and Defendants 1-4 have reached an out-of-court settlement. Defendant 5 did not submit any statement in the proceedings and did not even instruct a UPC-representative to access the CMS. There is no discernible legitimate interest on the part of Defendant 5 in a decision on the merits, nor are there any discernible costs incurred by the Defendant 5.

II.

- 10 The consequence of permitting a withdrawal is, according to Rule 265.2 (a) and (b) RoP, to give a decision declaring the proceedings closed and to order the decision to be entered on the register.
- 11 According to Rule 265.2 (c) RoP, when permitting the withdrawal, the Court issues a decision on costs in accordance with Part 1, Chapter 5. An agreement between the parties regarding the costs or a settlement must be taken into account.

III.

- 12 Pursuant to Rule 370.9 (b) (i) RoP in conjunction with Rule 370.11 RoP, 60 % of the court fees paid are to be reimbursed if the action – as in this case – is withdrawn before the closure of the written procedure.

ORDER

1. The withdrawal of the action is permitted.
2. The proceedings are declared closed.
3. This Decision is to be entered on the register.
4. The parties shall bear their own extrajudicial costs.
5. Claimant is to be reimbursed 60 % of the court fees paid by it, and thus an amount of € 6.600,00.
6. The value of the action is set at € 500.000,00.

INSTRUCTION FOR THE REGISTRAR

The Registrar is instructed to make a payment of € 6.600,00 to the Claimant as soon as possible in accordance with point 5 of the Order, Rule 370.11 RoP.

Ulrike Voß Presiding Judge	
Dr Daniel Voß Legally Qualified Judge	
Samuel Granata Legally Qualified Judge	
For the Sub-Registrar	