



Düsseldorf local division
UPC_CFI_1325/2025

Order
of the Court of First Instance of the Unified Patent Court
issued on 30 October 2025
concerning EP 3 653 275 B8

APPLICANT:

Van Loon Beheer Nederland B.V., represented by Jan van Loon, De Velde 1, 8064 PH Zwartsluis, Netherlands

represented by: Solicitor Dr Peter Koch, PENFORCE, Gabelsbergerstraße 9, 80333 Munich, Germany

Patent Attorney Henricus van der Heijden, NLO B.V.
Nederlandsch Octrooibureau, PO Box 29720, 2502 LS The Hague, Netherlands

Electronic delivery address: peter.koch@penforce.eu_

RESPONDENTS:

1. **Inverquark Deutschland GmbH**, Cuvilliesstr. 14, 81679 Munich, Germany
2. **Inverquark GmbH**, Moos 75, 5431 Kuchel, Austria

Trade fair address: Aquanale Cologne, Hall 7.1, D068

PATENT APPLICATION:

EUROPEAN PATENT NO. EP 3 653 275 B8

JUDICIAL PANEL/CHAMBER:

Judicial Panel of the local division in Düsseldorf

PARTICIPATING JUDGES:

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

Dr Schumacher as rapporteur and legally qualified judge Mlakar.

LANGUAGE OF THE PROCEEDINGS: German

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

SUMMARY OF THE FACTS:

1. On 28 October 2025, the applicant filed an application for an order for inspection and preservation of evidence at the defendants' exhibition stand in advance of a main action.
2. The applicant is the sole proprietor of European Patent 3 653 275 B8 (B1 document submitted as Annex AST 6; hereinafter referred to as the application patent), which was filed on 13 November 2019 in English as the language of the proceedings, claiming priority from a Dutch patent application dated 13 November 2018. The grant of the application patent was published on 30 July 2025. The application patent has unitary effect.
3. No preliminary objection was filed against the grant of the application patent.
4. The patent application is entitled "Counter-Current Swimming Device". Its patent claim 1 is formulated as follows in the English language of the proceedings:

"Counter-current swimming device (1) for installation in an existing swimming pool, the device comprising:

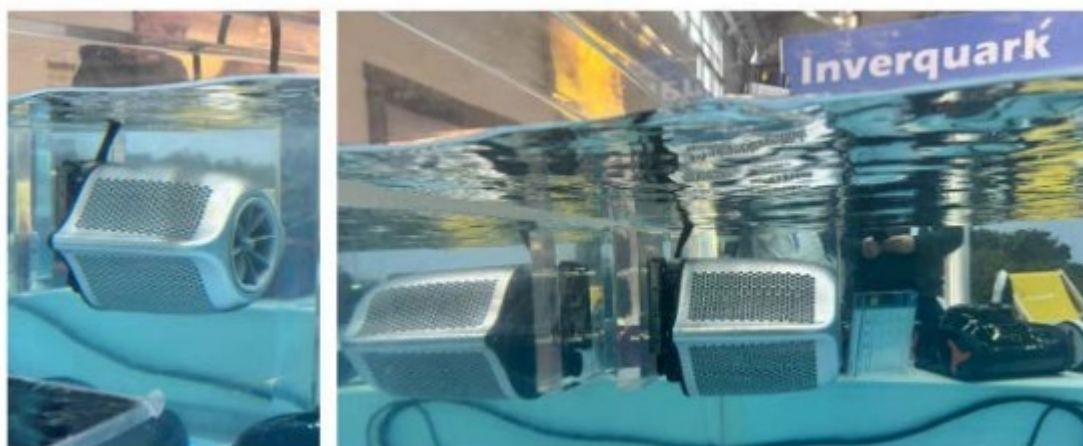
- a lower housing part (12) of a housing, the lower housing part having an inlet (24) with a cross section,
- an upper housing part (11) of the housing, connected to the lower housing part
- an outlet nozzle (10) connected to an exit (26) of the upper housing part, the exit having an exit cross section, so that the lower housing part (12), the upper housing part (11) and the outlet nozzle (10) form a flow channel,

wherein the device further comprises:

- , a propeller screw (17) positioned in the lower housing and configured to accelerate water into the inlet when the device is installed in the swimming pool, and characterised by:
 - a motor (18) positioned outside the housing and coupled to the propeller

wherein the cross section of the inlet (24) is larger than the exit cross section (26) of the upper housing part (11) and the flow channel is continuously becoming more narrow starting from the propeller screw (17) to the outlet nozzle (10) of the upper housing part (11)."

5. The respondents are specialist wholesalers of inverter-controlled pool and garden technology. They supply specialist retailers, installers, pool builders and garden and landscape designers in Austria and Germany with their products.
6. The second respondent is the parent company of the first respondent. It is responsible for the website www.inverquark.at, which offers a counter-current system under the name "InverJet". The first respondent is responsible for the German market.
7. The respondents are currently exhibiting the "InverJet" at the "Aquanale" trade fair, which is taking place in Cologne from 28 to 31 October 2025. The respondent in 2) is responsible for the exhibition stand.
8. For illustrative purposes, an excerpt from the aforementioned website and the counter-current swimming device exhibited at the trade fair are shown below:



9. According to her statement, the applicant was informed by one of her distribution customers, to whom the "InverJet" as a test product. The customer also gave the applicant the opportunity to inspect the "InverJet". However, according to the applicant's statement, it was not possible to carry out a test run, take detailed measurements or dismantle the product.
10. In a letter from its solicitors dated 20 October 2025 (Exhibit AST 4), EVA Optic B.V. issued a warning to the respondents for infringement of the patent in suit. According to the warning letter, EVA Optic B.V. is an exclusive licensee of the applicant. The respondents rejected the warning with a letter from their solicitor.

Letter dated 24 October 2025 (Annex AST 5). In it, they contested the legitimacy of EVA Optic B.V. and disputed both the patent infringement by "InverJet" and the legal validity of the patent application.

11. On 24 October 2025, the respondents and another party filed protective letters against both EVA Optic B.V. (PL_41/2025) and the applicant (PL_40/2025) with the Unified Patent Court in the event that the applicant or EVA Optic B.V. should apply for a preliminary injunction from the court, such as a preliminary injunction. In this case, the respondents requested that the application be dismissed and, in the alternative, that no decision be made without a prior hearing. In addition, they requested that the enforcement of the requested order be made conditional upon the provision of security in the amount of not less than €200,000. In their protective letter, the respondents again denied that the "InverJet" infringed the patent in suit and contested the legal validity of the patent in suit.

APPLICATIONS OF THE APPLICANT:

12. The applicant requests:

- I. To grant the applicant

1. with regard to an infringement of **claim 1** of EP 3 653 275 B1, which reads

Counter-current swimming device (1) for installation in an existing swimming pool, wherein the device comprises: - a lower housing part (12) of a housing, wherein the lower housing part has an inlet (24) with a cross-section, - an upper housing part (11) of the housing, which is connected to the lower housing part - an outlet nozzle (10) connected to an outlet (26) of the upper housing part, the outlet having an outlet cross-section, such that the lower housing part (12), the upper housing part (11) and the outlet nozzle (10) form a flow channel, the device further comprising: - a propeller (17) positioned in the lower housing and configured, when the device is installed in the swimming pool, to accelerate water into the inlet, and characterised by:

- a motor (18) positioned outside the housing and coupled to the propeller screw, wherein the cross-section of the inlet (24) is larger than the outlet cross-section (26) of the upper housing part and the flow channel continuously narrows, starting from the propeller (17) to the outlet nozzle (10) of the upper housing part (11);

and

2. with regard to an infringement of **claim 9** of EP 3 653 275 B1, which reads

Counter-current swimming device (1) according to claim 1, wherein the cross-section of the flow channel, from a receipt of the upper housing part (25) to an outlet opening (16), does not increase anywhere;

and

3. with regard to an infringement of **claim 10** of EP 3 653 275 B1, which reads

Counter-current swimming device (1) according to claim 1, wherein the vertical dimension L , horizontal dimension W and depth D of the counter-current swimming device are in the ranges $200\text{ mm} < L < 1200\text{ mm}$, $100\text{ mm} < W < 600\text{ mm}$. $100\text{ mm} < D < 600\text{ mm}$;

and

4. with regard to an infringement of **claim 11** of EP 3 653 275 B1, which reads

Counter-current swimming device (1) according to claim 1, wherein the motor (18) is contained in a motor housing (14) and the motor housing (14) is filled with a cooling liquid (C);

the inspection of the counter-current swimming device "InverJet" exhibited at the Aquanale trade fair, which takes place from 28 to 31 October 2025 at Cologne Exhibition Centre, Messeplatz 1, 50679 Cologne, Germany, by an expert and a bailiff for the purpose of determining whether the counter-current system "InverJet" exhibited by the respondents claims 1, 9, 10 and 11 of EP 3 653 275 B8 because it makes use of the technical teaching of EP 3 653 275 B8;

II. to secure evidence at the Aquanale trade fair in Cologne (Hall 7.1, D068) by

1. a detailed description of the "InverJet" counterflow system specified in more detail in Section I, including measurements to be taken and images to be produced and, if necessary, the opening of the aforementioned counterflow system for this purpose;
2. alternatively, if inspection is impossible, the physical seizure of the counterflow system described in detail in section I and all technical, advertising and commercial documents, in one copy each;

III. to submit to the court within a period of two weeks a written report (hereinafter: expert opinion) on the results of the inspection and evidence preservation measures, which includes a statement on whether the counterflow system "InverJet" claims 1, 9, 10 and 11 of EP 3 653 275 B8 because it makes use of the technical teaching of EP 3 653 275 B8;

IV. The expert Mr Justus Kreuels, patent attorney and graduate engineer, Platz der Ideen 2, 40476 Düsseldorf, is appointed to carry out this order. He may be replaced by a European patent attorney working in the same law firm;

The locally competent bailiffs are appointed as assistants to support the expert Mr Justus Kreuels. In the interests of protecting the business secrets of the respondents, which may come to light during the inspection and/or assessment, the expert is instructed to maintain confidentiality towards third parties.

- V. During the execution of this order, with regard to the inspection of the "InverJet" counter-current system (item I) and the measures to preserve evidence (item II), in addition to the expert and the bailiff, only two representatives of the applicant belonging to the following group of persons shall be permitted to be present

- (1) Dr Peter Koch, solicitor, PENFORCE, Gabelsbergerstraße 9, 80333 Munich;
- (2) Henricus van der Heijden, Patent Attorney, NLO B.V. Nederlandsch Octrooibureau, PO Box 29720, 2502 LS The Hague

Lawyer Dr Peter Koch and patent attorney Harm van der Heijden are obliged to keep confidential from the applicant and its employees any facts that come to their knowledge in the course of executing the entire order and that relate to the business operations of the respondents.

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

- VI. The respondents are ordered

1. to oblige the respondents to cooperate in the implementation of the measures for inspection and preservation of evidence in accordance with the order to be issued in this matter and to grant the expert and the bailiff, at their request,
 - a. to grant unrestricted access to the "InverJet";
 - b. to dismantle the "InverJet" into its individual components;
 - c. to take photographs or film for documentation purposes, to take written notes and/or to use a dictaphone for his/her notes, insofar as this is relevant to the ordered inspection and preservation of evidence,
2. to hand over to the expert all documents, records and/or media relating to the construction, function or other characteristics of the counter-current system described in section I;

- VII. The respondents are obliged to instruct their managing directors and employees to comply with the requests of the bailiff and/or the expert.

- VIII. In the event of a culpable violation of this order, the court may impose a penalty payment for each violation by each party, the amount of which may be determined by the court taking into account the circumstances of the individual case.

- IX. In the event of a main action being brought, the expert Mr Justus Kreuels is instructed to bring the samples to the court after completing the expert opinion.

- X. The measures for inspection and preservation of evidence shall be revoked at the application of the respondents or shall otherwise cease to have effect if the applicant does not, within a period of no more than 31 calendar days or 20 working days, whichever period is longer, after the written description to be prepared in accordance with Section II has been disclosed to the applicant or the court has issued a final decision, the applicant has not brought an action against the respondents.

REASONS FOR THE ORDER:

13. The application for an order for inspection and preservation of evidence (R. 192, 199 RoP) is successful to the extent stated in the operative part.

I.

14. The Düsseldorf local division has jurisdiction pursuant to Articles 32(1)(c), 33(1)(b) and 60 UPC Agreement. The application has been filed in a permissible manner pursuant to R. 192 RoP. In particular, the applicant has stated that it intends to bring an action on the merits against the respondents before the Düsseldorf Local Chamber.

II.

15. Furthermore, the applicant has credibly demonstrated that the application patent may be infringed by the application-opponents (Article 60(1) UPC Agreement).
16. In view of the circumstances of the case described above, it is possible that the product "InverJet", as exhibited at the Aquanale trade fair in Cologne, makes use of the technical teaching of the application.
17. The applicant, who is entitled to bring proceedings as the owner of the patent in question, has explained in a comprehensible manner why it considers it possible to implement all the features of the patent in question in the "InverJet" product. In particular, it has appealed to photographs showing the external structure of the "InverJet" and used these to explain why it assumes that the features have been implemented. As far as the external design of the "InverJet" is concerned, which cannot be conclusively determined, in particular with regard to the design of the flow channel, certain dimensions and the design of the motor housing, the applicant has appealed to the examination.
18. Insofar as the respondents allege infringement of the patent in question in their protective letter, which is primarily directed against the order for provisional measures, this does not preclude the issuance of the requested inspection order. In their protective letter, the application-opponents dispute that the "InverJet" embodies several features of the application patent. However, it cannot be established that this dispute undermines the applicant's case to such an extent that the inspection and preservation of evidence should be omitted. The fact that the respondents dispute in particular the continuously narrowing design of the flow channel, and thus a feature that cannot be conclusively determined externally, proves rather that an inspection is necessary.

19. An examination of the legal validity of the patent application is not to be carried out within the framework of the present proceedings. Something else can only apply if there are clear indications that the legal validity of the patent application is in doubt, for example as a result of a negative decision on legal validity (see UPC_CoA_327/2025, order of 15 July 2025, para. 43 – Maguin v. Tiru). However, there are no such indications. The fact that the respondents question the legal validity of the patent application in their pre-trial letter of 24 October 2025 (Exhibit AST 5) and in their protective letter on the grounds of inadmissible extension is not sufficient for this purpose.

III.

20. The applicant has also demonstrated that the application is urgent (R. 194.2 a) RoP). In addition, it has presented reasons for issuing an ex parte order (R. 194. 2 b), c), 197 RoP).

1.

21. The inspection or preservation of evidence is urgent.
22. The applicant has clearly demonstrated that the product "InverJet" exhibited at Aqunale Cologne may make use of the technical teaching of claim 1 and subclaims 9, 10 and 11 of the application patent. However, sufficient substantiation can only be provided by examining the product exhibited at the aforementioned trade fair, which would involve taking measurements and, if necessary, opening the counter-current system. According to its submission, it is not possible for the applicant to gain access to the product. Such products are therefore usually only sold through known distribution channels. Competitors are not usually supplied. As the applicant further stated, it did have the opportunity to inspect the product through one of its distribution customers, to whom the "InverJet" had been offered as a test product. However, it was not possible for it to carry out a test run, take detailed measurements or dismantle the product. In the meantime, the product is no longer available from the distribution customer. The exhibition of the "InverJet" at Aqunale Cologne therefore offers the applicant the opportunity to gather evidence of the alleged infringement of the patent in question.

2.

23. The order was to be issued ex parte in accordance with R. 192.3, 197 RoP. Otherwise, there would be a demonstrable risk that evidence would be destroyed or would no longer be available for other reasons (R. 197.1 Alt. 2 RoP).
24. As the applicant has explained in a comprehensible manner, there is a serious risk that "InverJet" will be removed from the exhibition grounds at short notice. This could result in the loss of evidence that could be used to confirm the infringement. Due to the special market conditions already described, it would be almost impossible for the applicant to obtain evidence of what it considers to be an infringement of the patent in suit by the aforementioned product.
25. The existence of a protective letter does not preclude the issuance of an ex parte order. The protective letter does not contain any specific reasons against the issuance of an ex parte order

for inspection and examination. Rather, the protective letter is specifically aimed at preventing the issuance of interim measures without a prior hearing. Furthermore, the existence of the protective letter does not in itself alter the described risk of removal of the "InverJet" from the exhibition grounds.

IV.

26. In the context of the discretionary decision, the interests of the applicant prevail.
27. Based on the information available to it to date, the applicant has comprehensively explained why it assumes that all features of patent claim 1 and subclaims 9, 10 and 11 of the patent application are realised in the product exhibited at Aquanale Cologne. It has also explained in a comprehensible manner why, due to the special circumstances in the relevant market, it has no other options for gathering evidence of what it considers to be an infringement of the patent application by the "InverJet" product, which is why it is dependent on an examination of the product exhibited at Aquanale in order to preserve evidence.
28. Against this background, the present order is necessary in order to satisfy the applicant's overriding interests in this respect. The measures ordered do not place an unreasonable burden on the respondents. The confidentiality orders included in the order take sufficient account of their confidentiality interests.
29. As requested, physical seizure was only to be ordered in the event that inspection was impossible. In this regard, it was to be clarified that seizure would be followed by inspection by an expert. As far as the surrender of documents requested by the applicant is concerned (see application under VI.2.), this shall also only take place if inspection and preservation of evidence at the trade fair is impossible.

V.

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

VI.

31. The order provides, in accordance with R. 196.4, 196.5 RoP, that an expert shall be appointed to carry out the measures. There are no objections to the person of the expert. The applicant has stated that the expert has no relationship whatsoever with the legal representative, the patent attorney involved or the applicant itself.
32. In order to assist the expert in securing evidence, the Chamber has made use of the option granted by R. 196.5 sentence 2 RoP to order the assistance of a bailiff. The bailiff's involvement was necessary in particular for the alternative request for seizure in rem, which under national law falls within the jurisdiction of bailiffs (UPC_CFI_539/2024 (LD Düsseldorf), order of 18 October 2024 – Bekaert Binjiang Steel v. Siltronic).

33. According to R. 196.5 RoP, members or representatives of the applicant itself were to be excluded from the inspection and preservation of evidence. With regard to proportionality and the protection of confidential information, the number of persons authorised to represent the applicant in the proceedings during the inspection was also to be limited, as requested (Art. 60 (1) UPC Agreement, R. 196.1 RoP). The confidentiality measures also imposed on the representatives, the expert and the bailiff take into account the confidentiality interests of the respondents. The same applies to the procedure described after receipt of the detailed description.
34. Furthermore, it was necessary to order that the detailed description to be prepared by the expert may only be used in main proceedings against the respondents (R. 196.2 RoP).
35. The costs of the inspection and preservation of evidence to be carried out by the expert, including the detailed description to be prepared by the expert, are to be paid by the applicant for the time being, as she is requesting the inspection. Unless the expert waives the payment of an advance for his costs, the applicant shall pay the expert a reasonable advance to be determined by the expert before the inspection begins.
36. This order, together with the documents referred to in Section XIII, shall be served by the bailiff in cooperation with one of the applicant's representatives present at the inspection and preservation of evidence in accordance with Section V, pursuant to R. 197.2 RoP.

VII.

37. The general threat of coercive measures included in the order gives the Chamber the necessary flexibility to respond to any violations of this order, taking into account the interests of both parties and the severity of the violation.
38. In this specific case, it was possible to refrain from the order of a security. The special circumstances required for an ex parte order (R. 196.6 RoP) are present. Unlike in the case of an injunction, the respondents face only minor damage at most as a result of the inspection and preservation of evidence. They are still entitled to offer and distribute the products under investigation (UPC_CFI_260/2025 (LD Düsseldorf), order of 26 March 2025, p. 9 f. – OTEC Präzisionsfinish v. STEROS; distinction from: UPC_CFI_177/2023 (LD Düsseldorf), order of 22 June 2023 – myStromer v. Revolt). On this basis, and taking into account the short duration of the trade fair, ordering the provision of security would unreasonably delay the preservation of evidence and inspection, which justifies refraining from ordering the provision of security in the present case. This also applies in view of the statements in the protective letter, which deal with possible damage in the event of an order for provisional damages. As explained, such damage would not occur as a result of the preservation of evidence and inspection.

ORDER:

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

I. The applicant is granted:

with regard to an infringement of **claim 1** of EP 3 653 275, which reads

A counter-current swimming device (1) for installation in an existing swimming pool, the device comprising: - a lower housing part (12) of a housing, wherein the lower housing part has an inlet (24) with a cross-section of $3/34$, - an upper housing part (11) of the housing, which is connected to the lower housing part - an outlet nozzle (10) connected to an outlet (26) of the upper housing part, the outlet having an outlet cross-section such that the lower housing part (12), the upper housing part (11) and the outlet nozzle (10) form a flow channel, the device further comprising: - a propeller screw (17) positioned in the lower housing and configured, when the device is installed in the swimming pool, to accelerate water into the inlet, and characterised by:
- a motor (18) positioned outside the housing and coupled to the propeller screw, wherein the cross-section of the inlet (24) is larger than the outlet cross-section (26) of the upper housing part and the flow channel continuously narrows, starting from the propeller (17) to the outlet nozzle (10) of the upper housing part

and

with regard to an infringement of **claim 9** of EP 3 653 275, which reads

Counter-current swimming device (1) according to claim 1, wherein the cross-section of the flow channel, from a receipt of the upper housing part (25) to an outlet opening (16), does not increase anywhere;

and

with regard to an infringement of **claim 10** of EP 3 653 275, which reads

Counter-current swimming device (1) according to claim 1, wherein the vertical dimension L , horizontal dimension W and depth D of the counter-current swimming device are in the ranges $200\text{ mm} < L < 1200\text{ mm}$, $100\text{ mm} < W < 600\text{ mm}$. $100\text{ mm} < D < 600\text{ mm}$;

and

with regard to an infringement of **claim 11** of EP 3 653 275, which reads

Counter-current swimming device (1) according to claim 1, wherein the motor (18) is contained in a motor housing (14), and the motor housing (14) is filled with a cooling liquid (C);

1. the inspection of the counter-current system "InverJet" exhibited at the Aquanale trade fair, which will take place from 28 to 31 October 2025 at Cologne Exhibition Centre, Messeplatz 1, 50679 Cologne, Germany, by an expert and a bailiff for the purpose of determining whether the counter-current system "InverJet" exhibited by the respondents claims 1, 9, 10 and 11 of EP 3 653 275 B8 because it makes use of the technical teaching of EP 3 653 275 B8;
2. to secure evidence at the Aquanale trade fair in Cologne (Hall 7.1, D068) by an expert and a bailiff,
 - a) a detailed description of the "InverJet" counter-current system with measurements to be taken and pictures to be taken and, if necessary, the opening of the counter-current system for this purpose;
 - b) Alternatively, if inspection is impossible: the physical seizure of the counter-current system and all technical, advertising and commercial documents in one copy each, as well as the subsequent inspection and preservation of evidence as described above under 1. and 2. a).
- II. Within two weeks of completing these measures, the expert shall submit a detailed description of the results of the inspection and preservation of evidence, including an opinion on whether the "InverJet" counter-current system claims 1, 9, 10 and 11 of EP 3 653 275 B8 because it makes use of the technical teaching of EP 3 653 275 B8.
- III. The detailed description prepared in accordance with Section II and all other results of the inspection and preservation of evidence may only be used in main proceedings against the respondents.
- IV. The following person is appointed as an expert to carry out this order: Patent Attorney Dipl.-Ing. Justus Kreuels, Platz der Ideen 2, 40476 Düsseldorf.

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

The locally competent bailiffs shall be appointed as assistants to support the expert.
- V. During the execution of this order, with regard to the inspection of the "InverJet" countercurrent system (section I.1.) and the measures to preserve evidence (section I.2.), the following representatives of the applicant are permitted to be present in addition to the expert and the bailiff:
 - (1) Dr Peter Koch, solicitor, PENFORCE, Gabelsbergerstraße 9, 80333 Munich, Germany;
 - (2) Henricus van der Heijden, Patent Attorney, NLO B.V. Nederlandsch Octrooibureau, PO Box 29720, 2502 LS The Hague, Netherlands.

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

- VI. The persons involved in carrying out the inspection and securing evidence, in particular the bailiff, the expert and the applicant's representatives (solicitor Dr Koch and patent attorney van der Heijden), are obliged to keep confidential any facts that come to their knowledge in the course of executing the entire order, both vis-à-vis third parties and vis-à-vis the applicant and its employees.

In addition, until the Unified Patent Court issues a release order, the aforementioned persons may not give the applicant or third parties any opportunity to inspect the "InverJet", any seized documents and products, or the detailed description to be prepared by the expert.

- VII. The respondents are ordered

1. to cooperate in the implementation of the measures for inspection and preservation of evidence in accordance with the order to be issued in this matter and to grant the expert and the bailiff, at their request,
 - a. to grant the expert and the bailiff unrestricted access to the "InverJet" upon their request;
 - b. to dismantle the "InverJet" into its individual components;
 - c. to take photographs or film for documentation purposes, to take written notes and/or to use a dictaphone for his/her notes, insofar as this is relevant to the ordered inspection and preservation of evidence;
2. if inspection is not possible (see Section II.2): to hand over to the expert all documents mentioned in Section II.2 for the purpose of making a copy;
3. to instruct its managing directors and employees to comply with the requests of the bailiff and/or the expert.

- VIII. The respondents shall be requested to comment on any confidentiality interests they may have after the expert appointed to carry out this order has submitted the detailed description to be prepared in accordance with Section II. The above-mentioned representatives of the applicant, who were allowed to be present during the inspection and preservation of evidence, shall be heard. Only then shall the court decide whether and to what extent the detailed description shall be brought to the personal attention of the applicant and whether the duty of confidentiality shall be lifted for the representatives of the applicants.

- IX. The applicant is obliged to bear the costs of the inspection and preservation of evidence, including the detailed description. The applicant is required to pay the expert a reasonable advance payment to be determined by the court before the inspection begins, unless the expert waives such an advance payment.

, unless the expert waives such an advance payment.

- X. In the event of a culpable violation of this order, the court may impose a penalty payment on each party for each violation, the amount of which may be determined by the court taking into account the circumstances of the individual case.
- XI. In the event of a main action being brought, the expert shall be instructed to bring any samples to court after completing the detailed description.
- XII. The measures for inspection and preservation of evidence shall be revoked at the application of the respondents or shall otherwise cease to have effect if the applicant does not, within a period of no more than 31 calendar days or 20 working days, whichever period is longer, after the detailed description of the applicant to be prepared in accordance with Section II has been disclosed or the court has decided by final decision not to grant access to this description, has brought an action against the respondents.
- XIII. This order shall be served by the bailiff in cooperation with one of the representatives of the applicant named in section V, together with a copy of the application for this order, including the evidence and other documents on which the application is based, as well as the notification of provisional measures and instructions for access to the proceedings, immediately upon execution of the measures submitted in support of the application prior to or during the execution of this order, as well as the notification of provisional measures and instructions for access to the proceedings, immediately at the time of execution of the measures.
- XIV. In all other respects, the application for inspection and preservation of evidence is rejected.

INFORMATION ON REVIEW AND APPEAL:

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

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

Issued on 30 October 2025 NAMES
AND SIGNATURES

Presiding Judge Thomas	Ronny Thomas 2025 21:35:36 +01'00' Digitally signed by Ronny Thomas Date: 29 October 2025
Legally qualified judge Dr Schumacher	JuleKathrin Schumacher 18:20:00 Digitally signed by Jule Kathrin Schumacher Date: 29 October 2025
Legally qualified judge Mlakar	MOJCA MLAKAR 20:53:04 +01'00' Digitally signed MOJCA MLAKAR Date: 29 October 2025
for the Deputy-Registrar	HEIKE BETTINA ELVIRA Strysio 06:27:01 Digital Signed by HEIKE BETTINA ELVIRA Strysio Date: 30 October 2025