



Hamburg – local
division

UPC_CFI_1443/2025
Order
of the Court of First Instance
of the Unified Patent Court,
issued on: 06/11/2025

DATE OF RECEIPT OF THE APPLICATION: 05/11/2025

PARTIES:

Brita SE, legally represented by the Executive Board Markus Hankammer, Stefan Jonitz, Dr Rüdiger Kraege, Heinz-Hankammer-Straße 1, 65232 Taunusstein, Germany,

Applicant,
authorised representative and address for service: Bird & Bird LLP, Carl-Theodor-Straße 6,
40213

Düsseldorf, in particular solicitor Oliver Jan
Jüngst, solicitor Lucas Brons Email:
oliver.jan.juengst@twobirds.com
Contributor: Patent attorney Dr Jörn Felix
Harbsmeier, Bird & Bird LLP, Am Sandtorkai 50,
20457 Hamburg

against

Fileder Filter Systems Spółka z o.o., represented by its legal representative, ul. Maratońska
104a, 94-102 Łódź, Poland,

Respondent,

PROVISIONAL PATENT: EP 2 131 940 B1

ADJUDICATION PANEL/CHAMBER:

Judicial panel of the Hamburg local division

PARTICIPATING JUDGES:

This order was issued by Presiding Judge and Rapporteur Sabine Klepsch, legally qualified judge Dr Stefan Schilling and legally qualified judge Edger Brinkman.

LANGUAGE OF THE PROCEEDINGS: German

BRIEF DESCRIPTION OF THE FACTS:

The applicant is the registered owner of European patent EP 2 131 940 B1 (hereinafter referred to as the patent in suit; Annex BB 5). The patent in suit, the language of the proceedings for which is German, was filed on 20 March 2008, claiming priority from DE 10 2007 017 388 of 5 April 2007. The grant of the patent in suit was published on 9 November 2011. The patent in suit is in force (see Annex BB 6).

The patent in suit relates to a device for treating water, in particular a filter device, and a cartridge. The relevant patent claim 1 is characterised by the following features:

1. Device for treating water, in particular a filter device,
2. with a cartridge (1) that has a container (2) for holding treatment agents for water, in particular for holding filter media, and a connection head (10) arranged on the container (2), and
3. with a connection element (40) comprising a receptacle (50) for the connection head, characterised in that
4. that at least one locking shaft (70a, b) is provided in the connection element (40), with which the connection head (10) can be fixed in the connection element (40),
5. wherein the locking shaft (70a, b) is rotatably mounted and can be rotated from a locking position to an unlocking position and vice versa, and
6. the connection head (10) has at least one recess (30) into which the locking shaft (70a, b) engages in the locking position.

The respondent, a Polish company, is part of the Fieder Group, which specialises in consulting and supplying water filter systems, water treatment products and water filter housings, among other things. According to the German distribution company Fieder Filter SYSTEMS Europe GmbH, the respondent supplied it with water filter systems. The applicant sent a warning letter to the German distribution company Fieder Filter SYSTEMS Europe GmbH, which also belongs to the Fieder Group, by letter dated 8 September 2025 for the alleged infringement of the injunction patent by the water filter systems that are also relevant here, and the latter subsequently issued a cease-and-desist declaration with penalty clause on 17 October 2025 through its legal representatives. In the course of providing information, Fieder Filter SYSTEMS Europe GmbH stated that the infringing products it distributes are purchased from a third party. The supplier of the products is the respondent.

With its application for an injunction, the applicant is challenging the distribution of identical water filter cartridges for use in the food and beverage industry with the names "SPECTRUM Serve Cadé", "SPECTRUM Serve Taste" and "SPECTRUM Serve Steam" (hereinafter: contested embodiments).

With a document dated 29 October 2025, setting a deadline of 4 November 2025, the applicant unsuccessfully warned the respondent (Exhibit BB2). The letter requested the respondent to refrain from offering and marketing the contested embodiments and to submit a declaration of discontinuance with a penalty clause.

With a document dated 5 November 2025, the applicant applied to the Hamburg local division for a preliminary injunction.

APPLICATIONS OF THE PARTIES

The applicant requests:

- I. The respondent is ordered to immediately cease

in Belgium, Bulgaria, Denmark, Germany, Finland, France, Italy, Luxembourg, the Netherlands, Austria, Portugal, Romania, Sweden and/or Slovenia

a device for treating water, in particular a filter device, with a cartridge (1) which has a container (2) for holding a treatment agent for water, in particular for holding a filter agent, and a connection head (10) arranged on the container (2), and with a connection element (40) which comprises a receptacle (50) for the connection head, characterised in that at least one locking shaft (70a, b) is provided in the connection element (40), with which the connection head (10) can be fixed in the connection element (40), wherein the locking shaft (70a, b) is rotatably mounted and can be rotated from a locking position to an unlocking position and vice versa, and that the connection head (10) has at least one recess (30) into which the locking shaft (70a, b) engages in the locking position,

to offer, place on the market, use or import or possess for the aforementioned purposes

- EP 2 131 940 (Direct infringement of claim 1) -

- II. In the event of a breach of the above order under Section I, the respondent is obliged to pay the court a (repeated, if necessary) penalty of up to EUR 250,000 per breach, which shall be set by the court in proportion to the significance of the order.
- III. The respondent is ordered to surrender the products referred to in Section I to a bailiff for safekeeping until a final decision has been made on the existence of a claim for destruction between the parties, or an amicable settlement has been reached, or the applicant informs the court that safekeeping is no longer necessary.
- IV. The respondent is further ordered to provide the applicant, within three (3) weeks after service of this order, in writing and in electronic form that can be evaluated using a computer, in a list structured by month of the calendar year and by patent-infringing products, starting from 9 November 2011, providing information on the products referred to in section I.

1. the origin and distribution channels of the products referred to in section I, stating
 - the names and addresses of the manufacturers, suppliers and other previous owners;
 - the names and addresses of the commercial customers and the points of sale for which the products were intended;
 - the individual offers, broken down by offer quantities, times, prices, type designations and names and addresses of the commercial recipients of the offers;
 - the individual deliveries, broken down by delivery quantities, times and prices, as well as type designations and names and addresses of the customers;
 2. the identity of all third parties involved in the manufacture and distribution of the products referred to in section I. The respondent shall bear the costs of the proceedings.
- V. The respondent is ordered to pay provisional costs of EUR 34,700 pending the final decision on the burden of costs until the decision on the costs of the proceedings.
- VI. The orders shall take effect immediately and be enforceable, alternatively against security to be provided by the applicant in the form of a guarantee or deposit.

It is further requested that

- VII. due to the particular urgency of the matter, pursuant to R.206.3 RoP, to issue the order without oral proceedings and without hearing the respondent, alternatively, after hearing the respondent.
- VIII. that, pursuant to R.13.1(q) of the RoP, it is ordered that English-language documents, in particular Annexes BB 9 and BB 10 submitted with the application, do not need to be translated.
- IX. in the event that the respondent fails to file a timely preliminary objection or fails to comply with other procedural requirements, to issue a default judgment against the respondent pursuant to R.355 of the RoP.

REASONS FOR THE ORDER:

I.

The Hamburg local division has jurisdiction pursuant to Articles 32(1)(c), 33(1)(a) and 62 of the UPC Agreement. The contested embodiment is distributed in and from Germany. An (imminent) infringement in Germany as a contracting Member State is sufficient to establish the local jurisdiction of the local divisions based there, including the Hamburg Local Division. On this factual basis, international jurisdiction is also established (cf. Art. 31 UPC Agreement, Art. 72b(1) in conjunction with Art. 7(2) and/or 35 of the Brussels Ia Regulation).

II.

The admissible application for interim measures is well founded. R. 211.2 RoP in conjunction with Art. 62(4) UPC Agreement (see also Art. 9(3) of Directive 2004/48/EC) provide that the court may order provisional measures if it is satisfied to a sufficient degree that the applicant is entitled to initiate proceedings under Art. 47 of the UPC Agreement, that the contested patent is valid and that it is being infringed or that such infringement is imminent. These criteria are met in the present case.

1.

The applicant is the owner of the patent in suit. Although the applicant is not registered in all contracting member states, Brita GmbH is. However, the applicant has sufficiently proven that Brita GmbH was first converted into Brita AG and subsequently into Brita SE by way of a change of legal form (Annex BB7). The applicant is therefore the legal successor to Brita GmbH and thus the sole patent holder in all contracting member states.

2.

The applicant has also sufficiently proven that the respondent supplies the German distribution company with the contested embodiments and, in this respect, is acting in accordance with Article 25(a) of the UPC Agreement.

3.

The applicant has also proven that the contested embodiments use all the features of claim 1 of the patent in suit.

The respondent has at no time disputed that the contested embodiments directly infringe the patent in suit in the literal sense. Rather, it did not raise any objections in light of the statements made in the warning letter of 29 October 2025. Its customer also did not raise any objections, but instead issued a cease-and-desist declaration with a penalty clause.

On this basis and after a summary examination based on the application, the court is able to establish an infringement.

a)

The patent in suit relates to a device for treating water, in particular a filter device, with a cartridge comprising a container for holding a treatment agent for water, in particular for holding a filter agent, and a connection head arranged on the container, and with a connection element comprising a receptacle for the connection head. The invention also relates to a cartridge, in particular a filter cartridge (see para. [0001]).

The patent in suit states that a bayonet lock was known in the prior art for fixing the connection head and thus the cartridge in a connection element. However, this has the disadvantage that the cartridge and/or the connection element must be rotated as a whole when inserting, which on the one hand requires increased force and on the other hand can damage the sealing elements arranged in the area of the inlet and outlet openings (see para. [0008]).

The task of the invention underlying the patent in suit is therefore to provide a device for treatment of water . create at the the connection of

the

b)

The legal validity of the provisional patent is secured to the extent necessary for the issuance of a temporary order, Rule 209.2 (a) RoP. The provisional patent claims priority from 2007. The reference to the granting of the provisional patent was published in November 2011, and no preliminary objection to the provisional patent has been filed to date. Furthermore, the respondent did not raise any objections prior to the court proceedings and did not submit a protective letter. In addition, the German distribution company did not question the legal validity of the same provisional patent, but instead issued a cease-and-desist declaration with penalty clause.

c)

The contested embodiments are filter cartridges which, in the case of the "SPECTRUM Serve Café" product, for example, with an activated carbon granulate-resin mixture for connection to café systems in the catering sector (feature 1). For illustrative purposes, an image of the infringing form with and without a sealing element (designation by the applicant) is reproduced below:



Abbildung 5: Verletzungsform SPECTRUM Serve Café

The infringing embodiments comprise a filter cartridge and feature both a container for holding the filter medium and a connection head arranged on the container (feature 2, designations in total by the applicant).

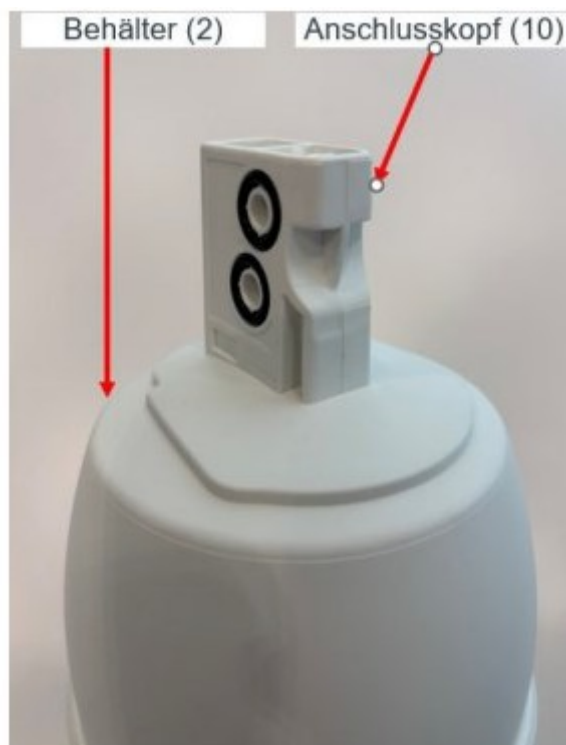


Abbildung 6: Behälter mit Anschlusskopf

The connection element also has a receptacle for the connection head:



Abbildung 8: Aufnahme für Anschlusskopf

The infringing forms also feature a filter head, which is attached to the infringing forms as a separate component. The connection head of the cartridge is inserted into this connection element axially, i.e. by moving the cartridge in the direction of the longitudinal axis of the cartridge (feature 3).



Abbildung 7: Anschlusselement/Filterkopf

The connection element also has a locking shaft integrated into the housing of the filter head. The locking shaft extends perpendicular to the longitudinal axis of the cartridge, i.e. perpendicular to the insertion direction, and protrudes into the receptacle area depending on its rotational position (feature 4):

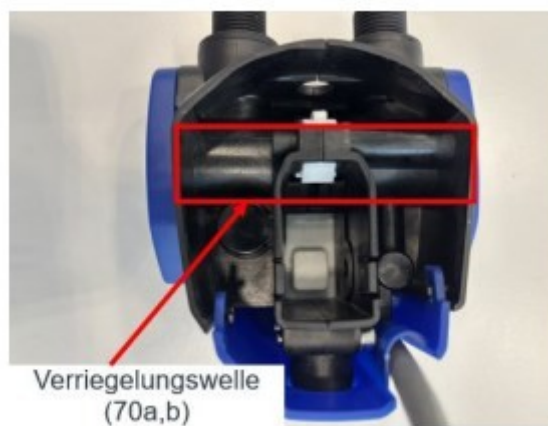


Abbildung 9: Verriegelungswelle im Anschlusselement

The locking shaft of the injury forms can be rotated with the aid of rotating elements arranged on the outer housing of the connecting element. Rotating the rotating elements by approximately 90° causes a quarter turn of the locking shaft and thus a change of position from a locking position to an unlocking position and vice versa (feature 5).



Abbildung 10: Drehelemente der Verriegelungswelle in Anschlusselement

Finally, the connecting head also has a profiled recess with a recessed surface and a centrally arranged web (feature 6). The connection element can be placed on the connection head in a release position of the locking shaft so that the connection head enters the receptacle of the connection element. By turning the rotating elements towards the locking position, the locking shaft engages in the recess of the connection head and secures it in the connection element. This prevents the filter cartridge from slipping out downwards. To remove the cartridge, the locking shaft is rotated back to the unlocked position by the rotating elements so that the cartridge can be pulled out of the connecting element.



Abbildung 11: Aussparung in Anschlusskopf

III.

The matter is also urgent (R. 209.2 lit. b) RoP). There are no indications of unreasonable delay on the part of the applicant, R. 211. 4 RoP. The applicant has only been aware of the respondent's distribution activities since 17 October 2025.

IV.

On this basis, the court, exercising its discretion (R. 209.1, 211.3 RoP), considers the issuance of a preliminary injunction as set out in the operative part to be appropriate and justified (Art. 62(1), 25 UPC Agreement).

1.

The applicant cannot reasonably be expected to wait for the main proceedings to be concluded. The applicant has demonstrated that a delay would cause it irreparable harm (R. 212.1 RoP). The products of both parties are substitutable, directly competing products. The contested embodiments are simple imitations of the applicant's product. According to Art. 34 of the UPC Agreement, decisions of the court in the case of a European patent apply to the territories of the contracting member states for which the European patent has effect. The applicant can therefore successfully apply for an injunction for the territories of Belgium, Bulgaria, Denmark, Germany, Finland, France, Italy, Luxembourg, the Netherlands, Austria, Portugal, Romania, Sweden and/or Slovenia.

2.

The court may therefore issue the provisional measures without prior hearing of the respondent, Rules 206.3, 212.1 RoP. In addition, the respondent had previously been warned by the applicant – without success. Its German distribution company, with the assistance of legal representatives, also issued a cease-and-desist declaration with penalty clause regarding the contested embodiments.

3.

The seizure order is based on Art. 62(3) UPC Agreement in conjunction with R. 211.1 (b) RoP. This appears appropriate and necessary in view of the interests of the parties. The respondent is already supplying the infringing designs to Germany, among other countries. The order to surrender the goods is therefore necessary to prevent further infringing products from entering the market. There is no apparent interest on the part of the respondent in retaining copies of the contested embodiments in its possession.

4.

The right to information is based on Art. 62(1) and Art. 67 UPC Agreement in conjunction with R.211 RoP. The measures under Art. 67 UPC Agreement may also be ordered in proceedings for interim measures. This is evident, among other things, from the fact that Rule 211.1 of the RoP stipulates that the court may, inter alia, order the measures provided for in Rule 211.1 (a) to (d) of the RoP (see Court of Appeal, UPC_CoA_768/2024, order of 30 April 2025, Insulet v. EOFlow; UPC_CoA_382/2024, order of 14 February 2025, Abbott v. Sibio; local division Hamburg, UOC_CFI_514/2025, order of 11 June 2025, MED-EL v. Nurotron). In view of the apparent patent infringement, the applicant has a considerable interest in the requested information. It enables the applicant to take appropriate measures to prevent further infringements within the scope of the patent in suit (see Local Division Düsseldorf UPC_CFI_213/2025, order of 10 June 2025, Aesculap v. Shanghai International).

5.

Insofar as the Hamburg local division has also threatened to impose penalty payments in the event of an infringement, this threat is based on Rule 354.3 of the RoP. The setting of a maximum limit gives the local division the necessary flexibility to also take into account the behaviour of the infringer in the event of an infringement and, on this basis, to be able to set an appropriate penalty payment in accordance with Rule 354.4 of the RoP.

6.

The applicant may demand provisional reimbursement of costs from the respondent, Art. 60(1) UPC Agreement and R. 211.1(c) RoP. The local division considers the EUR 34,700.00 claimed by the applicant to be fundamentally reimbursable.

V.

A security deposit is to be ordered in the present case. Pursuant to Rule 211.5(1) of the RoP, the Court may require the provision of adequate security for any appropriate compensation it may be required to pay to the defendant for the damage that the defendant is likely to suffer in the event that the Court revokes the order for provisional measures. Unless there are special circumstances to the contrary, the Court shall, pursuant to Rule 211.5 S. 2 RoP such an order if the interim measures were ordered without hearing the defendant. The decision to order interim measures is based on only a preliminary assessment of the factual and legal situation, which is inherently uncertain. In addition, the interim measure constitutes a significant encroachment on the rights of the patent infringer, who is severely restricted in the exercise of his economic activity. Only the order of security takes account of this uncertainty and the intensity of the encroachment (Tilman/Plassmann, Einheitspatent, Unified Patent Court, Regel 211 Rz. 32). In the present case, the respondent was warned prior to the court proceedings and did not submit a statement within the set period. After receiving the warning, the German distribution company (a sister company), represented by a solicitor, issued a cease-and-desist declaration with a penalty clause. The facts of the infringement are clear based on the facts available here, and the legal situation appears to be sufficiently secure. However, these circumstances do not give rise to any reason to refrain from ordering security as a matter of principle. With regard to the amount of security, the local division considers an amount of EUR 50,000.00 to be appropriate.

ORDER

I. The respondent is ordered to refrain from

in Belgium, Bulgaria, Denmark, Germany, Finland, France, Italy, Luxembourg, the Netherlands, Austria, Portugal, Romania, Sweden and/or Slovenia

a device for treating water, in particular a filter device, with a cartridge (1) which has a container (2) for holding a treatment agent for water, in particular for holding a filter agent, and a connection head (10) arranged on the container (2), and with a connection element (40) which comprises a receptacle (50) for the connection head, characterised in that at least one locking shaft (70a, b) is provided in the connection element (40), with which the connection head (10) can be fixed in the connection element (40), wherein the locking shaft (70a,b) is rotatably mounted and can be rotated from a locking position to an unlocking position and vice versa, and that the connection head (10) has at least one recess (30) into which the locking shaft (70a,b) engages in the locking position,

to offer, place on the market, use or import or possess for the aforementioned purposes.

- II. In the event of a violation of the above order under Section I, the respondent is obliged to pay the court a (repeated, if necessary) penalty of up to EUR 250,000 per violation, which shall be determined by the court in proportion to the significance of the order.
- III. The respondent is ordered to surrender the products referred to in Section I to a bailiff for safekeeping until a final decision has been made between the parties on the existence of a claim for destruction, or an amicable settlement has been reached, or the applicant informs the court that safekeeping is no longer necessary.
- IV. The respondent is further ordered to provide the applicant, within three (3) weeks of service of this order, in writing and in electronic form that can be evaluated using a computer, in a list structured by month of the calendar year and by patent-infringing product, starting from 9 November 2011, information on the products referred to in section I,
 1. the origin and distribution channels of the products referred to in section I, stating
 - the names and addresses of the manufacturers, suppliers and other previous owners;
 - the names and addresses of the commercial customers and the points of sale for which the products were intended;
 - the individual offers, broken down by offer quantities, times, prices, type designations, and names and addresses of the commercial recipients of the offers;
 - the individual deliveries, broken down by delivery quantities, times and prices, as well as type designations and names and addresses of the recipients;
 2. the identity of all third parties involved in the manufacture and distribution of the products referred to in section I. The respondent shall bear the costs of the proceedings.
- V. The respondent is ordered to pay provisional costs of EUR 34,700 pending the final decision on the burden of costs until the decision on the costs of the proceedings.
- VI. This order shall only be enforceable against the applicant once it has provided security in the amount of EUR 50,000.00 in favour of the respondent. The security may be provided by deposit or bank guarantee.
- VII. The applicant is permitted not to submit German translations of English-language documents, in particular Annexes BB 9 and BB 10 submitted with the application.

REFERENCE TO THE RIGHT OF REVIEW:

The respondent may request a review of this order within 30 days of its execution (Art. 62(5), 60 (6) UPC Agreement, R. 212.3, 197.3 RoP).

NOTE THAT THE MAIN PROCEEDINGS MUST BE INITIATED WITHIN A TIME LIMIT

If the main proceedings are not initiated within a period of no more than 31 calendar days or 20 working days, whichever is longer, from the date of service on the defendant, the Court may, upon application by the defendant, order that the present order be revoked or otherwise cease to have effect (Art. 62(5), 60 (8) UPC Agreement, R. 213.1 RoP).

INFORMATION ON ENFORCEMENT (ART. 82 UPC AGREEMENT. ARTT. 37(2) UPC AGREEMENT, R. 118.8, 158.2, 354, 355.4 RoP):

A certified copy of the enforceable decision or enforceable order shall be issued by the Deputy-Registrar on the application of the enforcing party, Rule 69 RegR.

Presiding Judge and Rapporteur Sabine Klepsch

Legally qualified judge Dr Stefan Schilling

Legally qualified judge Edger Brinkman

For the Deputy-Registrar