



Düsseldorf local division
UPC_CFI_885/2025

Order
of the Court of First Instance of the Unified Patent Court
issued on 17 November 2025
concerning EP 2 983 864 B1

APPLICANT:

OTEC Präzisionsfinish GmbH, represented by its managing directors Helmut and Nico Gegenheimer and Soran Jota, Heinrich-Hertz-Straße 24, 75334 Straubenhardt Conweiler, Germany

represented by:

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OPPOSING PARTY:

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PATENT APPLICATION:

EUROPEAN PATENT NO. EP 2 983 864 B1

PANEL/CHAMBER:

Düsseldorf Local Division

Panel of Judges:

This order was issued by Presiding Judge Thomas as judge-
rapporteur.

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:

On 22 September 2025, the applicant filed an application for an order for inspection and preservation of evidence at the defendant's exhibition stand in advance of a main action.

After the Düsseldorf local division issued the requested order on the same day, it was executed on 24 September 2025 at the EMO trade fair in Hanover, which took place from 22 September 2025 to 26 September 2025, at the defendant's exhibition stand.

The expert appointed by the Düsseldorf local division to carry out the inspection and preserve evidence prepared the detailed description requested of him on 8 October 2025. For technical reasons, the description and its annexes were uploaded to the CMS by the sub-registry of the Düsseldorf local division on 10 October 2025.

In a procedural order dated 30 October 2025, the judge-rapporteur granted the respondent's legal representative access to the unredacted version of the detailed description prepared by the expert and at the same time gave the respondent the opportunity to assert any confidentiality interests by 13 November 2025.

The respondent did not make use of this opportunity.

REASONS FOR THE ORDER:

Since the respondent affected by the inspection and preservation of evidence has not asserted any confidentiality interests with regard to the information contained in the detailed description provided by the expert, the unredacted version of this description must be disclosed to the applicant and its legal representatives (see UPC_CoA_177/2024, APL_20002/2024, order of 23 July 2024, headnotes 1 and 2 – Progress Maschinen und Automation v AWM; UPC_CFI_260/2025 (LD Düsseldorf), order of 12 May 2025 – OTEC v Steros).

The time limit for bringing an action is based on Article 60(8) UPC Agreement in conjunction with Rule 198(1) RoP and Rule 199(2) RoP.

Pursuant to R. 196(2) RoP in conjunction with R. 199(2) RoP, unless the court orders otherwise, an order for inspection and preservation of evidence must contain a note that the results of these measures may only be used in the relevant proceedings on the merits. This is taken into account in both section IV of the order of 26 March 2025 and section IV of the present order.

ORDER:

- I. The unredacted version of the detailed description prepared by the expert, including the annexes, shall be disclosed to the applicant's legal representatives and to the applicant herself.
- II. The confidentiality order found in Section X of the order of 22 September 2025 is lifted with regard to the facts contained in the expert's written description, including the annexes, in relation to the applicant.
- III. The applicant is advised that the measures for inspection and preservation of evidence pursuant to Section XIV of the order of 22 September 2025 will be lifted or otherwise cease to have effect at the application of the respondent if the applicant does not, within a period of no more than 31 calendar days or 20 working days, whichever is longer, after the written description to be prepared by the applicant has been disclosed.

This period shall commence upon entry of this order into the CMS.

- IV. The detailed description prepared by the expert and all other results of the inspection and preservation of evidence may only be used in main proceedings against the respondent.

Issued on 17 November 2025

NAMES AND SIGNATURES

Presiding Judge Thomas

Ronny
Thomas

Digitally signed by
Ronny Thomas

Date: 17 November 2025
08:27:28