



Procedural order
of the Court of First Instance of the Unified Patent Court
issued on 4 December 2025
concerning EP 2 892 442 B1

APPLICANT:

Aesculap AG, represented by the Executive Board Dr Jens von Lackum, Andreas Hahn, Prof. Dr Holger Reinecke, Am Aesculap-Platz, 78532 Tuttlingen, Germany

represented by: _____, solicitor Miriam Kiefer, solicitor _____, solicitor Carsten Plaga, solicitor

Christoph Heringlake, solicitor, Kather Augenstein law firm, Bahnstraße 16, 40212 Düsseldorf, Germany

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Supported by: European Patent Attorney and European Patent Litigator Michael Wegerer, Winter Brandl Partnerschaft mbB, Alois-Steinecker-Str. 22, 85354 Freising, Germany

OPPOSING PARTY:

1. Shanghai Bojin Medical Instrument Co. Ltd., represented by its legal representatives, Floor 6, No. 1313, Jiangchang Road, Jingan district, Shanghai China

represented by: Solicitor Dr Ralph Nack, Noerr Partnerschaftsgesellschaft mbH, Brienner Straße 28, 80333 Munich, Germany

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2. Shanghai International Holding Corporation GmbH (Europe), represented by its legal representative, Mr Liang Jin, Eiffestraße 80, 20537 Hamburg, Germany

represented by: Patent Attorney Philippa Eke, Patent Attorney Douglas Cole, Law Firm

IK-Ip Ltd, 3 Lloyd's Avenue, London EC3N 3DS, United Kingdom

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3. Shanghai Bojin Electric Instrument & Device Co., Ltd, represented by its legal representatives, 6F, No. 1313, Jiangchang Road, Jingan District, Shanghai, China 200072

represented by: Lawyer Dr Ralph Nack, Noerr Partnerschaftsgesellschaft
mbH, Brienner Straße 28, 80333 Munich, Germany

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PATENT AT ISSUE:

EUROPEAN PATENT NO. EP 2 892 442 B1

Appeal Panel/Chamber:

Judicial Panel of the local division Düsseldorf

PARTICIPATING JUDGES:

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

SUBJECT: R. 28 RoP – Setting the date for oral proceedings
R. 263 RoP – Extension of the claim
R. 305 RoP – Addition of a party
R. 320 RoP – Reinstatement to the previous status

ORDER:

1. After hearing the parties, the date for the oral hearing is set in accordance with R. 28 RoP for

Wednesday, 17 June 2026, 9:30 a.m., Room BZ 5, Cecilienallee 3, 40474 Düsseldorf.

The judge-rapporteur will decide at a later date whether to hold an interim hearing.

2. It is ordered that Shanghai Bojin Electric Instrument & Device Co., Ltd, represented by its legal representatives, 6F, No. 1313, Jiangchang Road, Jingan District, Shanghai, China 200072, be added to the proceedings as a party.
3. Insofar as defendant 1 seeks reinstatement to the previous status, such reinstatement does not appear unproblematic on the basis of the arguments presented to date with regard to the question of the implementation of proper "random checks" by the lawyers. On the other hand, it must be taken into account that the submissions of the first defendant regarding the statement of defence of the third defendant have in any case been indirectly received in the proceedings.
4. The first and third defendants object to the plaintiff's request to include the "Bojin rose cutter," citing the alleged lack of the requirements of R. 263 RoP. In this regard, however, even taking into account the arguments put forward by defendants 1 and 3 regarding this embodiment, the question arises as to whether this product would not already be covered by a decision in the present proceedings. If not, the court points out that if the inclusion of the further embodiment in the present proceedings is not permitted, a further action by the plaintiffs

Based on the defence arguments put forward so far by defendants 1 and 3, it would make more sense in terms of procedural economy to include it in the present proceedings.

5. Against this background, the court proposes the following course of action to the parties:
- a) The claimant withdraws its objections to reinstatement of the previous status and agrees that the rejoinder submitted by the first defendant on 18 November 2025 may be taken into account in the present proceedings.
 - b) Defendants 1 and 3 withdraw their objections to the inclusion of the "Bojin rose cutter" in the present proceedings. Since the second defendant has not raised any objections to the inclusion of this embodiment in the present proceedings, the product "Bojin rose cutter" will, by mutual agreement, become the subject of the present proceedings alongside the product "Boijn diamond cutter".
 - c) If the parties agree to this course of action, the court will set new deadlines for the parties to exchange documents on the newly added issues.

This will not affect the date set for the oral hearing in section 1 of this procedural order.

6. The parties will be given the opportunity to indicate **by 11 December 2025** whether they agree to the proposed procedure.

In the event that defendant 1 does not agree, it is hereby given the opportunity to comment on the objections raised by the claimant against the reinstatement within this period.

Issued in Düsseldorf on 4 December 2025

NAMES AND SIGNATURES

Presiding Judge Thomas