



Decision
of the Court of First Instance of the Unified Patent Court
issued on 9 December 2025
concerning EP 3 107 243 B1

CLAIMANT:

Headwater Research LLC represented by Dr. Gregory Raleigh 110 North College Avenue, Suite 1116 Tyler, TX 75702 USA

represented by: The attorneys and patent attorneys of the law firm Eisenführ Speiser, authorized representatives before the Unified Patent Court, led by Attorney-at-law Dr. Michael Schneider and Patent attorney Jochen Ehlers, Gollierstraße 4, 80339 Munich, Germany

electronic address for service: mschneider@eisenfuhr.com

DEFENDANTS:

- 1) **Apple Inc.**, represented by CEO Tim Cook, One Apple Park Way, Cupertino, CA 95014, USA,
- 2) **Apple Distribution International Ltd.**, represented by Directors Cathy Kearney, Michael Sugrue und Jamie Wong, Hollyhill Industrial Estate, Hollyhill, Cork, T23 YK84, Republic of Ireland,
- 3) **Apple Retail Germany B.V. & Co. KG**, represented by its personally liable partner Apple Holding B.V., Leidseplein 29, 1017 PS, Amsterdam, represented by Directors Alexander Niemczyk, Michael Joseph Boyd und Peter Ronald Denwood, ebenda Maximilianstraße 54, 80538 Munich, Germany,
- 4) **Apple Retail France EURL**, represented by Director Jamie Wong, 3-5 Rue Saint Georges, 75009 Paris, France,
- 5) **Apple Retail Netherlands B.V.**, represented by Director Jamie Wong und Tejas Kirit Gala, Leidseplein 29, Third Floor, 1017 PS, Amsterdam, The Netherlands,

represented by: Freshfields PartG mbB, Attorney-at-law Prinz Wolrad zu Waldeck und Attorney-at-law Anton Porsche, Maximiliansplatz 13, 80333 Munich, Germany

electronic address for service: wolrad.waldeck@freshfields.com

PATENT IN SUIT:

EUROPEAN PATENT NO. EP 3 107 243

PANEL/DIVISION:

Panel of the Düsseldorf Local Division

DECIDING JUDGES:

This decision was issued by Presiding Judge Thomas, legally qualified judge Dr Thom acting as Judge-Rapporteur and legally qualified judge Agergaard.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT: R. 265 RoP – Application for leave to withdraw an action

SUMMARY OF THE FACTS:

The Claimant had filed a patent infringement action against the Defendants and the Defendants had filed a counterclaim for revocation.

Prior to the closure of the written procedure, the Claimant withdrew the infringement action by brief dated 30 October 2025 and agreed in advance to the withdrawal of the counterclaim. On the same day, the Defendants agreed to the withdrawal of the infringement action withdrew the counterclaim for revocation.

Both parties informed the Court that the parties have agreed that each party shall bear its own costs and applications for costs are therefore not made. Both parties also requested to reimburse 60% of the court fees paid by each party.

GROUNDS FOR THE DECISION:

The decision follows the parties' jointly expressed will.

Insofar as R. 265.2 (c) RoP requires a decision on costs in accordance with Part 1, Chapter 5 RoP, the decision takes into account the agreement reached between the parties.

ORDER:

1. The withdrawal of the infringement action is allowed at the application of the Claimant and with the consent of the Defendants.
2. The withdrawal of the counterclaim for revocation is allowed at the application of the Defendants and with the consent of the Claimant.
3. All proceedings referred to in points 1. and 2. are declared closed.

4. This decision shall be entered in the register.
5. The value in dispute for the infringement action and the counterclaim for revocation is set at EUR 2,000,000 each.
6. Each party shall bear its own costs.
7. The Claimant is to be reimbursed 60% of the court fees paid by it, and thus an amount of EUR 14,400.
8. The Defendants are to be reimbursed 60 % of the court fees paid by them, and thus an amount of EUR 14,400.

Issued in Düsseldorf on 9 December 2025

NAMES AND SIGNATURES

Presiding Judge Thomas	
Legally Qualified Judge Dr Thom	
Legally Qualified Judge Agergaard	
for the Sub-Registrar	