



Düsseldorf local division UPC_CFI_834/2025

Order **of the Court of First Instance of the Unified Patent Court issued on** **19 December 2025** **concerning EP 3 808 512 B1**

LEADING PRINCIPLES:

1. The submission for an ex parte order must be complete and must not mislead the court, R. 192.3 RoP (in line with UPC_CFI_407/2025, 408/2025, LD Brussels, order of 12 November 2025, para. 47).
2. If there is a violation of Rule 192.3 of the RoP, the question of whether the order can still be upheld in part does not normally arise. The order is then unlawful. In the case of ex parte orders, which as a rule must be decided very urgently and therefore promptly after the application is filed, the court is mandatorily and without exception dependent on truthful and complete submissions by the applicant, because these constitute the sole basis for its decision-making.

KEYWORDS:

Inspection; preservation of evidence; interest in preserving evidence; examination; revocation; R. 192.3 RoP

HEADNOTES:

1. The presentation of facts for an ex-parte order must be complete and must not mislead the Court (R. 192.3 RoP, following UPC_CFI_407/2025 and UPC_CFI_408/2025 (LD Brussels), Order of 12 November 2025, para. 47).
2. If there has been a breach of Rule 192.3 RoP, the question of whether the order can still be upheld in part does not arise. In these cases, the order is deemed to have been issued unlawfully. In the case of ex parte orders, which are usually very urgent and have to be decided shortly after the application has been filed, the Court must rely on the applicant's truthful and complete submission as this is the sole basis for its order.

KEYWORDS:

Inspection; preservation of evidence; interest in preserving evidence; revocation; R. 192.3 RoP

APPLICANT:

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RESPONDENT:

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PATENT AT ISSUE:

EUROPEAN PATENT NO. 3 808 512 B1

Panel/Chamber:

Panel of the local division Düsseldorf

PARTICIPATING JUDGES:

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

LANGUAGE OF THE PROCEEDINGS: German

SUBJECT: R. 197.3 and .4 RoP – Respondent's application for review of an order for inspection and preservation of evidence

ORAL HEARING: 10 December 2025

BRIEF DESCRIPTION OF THE FACTS:

1. The applicant is the owner of European Patent 3 808 512 B1 (Annex JD 1; hereinafter referred to as the application patent), which was filed on 6 June 2019 in English as the language of the proceedings, claiming priority from the Chinese patent application (CN 201810624053) dated 15 June 2018. The grant of the patent application was published on 25 September 2024. The patent application is in force. The initial opt-out (App_49241/2024) was withdrawn by application dated 16 July 2025.
2. The patent application is entitled "Robot localisation method, robot and storage medium". Its patent claims 1 and 9 are worded as follows:

"1. A method for localising a robot (100) comprising:

acquiring, by the robot (100), environment information of a current position;

comparing, by the robot (100), the environment information of the current position with the environment map stored in the robot (100) to obtain a comparison result;

when the comparison result does not meet a set comparison requirement, determining, by the robot (100), at least one passable boundary around the current position based on the environment information of the current position; and selecting a target boundary from the at least one passable boundary, and determining a second position according to the target boundary; wherein the passable boundary is a boundary free from obstacle blocking;

moving (201) the robot (100) from the current position to the second position during a localising process;

acquiring (202) environment information of an environment in which the robot (100) moves during the movement; and

comparing (203) the environment information with an environment map stored in the robot (100) to identify a pose of the robot (100) in the stored environment map, wherein the pose comprises a position and orientation of the robot (100)."

"9. A robot (100), comprising: a basic machine (101), wherein the basic machine (101) is provided with one or more sensors (104), one or more processors (102), and one or more memories (103) storing computer instructions;

the one or more memories (103) are configured to store computer instructions and an environment map;

the one or more processors (102) are configured to execute the computer instructions for:

acquiring environment information of a current position;

comparing the environment information of the current position with the environment map stored in the robot (100) to obtain a comparison result;

when the comparison result does not meet a set comparison requirement, determining at least one passable boundary around the current position based on the environment information of the current position of the robot (100); and selecting a target boundary from the at least one passable boundary, and determining a second position according to the target boundary; wherein the passable boundary is a boundary free from obstacle blocking;

controlling the robot (100) to move from the current position to the second position during a localising process;

acquiring environment information of an environment in which the robot (100) moves during the movement by the one or more sensors (104); and

comparing the environment information with the environment map stored in the one or more memories (103) to identify a pose of the robot (100) in the stored environment map, wherein the pose comprises a position and orientation of the robot (100).

3. Reference is made to the further claims 2 to 8 and 10 to 17.
4. The respondent operates worldwide. It has a branch in Hong Kong and its headquarters in Beijing. The respondent's product portfolio includes household cleaning appliances, including robot vacuum cleaners. The group of companies of the application has other subsidiaries that operate on the European market and offer and distribute its products, including Roborock Germany GmbH (Germany), Roborock Technology Norway AS (Norway), Roborock International B.V. (Netherlands) and Roborock Poland Sp. z o.o. (Poland).
5. The German website <https://de.roborock.com/products> features the robot vacuum cleaners "Roborock Saros 10" (Annex JD 7), "Roborock S8 Max V Ultra" (Annex JD 11) and "Roborock QV 35A" (Annex JD 13) are advertised and offered, which, in the applicant's opinion, are identical in terms of the technology protected by the patent in suit (hereinafter: contested embodiments).
6. The respondent had registered a stand at the 2025 International Radio Exhibition (hereinafter: IFA 2025), which took place in Berlin from 5 September 2025 to 9 December 2025.
7. Against this background, the applicant filed an application on 2 September 2025 for an order to inspect and preserve evidence at the respondent's exhibition stand. Shortly after this application, the applicant also filed a main action, which was to be served at IFA 2025. In this context, the applicant had argued that it based the parallel main action on observations made on the basis of the embodiments distributed by Roborock Germany GmbH. The German subsidiary obtained the contested embodiments with a high degree of probability...

by the respondent. According to the applicant's submission at the time, the applicant's trade fair appearance would be the only opportunity to determine whether the respondent was infringing the patent in suit.

8. On 4 September 2025, the Düsseldorf local division issued an inspection and preservation order in which it ordered the inspection of the robot vacuum cleaners at issue at the International Radio Exhibition (IFA) in Berlin. For the exact content of the measures, reference is made to the order of 4 September 2025.
9. The Düsseldorf local division stated, among other things, as grounds for its decision:

"[...] In view of the circumstances of the case described above, it is possible that the contested embodiments will be exhibited at IFA 2025 and that they will make use of the technical teaching of the patent in suit.

The applicant, who is actively entitled as the owner of the patent application, has comprehensively explained, on the basis of an expert statement (Exhibit JD 10) and various product documents (Exhibits JD 7 to 8, Exhibits JD 11 to 14), why it assumes that all features of the patent application are realised in the contested embodiments. [...]"

"[...] The applicant has clearly demonstrated that the contested embodiments may be exhibited at the IFA 2025 trade fair on the basis of the announcement of its keynote speech at the fair. Even if the application refers in general terms to "groundbreaking innovations, new product categories and real surprises", it is realistic to assume that the applicant will exhibit its current product portfolio, which includes the contested embodiments already offered in Europe. This may be because these are the innovations themselves, or it may be to compare them with existing robot vacuum cleaners in order to highlight the difference between them and any further developed products that are not yet available. Finally, the reason put forward by the applicant, namely to attract customers by presenting all products as broadly as possible, is also taken into consideration.

The applicant has demonstrated in a comprehensible manner that the respondent is most likely the manufacturer from whom the German subsidiary obtains the contested embodiments, or that it will offer the contested embodiments itself at the trade fair. However, sufficient certainty for the applicant can only be provided by a binding declaration from the respondent or an investigation of the contested embodiments if they are exhibited at the trade fair. According to the applicant's submission, it has no other means of proving the respondent's manufacturing and supply activities, as the respondent operates from Hong Kong. The IFA 2025 trade fair therefore currently offers the applicant an opportunity to gather evidence to prove the alleged infringement of the patent in suit. [...]"

10. The respondent is challenging this order with an application for review.

Applications by the parties:

11. The respondent requests

that the order for preservation of evidence dated 4 September 2025 be set aside.

12. The applicant requests

that the respondent's application for review of the order for inspection and preservation of evidence dated 4 September 2025 be dismissed pursuant to Art. 60 (6) UPC Agreement in conjunction with R. 197.3 RoP.

Factual and legal issues in dispute:

13. The respondent claims that the applicant presented the facts incompletely and incorrectly to the court in its application for inspection and preservation of evidence. In fact, the application was neither necessary nor urgent.
14. It is incorrect that after the end of IFA 2025 it was no longer possible to assess patent infringement and that the respondent would only be present on the European market during the trade fair. The applicant itself claims in its main action that the respondent sells the contested embodiments directly to German customers via its Amazon web shop. Apparently, representatives of the applicant even purchased a product there. According to the screenshot taken there, the respondent is identified as the seller of the product. This information was not included in the application for preservation of evidence (unlike in the main action), but was removed.
15. Furthermore, all three contested product series are available on Amazon Germany and are sold there directly by the respondent. The Saros 10 series and the QV35A have been available since March 2025, and the S8 series since the first quarter of 2023.
16. The applicant itself purchased the Saros 10 Black product from Saturn in Frankfurt in August 2025. It would have been easier and more obvious for the applicant to purchase this product directly from the respondent via the aforementioned Amazon web shop and analyse it. In this respect, the present application was not necessary.
17. Since the applicant itself characterised the respondent as the "mastermind" behind the activities of the group of companies in the application, it was obvious that the additional analysis of the products at the trade fair was not necessary, but that the main action could have been based on the results of the products purchased in Germany.
18. Since, according to the main action, the applicant was aware of the respondent's direct sales via its Amazon Germany web shop, the order to preserve evidence was neither proportionate nor urgent.
19. The applicant's current assertion that the inspection focused on new or modified products at the trade fair stand is a pretext and a mere

protective claim. It is also completely unusual and unlikely that a new type of modified product would be exhibited at a trade fair under its original product name without any reference to the new development. If the applicant had determined that the embodiments purchased directly from the respondent on the market made use of the teaching of the patent at issue, the decision in the main action would also have covered products with the same core features at a trade fair. The applicant feigned the need to preserve evidence by only conducting the tests on the embodiments acquired from the German distribution company.

20. The applicant did not sufficiently specify the documents requested, especially since it would be unrealistic to expect to find documents at a trade fair stand that could not also be obtained during a test purchase.
21. The applicant argues that the purpose of the inspection was to secure evidence relating to the embodiments offered at its exhibition stand, as it could not be ruled out that the respondent obtained the embodiments it displayed from another source with different technical characteristics or different software.
22. The applicant now claims in this context that it was also necessary to inspect the models displayed at the trade fair because they were the latest models. These could differ significantly from the products sold on the internet, which may have the same product name but could function completely differently in terms of their content or software. The products sold on the internet may already be outdated, meaning that any attack against them would be futile due to their different design. It is precisely for this reason that it is necessary to secure the models displayed at the trade fair.
23. For this reason, the court expressly made its examination of the exhibited embodiments dependent on the respondent's binding declaration as to whether the robots exhibited at its trade fair stand used the same technology as the embodiments distributed by Roborock Germany.
24. Furthermore, the order specifically concerned documents and information that were not freely available and were typically only available from the manufacturer or its branch office, i.e. at the respondent's exhibition stand during the IFA. This information could not be obtained through a test purchase. Furthermore, with regard to the potential patent infringement, the software design was particularly important.
25. In her application, the applicant clarified several times that the respondent distributes its products in Germany via MediaMarkt, Saturn, Amazon and Roborock Store, among others. In this context, she quotes passages on pages 20, 38 and 46 of her application. The subject of the preservation of evidence and inspection are the specific designs exhibited and offered at the trade fair. It is not true that the applicant did not inform the court that the respondent sells directly in Germany via Amazon. Furthermore, the applicant explained that it does not have any branches in the Member States outside the trade fair and for this reason can only obtain access to information during the trade fair that would otherwise be

not be made public, such as design drawings, circuit diagrams, correspondence, invoices, delivery notes, etc. The applicant stated that the respondent also sells its products in Germany. However, her inspection was specifically focused on the designs exhibited at the trade fair stand. Due to a possible software change, their functionality no longer had to correspond to the tested designs.

26. The applicant did not have to specifically address the webshop name Roborock Official EU. The preservation of evidence was specifically aimed at the specimens exhibited at the trade fair for the purpose of securing reliable evidence in relation to the offer actions commenced herewith. Furthermore, the name of the web shop did not provide indisputable evidence against the respondent, as Amazon itself acted as the sender and recipient of the products. The products offered on the internet did not have to correspond to the products displayed at the trade fair.
27. In addition, the court took note of the content of the main action because it stated that the German subsidiary most likely obtained the contested embodiments from the respondent.
28. Furthermore, the preservation of evidence had proceeded without any problems.
29. The order was necessary in order to clarify a claim for patent infringement and to secure evidence of its commission. In addition, a test purchase was not an objectively equivalent measure, as it would not have granted access to the requested documents. Each act of offering constituted a separate patent infringement that was subject to preservation of evidence. By not making a binding statement at the trade fair, the respondent itself justified the need for the inspection. Since the applicant did not have a branch in the Member States at issue, there was urgency.

LEGAL ASSESSMENT

30. The application for examination is admissible and also successful on the merits.

A. Admissibility of the application for review

31. The application for review is admissible.
32. According to R. 197.3 RoP, the application for review of the order to preserve evidence must be filed 30 days after the measure has been executed. The inspection took place on 7 September 2025. The respondent filed the application for review with the court on 1 October 2025, thus within the time limit.

B. Merits of the review application

33. The application for review is successful on its merits. Taking into account the respondent's submissions, there are grounds for setting aside the order. At the time of its application for an ex parte order, the applicant presented the underlying facts in an incomplete and misleading manner. Obtaining an ex parte order on the basis of incomplete and misleading facts is excluded.

on the basis of incomplete and misleading facts is excluded. If the undisputed facts that have now come to light had been known from the outset, the Düsseldorf local division would not have issued the order. In any case, in the case in dispute, there is therefore no room for examination as to whether the order can be upheld, at least in part.

I. Review

34. The purpose of the review procedure is to enable the order to be reviewed for any (obvious) errors made by the court when issuing the order. The local division Brussels has in its order of 12 November 2025 (UPC_CFI_407/2025, 408/2025), the Brussels local division developed a set of review criteria, which the Düsseldorf local division is also applying to the present case. According to these criteria, the court must carry out four review steps when assessing the application for preservation of evidence/inspection:
35. As a first step, the court should examine whether or not to hear the defendants, taking into account the requirements of Art. 60 (5) UPC Agreement and Rules 194.1 and 194.2 RoP (cf. UPC_CFI_407/2025, 408/2025, order of 12 November 2025, paras. 45–46) In particular, the submission for an ex parte order must be complete and must not mislead the court, Rule 192.3 of the RoP (see UPC_CFI_407/2025, 408/2025, order of 12 November 2025, para. 47).
36. In a second step, the court conducts a substantive review of whether the order should have been issued, which requires an assessment of whether the patent has been or will be infringed (UPC_CFI_407/2025, 408/2025, order of 12 November 2025, paras. 48-50). In a third step, if an order for preservation of evidence is issued, the court should assess whether the actual requests cover the purpose for which the application was made, again weighing up the fundamental rights of the parties (UPC_CFI_407/2025, 408/2025, order of 12 November 2025, para. 51). In a fourth step, the court may, depending on the circumstances of the case, impose additional conditions for the enforcement of the order for the preservation of evidence/inspection.
37. If there has been a violation of Rule 192.3 RoP, the question of whether the order can still be upheld in part does not normally arise. The order has been issued unlawfully. In the case of ex parte orders, which as a rule must be decided very quickly and therefore promptly after the application is filed, the court is mandatorily and without exception dependent on truthful and complete submissions by the applicant, because these constitute the sole basis for its decision-making.

II. Case in dispute

38. As a first step, an examination of the requirements for an ex parte order reveals that the applicant has failed in its duty to present the facts of the case to the court completely and correctly (R. 192.3 RoP). Instead, it has made misleading and incomplete representations.

1. Complete facts

39. In its application for review, the respondent undisputedly argued that the main action contains an excerpt from an offer on an Amazon webshop which identifies the respondent itself as the supplier and was not included in the application.

The respondent sells the contested embodiments directly to German customers via the Amazon web shop. In the excerpt shown below, which is taken from the main action, the representative is named under the delivery address.

The Defendant sells the attacked embodiments directly to German customers through its Amazon webshop:

besuche www.amazon.de/contact-us

Lieferadresse	Verkauft von
Gerd Jaekel	Roborock (HK) Limited
Jones Day 5 Stock, Gewürzmühlstraße 11	FLAT/IRM 1303 13/F TAI SANG BANK BUILDING
München, 80538	130-132 DES VOEUX ROAD CENTRAL CENTRAL
DE	Hong Kong, Hong Kong, 999077
	HK

40. In the absence of a corresponding reference in the application, this circumstance was completely unknown to the Chamber until the request for examination.
41. For the presentation of the facts within the meaning of Rule 192.3 RoP, it is decisive how the application – and only this, regardless of the submissions in a parallel main action – was to be understood ex ante. It is neither necessary nor required that the court take note of the content of the main action at this stage. In any case, the court was not aware of the details of the content of the statement of claim.
42. The application did not mention that the respondent itself offers and/or distributes the contested designs on the European market. Rather, page 26 of the application stated that the respondent uses its affiliated companies for logistics and distribution. For example, the respondent uses its wholly-owned subsidiary Roborock Germany GmbH to respond to customer enquiries from Germany *and distributes its products through this subsidiary*. On page 62, the applicant then stated that the respondent did not have a branch in Europe, but operated – as far as could be seen – from Hong Kong. *The trade fair appearance thus offered the only opportunity to determine whether the respondent infringed the patent in question. [...] The applicant therefore had no other way of obtaining evidence outside the trade fair as to whether the products offered by the respondent in the territory of the Member States infringed the patent applied for.* This statement is also reflected in the summary of the facts in the order of 4 September 2025, because the Düsseldorf local division based its decision on it.
43. Nothing else can be inferred from the further statements now cited by the applicant on pages 20, 38 and 46 of the application. Although there is a reference there to the products in question being available in more than 140 countries, including Germany, this does not imply that the respondent itself distributes them in Germany. The same applies to the statements that the Saros 10 series robot is offered on the German website of the Roborock Group, that the Roborock QV 35A is offered in the "Roborock Store" on the German website and that visitors are redirected to the website of [...] Amazon [...] where the robot is offered. These statements are entirely general in nature and do not refer specifically to the respondent.

44. The court understood all of these statements exclusively in the context of the presentation that the defendant distributes solely through the European companies of its group of companies in the Member States at issue and that the trade fair offers the only opportunity to prove direct use by the defendant itself. This understanding can also be inferred from the above-mentioned reasoning for the order. Insofar as this refers to a comparison of existing robot vacuum cleaners in order to highlight the difference to any further developed products that are not yet available, this is a negative distinction: The purpose of the inspection was to clarify whether the respondent was offering the same contested embodiments at the trade fair as those distributed by the European companies in its group, in particular Roborock Germany GmbH. This is also clear from the further reasoning behind the order, in which the court specifically refers to the fact that the inspection was intended to clarify whether the products exhibited at the trade fair were the same products that were already being distributed via the German subsidiary.

2. Hypothetical ex ante examination

45. Had the court been aware of the aforementioned circumstances, it would not have issued the order.
46. In this context, it should be noted that the applicant had already had suction robots examined. She therefore had the technical details of these suction robots at her disposal. Based on the application, the inspection was not aimed at clarifying the existence of a technical feature (which was not readily apparent). Rather, the purpose was to "secure evidence at the trade fair as to whether the products offered by the respondent in the territory of the Member States infringe the patent applied for". The court cannot determine that this would not also have been possible through a test purchase on Amazon. During the oral hearing, the applicant's representative even confirmed that he had actually purchased the contested embodiment, which was the basis for the Amazon purchase shown in the main action, from the respondent. The objection that the purchase was intended to prove other patent infringements within the applicant's portfolio is irrelevant in this context. Nor does the fact that the robot vacuum cleaners sold by the defendant itself may not be shipped by the defendant itself but by Amazon alter the probative value of such a purchase. The applicant could therefore have examined this contested embodiment in order to prove that the respondent itself had used it. This is a less severe measure than an inspection, which constitutes an infringement of the respondent's rights and would not have been necessary.
47. The applicant is mistaken in believing that the preservation of evidence is particularly necessary if the act to be established significantly infringes the applicant's commercial exploitation rights due to its nature and scope. The applicant is confusing different issues here: even if, in principle, any act of use is subject to preservation of evidence, preservation of evidence is not necessary if the applicant already has sufficient knowledge and facts regarding such an act of use. According to the UPC Agreement's case law to date, one act is sufficient to justify the presumption of a Europe-wide infringement leading to an injunction. An offer at a trade fair is not "better" than an offer via an online retailer for the purposes of assessing the preservation of evidence. It is not

the task of the inspection procedure to provide the "best" or "safest" evidence in addition to existing evidence proving an allegation of infringement.

48. In this context, it is also noteworthy that the applicant attempted to focus the examination procedure on the fact that the patent application was a software patent that had to be examined by means of an inspection procedure because only the behaviour of the robot could be seen, but no insight into the software was available. The applicant itself had not examined the software in the contested embodiments acquired in advance because it was not at all relevant to the realisation of the features. The applicant had therefore not presented any technical facts that would have shown that a claim feature was not fulfilled by the software of the contested embodiment. In light of these statements, it now seems rather questionable whether it filed an inconclusive lawsuit in parallel.
49. Furthermore, had the Chamber been aware of this fact, it would not have issued an order pursuant to Section III for the submission of documents that could prove an infringement. This part of the order was also issued exclusively in the context of the presentation, to prove acts of use directly by the respondent itself. Without this context, it would have been a mere fishing expedition.
50. Insofar as the applicant ultimately appeals in the examination proceedings that the inspection (also) served to identify new designs that differed from the products previously marketed, this is by no means covered by the arguments put forward in the application. The applicant's argument that the products presented at the trade fair could be the latest models with different software and the same product name was made for the first time in the examination proceedings. In addition, the applicant did not present any technical facts to support such a suspicion. Such a request would therefore also have been a so-called fishing expedition, which the Chamber would not have allowed.

3. Partial upholding of the order

51. In the present case, the Chamber sees no reason to deviate from the rule that a violation of Rule 192.3 RoP leads to the complete revocation of the order. The misleading and incomplete statement of facts concerns the core issue of the case, which was the basis for the order. As explained, the decision would not have been made at all if the statement of facts had been complete. In view of the causality at issue, there is no room for partial upholding. The revocation of the order is therefore effected with ex tunc effect, with the exception of the confidentiality orders (R. 197. 3 p. 4 RoP).

ORDER:

- I. The order of the Düsseldorf local division of 4 September 2025 is revoked with the exception of all confidentiality and secrecy orders, including the threat of a penalty payment.
- II. The court obliges the persons to whom confidential information has already been made available in the course of these proceedings to continue to treat it as confidential.
- III. The applicant is obliged to bear the costs incurred to date for the inspection and preservation of evidence, including the preparation of the detailed description.

Düsseldorf, 19 December 2025 NAMES
AND SIGNATURES

Presiding Judge Thomas	<div><div>Ronny Thomas</div><div>2025</div><div>13:15:59 +01'00'</div></div> <div>2025</div> <div>13:15:59 +01'00'</div> <div>Digital signed by Ronny Thomas Date: 18 December 2025</div>
Legally qualified judge Dr Thom	<div><div>Anna Bérénice Dr.THOM</div><div>13:48:40</div></div> <div>13:48:40</div> <div>Digitally signed by Anna Bérénice Dr. THOM Date: 18 December 2025</div>
Legally qualified judge Kupecz	<div><div>András Ferenc Kupecz</div><div>15:16:27</div></div> <div>15:16:27</div> <div>Digitally signed by András Ferenc Kupecz Date: 18 December 2025</div>
For the Deputy Chancellor	<div><div>LAURA CHANTAL DANIEL</div><div>15:21:30 +01'00'</div></div> <div>15:21:30 +01'00'</div> <div>Digitally signed by LAURA CHANTAL DANIEL Date: 18 December 2025</div>