



Paris Central Division

UPC_CFI_809/2025 **Procedural order** **of the Court of First Instance of the Unified Patent Court** **issued on 23/12/2025**

APPLICANTS

ROBERT BOSCH GmbH

(Party to the main proceedings - Defendant) 1

Robert-Bosch Platz

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ROBERT BOSCH S.A.

(Party to the main proceedings - Defendant) 1

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1070 ANDERLECHT - BELGIUM

ROBERT BOSCH PRODUKTIE S.A.

(Party to the main proceedings - Defendant)

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ROBERT BOSCH FRANCE SAS

(Party to the main proceedings - Defendant) 32

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Represented by Johannes HESELBERGER

DEFENDANTS

VALEO SYSTEMES D'ESSUYAGES

(Party to the main proceedings - Claimant) 8 Rue

Louis Lormand

78320 LA VERRIERE - FRANCE

Represented by Lionel MARTIN

PATENT IN SUIT

<i>Patent number</i>	<i>Owner</i>
EP2671766	VALEO SYSTEMES D'ESSUYAGES

RULING JUDGE

Chairman and Judge-Rapporteur

François Thomas

LANGUAGE OF PROCEEDINGS: French

STATEMENT OF FACTS

1. On September 16, 2025, Valeo Systèmes d'Essuyages (Valeo) filed a statement of claim with the Central Division of the Unified Patent Court in relation to an action for infringement of European Patent EP-2 671 766 B1, against the companies :

- Robert Bosch Doo Beograd, a company incorporated under Serbian law,
- Robert Bosch France Sas, a company incorporated under French law,
- Robert Bosch GmbH, a German company,
- Robert Bosch SA, a Belgian company,
- Robert Bosch Produktie SA, a Belgian company,
- Robert Bosch Automotive Products (Changsha) Co Ltd, a company incorporated under Chinese law.

2. On 10 November 2025, the representative of Robert Bosch GmbH, Robert Bosch SA, Robert Bosch Produktie SA, Robert Bosch France SAS filed a preliminary objection concerning the jurisdiction of the Central Division and the language of the proceedings, in which he requests that:

- Declare that the Central Division does not have jurisdiction to hear the infringement action;
- In the event that the plaintiff fails to designate one of the local divisions located on the territory of Germany as the competent referral division and to file its statement of claim in German or English as a new language of proceedings within 14 days of the notification of this preliminary objection, dismiss the infringement action;
- In the event that the present preliminary objection is upheld and the case is transferred to a local division within Germany, if so indicated by the plaintiff, order that the three-month time limit for the defendants to file their statement of defence shall only run from the service of the statement of claim in German or English as the new language of proceedings;
- In the alternative, in the event that one or more of the defendants' claims referred to in points I to III above are dismissed, grant the defendants leave to appeal.

3. In support of his claim, he refers to the terms of Article 33(1) of the UPCA on the jurisdiction of the divisions of the Court of First Instance and Article 303.1 RoP, and argues that the 3rd paragraph of Article 33(1), which confers jurisdiction on the Central Division, is an exception to the rule of principle conferring jurisdiction on the local or regional divisions, which must be interpreted strictly. He submits that the option of jurisdiction for the Central Division provided for by that article is applicable only where all the defendants have their domicile, principal place of business or establishment outside the territory of the Contracting Member States, and that

where at least one of the defendants has his domicile, principal place of business or establishment in a Contracting Member State, Article 33(1), 1st paragraph, point b, must be applied. In his view, the fact that one of the defendants is domiciled in Serbia, which is not a Contracting Member State, cannot justify the jurisdiction of the Central Division, whereas four defendants are domiciled in a Contracting Member State.

4. It claims that the local divisions in Germany have jurisdiction because the local division must have jurisdiction over all the defendants and because the defendant Robert Bosch GmbH, the parent company of the other defendants, is domiciled in Germany and is accused of infringement in Germany, Belgium and France. It added that referral to a local division in Germany, where the language of proceedings could be English, was consistent with the principles of proportionality, flexibility, justice and fairness.

5. On 24 November 2025, Valeo submitted its observations in response to the preliminary objection, in which it requests:

Primarily,

- reject Bosch's preliminary objection;

In the alternative

- refer the infringement action (UPC_CFI_809/2025) initiated by Valeo on September 16, 2025 back to the local division in Düsseldorf;

- order, where appropriate, that the language of the proceedings be English;

- reject, if appropriate, Bosch's request for an extension of time; In any event :

- reject Bosch's request for dismissal of the infringement action (UPC_CFI_809/2025) initiated by VALEO on September 16, 2025;

- authorise Valeo to appeal the order if it declares that the Paris Central Division does not have jurisdiction.

6. Valeo claims that the Central Division has jurisdiction, pointing out that the action is brought against Bosch Serbia, which is domiciled outside the territory of the UPC, manufactures the products at issue and is thus at the centre of the web of infringement. It relies on the principles of efficiency and flexibility with which the procedural rules must be applied, and deduces from the jurisdiction of the Central Division in respect of Bosch Serbia that its jurisdiction extends to the other defendants, which belong to the same group. It contests the reading of the third paragraph of Article 33(1) as constituting only an exception to the first paragraph of that article, and as applying only where all the defendants are domiciled or have their place of business outside the Contracting Member States. It infers from the wording of paragraph 3th of the article, namely "actions against defendants...", allowing the jurisdiction of the Central Division, that it may apply even where defendants are established on the territory of a Contracting Member State. It maintains that the application of Article 33 UPCA as proposed by the Bosch companies leads to inconsistencies, by requiring proceedings to be 'split' in the case of infringements found in several Member States, whereas another, more satisfactory, reading of that article allows the plaintiff to choose the forum, either the division of the place of the damage or the division of the defendant's domicile.

7. It contests any incompatibility of the jurisdiction of the Central Division under Article 33(1) §3, with European Union law, in particular the Brussels 1 recast Regulation.

8. In the alternative, if the Paris Central Division were to decline jurisdiction, Valeo requests that the case be referred to the local division in Düsseldorf and, if necessary, that English be designated as the language of proceedings.

9. Finally, Valeo opposes the request to extend the time limit for filing the statement of defence and the request to dismiss the infringement action.

10. On December 9, 2025, in response to Valeo's written observations, the representative of Robert Bosch GmbH, Robert Bosch SA, Robert Bosch Produktie SA and Robert Bosch France SAS amended his requests, which are as follows:

- Declare that the Central Division does not have jurisdiction to hear the infringement action.
- Find that the Claimant has indicated the local division of Düsseldorf as the competent referring division and designated English as the new language of proceedings but has not filed its Statement of Claim in English within 14 days of the notification of the Preliminary Objection. Accordingly, dismiss the infringement action.
- In the event that the request referred to in point I above is granted and the infringement action is not dismissed in accordance with point II above, to order that the three-month period available to the Defendants to file their Statement of Defence before the Local Division in Düsseldorf shall only run from the service of the Statement of Claim to be filed by the Plaintiff in English as a new language of proceedings.
- In the alternative, in the event of the dismissal of one or more of the Defendants' claims referred to in points I to III above, to grant the Defendants leave to appeal.

11. On 11 December 2025, the representative of Valeo requested, pursuant to Article 9 RoP, to be authorised to reply to the final written submissions of the representative of the Bosch companies or, in the alternative, that they be declared inadmissible.

12. By order of 11 December 2025, the Judge-Rapporteur authorised Valeo's representative to file a reply, until 19 December 2025 at noon.

13. On December 19, 2025, within the allotted time, Valeo's representative filed its reply, reiterating its previous requests.

REASONS

Jurisdiction of the Paris Central Division

14. Paragraph 1 of Article 33 UPCA provides that

"Without prejudice to paragraph 7 of this Article, the actions referred to in Article 32(1)(a), (c), (f) and (g) shall be brought before :

- a) the local division situated in the territory of the Contracting Member State where the infringement or threatened infringement has occurred or is likely to occur, or the regional division in which that Contracting Member State participates; or*
- b) the local division in the Contracting Member State in which the defendant or, if there is more than one defendant, one of the defendants has his domicile or principal place of business or, if he has no domicile or principal place of business, his place of business, or the regional division in which that Contracting Member State participates. An action may*

be brought against several defendants only if they have a commercial connection and if the action relates to the same alleged infringement.

The actions referred to in Article 32(1)(h) shall be brought before the local or regional division in accordance with point (b) of the first subparagraph.

Actions against defendants having their domicile or principal place of business or, in the absence of domicile or principal place of business, their place of business outside the territory of the Contracting Member States shall be brought before the local or regional division in accordance with point (a) of the first subparagraph or before the central division.

If there is no local division within the territory of the Contracting Member State concerned and that Member State does not participate in a regional division, the actions shall be brought before the central division.

15. It thus follows from point (b) of Article 33(1) UPCA that where there are several defendants, the local division of a Contracting Member State in which one of the defendants is domiciled or has his principal place of business or establishment has jurisdiction.

16. This point (b), which expressly gives jurisdiction to certain local divisions in the event of several defendants, by application of the criterion of domicile or establishment, is supplemented by the indication that it is possible to bring an action against several defendants if there is a commercial connection between them and the action relates to the same alleged infringement.

17. The wording of the 3rd paragraph of Article 33.1, "*Proceedings against defendants who have their domicile or principal place of business or, in the absence of such domicile or principal place of business, their place of business outside the territory of the Contracting Member States shall be brought before the local or regional division in accordance with point (a) of the first paragraph or before the Central Division*", does not expressly contemplate that such proceedings be brought on this basis before the Central Division where some of the defendants have their domicile or principal place of business or, in the absence of such domicile or principal place of business, their place of business within the territory of the Contracting Member States. This wording only considers the case of defendants whose domicile, principal place of business or establishment is outside the territory of the Contracting Member States.

18. Valeo's argument, which deduces from the use of the words "*les actions contre des défendeurs*"...rather than "*les actions contre les défendeurs*...", that this covers cases in which only some defendants are established outside the Member States, without requiring that all of them be, in order to justify the jurisdiction of the Central Division, is undermined by consideration of the English version of the text which, by stating "*actions against defendants having their residence*...", does not provide for this distinction between defendants and defendants.

19. The interpretation of this sentence as intended by Valeo contradicts what is indicated in the preceding point b), which gives jurisdiction to certain local divisions in the event of several defendants, by application of the criterion of domicile or establishment, without this point b) excluding the case in which, among these several defendants, one of them would have his domicile, establishment, or principal place of business, outside the territory of the contracting Member States.

20. The jurisdiction of the local division, provided for by Article 33(1)(b) of the UPCA, in the event of multiple defendants, where one of the defendants is resident in France, irrespective of whether the other defendants are based inside or outside the territory of the Contracting Member States, or inside or outside the territory of the Contracting Member States.

or outside the EU, has already been recognised (UPC_495/2023 - decision of 11 April 2024).

21. Moreover, the sentence envisaging actions against several defendants was expressly inserted in the last sentence of point b) of Article 33, so that it covers this point and not all the paragraphs of Article 33.1 (to this effect, Munich Local Division 20 June 2025, UPC_CFI_149/2024, §72). It therefore does not apply to the 3rd paragraph providing for the jurisdiction of the Central Division for actions against defendants whose domicile or residence is outside the territory of the Contracting Member States, and this 3rd paragraph does not include this sentence.

22. The wording of the 3rd paragraph of Article 33.1 indicates that it concerns the determination of the jurisdiction of the Divisions only where all the defendants do not have a domicile or establishment in the territory of the Contracting Member States, and the reference it contains to the first paragraph, which provides for the jurisdiction of the Local Divisions, reveals that it constitutes an extension of, or an exception to, that jurisdiction.

23. This interpretation is supported by the purpose of the provisions applicable to the jurisdiction of the courts, since the plaintiff may choose the local division closest to the place of the conflict for his action, i.e. either the local division of the place of the offence (33.1(a)) or the local division of the defendant's registered office (33.1(b)): the jurisdiction of the local division of the defendant means that he does not have to travel long distances to get to court, and can defend himself in his own language; in the case of the jurisdiction of the local division of the place of infringement, the defendant, because of the distribution of his infringing products in that State, often knows that country, has points of sale there, and has had to adapt to the language in order to distribute his products there.

24. This objective of proximity of the competent court cannot be achieved if none of the defendants has its registered office on the territory of the contracting Member States, so that it does not prevent the Central Division from having jurisdiction. On the other hand, if at least one of the defendants has its seat in a Contracting Member State, the desired objective of proximity to the evidence and the courts can be achieved for that defendant by applying the jurisdictional criteria of Article 33(1), which justifies the jurisdiction of the local divisions for teleological reasons.

25. It follows from the foregoing that where there is more than one defendant and one of them is domiciled or has his principal place of business or establishment within the territory of a Contracting Member State, while the other defendants are domiciled or have their principal place of business or establishment outside the territory of the Contracting Member States, the local division under Article 33(1)(b) of the UPCA, and not the central division, has jurisdiction to hear an infringement action.

26. In the present case, as several defendants to the action are domiciled in the territory of a Contracting Member State, in the absence of an agreement by the parties to bring the action before the Paris Central Division, the latter has no jurisdiction.

Referral to a local division in Germany

Having regard to Article 19.5 RoP

27. The preliminary objection of the representative of Robert Bosch GmbH, Robert Bosch SA, Robert Bosch Produktie SA and Robert Bosch France SAS is dated 10 November 2025, and the observations of the representative of Valeo were made on 24 November 2025, so that the time limit of 14 days provided for in Article 19.5 RoP was complied with.

28. Valeo proposes the jurisdiction of the Düsseldorf local division, pursuant to Article 33(1)(b), as Bosch GmbH is established in Germany. It is not disputed that that company is the parent company of the other defendants, nor that the action relates to the same alleged infringement against the various Bosch companies between which there is a commercial link. The representative of Robert Bosch GmbH, Robert Bosch SA, Robert Bosch Produktie SA and Robert Bosch France SAS, in his observations of 9 December 2025, asked only that the request of the representative of Valeo indicating the local division of Düsseldorf as the competent division of reference be noted.

29. Accordingly, Valeo's alternative request that the infringement action be remanded to the Düsseldorf Local Division will be granted.

Language of the proceedings before the Düsseldorf Local Division

Having regard to Article 49(1) and (2) UPCA,

30. In view of the request of the Bosch companies contained in their preliminary objection (§21 to 26), and of the observations in response of Valeo (§57 to 59), it should be stated that the language of the proceedings will be English.

Dismissal of the infringement action

31. This claim is based on Article 361 RoP, so that it cannot be examined in the context of a preliminary objection, which is based on Article 19 RoP.

Filing of the statement of defence

32. As the infringement action has been transferred to the local division in Düsseldorf, the request by the representative of the Bosch companies that the three-month period should only start to run from receipt of the statement of claim in English or German may be submitted to the judge-rapporteur of the local division designated as competent.

Right to appeal

33. In view of Articles 21.1 and 220 RoP, the parties will be allowed to appeal against this decision.

FOR THESE REASONS,

The Judge-Rapporteur :

Holds that the Paris Central Division does not have jurisdiction to deal with the infringement claim,

Orders the referral of the infringement action to the local division in Düsseldorf,

Orders that the language of the proceedings shall be English,

Authorizes the parties to appeal this order.

DETAILS OF THE ORDER

UPC n° : UPC_CFI_809/2025

Type of action: Infringement action Type
of claim: Preliminary objection Date of
order: 23/12/2025

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