



Paris Local Division

UPC_CFI_702/2024
UPC_CFI_369/2025
Decision on the merits
of the Court of First Instance of the Unified Patent Court
issued on 16/01/2026

HEANOTES :

1. The European patent, which has become unitary and unconditionally amended, takes effect on the date of grant of the European patent.
2. The infringement of the national part of the European patent granted by a State outside the UPC must be assessed in relation to the patent as originally granted. The patent at issue presents a non-negligible risk of invalidation, by the courts of the granting State, after unconditional amendment of the unitary patent.
3. The person skilled in the art is merely an executor. A document that is not accessible to the public does not form part of common general knowledge.

KEYWORDS :

Amended unitary patent, Effective date of limitation, European patent outside the UPC maintained as granted, Person skilled in the art, Common general knowledge and publicly available documents.

APPLICANT

IMC Créations
Parc des Essarts
42160 - Andrézieux-Bouthéon - FR

Represented by Renaud GAGLIONE
and Henri BOURGEOIS

DEFENDER

Mul-T-Lock
4 avenue d'Ouessant, Bât E
91140 - Villebon-Sur-Yvette - FR

France Represented by Stanislas ROUX-VAILLARD
and Adrien BONNET

PATENT IN DISPUTE

<i>Patent number</i>	<i>Owner(s)</i>
EP4153830	IMC Créations

COMPOSITION OF THE CHAMBER

President	Camille Lignieres
Judge-Rapporteur	Carine Gillet
Legally qualified judge	Rute Lopes
technically qualified judge	Michel Abello

LANGUAGE OF THE PROCEEDINGS: French

SUBJECT OF THE PROCEEDINGS: Action for infringement and counterclaim for a declaration of invalidity

DECISION

The parties

1. IMC Créations is a French company founded in 2009 that specialises in anti-theft systems for vehicles, particularly commercial vehicles. Among other things, it markets locks for the side and rear doors of commercial vehicles.
2. Mul-T-Lock France is a subsidiary of the Israeli company Mul-T-Lock Technology Ltd, founded in the 1970s and belonging to the Assa Abloy group, which describes itself as a specialist in high-security locking and access control systems, in particular pick-resistant keys and locks, for which it claims to hold numerous patents. It claims to have designed and marketed an Arma-D-Lock product (now known as "ArmaLock" or "MVP2000") some ten years ago. This high-security lock is fitted to two commercial vehicle doors and incorporates a patented MTL 300 cylinder that it owns. This product was developed into an easier-to-use and less expensive product, the MPV 1000 padlock, which is the subject of the dispute, marketed by Mul-T-Lock France, whose main activity is the wholesale of hardware, through its website.

Facts and procedure

3. By memorandum dated November 20, 2024, IMC Créations brought an infringement action against Mul-T-Lock France and Mul-T-Lock Switzerland (UPC_CFI_702/2024) for claims 1, 2 and 7 of patent EP 4 153 830 (hereinafter "EP'830"), which had become a unitary patent belonging to IMC Créations, before the Paris Local Division of the Unified Patent Court (hereinafter the "UPC").
4. On 21 March 2025, the Court rejected the preliminary objection lodged on 27 February 2025 relating to the territorial jurisdiction of the UPC to hear the action in Switzerland, Spain and the United Kingdom.
5. IMC Créations withdrew its claim against the Swiss branch of Mul-T-Lock Suisse by order of 28 March 2025.
6. On 6 August 2025, the request for inadmissibility of certain arguments developed in the IMC Créations' second submission of 25 June 2025 was rejected.
7. On June 25, 2025, IMC Créations filed a brief in response to the statement of defence and the request for a declaration of invalidity of the patent and requested an unconditional amendment of the patent, alleging, on the one hand, infringement of claims 1 and 6 after limitation in countries where the patent has unitary effect or, alternatively, infringement of claims 1 and 6 amended according to auxiliary requests 1 to 3 and, on the other hand, infringement in Switzerland of claims 1, 2 and 7 of the patent as granted.
8. IMC Créations filed its last pleading on 22 September 2025.
9. On April 25, 2025, Mul-T-Lock France (hereinafter "Mul-T-Lock") replied and counterclaimed for invalidity of the patent (UPC_CFI_369/2025) and filed its pleadings on August 22, 2025 and October 22, 2025, seeking invalidity of the amended patent and contesting any infringement.

10. The pre-trial proceedings were closed on 20 November 2025.

The parties' claims

11. IMC Créations is suing Mul-T-Lock France for the sale of the allegedly infringing MVP 1000 product in France and Switzerland via online retailers such as France Cadenas and Amazon France, and for the sale of the product via a catalogue that can be downloaded from Mul-T-Lock Switzerland's website to professionals, who are themselves responsible for reselling the product to end consumers in Belgium, Germany, Italy, Sweden, the Netherlands, Poland and Spain.

12. In the final stage of its claims, IMC Créations asks the Court to : On the infringement claim

1. Declare that the subject-matter MVP 1000 falls within the scope of the protection conferred by amended claims 1 and 6 in accordance with the principal claim, if not the first alternative claim, if not the second alternative claim and if not the third alternative claim, submitted in the statement of defence to the counterclaim for a declaration of invalidity (see paragraphs [24] and [24bis]);

2. Find that the defendant or the defendant's Swiss branch offers to sell and knowingly sells the disputed item on French or Swiss territory to professionals (see paragraphs [26] and [30]);

3. Issue a permanent injunction against the Defendant, prohibiting the continuation of any act of infringement and in particular the importation or possession, in France or Switzerland, of any copy of the disputed MVP 1000 object, as well as the offer for sale and the sale, to any professional within the meaning of the Defendant's General Terms and Conditions of Sale or of the Defendant's Swiss branch, including any e-commerce business (see paragraph [27]);

4. Issue an order for the following measures (see paragraph [28]):

- A declaration of infringement ;
- A copy of the declaration of infringement to be sent by the defendant, under bailiff's certificate, to any professional within the meaning of the defendant's General Terms and Conditions of Sale or the defendant's Swiss branch, including any e-commerce business, that offers for sale and sells the disputed MVP 1000 object, whether domiciled in France, Switzerland or abroad;
- The recall, by the defendant and under bailiff's report, of copies of the disputed MVP 1000 product, delivered to order by the defendant, since 1st November 2023 and held by any professional within the meaning of the defendant's General Terms and Conditions of Sale or the defendant's Swiss branch, including any online trading company, in the absence of an agreement between the Defendant and the Plaintiff that the professional within the meaning of the Defendant's General Terms and Conditions of Sale, including any e-commerce business, is entitled to dispose of the copies of the disputed MVP 1000 held by the Defendant in return for compensation to be paid to the Plaintiff by the Defendant and the Plaintiff;

- The defendant to recycle the recalled copies under the supervision of a bailiff, in the absence of an agreement between the defendant and the plaintiff to dispose of these copies in return for compensation;

5. Make an order for the provision of information on the following points (see paragraph [29]):

- The identity of any third party, domiciled in any of the States in which the European patent has unitary effect, responsible for the manufacture, assembly or importation of the subject matter of the MVP 1000;
- The identity of any third party, regardless of the State in which it is domiciled, responsible for an offer for sale or sale of the disputed object MVP 1000, accessible or intended for consumers domiciled in any of the States in which the European patent has unitary effect or in Switzerland;
- The number of copies of the subject matter MVP 1000 delivered to order by the defendant to any trader within the meaning of the defendant's General Terms and Conditions of Sale or the defendant's Swiss branch, including any e-commerce business, since the grant of the European patent on 1 November 2023, regardless of the domicile of that trader, and the turnover generated by the sale of those copies;

6. Order the award of damages, in the form of a lump sum corresponding to a licence fee, calculated on the basis of the turnover generated by the sale of copies of the disputed MVP 1000 object, delivered to order by the defendant or by the defendant's branch, to any professional within the meaning of the general terms and conditions of sale of the defendant or of the defendant's branch, including any e-commerce business, since the grant of the European patent, on 1st November 2023, regardless of the domicile of this professional, by applying a royalty rate greater than or equal to 15%,

7. Reject the claim for the costs of the defence to the infringement action.
infringement action,

8. Order recovery of legal costs at the defendant's expense, on the basis of an estimate provided by the plaintiff at the status conference on 14 November 2025.

On the counterclaim for a declaration of invalidity

1. Pursuant to Article 138(3) of the European Patent Convention, together with the Article of the Unified Patent Court Agreement and Rule 30, limit the European patent in accordance with the main request (see paragraph [5]);

2. In the alternative, limit the European patent following the first subsidiary request (paragraph [14]);

3. In the further alternative, limit the European patent following the second subsidiary request (see paragraph [15]);

4. In the further alternative, to limit the European patent in accordance with the third subsidiary request (see paragraph [16]);

5. Declare that claims 1 and 6 as amended in the main request, if not in the first subsidiary request, if not in the second subsidiary request and if not in the third subsidiary request, define a patentable invention within the meaning of Article 52(1) of the European Patent Convention, the requests being filed unconditionally (see paragraphs [7]-[10]);
 6. Reject the grounds of invalidity raised by the Respondent, against claims 1 and 6 as amended according to the main request, if not the first alternative request, if not the second alternative request and if not the third alternative request, as unfounded (see paragraphs and [13]),
 7. Declare that the requests filed by the applicant in the main proceedings or in the alternative to amend European Patent EP 4 153 830 affect only those States in which the European Patent has unitary effect (see paragraph [17]);
 8. Declare that for its effects in Switzerland, European Patent EP 4 153 830 is as granted (see paragraph [17]);
 9. Declare that the scope of the protection conferred by European Patent EP 153 830 is determined, with effect from 1 November 2023, the date of grant of the patent, by claims 1 and 6 amended in accordance with the main request, if not the first subsidiary request, if not the second subsidiary request and if not the third subsidiary request, for its unitary effect and by claims 1, 2 and 7 of the European patent as granted, for its Swiss effect (cf. paragraphs [5], [14], [15], [16] and [17]);
 10. In relation to the claim in the main proceedings, base the infringement action on claims 1 and 6 amended in accordance with the main request, if not the first subsidiary request, if not the second subsidiary request and if not the third subsidiary request, for the States in which the European patent has unitary effect and on claims 1, 2 and 7 of the European patent as granted, for its effects in Switzerland (see paragraph [18]);
 11. Reject the claim for costs of the invalidity counterclaim.
13. Mul-T-Lock, maintaining its previous requests, makes the following claims in its brief of 22 October 2025:
- On the infringement action
- Dismiss all of the Plaintiff's claims in the infringement action;
 - Order the plaintiff to bear the costs of the infringement proceedings; On the counterclaim for a declaration of invalidity
 - Declare claims 1 and 6 of patent EP 4 153 830 invalid as a unitary patent, as amended according to the main request and according to the subsidiary requests

- Order that the decision be entered in the European Patent Register;
- Order the plaintiff to bear the costs of the counterclaim for invalidity;

In the alternative

- Limit the scope of the measures ordered in accordance with the terms set out in sections 7.2 to 7.4 of the Statement of Defence and in particular :
 - o Declare that the measures ordered will only take effect once the decision is final or, at the very least, at the end of a period of three months from the date of the forthcoming decision;
 - o Limit the territorial scope of the measures ordered, at most, to the States in which patent EP 830 has unitary effect;
 - o Dismiss the application relating to the sending of letters;
 - o Order that the information measure may only relate, at most, to :
- The products allegedly sold or delivered by the defendant in the States where patent EP 830 has unitary effect; and
- The identity of the professional third parties to whom these products were allegedly sold or delivered by the defendant in the States in question.
- Order that the information ordered to be disclosed will only be disclosed to a single person representing the Claimant, who has previously signed an appropriate non-disclosure undertaking to be agreed between the parties, in accordance with Rules 191 and 190(1) RoP;
- Acknowledge that no claim for damages is made at this stage of the proceedings; and
- Declare that no damages are recoverable from the Defendant in respect of acts committed prior to the entry into force of the main application (or, if applicable, the subsidiary applications).

GROUNDINGS FOR THE DECISION

I. The patent at issue

A-Presentation of the patent

14. IMC Créations is the owner of patent EP'830, entitled "*lock comprising a slide flush with a base provided with a recess to receive a translation stop for the slide*", the application for which was filed on 21 June 2021, granted on 1 November 2023, under the priority of French patent application FR 2 006 711, filed on 26 June 2020. Patent EP'830 acquired unitary effect on 8 November 2023, with effect from 1 November 2023, and the European patent was also maintained in force in the United Kingdom, Spain and Switzerland. The patent as granted comprises 8 claims, including independent main claim 1 and dependent claims 2 to 8, as well as ten figures.

15. The patent relates to a latch with a single base plate [0007] and [0017], fixed to a fixed fixed panel of the door of a vehicle [0032], comprising a base plate and a slide, guided in translation with respect to each other by guide means. The slide comprises a bearing surface and a setback relative to the bearing surface, to form a translational stop in one of the positions, extended (latch closed position) or retracted (latch open position) [0002]. The sole cooperates with a retractable finger of a locking means carried by the slide to lock the latch in the retracted or extended position [0039] and a translational stop opposite the offset of the locking means, to form a stop in the other position [0001].
16. The object of the invention is to facilitate the operations of fixing the base plate and to improve the precision of the locking of the slide ([0005], [0007], [0032] lines 34 to 37) to overcome the disadvantages of the locks of the prior art, having other arrangements, some being fixed to a support by means of rivets, according to a mounting from the outside (i.e. from the outside of a vehicle) on a base plate in two parts ; others have a retractable finger and a translational stop carried by the baseplate; others whose bearing surface is flush with the fixing base of the single baseplate [0002 to 0004].
17. In the patent, the bearing surface is flush with a single baseplate fixing base to ensure precise locking, while the translational stop is received in a recess in the baseplate, to block the translation of the slide, allowing the slide to be inserted into the baseplate guide means after the baseplate has been fixed to the support [0005 to 0008]. According to the various embodiments, the translation stop in the extended position can be retracted perpendicularly [0009] or retracted into the sliding plane [0010] or integrated into or attached to the slide [0011]. The patent lock allows assembly or disassembly between the slider and the base plate by simply sliding along the guide means and fixing to the frame on the outside of the vehicle to lock the door [0012], [0032] lines 34 to 37).
18. In the course of these proceedings, the applicant has filed an unconditional amendment to the patent. Claims 1 and 6 as unconditionally limited as a principal claim read as follows, according to the division adopted by the parties:
 - Claim 1 (the underlined features are those taken from the description and from claim 2, deleted):
 - "1.1 A lock comprising a single baseplate (1) and a slide (3) guided in translation relative to each other by guide means (5, 7, 6, 8, 9, 11, 13, 15) between two positions, one referred to as extended and the other as retracted,
 - 1.2 the slide comprising a bearing surface (27) which extends in a sliding plane defined by the guide means (5, 7; 6, 8; 9, 11; 13, 15)
 - 1.3 and a setback (31) relative to the bearing surface (27), forming a translational stop in one of the two positions,

1.4 the sole cooperating with a retractable finger (17) of a locking means (43) carried by the slide (3) to lock it in the extended position and in the retracted position,

1.5 the slide (3) comprising, opposite the offset (31) relative to the retractable finger (17) of the locking means (43), a stop (46) for translation into the extended position,

1.6 the bearing surface (27) being flush with a fixing base (29) of the base plate (1),

characterised in that :

1.6.1 the flush bearing surface (27) is integrated into the slide (3) and

1.6.2 the stop (46) is retractable perpendicularly to the sliding plane and

1.7 received in a recess (39) in the base plate (1).

- Claim 6 (ex 7):

"Lock according to claim 1, 3 or 5, characterised in that the base plate (1) is provided with holes (37) comprising a shoulder (36) opposite the fixing base (29) of the base plate (1) and intended to receive a rivet head (52)".

- Alternative claim 1 (addition to Claim 1):

(...)

1.8 to block translation of the slide (3) relative to the base plate (1) in the extended position

- Alternative claim 2 (addition to Claim 1):

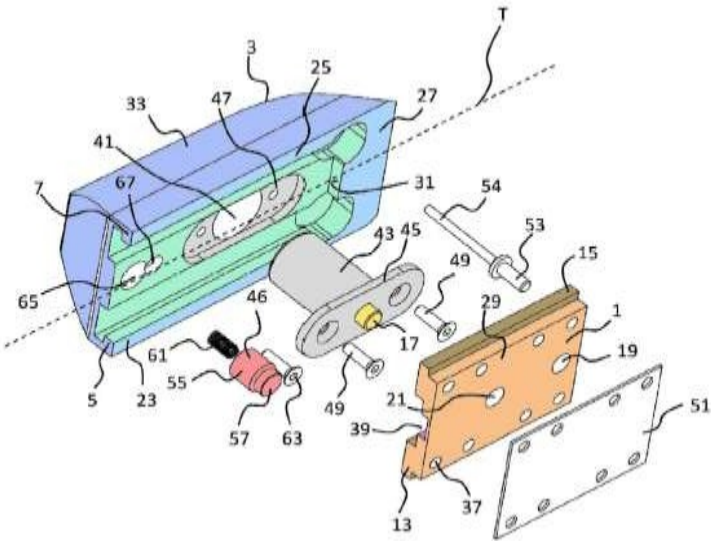
(....)

1.9 open at one end of the base plate (1), in the direction of translation.

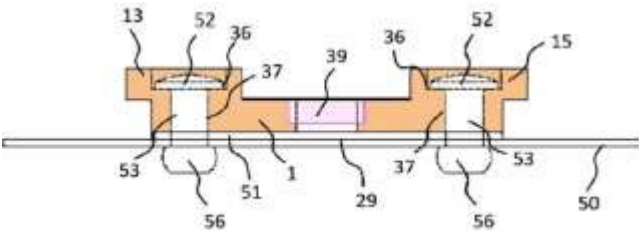
- Subsidiary claim 3 (combination of Subsidiary claim 1 + Subsidiary claim 2)

19. Figures 1 and 7 below have been coloured by the defendant for ease of understanding.

[Fig .0001]

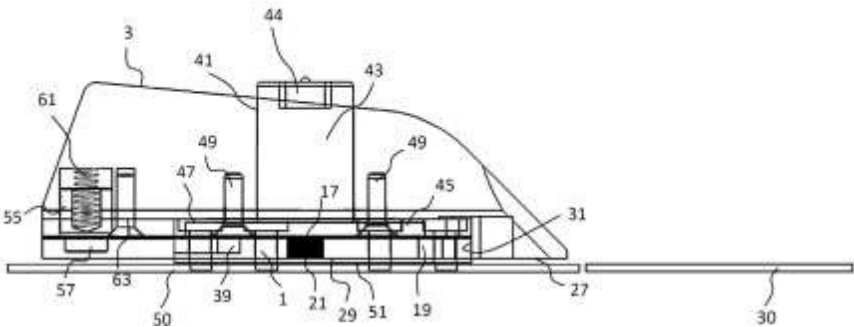


[Fig .0007]

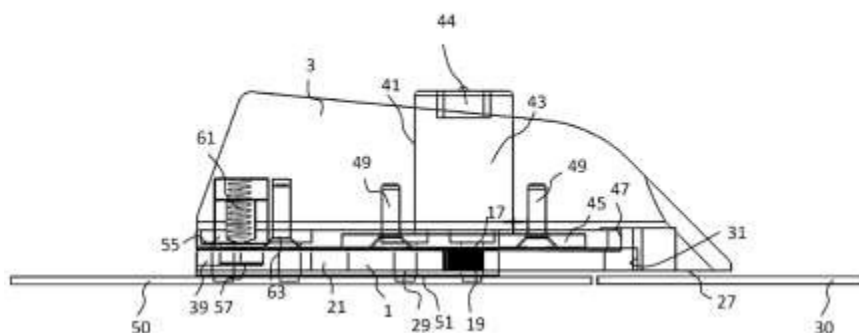


20. Figures 2 and 3 show the retracted and extended positions respectively of the slide [0013].

[Fig. 0002]



[Fig. 0003]



B- The person skilled in the art

21. The person skilled in the art is the person in the technical field in which the problem which the invention, the subject of the patent, is intended to solve arises, who has basic technical knowledge and average skills, and who has the ability to carry out routine operations, in line with his general knowledge and that of his field of activity and the state of the art. He/she is a performer who implements the teachings but does not have the ability to modify the operating principles of a machine. He/she is an average expert, who has undergone routine training and acquired average practical skills and experience, to carry out routine tasks.
22. When interpreting a patent claim, a person skilled in the art does not apply a philological understanding, but determines the technical meaning of the terms used with the help of the description and drawings (DC Paris, 22 January 2025, UPC_CFI_310/2023, point 40: "*The skilled person stands for the average expert who is typically active in the technical field of the invention, has had the usual prior training and has acquired average knowledge, skills and practical experience for routine work*"). According to the Court of Appeal, a person skilled in the art has no inventive capacity or imagination and needs an indication or motivation which, starting from a realistic point of departure, guides him towards the implementation of a next step in the direction of the claimed invention (CoA, decisions of 25 November 2025, UPC_CoA_528/2024, *Amgen v. Sanofi-Aventis* and UPC_CoA_464/2024, *Meril v. Edwards*, points 132 and 136 respectively: "*The skilled person has no inventive skills and no imagination and requires a pointer or motivation that, starting from a realistic starting point, directs it to implement a next step in the direction of the claimed invention [...]*").
23. In this case, the parties differed slightly on the definition of a tradesperson. According to the plaintiff (memorandum of September 22, 2025, page 25), a person skilled in the trade would be a mechanic, with a good knowledge of mechanisms combining mainly metal components. On the other hand, a locksmith does not appear to be a person skilled in the art, as he specialises mainly in barrels and key cylinders, which are not at the heart of the claimed invention.
24. For its part, Mul-T-Lock considers (Memorandum 25 April 2025, page 27) that a person skilled in the art may be defined as an engineer specialising in locksmithing, with particular experience in the field of surface-mounted locks for securing vehicles.

25. In this case, given the technical field of the patent, which relates to a surface-mounted "lock" on, for example, a motor vehicle tailgate and which involves the mechanism of moving parts, the person skilled in the art is a mechanical engineer with expertise in the mechanisms of moving parts, as well as knowledge of surface-mounted locks.

C- Interpretation of the patent

26. The lock comprises a "single base plate" (characteristic 1.1), consisting of a single element and a slide, which cooperate with each other in translation, by means of guide means, in particular slides 5, 7 of the slide 3 and rails 13, 15 of the base plate 1. The single base plate is fixed to a single fixed panel 50 of the vehicle door. It eliminates the delicate operations of aligning the flange with a striker to be fixed to a mobile panel 30 in relation to a fixed panel ([0032] lines 34 to 37). It differs from the two-piece flange (which comprises a part fixed to the frame and a second part fixed to the leaf and forms a strike plate, and the two parts must be aligned with each other). Even though the patent states that the guide means are "*carried by the base plate*" [0015], it is clear from figures 1, 4 and 8 that the guide means 13 and 15, 9 and 11 are included in the base plate, which may be in one piece. Mul-T-Lock cannot therefore maintain that the sole consists solely of the inner surface of the sole, to the exclusion of the guide means, especially since the defendant colours the guide means together with the single sole (for example, Mul-T-Lock's brief of 25 April 2025, figures on pages 23 and 24).
27. The slider comprises a "bearing surface 27" which extends in the sliding plane defined by the guide means (characteristic 1.2) ([0001] line 7; [0006] lines 29-31). This bearing surface may be substantially in the same plane as the panel to which the base plate is fixed, or raised. According to characteristic 1.6 interpreted below, as the bearing surface is flush with the base to which the footplate is attached, it is not raised, unlike in the prior art described in [0002 and 0003].
28. The slide (or the bearing of the slide ([0019] lines 23-24) comprises one According to the patent, in one of the two positions ([0001] lines 9-11) or in the retracted position ([0008] lines 53-54), and according to characteristic 1.3, in "*one of the two positions*", extended (locking position) or retracted, the "step 31" (characteristic 1.3) forms a translational stop with respect to the bearing surface. The counterpart of the step is the retractable stop 46, which forms a translational stop in the extended position, so that it appears that the step 31 forms a stop in the retracted position only. The step and the stop located at each end of the guide means prevent the slider from becoming detached from the base when it is handled.
29. The slide carries a locking means provided with a retractable finger 17, which co-operates with the base plate (characteristic 1.4) ([0001] lines 11-14, [0006] lines 33-38) and which is located between the step 31 and another translation stop 46 in the extended position. The retractable finger ensures locking in the two positions, extended and retracted ([0022]; [0023] line 58 and L.1-2 column 5), by cooperation (for example) of the retractable finger respectively in the perforations 19 (extended position) or 21 (retracted position) of the base plate.

30. The "translational stop 46 in the extended position" (characteristic 1.5), located opposite the recess 31, can be, in the prior art, a retractable screw ([0002] line 21) or a fixing screw attached to the base plate ([0004] lines 15-16). The parties disagree on the function of the stop, which, according to the defendant, ensures complete blocking or, according to the plaintiff, simple immobilisation up to a certain threshold. According to [0026] a locking means can form a translational stop in the extended position. However, it is not the expression "*locking means*" that is used in the claim, but the broader term "translational stop". However, the usual technical definition for a person skilled in the art, who for the record is a mechanic with expertise in the mechanisms of moving parts, of the term "*stop*" being that of "*stopping or limiting*" the movement of a part which comes to rest against the stop, the claim not providing any limitation on the function of the stop, the latter must be interpreted, without restriction, as having the function of stopping or limiting the mechanism. Furthermore, the claim does not limit the shape of the stop, which may be in the form of a head with a shoulder ([0028] and Figure 1 of the patent) or even a ball, provided that it performs the aforementioned function which is its function. At the hearing, the applicant argued that the stop should be construed as an end stop. However, the claim does not specify that it is an end stop. On the contrary, the conditional limitation according to auxiliary requests 1 and 3, which states that this stop serves "to block the translation of the slide (3)", confirms that the stop according to claim 1 of the main request has a broader scope and is not limited to a blocking means.
31. The slider comprises a "bearing surface which is flush with a base for fixing the sole" ([0006] lines 39-40) according to feature 1.6. This ensures precision locking in a single base application ([0007]) and prevents the introduction of a foreign body or even a vandalism tool between the slide and the base ([0019] lines 30 to 32). The expression "*flush*" means that the bearing surface 27 of the slide and the fixing base 29 of the baseplate 1 extend in the same plane [0017]. The fixing base 29 is not precisely defined in the patent. However, it is understood from the figures and from [0024] that it refers to the lower part of the flange (the base) which is fixed against the panel of a door, possibly with a sealing shim 51 interposed.
32. As stated in the patent ([0009]; [0010]), the "flush bearing 27 [is] integral with the slide 3" (feature 1.6.1) or retractable relative to the base 33 of the slide ([0018]). The bearing surface is an integral part of the slide or may be retractable as shown in Figure 9 of the patent specification. This feature 1.6.1 does not duplicate feature 1.2, contrary to Mul-T-Lock's assertions that the bearing is necessarily integral with the ram, since it can also be retractable. However, by failing to include the "*retractable*" feature in the claims, the patentee has limited the scope of the patent to a one-piece bearing.

33. The "stop 46 is retractable" ([0002]; [0009] or retractable ([0010] to [0012]; [0027]; [0030]). However, feature 1.6.2 only claims a "retractable" stop, so that the embodiments with a retractable stop are no longer part of claim 1. They are now protected independently by the new independent claim 3, without the defendant raising any objection. This stop makes it possible to fix the base plate to a support before inserting the slide into the guide means. It can be mounted from the outside ([002] and [0038]) on the fixed panel of the vehicle door.
34. Feature 1.7 relates to "the stop 46 received in a recess (39, 40) in the base plate (1)" ([0006] lines 40-41; [0007] line 45; [0008]; [0030] lines 12-13). The retractable locking means or stop is received in a recess 39 in the base plate, when the slide is in the extended position ([0026]; [0029]) to form a translational stop in the extended position ([0035] lines 7 et seq. and Figures 3 and 6) and to lock the translation of the slide relative to the base plate in the extended position ([0029]). In addition to enabling the slide to be assembled and disassembled when the base is fixed to a panel, this arrangement protects the locking means between the slide and the base and keeps the two "rear" ends of the slide and the base coincident in the extended position ([0030]).
35. The parties disagree on what constitutes a "clear-out".
36. According to IMC Créations (memorandum 25 June 25, pages 29 et seq, pages 34 et seq.), this recess is a state (and not an operation), consisting of any recessed volume, including the space between the inner surface of the sole, the side walls of the base forming the guide means and the wall of a part (including a stud) projecting from the inner surface of the base and this recess allows both assembly and disassembly of the slider with respect to the base ([0012] and [0044]), which excludes a groove or cavity closed in the direction of sliding, which would make disassembly impossible. There is no need to adjust the recess to the dimensions of the stop to allow assembly and disassembly of the slider. At most, an adjustment, as suggested by the defendant, makes it possible to obtain another advantage in terms of exposure to vandalism, by reducing the size of the accessible housing at the rear of the lock. This need for adjustment is invoked by the defendant only to avoid infringement.

37. This interpretation, according to Mul-T-Lock (submission of 25 April 2025, page 44 and submission of 22 August 2025, page 28), runs counter to that adopted by the examiner in the course of the grant procedure, which distinguishes a recess made in the sole from a simple stud serving as a stop. In addition, the recess is presented in the description as offering a specific technical advantage, to ensure that there is no opening at the rear of the slide except for the strict width of the stop, so that the term
- In the defendant's view, the "recess" within the meaning of the patent is necessarily linked to the technical effect that the patent attributes to that recess. The defendant considers that IMC Créations cannot extend the scope of the claim to a functional claim by focusing on the technical result obtained, regardless of the literal wording of the claim. According to Mul-T-Lock, the verb "to *hollow out*" corresponds to the action of removing material from a pre-existing block of material, by hollowing it out, the space freed having to be adjusted to the stop, in order to receive it there, so that the cavity is completely filled by the stop, to avoid leaving an open space at the rear of the slide in the extended position, to introduce a vandalism tool there. Thus, the recess referred to in the patent cannot be all volume between the guide rails, whereas the figures show a hollowed-out recess. It cannot be a stud as in the MVP1000 product. Furthermore, if the applicant's interpretation were to be accepted, it would expose the patent at issue to a patentability defect with regard to the A2 prior art.
38. In this case, the extracts from the Larousse and Le Robert dictionaries submitted to the debate,
- define hollowing out as "*the state of being hollowed out*" or as "*the operation of emptying a cavity of its contents*".
- "the operation of emptying a cavity of its contents"*.
39. The applicant rightly refers to the decision of the EPO's Enlarged Board of Appeal (G2/88) according to which claims essentially relate to two categories, either a thing or object, or an activity or process.
40. The patent in question does not relate to a process for manufacturing the sole, but to its structure, so that a person skilled in the art will not interpret the word "recess" as referring to the operation by which the recess was formed. Rather, he will interpret it as a condition, a synonym for "*housing*" or "*opening*". As the applicant rightly pointed out at the hearing, an opening in a building does not mean that the wall has been "opened" to make an opening, but generally refers to a space left free to accommodate a door or window.
41. Thus, within the meaning of the patent, the recess creates a space in the base plate to receive the stop, which will interrupt the travel of the slide on the guide rails, in the extended position, and will enable the rear ends of the base plate and the slide to be brought into coincidence. It also allows the slide to be inserted onto the base after it has been fixed to the support, making it easier to fix the base. More specifically, the patent states that "*this recess 39 extends in the direction of translation T*" ([00039]). Contrary to Mul-T-Lock's assertions and in the absence of any indication to the contrary not suggested by the patent specification, the recess is not limited to a space strictly adjusted to the shape of the stop to receive said stop.

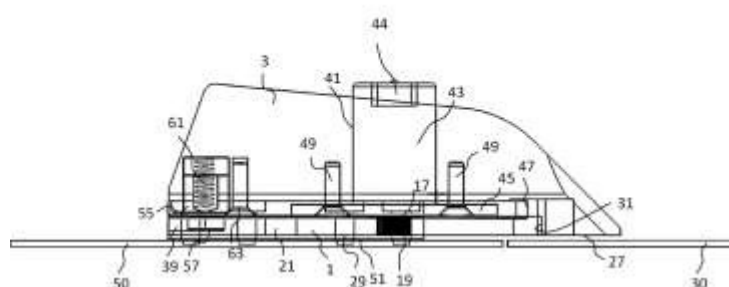
42. In particular, it can be seen from Figure 3 of the patent that, in the extended position, the stop is entirely housed in the recess, and that the said recess extends in the direction of translation T over a greater length than the stop. The person skilled in the art will therefore understand that there is no need for this recess to be adjusted to the exact shape of the stop. As the description makes no mention of the width or height of the stop or the recess, there is no reason for a person skilled in the art to be interested in them in order to obtain the desired technical effect.
43. The defendant infers from the drawings that the width and height of the stop are the same as those of the recess. However, this inference is not at all obvious, especially as the stop is intended to move in translation in recess 39, and adjustment will not appear necessary to a person skilled in the art, as guidance in translation is provided by the guide means of the base plate and the slide.
44. Furthermore, these drawings constitute various examples of embodiments to illustrate other advantages of the invention [0013], which cannot therefore limit the scope of the claim in the absence of a clear and unambiguous disclosure. In addition, protection against vandalism is provided by the bearing of the slider flush with the fixing base of the sole [0019], and by the recess 39 which allows *"the two so-called rear ends of the slider 3 and of the sole 1 to be held in coincidence in the extended position, as illustrated by figure 3 or by figure 6"* to *"protect the locking means 46 between the slider 3 and the sole 1"* [0029]. Thus, by making the rear ends of the slide and the base plate coincide precisely, in the extended closed position (which is the position most prone to break-in or vandalism), by positioning the stop in the recess in the base plate in the direction of translation T, only a narrow space, formed by the recess, remains open at the rear of the lock and makes it possible to limit the introduction of a vandal's tool.
45. While it cannot be ruled out that a particular dimensioning of the width and height of the recess could have an additional advantageous technical effect in combating vandalism, this dimensioning is not mentioned in the patent or claimed and cannot therefore limit its scope.
46. On the other hand, the defendant presented two new arguments at the hearing. These arguments were accepted by the President at the hearing, as the elements were in the debate and the adversarial principle was respected at this stage by the discussion at the hearing.
47. The first argument is that the head 57 of the stop 46 must be interpreted as being larger than the perforations 19 and 21 in the sole, which are intended to cooperate with the locking finger ([0035]).
48. However, as the plaintiff rightly pointed out, claim 1 is not limited to any particular shape of stop (or even to a head) or to perforations in the sole, so these limitations do not apply to claim 1. These features are part of claims 2 and 7 of the limited version of the claims, which are not opposed to the defendant.

49. The second argument relates to the dimensions of the recess 47 in the base 33 of the slide 3 which receives a fixing plate 45 for the locking means 43, the dimensions of which in the drawings appear to be adjusted to those of the recess 47 ([0021] and Fig. 1). The term

As the term "*recess*" is used twice in the patent for different elements, it must, according to the defendant, be interpreted in the same way.

50. However, this dimensional adjustment of recess 47 is not mentioned in [0021] and can at most be guessed from Figure 1, but without certainty. As the fixing plate 45 "*is fixed by fixing means 49*" in the recess 47, the adjustment in dimension will not appear essential to the person skilled in the art. Consequently, the person skilled in the art will not draw any conclusions about the need to adjust the dimensions of recess 47, and even less so about the need to adjust the dimensions of recess 39, the role of which is very different as it is intended to receive a stop with freedom of movement, which would seem to militate against adjustment. This interpretation applies both to the assessment of infringement and to the validity of the claim, particularly with regard to the A2 prior art, as the defendant points out.

[Fig. 0003]



51. Feature 1.8 of Subsidiary Claim 1 relates to the stop "for blocking translation of the slide 3 relative to the base plate 1 in the extended position". As indicated previously (feature 1.5), the function of the stop (received in a recess) is to block or limit the translation of the slide relative to the base plate in the extended position ([0008] and [0036]). The added feature, which claims to block translation, thus limits the scope of the patent, necessarily excluding a threshold immobilisation stop (allowing immobilisation up to the threshold value and displacement beyond the threshold).

52. Feature 1.9 of sub-claim 2 reads as follows: [the recess 39 being] "open at one end of the sole 1 in the direction of translation". While the description states that recess 39 extends in the direction of translation T, so that the head 57 of the body 55 of retractable locking means 46 is received in abutment in recess 39 ([0029]), the patent is silent on the fact that the recess is open at one end. However, the defendant does not dispute the addition of this feature, which is clear from Figures 1 to 8 and in particular from the transition from the retracted position to the extended position between Figures 2 and 3, the stop located outside recess 39 entering by translation through the open end of the recess.

II. Invalidity of the amended patent claims

The validity of the limitation of claims 1 and 6 and of the subsidiary claims is not contested.
contested.

A- Legal framework

53. A European patent is validly granted for an invention only if it involves an inventive step. An invention is considered to involve an inventive step if, having regard to the state of the art, it is not obvious to a person skilled in the art (art. 56 EPC), having regard to the subject-matter of the invention (i.e. the objective problem to be solved), assessed from the point of view of a person skilled in the art, in the light of his general knowledge, at the relevant date (application or priority date). The claimed solution is obvious, when at the relevant date, the person skilled in the art, starting from a realistic point of departure in the state of the art in the relevant technical field, wishing to solve the technical problem, would be motivated to consider the solution and implement it as a next step (CoA, decisions of 25 November 2025, UPC_CoA_528/2024, *Amgen v. Sanofi-Aventis*, points 123 et seq. and UPC_CoA 464/2024, *Meril v. Edwards*, points 128 et seq.).

B- Lack of inventive step

54. Mul-T-Lock seeks the invalidity of claims 1 and 6 of the limited patent and of the subsidiary applications
subsidiary claims opposed to it, on the sole ground of lack of inventive step.

Prior art

-Prior art

55. Mul-T-Lock challenges the validity of the patent on the basis of three documents A1 to A3 in different combinations (FR 986 (A1), EP 205 (A2) and GB 077 (A3) - the first two being cited in the introduction to the patent at [0002] and [0004] and the last not cited in the examination procedure), to which are combined the general knowledge of the person skilled in the art.

-the general knowledge of the skilled person

56. As evidence of this general knowledge, the defendant relies on an SNBE padlock, an industrial design, commercial brochures (exhibits HL 11 to 13), and two patents, US 939 (A4) and US996 (1985) (exhibits HL 19 and 20). He maintained (memorandum of 22 August 2025, pages 7-9) that the SNBE padlock, which he could prove had been marketed prior to the priority date, combined with the industrial design that was not publicly available and the commercial brochures relating to that padlock, illustrated the general knowledge of a person skilled in the art about the use of retractable stops, adding that the person skilled in the art was in a position to dismantle the padlock to find out the characteristics of the product sold. He went on (brief 22 October 2025, page 7) to assert that the US939 and US996 patents were admissible in that they were disclosed in response to a specific argument previously developed by the applicant and that these documents illustrated the general knowledge of a person skilled in the art.

57. IMC Créations disputes that the industrial drawing no. 28500250 of 25 February 2014, "*Padlock Chicago SNBE 12*", relied on by its opponent, should be taken into account as part of the general knowledge of a person skilled in the art, since it is an internal document presumed to be confidential, which Mul-T-Lock admits does not belong to the prior art (brief of 22 September 2025, pages 9 et seq.). Similarly, the commercial brochures that are accessible but that do not allow the internal mechanism of the lock to be revealed without dismantling are not relevant. IMC Créations also contests the disclosure of the A4 (US 939) and A5 (US996) patents, which were invoked late in the proceedings and are excluded from general knowledge, as they are patents belonging to specialised literature.
58. Common general knowledge is knowledge that an experienced person in *the field in question* is expected to have, or at least to be aware of, to the extent that he knows he could look it up in a book if he needed it (CoA, 3 March 2025, *Sumi Agro-Syngenta*, UPC_CoA_523/2025, point 37). It generally includes information that is commonly known to the person in the trade, from academic teaching, written sources or practical experience, that is directly available from familiar sources, such as manuals, encyclopaedias, guides, dictionaries and databases, that the person in the trade knows and can use as an appropriate and reliable source. It differs from publicly available knowledge (DC Paris, 22 January 2025, *Njoy Netherlands BV v VMR Products LLC*, UPC_CFI_310/2023, point 44: "*The 'CGK', in general, is information which has been commonly known to the skilled person from written sources or from practical experience in the relevant technical field. The 'CGK' includes knowledge which is directly available from familiar sources of information relating to the specific technical field at the prior date but is not to be confused with publicly available knowledge, which may not be general and common. A familiar source of information typically is a source to which a skilled person regularly turns for guidance on standard design solutions that are generally applicable, such as standard textbooks, encyclopaedias, manuals, handbooks, dictionaries and databases which the skilled person knows and can use as a suitable and reliable source for the respective information in the respective technical field. A familiar source of information should not be confused however with all publicly available prior art documents*"). Teaching that is not part of the state of the art cannot form part of the general part of basic general knowledge.
59. Like any fact, general knowledge of the person skilled in the art must be proved by the person relying on it, going back at least to the filing date or priority date, if applicable, if it is contested (cf. rule 172.1 RoP). For this purpose, reference works or widely circulated technical articles may constitute such proof.
60. In this case, the padlock, the industrial design of 17 January 2016 and the corresponding commercial brochures are not relevant for determining the state of general knowledge of the person skilled in the art, since the industrial design is an internal, confidential and non-public document; the internal mechanism of the padlock is not apparent and cannot be considered to have been made accessible to the public by a non-public technical document, unless it is dismantled, for which there is no justification.

Furthermore, it has not been established that the SNBE padlock has been sufficiently widely disseminated for it to form part of the basic knowledge of a person skilled in the art, so that all these elements together do not constitute prior art in the field. As for the A4 (US 939) and A5 (US996) patents, apart from the fact that their admissibility in the context of the proceedings is contested, they cannot be considered to form part of the general knowledge of the person skilled in the art, since they are specialised literature, and it has not been established that they constitute documents forming part of the basic technical knowledge that any person skilled in the art of mechanics, including locksmithing, cannot ignore.

61. All of these documents will not be taken into consideration in assessing the complaint of lack of inventive step.

Invalidity of the main claim 1, with regard to the inventive step

-Opposing prior art

A1

62. Patent EP 3 561 205 (prior art A1) (HL Exhibit No. 9), the application for which was published on 30 October 2019, entitled "*lock comprising a flush slide bearing surface with a base for fixing the base plate*" belongs to IMC Créations and is therefore part of the opposable prior art within the meaning of Article 54(2) EPC because it was published before the priority date of 26 June 2020 of the UP 830 patent.
63. A retractable locking pin 17 carried by the slide 3 cooperates with the baseplate 1, fitting into two holes 19 and 21 in the baseplate, in the retracted and extended positions respectively (Fig. 5). The screws 53 securing the base plate to the fixed panel 55 pass through the base plate to be housed in two parallel grooves 39 in the slider (Figs. 3 and 5). The two fixing screws 53 carried by the base plate (circled in green by the defender in Fig. 3 below) cooperate with the rear end of the grooves 39 (circled in red) in the extended position, which enables the rear ends of the slide and the base plate to coincide in the extended closed position (Fig. 4). The screws 53 and the rear end of the grooves 39 form an end stop in the extended position.
64. In the retracted position, the step 31 comes to a translational stop against the opposite edge of the base plate. The screws 53/rear ends of the grooves 39 and the step 31 enable the base plate to be pre-positioned in the extended and retracted positions for locking.

65. The defendant has thus coloured Figures 3 and 6 :

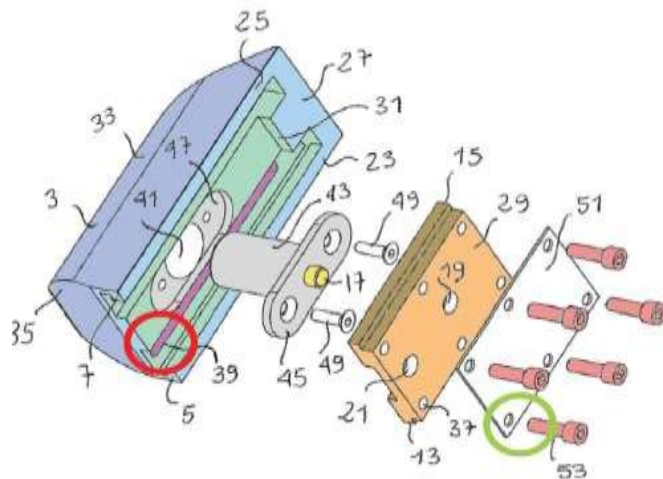


Fig. 3

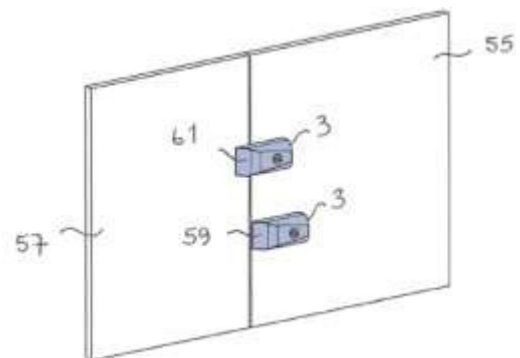


Fig. 6

66. Figures 4 and 5 are also useful for understanding:

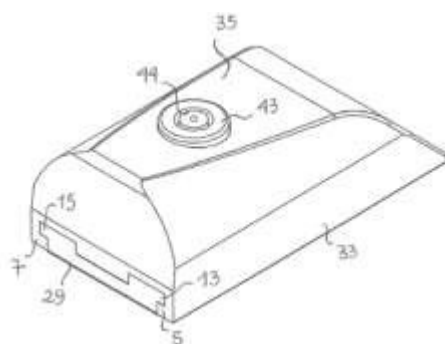


Fig. 4

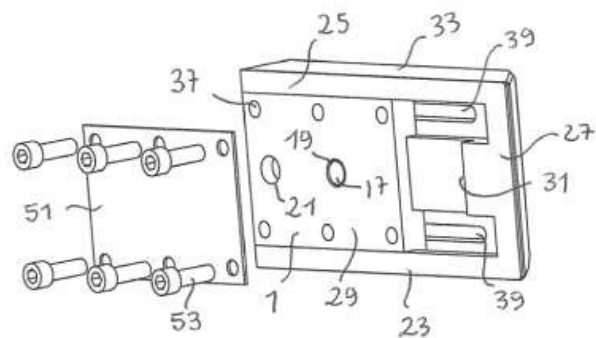


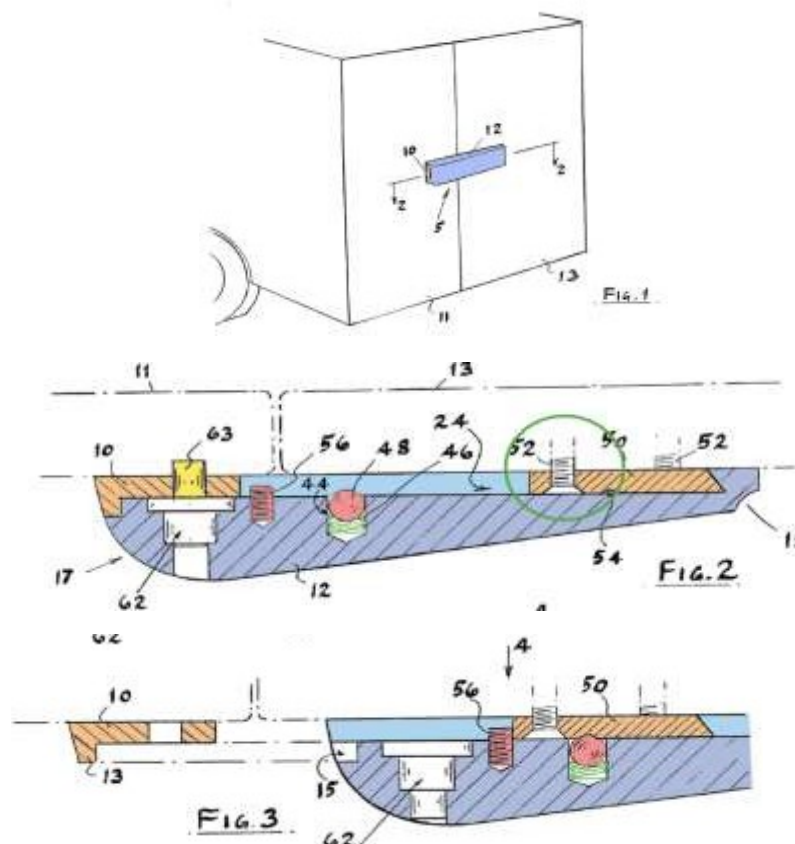
Fig. 5

67. This document discloses characteristics 1.1 to 1.6.1 of Claim 1 as amended, i.e. a single baseplate 1 and a slide 3, guided in translation by guide means (5, 7 and 13, 15), a flush bearing surface 27 integrated into the slide, a setback 31 forming a stop, a retractable finger 17 cooperating with the baseplate borne by the slide 3, a translation stop (rear end of the groove 39) in the extended position, which cooperates with screws 53 for fixing the baseplate to the fixed panel. On the other hand, features 1.6.2 (retractable stop on the slide) and 1.7 (recess in the base plate) of Claim 1 are not disclosed.

68. This prior art differs from the patent in dispute EP'830 in that the translation stops in the extended position (screw 53) are retractable but not retractable. They are not received in a recess in the baseplate, but in grooves 39 in the slide which accommodate the fixing means 53 which project from the baseplate. Furthermore, this lock cannot be fitted from the outside.

A3 (GB077)

69. Patent GB 2 275 077 (HL No. 7 a / and b /), prior art A3, the application for which was published on 17 August 1994, relates to a two-piece base plate installed on two vehicle doors, mounted from the outside and cooperating with a flush slide. It therefore forms part of the opposable state of the art.
70. This lock comprises a slide 12 and a base in two parts (a first element 10 serving as a strike plate fixed to the leaf 11 and a second element 10 fixed to the frame 13). A retractable locking pin 63 carried by the slide 12 cooperates, in the extended position, with the striker plate 10 by being housed in an opening in the first element 1 (Fig. 2). However, the retractable locking pin 14 is not used to lock the slider in the retracted position. The slide 12 has a step 19 in relation to its bearing surface, to form a translational stop in the extended position (Fig. 2).
71. The slide 12 has a retractable stop 56 consisting of a grub screw, which comes into abutment against the edge of the second element 10 of the base plate in the retracted position (Fig. 3) and a second retractable stop 48 (spring-loaded ball) which is housed in a recess 54 in the base plate 50 in this retracted position. The ball thus limits the slide's translation from the retracted position to the extended position.
72. The defendant has coloured figures 1 to 3 and 5:



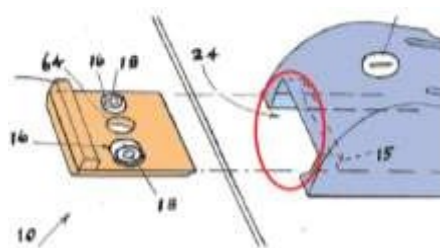


Fig.5

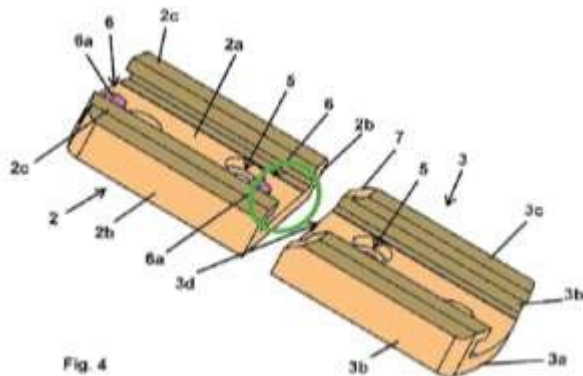
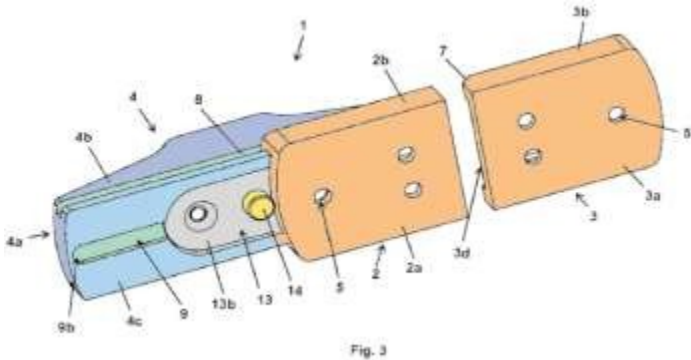
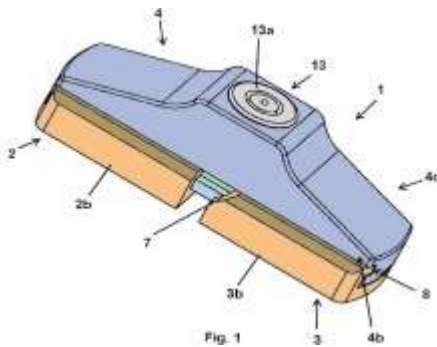
73. The retractable ball constitutes a stop received in a recess of the sole, as in EP'830 (however it does not serve as a stop in the extended position contrary to feature 1.5 of claim 1).
74. Features 1.2, 1.6, 1.6.1 and 1.7 of claim 1 are therefore reproduced, whereas features 1.1 (two-part sole and not a single part), 1.3 (recess serving as a stop in the extended position and not in the retracted position, as stated when this feature was interpreted) 1.4 (retractable locking finger only in the extended position), 1.5 and 1.6.2 (retractable translational stop 48 in the retracted position and not in the extended position) are not reproduced.
75. In particular, feature 1.6.2 is not disclosed because the retractable stop in question, by placing it in the context of the claim as a whole (in accordance with the aforementioned decisions of the Court of Appeal which provide that "*it is appropriate to determine what the invention adds to the state of the art, not by examining the individual features of the claim, but by comparing the claim as a whole*"), is the stop defined in feature 1.5 which is a stop in the extended position, whereas in A3 the ball 48 is a retractable stop in the retracted position.

A2 (FR986)

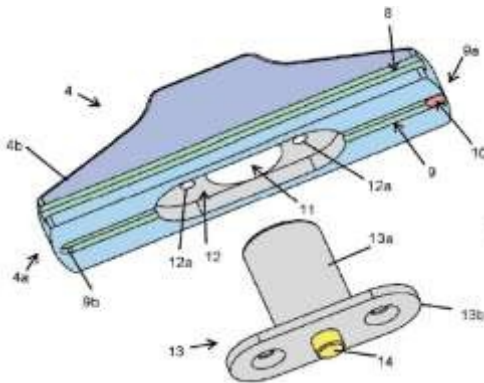
76. The French patent FR 2 997 986 (A2 prior art), the application for which was published on 16 May 2014, belonging to IMC Créations relating to a "*key locking device for vehicle doors*", relates to a two-element base plate, installed on the doors of a vehicle, following assembly from the outside. It therefore forms part of the opposable state of the art.
77. In essence, this lock comprises a slide 4 and a base in two parts (the base 2 fixed to the frame and the base 3 serving as a striker fixed to the leaf). A retractable locking pin 14 carried by the slide 4 cooperates, in the retracted position, with an edge of the base 2 (Fig. 3). A retractable screw 10 is screwed to one end of a groove 9 in the slide (Fig. 5) and acts as a translational stop for a screw 6a projecting from the inner surface of the base 2 (Figs. 4 and 6), to position the slide 4 in this retracted position. In the extended position, the retractable locking pin 14 is housed between the facing edges of the two bases 2 and 3 (Figs. 1 and 2). The end 9b of the groove 9, opposite the screw 10, acts as a translational stop for the other screw 6a projecting from the inner surface of the base 2, to position the slide 4 in this extended position, which enables the rear ends of the slide and base to coincide in the extended closing position (Fig. 1).

in the extended closed position (Figs. 1 and 2).

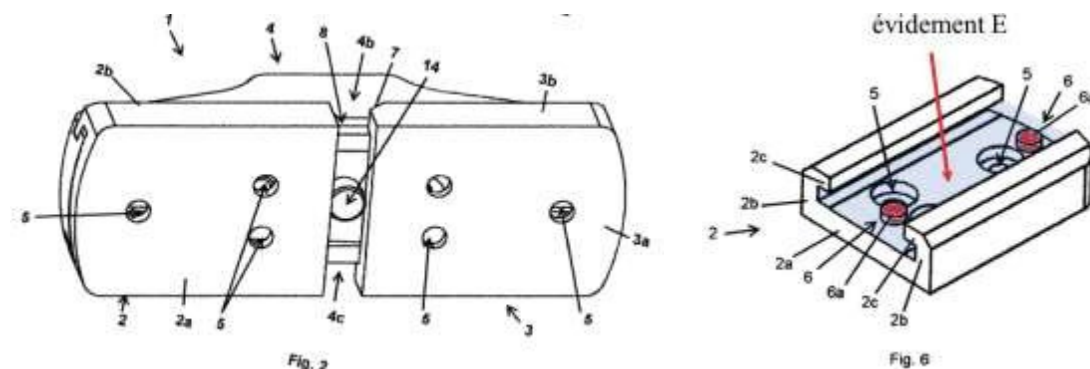
78. The defendant has coloured figures 1 and 3 to 5 as follows:



(partial view)



79. Figures 2 and 6 (coloured and captioned by the plaintiff) are also useful for understanding.



80. Features 1.7 of claim 1 and 1.9 (RS2) are reproduced: the screw 10 (or stop) is received in a recess (volume circled in green by the defendant in figure 4 above, consisting of the inner surface 2a of the base 2, its side walls 2b forming a guide means and the grub screw 6a) of the sole. It acts as a translation stop in the retracted position and the said recess is open in the direction of translation.

81. This prior art discloses features 1.2 and 1.4 of claim 1, whereas features 1.1 (two-part sole), 1.3 (recess 9b serves as a stop in the extended position and not in the retracted position, as stated when interpreting this feature), 1.5 (stop 10 in the retracted position and not in the extended position), 1.6, 1.6.1 (the bearing surface is raised with respect to the base for fixing the sole) and 1.6.2 (the screw 10 or stop is in the retracted position and not in the extended position and is retractable but not retractable) of claim 1 are not reproduced.

-assessment of the inventive step

-the objective problem solved by the inventive concept

What is the objective problem to be solved in relation to the state of the art?

82. As recalled during the presentation of the invention (I-A), the description of the patent at [0002 to 0004] reviews the state of the art, which is of course limited and cannot be exhaustive.

83. In summary, the prior art as disclosed includes in particular :

- locks whose sole is in two parts (A2 and A3), which poses problems of alignment of the two parts and therefore of precision of the locking, but make it possible to mount the sole from the outside, and therefore to facilitate operations of fixing the sole,
- single flange locks (A1), which improve locking accuracy, but in reverse the flange must be mounted from the inside,
- locks with a single base or not (A1 to A3) have the ends of the slide and of the base coinciding in the extended closed position of the lock, to limit the risk of vandalism, and the bearing surface of the slide is also flush with the base of the base to limit the risk of vandalism (except A2).

84. The purpose of the invention, as defined in the patent, is to facilitate the operations of fixing the base plate and to improve the precision of the locking of the slide ([0005], [0007], [0032] lines 34 to 37) in order to overcome the disadvantages of the locks of the prior art.
85. In the defendant's view, *"the alleged technical problem that EP 830 proposes to solve is to find an alternative configuration for the stop, so as to enable the sole to be fixed to its support before the slide is inserted into the sole guide means"*.
86. According to the applicant, the objective technical problem to be solved in relation to A1 is *"to modify the way of blocking the translation of the slide in the extended position, with the aim of facilitating the assembly and disassembly of the single-flange slide, while allowing the coincidence of the slide and the flange in the locking position so as not to sacrifice resistance to vandalism"* (Rejoinder, page 24).
87. However, these formulations of the technical problem incorporate indications of the claimed solution, which is contrary to the approach of the Court of Appeal.
88. In view of the prior art, the panel considers that the objective technical problem is to design a lock that combines all the aforementioned advantages, namely improving the precision of the locking of the slide, facilitating the fixing of the baseplate, **while limiting the risk of vandalism**.

What is the inventive concept?

89. According to the applicant's submissions, supplemented by its explanations at the hearing, the inventive concept of the claimed solution combines the following features:
- a latch with a single base plate (avoiding alignment problems) ([0007] and [0017] and characteristic 1.1),
 - two translational stops in two remarkable positions, the offset 31 in the retracted position and the opposite stop 46 in the extended position ([0035] and features 1.3 and 1.5), preventing the slide from being pushed out of the base when the locking finger 63 is in the unlocked position, and predisposing the slide in its extended and retracted positions before locking, which contributes to the precision of the locking,
 - a retractable translation stop on the slide to allow assembly from the outside of the base (to facilitate assembly and disassembly of the slide without removing the base, in particular for maintenance of the lock - cleaning or replacement in the event of wear of certain parts of the lock), ([0012] and [0038] and feature 1.6.2),
 - a bearing surface of the slide flush with a fixing base of the base plate, to prevent the introduction of a foreign body or even a vandal's tool ([0019] and characteristic 1.6),
 - a recess in the base plate to receive the retractable stop, in the extended closed position, to make the ends of the slide and the base plate coincide and thus protect the stop inside the lock (between the base plate and the slide) to limit the risk of vandalism ([0029] and characteristic 1.7).

90. Given that certain features are already known in combination in A1 (in particular the single baseplate, the flush bearing, the translational stops ensuring predisposition in the retracted and extended positions), the essential contribution of the invention to the technique, In other words, the inventive concept lies in the fact that a lock with a single base plate is fitted with a translational stop that **can be retracted into the extended position** on the slide and a **recess in the base plate** to accommodate it, thereby solving the objective technical problem, i.e. *"to improve the precision of the slide lock, facilitate the fixing of the base plate, while limiting the risk of vandalism"*.

What is a realistic starting point?

91. A1 is rightly considered by the parties to be the most relevant starting point, in that it relates to a lock very similar to that claimed in EP830, with a single baseplate 1 and a slide 3 whose bearing surface 27 is flush with the fixing base 29 of the baseplate and is intended to resolve the problem posed by the striker and the alignment with the baseplate, in order to simplify the design of the lock with regard to the extended and retracted positions [0007]. A1 is therefore the closest starting point, in other words the most realistic and promising, in contrast to A2 which the EPO wrongly considered to be the closest prior art, especially since the unconditional limitation to a single baseplate (defence, pages 20, 28 and 29 and defendant's reply brief, p13).

-would the skilled person have been prompted to arrive at the claimed solution in order to solve the objective problem?

Combination A1 + A3

92. As indicated above, A1 does not disclose features 1.6.2 (retractable stop on the slide) and 1.7 (recess in the sole) of claim 1. The parties agree on this point.
93. According to Mul-T-Lock, in view of the lessons learned from the combination of A1 and A3 (similar configurations with a slide whose bearing surface is flush with a base for fixing the sole, and resolution of the problem of fixing from the outside), the person skilled in the art is encouraged by A3 to reverse the stop in the extended position, formed by the base fixing screw 53 and by the grooves 39 of the slide of A1, between the slide and the base and to replace them by the retractable ball 48 on the slide and the recess 54 on the base of A3.
94. According to IMC Créations, the person skilled in the art would, on the contrary, be dissuaded from doing so, because the A1 and A3 prior art relate to different locks (one with a single base and the other with a two-piece base) and *"the slide and base of the claimed lock perform their own technical functions and are not interchangeable"*.
95. However, the defendant's reasoning is based on an *a posteriori* analysis and there is no evidence of any incentive or motivation that might have led the person skilled in the art to arrive at the claimed solution. Indeed, there is nothing to suggest that the person skilled in the art would have been encouraged to modify the lock of A1 in view of A3 and would have made the various necessary modifications suggested by the defendant in order to achieve the claimed invention.

96. On the contrary, the person skilled in the art would find numerous elements dissuading him from doing so.

97. First of all, the claimed invention does not consist of a "*simple*" reversal of the stop and the recess between the base and the slide, which would be a routine or "*natural*" modification (according to the defendant) for the person skilled in the art, because for this reversal to be a routine measure, it presupposes that these two parts are interchangeable. However, the slide is a movable part, which carries the locking barrel and serves to block the movable panel by straddling the two door panels in the extended position.

Its role is therefore very different from that of the base plate, which is a fixed part attached to a single panel that is also fixed.

A person skilled in the art who "*has no inventive skill or imagination*" is therefore dissuaded from making, without any prompting, a modification that is likely to have significant consequences for the operation of the lock.

98. In addition, the fact that A3 relates to a two-part sole, which is incompatible with a single sole, constitutes an obstacle that the person skilled in the art cannot overcome on his own initiative, without express encouragement. On the contrary, the person skilled in the art who starts from A1 and wishes to solve the objective problem defined above, in particular to improve the precision of the locking of the slide, is dissuaded from combining it with A3 which presents the disadvantages of lack of locking precision that the person skilled in the art seeks to avoid.

99. Even supposing that the person skilled in the art sought to combine A1 and A3, in order to adapt A1 to fixing the sole from the outside, as A3 teaches, he would be faced with numerous technical difficulties to resolve, as the structure of the two locks are so different: the locking finger is used in the 2 positions in A1 and in a single position in A3, the offset of the slide in A1 is used as a stop in the retracted position in A1, and in the extended position in A3, the retractable stop 48 in A3 only acts as a stop in combination with the retractable stop in the form of a screw 56 (without this screw 56 the slide in A3 could detach from the base plate, which would cause the lock to fail), so both would have to be imported into A1, these stops 48 and 56 in A3 act as a stop in the retracted position and not in the extended position like A1.

100. A person skilled in the art would therefore be unable, except by demonstrating an inventive step, to combine the teachings of these two patents A1 and A3, since the structure and operation of the parts would have to be modified in depth, without the benefit of any guide to achieve this. Claim 1 therefore presents an inventive step with regard to the A1 and A3 combination.

A1 + A2 combination

101. According to Mul-T-Lock, in view of the lessons learned from the combination of A1 and A2 (resolution of the problem of fixing from the outside and use of a retractable screw which is an obvious alternative to a retractable stop), the person skilled in the art is encouraged by A2 to reverse the stop in the extended position, consisting of the screw 53 fixing the base plate and the grooves 39 in the A1 slide, between the slide and the base plate, and to replace them with the retractable screw 10 on the slide and the groove 9 on the A3 base plate, then to replace this retractable screw 10 with a retractable stop.
102. According to IMC Créations, A2 comprises a two-part base and the slide bearing is not flush, so replacing the screw does not appear to be a realistic solution.
103. However, A2 has all the disadvantages detailed for A3, including a retractable screw 10 that acts as a stop in the retracted, non-extended position.
104. Furthermore, A2 is even more complicated to combine with A1, as it does not have a flush bearing surface, which makes it necessary to use a striker, and increases the risk of vandalism, which runs counter to two of the problems that the person skilled in the art is seeking to solve, namely improving the precision of the locking of the slide, while limiting the risk of vandalism. Nor does the defendant explain why the person skilled in the art would have replaced the removable screws of A1 and A2 with a retractable stop, without any incentive.

The mere fact that retractable stops exist per se does not constitute sufficient motivation for a person skilled in the art to take the risk of replacing a functioning mechanism with another mechanism, without any incentive to do so. Claim 1 therefore presents an inventive step with regard to the combination A1 and A2.

A3 + A2 combination

105. As indicated above, A3 does not disclose features 1.1 (sole in two parts and not a single part), 1.3 (step serving as a stop in the extended position and not in the retracted position, as was said when this feature was interpreted), 1.4 (retractable locking finger only in the extended position), 1.5 (stops 56 and 48 in the retracted position and not in the extended position) and 1.6.2 (retractable translation stop 48 in the retracted position and not in the extended position).
106. Starting point A3 is less relevant because it does not have a single base plate, but it is still realistic because it improves the precision of the slide lock and assembly from the outside.
107. Assuming that the person skilled in the art had sought to combine A3 with A2, in order to solve the objective technical problem, it is not possible to arrive at the claimed solution, since A2 does not disclose features 1.1 (sole in parts), 1.3 (step 9b serves as a stop in the extended position and not in the retracted position, as was stated when this feature was interpreted), 1.5 (stop 10 in the retracted position and not in the extended position), and 1.6.2 (screw 10 or stop is in the retracted position and not in the extended position and is retractable but not retractable) of claim 1. Four features are therefore missing, even after combination, which

inventive concept, namely the single sole and the retractable stop in the extended position. Claim 1 therefore exhibits inventive step with regard to the A3 and A2 combination.

A2 + A1 combination

108. As indicated above, A2 does not disclose features 1.1 (two-part and not single sole), 1.3 (step 9b serving as a stop in the extended position and not in the retracted position, as stated when interpreting this feature), 1.5 (stop 10 in retracted position and not in extended position), 1.6 and 1.6.1 (the bearing surface is raised with respect to the base for fixing the sole), 1.6.2 (the screw 10 or stop is in retracted position and not extended and is retractable but not retractable).
109. This starting point is even less relevant, as it does not have a single base plate or a flush bearing surface with the fixing base, but it is still realistic as it allows assembly from the outside.
110. Even supposing that the person skilled in the art had sought to combine A2 with A1 in order to solve the objective technical problem, he would be unable to achieve the claimed solution, since A1 does not disclose feature 1.6.2 either (the screw 53 serving as a stop in the extended position is not retractable or on the slide, but is retractable and on the sole) of claim 1. However, feature 1.6.2 falls within the inventive concept of the claimed invention.
111. In any event, in order to achieve the claimed invention, according to the defendant, a person skilled in the art would have been encouraged to modify the slide so that its bearing surface is flush with the fixing base of the sole as in A2, and this modification would have involved simple routine operations, by simply reversing the configuration of the guide means in A2 by providing :
- that the baseplate is now provided with wings projecting outwards (instead of being folded inwards to form a slide) and,
 - that the slide is now provided with inwardly folded wings (forming a slideway for the base plate), instead of a longitudinal groove 8 forming a projecting wing received by the base plate,
 - then to replace screw 10 with a retractable stop, which is an obvious alternative.
112. As above in relation to the A1 + A2 combination, the defendant does not explain why a person skilled in the art would have replaced the removable screws of A1 and A2 with a retractable stop, without any incentive. The mere fact that retractable stops exist per se does not constitute sufficient motivation for a person skilled in the art to take the risk of replacing a mechanism that works with another mechanism, without any incentive to do so.
113. Nor does the defendant explain why and how the person skilled in the art could change the position of this screw 10 to serve as a stop in the extended position, whereas it serves in the retracted position in A2.

114. Finally, if the person skilled in the art wishes to remove the striker 3 from A2, in order to achieve a single base plate as in A1, the central lower face 4c of the slide 4 of A2 remains raised in relation to the fixing base T of the base plate 2 (see the applicant's diagram below). And this elevation S of the slide 4 leaves an opening for vandalism in the extended position, which dissuades a person skilled in the art from modifying the A2 lock without the striker, so that the person skilled in the art cannot clearly arrive at feature 1.1 (single flange).

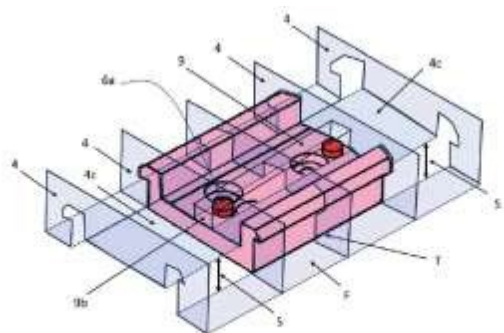


Fig. 15 : Schéma partiel d'un verrou selon l'antériorité A2, doté d'une portée à fleur simulée selon l'antériorité A1

115. Features 1.1, 1.3, 1.5 and 1.6.2 are therefore not obviously derived from the A2 + A1 combination. Claim 1 therefore presents an inventive step with regard to the A2 and A1 combination.

Combination A2 + A3

116. Claim 1 exhibits inventive step with respect to the A2 and A3 combination for similar reasons with respect to the inverse A3 + A2 combination detailed above.

Invalidity of claim 6 with regard to inventive step

117. Claim 6 as limited is dependent on claim 1 as limited.
118. If amended claim 1 is inventive, so is dependent claim 6. is also inventive.

Invalidity of subsidiary claims 1 to 3

119. The invalidity of amended subsidiary claims 1 to 3 is irrelevant, since the validity of amended claims 1 and 6 has been found as the main claim.

III. Infringement

120. IMC Créations is seeking infringement of limited claims 1 and 6 under Articles 5(3) and 7 of EU Regulation 1257/2012 and Article 25(a) of the UPC Agreement in countries where the patent has unitary effect and infringement of claims 1, 2 and 7 of the patent as granted under Article 8 of the Swiss Federal Act. He relied on the internet page of the defendant's website as at 21 October 2024 and its general terms and conditions of sale (IMC Créations exhibits 14 and 15), as well as on a video posted by the defendant on its product demonstration website (YouTube exhibit 13), and provided evidence of the disputed padlock being offered for sale by third-party platforms in various European countries (France, Belgium, Germany, Italy, the Netherlands, Poland and Spain).

A- Infringement of the Swiss national part of the patent

121. According to IMC Créations (memorandum of 25 June 2025, pages 41 et seq.), the UPC's international jurisdiction extends to an infringement action in respect of the national part of a patent granted, as in the present case, by a State bound by the Lugano Convention, which contains provisions similar to the Brussels I Bis Regulation. The only purpose of the defendant's argument is to call into question the order of 21 March 2025 which decided this issue. IMC Créations relies on the decision of 28 January 2025 of the Local Division of Düsseldorf (UPC_CFI_355/2023), which held that the UPC has international jurisdiction over the territories of the parties to the agreement, but does not rule out the possibility that decisions may produce effects beyond the territory of those states.
122. According to Mul-T-Lock, the infringement claims in Switzerland, to be assessed in the light of the patent as granted, must be rejected (memorandum of 25 April 2025, pages 64 et seq.), because the infringement of each national part of the patent is governed by the national law of the country of designation, whereas the claimant does not develop any arguments in the light of the provisions of Swiss law. Furthermore, the UPC cannot declare the Swiss designation of the patent invalid, so that this court has jurisdiction to rule on the infringement of this designation, unless there is a serious chance that the Swiss designation will be declared invalid. The validity of the patent is a prerequisite for an injunction, and the grounds of invalidity relied on also apply to the national part of the third country (DL Düsseldorf, 28 January 2025, UPC_CFI_355/2023). Mul-T-Lock adds (memorandum of 22 August 2025, page 31) that the addition of references to Swiss law is out of time (this point having been decided by order of 6 August 2025) and maintains that the Swiss designation as granted is probably invalid, because by limiting the unitary patent, IMC has recognised its lack of validity.
123. In this case, the infringement in Switzerland of the Swiss part of the patent relates to claims 1, 2 and 7, as granted, as only the claims of the patent with unitary effect have been unconditionally amended. According to the decision of the CJEU (C339/22 of 25 February 2025, *BSH-Elecxtrolux*) and as stated in the order of 21 March 2025, on preliminary objection, to which reference is made, the UPC does not have jurisdiction to rule on the validity of a national part of a patent granted by a country other than a contracting member state of the UPCA. On the other hand, the court does have jurisdiction to hear infringement proceedings against a patent granted by an EU State or a State bound by the Lugano Convention, unless there is a reasonable and non-negligible risk that the patent will be declared invalid by the court of the State in which the patent was granted. In such a case, the UPC must stay the proceedings until the granting State has ruled on the national part of the patent.
124. In the present case, the limitation of the unitary patent by the applicant, in the context of the present proceedings, in order to avoid the complaint of lack of inventive step of the patent as granted, leaves a serious doubt on the validity of the Swiss title initially granted, which characterises a non-negligible reasonable risk of invalidity of the Swiss part of the title. If necessary, it was up to IMC Créations to take steps to amend the Swiss part of the patent.

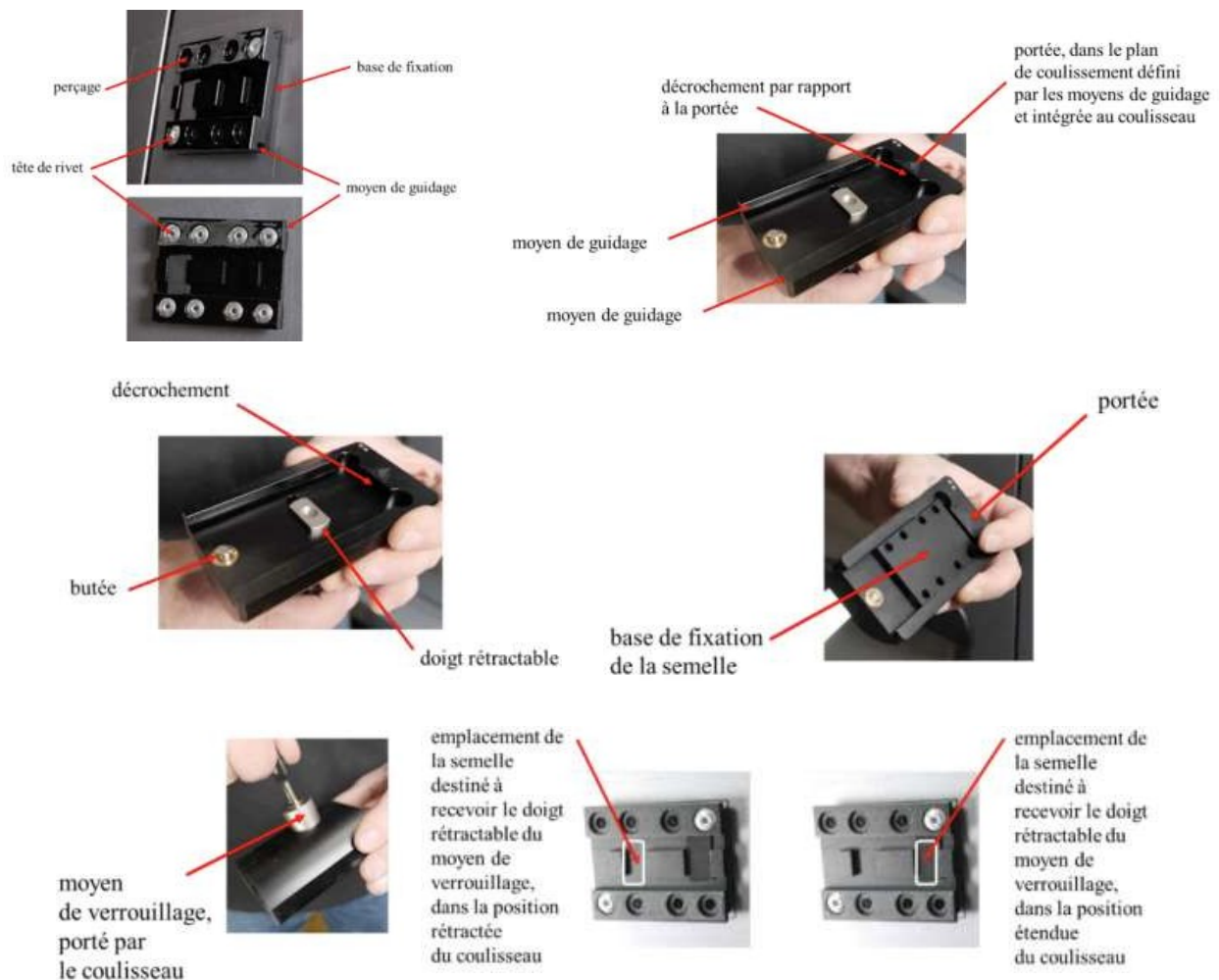
125. The Paris Local Division is therefore not in a position to assess the materiality of the alleged infringement of the Swiss part of the patent and cannot stay the proceedings in the absence of an invalidity action pending in Switzerland, as the parties confirmed at the hearing (to the same effect, DL Düsseldorf, 28 January 2025, UPC_CFI_3552023). All claims in this respect will be dismissed.

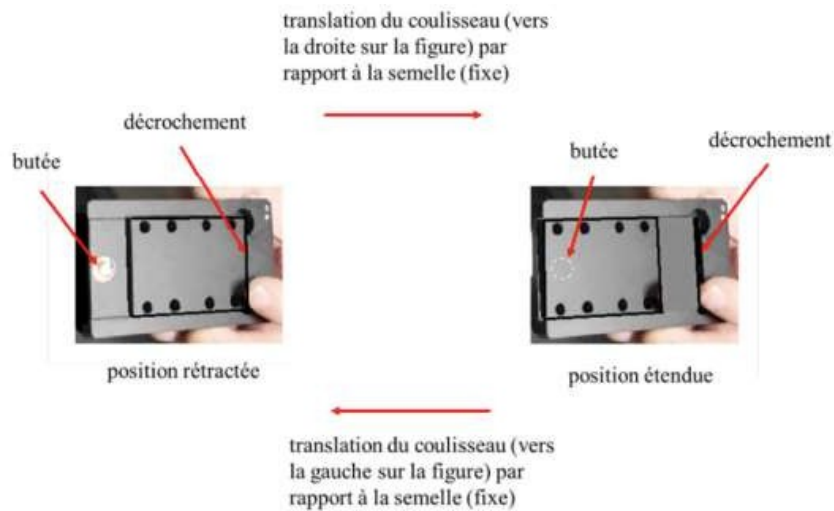
B- Infringement of Claims 1 and 6 of the unitary patent

126. Mul-T-Lock disputes the materiality of the infringement, and in particular the reproduction of feature 1.7 (recess in the sole), in the light of its own interpretation of the patent.

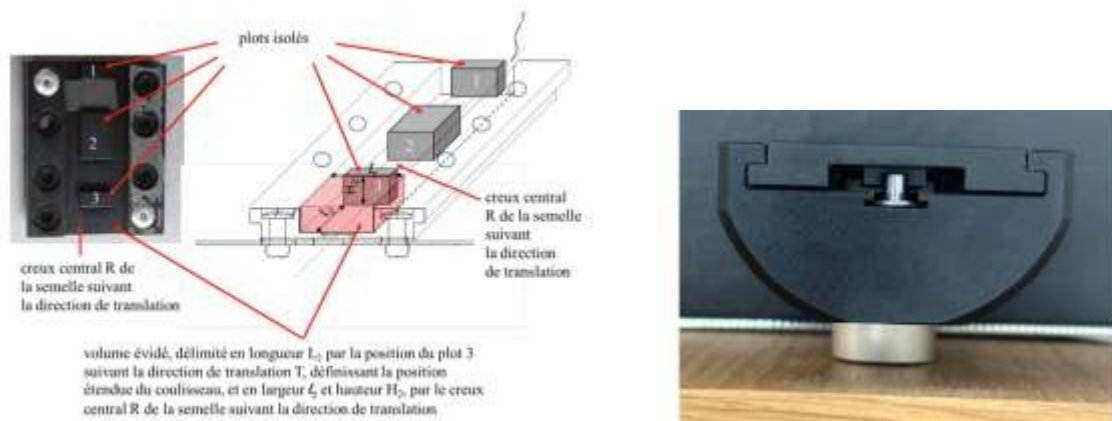
127. The claims of a patent must be interpreted in the same way, both when assessing their validity and when assessing infringement. In the present case, it is neither disputed nor contestable that all of the features of amended claims 1 and 6 are reproduced, with the exception of feature 1.7.

128. IMC Créations annotated photographs taken from the video (YouTube Exhibit 13) showing the reproduction of features 1.1 to 1.6.2, as follows:

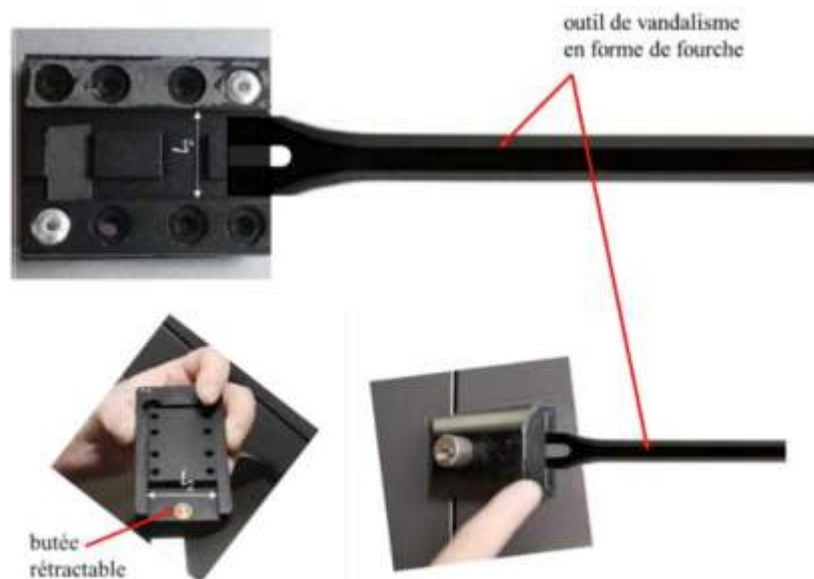




129. This feature 1.7, interpreted as stated above, where the recess is not limited to a space strictly configured to receive the stop and can extend beyond it, as long as it allows the function it is designed to perform, is also reproduced.
130. IMC Créations has drawn up a diagram reproduced below to illustrate a representation of the recess on the MPV1000 padlock:



131. In fact, the rear part of the base of the MPV1000 padlock comprises a recess defined between the rear stud 3, the internal surface of the base and its lateral guide wings, which recess receives the retractable stop, regardless of the fact that this recess is not adjusted to the dimensions of the stop and that there remains a gap at the rear of the padlock in the extended position. In fact, the recess in feature 1.7 is not adjusted in length, height or width, as explained in the interpretation of that feature.
132. Finally, the defendant argued that its padlock did not reproduce feature 1.7, because the wider recess on its padlock allowed for the insertion of a vandalism tool, according to the photograph produced by IMC Créations itself.



133. However, the protection against vandalism of a lock according to the invention does not exclude all possibility of inserting a vandal's tool, because the rear end of the recess is open to allow in particular the insertion of a blade actuating the removal of the stop during operations of assembly/disassembly of the slide on the base plate [0034 and 0035], which leaves an open gap at the rear allowing the insertion of a vandal's tool.
134. The fact that the MPV1000 padlock has a wider gap at the rear of the base than in the drawings of the patent, which are given only as non-limiting examples of the invention, does not make it possible to escape literal infringement, since the means in their structure and function are reproduced: the recess in the MPV1000 padlock, which is intended to receive the retractable stop, has the technical effect of aligning the rear part of the base and the slide in the extended position, of protecting the stop within the recess between the base and the slide and of facilitating the fixing of the base by allowing the slide to be inserted on the base. The slide is flush with the base of the base plate, which has a single base plate to improve locking precision. In so doing, the MPV1000 padlock reproduces the claimed inventive concept.
135. Furthermore, the defendant acknowledges that it is true that if the contested subject matter corresponds to the literal wording of the claims, it may fall within the scope of the claims even if it is less advantageous than the specific embodiments described by the patent.
136. Thus, since the padlock at issue reproduces claims 1 and 6 of the amended patent in their entirety, the infringement of amended claims 1 and 6 of the unitary patent is characterised.

C- Proof of infringement

137. Mul T Lock considers (memorandum of 25 April 2025, page 67) that the evidence of infringement is insufficient, because the page of the disputed website does not direct users to a purchasing platform, so that the offer for sale of the product has not been established.

138. The latter statement is irrelevant, however, since according to the Court of Appeal (CoA, 3 October 2025, *Belkin-Philipps*, UPC_CoA_534/ 2024 and 19/2025, heading 1), the offer, within the meaning of Article 25(a) UPCA, must be interpreted in the economic sense of the term and not as a binding contractual offer containing all the details to be concluded by mere acceptance of the offer. In addition, Mul-T-Lock does not dispute that the disputed product is marketed in France, but exclusively to professionals. It asks not to be held liable for the actions of resellers.

D- The effective date of the limitation of the unitary patent and consequently of the infringement

139. According to IMC Créations (submission of 22 September 2025, page 19), the claims have been amended to take account of the lessons learned from the GB077 patent and the limitation takes effect retroactively to the date of the patent application, pursuant to Article 69(2) EPC, provided that the protection is not broader than that conferred by the claims contained in the application as published.
140. According to Mul-T-Lock (memorandum 22 August 2025, page 34), by virtue of the principles of legal certainty, equity and freedom to operate, the amended patent can only take effect on the date of the amendment. Mul-T-Lock cannot be accused of any infringement during the period prior to the amendment of the claims, which took place in accordance with the memorandum of 25 June 2025, and no claim for damages can be made against Mul-T-Lock, even though the claims of the patent as granted were clearly invalid and it had the right to work the claims of the patent then in force. In addition, Mul-T-Lock believes that it did not knowingly, or with reasonable grounds to know, commit any act of infringement prior to the limitation of the patent in accordance with Article 68(4) UPCA. Furthermore, the applicant cannot, in good faith, rely on the teachings of patent GB 077 (A3), which was opposed to a parallel patent belonging to it and of which it was perfectly aware, to justify the limitation of the patent that it carried out.
141. Pursuant to the combined application of Articles 64(1) and 68 of the European Patent Convention and Article 4(1) of Regulation (EU) No 1257/2012, the limited unitary patent takes effect retroactively to the date of grant of the European patent that has become unitary, in this case 1 November 2023. In addition, the patent as granted, as long as it has not been cancelled by the courts, is deemed to have been valid since it was granted, so that Mul-T-Lock cannot argue that the patent as granted was, prior to its limitation, manifestly invalid. Similarly, the defendant cannot, in order to avoid liability under Article 68(4) UPCA, state that it did not know or had no reasonable cause to know that it was committing an infringement, when on the one hand it exploited the allegedly infringing product, without taking any prior steps to revoke the title, either in the context of an opposition before the European Patent Office or judicially, and that, secondly, it could not exclude the possibility of subsequently limiting the patent to a single sole, which was already referred to in the description and figures of the patent. In this respect, the defendant had already anticipated that the UP830 patent related to a lock with a single base plate in its statement of claim with the counterclaim for a declaration of invalidity, prior to the amendment made by IMC, because the A1 prior art with a single base plate was chosen as a particularly relevant starting point (page 28), whereas starting from the A3 prior art with a base plate in two portions, Mul-T-Lock explained that a person skilled in the art would have modified the slide.

to come "*into abutment against the single flange portion*", "*even in the absence of a flange on the second panel*" (the striker portion) (page 40).

IV- Corrective measures

A- Permanent injunction prohibiting import and possession

142. IMC Créations seeks (brief of 25 June 2025, pages 42 et seq.) a permanent injunction in France and Switzerland and requests that the defendant inform any professional in France and abroad, as well as in Switzerland and abroad, including any online business, offering for sale or selling the disputed padlock. It is also seeking the recall of the products from all professionals, the defendant and its branch, and the destruction of the products.
143. According to Mul-T-Lock, the injunction must be limited to the territory of the Member States of the UPCA, in which the patent has unitary effect (by virtue of Article 34 UPCA, which limits the territorial scope of the UPC's decisions). In addition, the sentence as formulated ("*prohibition on the offer for sale and sale to any professional within the meaning of the general terms and conditions of sale, including with regard to any online trading company domiciled in France or abroad*"), has no *raison d'être* as it applies by definition regardless of the nationality or country of domicile of the purchaser.
144. In this case, the prohibition measure and the ancillary claims (recall and destruction) will be limited to the territory of the UPCA Member States, which constitutes a single territory where the unitary patent has effect. It may not, however, be extended to Switzerland or abroad, provided that infringement of the Swiss part of the title is not upheld.
145. Furthermore, IMC Créations acquiesces at the hearing to the defendant's request for a three-month postponement of the implementation of the corrective measures, as mentioned in the operative part of the decision.

B- Customer information

146. The request in this respect appears unjustified and disproportionate. It is in fact pointless since it is ordered that the products on the market be recalled and destroyed. It is disproportionate in that it is requested for "*France, Switzerland and abroad*", i.e. potentially the whole world.

C- Right to information and confidentiality

147. The request for information should be granted, in order to determine the network and the infringing mass, in accordance with the terms of the operative part of this decision, within the aforementioned limits (identity of the professionals and offer or sale of the contested product, in the UPCA States, on the basis of Article 67(1) UPCA, excluding Swiss territory).
148. Following the defendant's request for confidentiality in its submission of 22 October 2025, the parties were invited, after the hearing, to comment on the organisation of a confidentiality club for this data.

149. In a memorandum dated 11 December 2025, IMC Créations proposed to set up such a club, between the two representatives of each of the parties, for the three-month period expiring on the date on which the corrective measures were implemented, and requested that the confidentiality be lifted after that period.
150. On 18 December 2025, Mul-T-Lock replied that these arrangements were neither necessary nor proportionate, arguing that data such as accounting figures and information about its customers, for the benefit of the plaintiff, which remains its competitor, are highly confidential and that they cannot be freely disclosed and discussed after the three-month period agreed between the parties, which would constitute a breach of business confidentiality. It asserts that maintaining the confidentiality circle beyond the three-month period would not be likely to infringe the plaintiff's rights.
151. According to Article 9 of Directive 2016/943 on business confidentiality, the judge must assess the proportionality of the measure requested and consider the legitimate interests of the parties and, where applicable, third parties and the resulting harm to one or other of the parties. Under Article 58 UPCA, the UPC may organise the arrangements for access to evidence. Pursuant to Rule 262A.6 RoP and its implementation within the UPC (CoA, 12 February 2025, UPC_CoA_621/2024), the number of persons to whom access is restricted must include at least one natural person from each party and the respective lawyers or other representatives of those parties to the legal proceedings, unless the parties agree otherwise.
152. In this case, the confidentiality of the data covered by the right of information is not discussed by the parties. Mul-T-Lock's request for non-disclosure of this information appears legitimate, as it is sensitive data that cannot be freely shared with a competitor. The parties remain in disagreement as to the number and parties that should be designated to participate in the confidentiality circle and as to the duration of the confidentiality.
153. It is therefore appropriate to organise a confidentiality circle in accordance with the aforementioned provisions (comprising at least one natural person for each party). In addition, the reasons given by the applicant for limiting restricted access to this information to representatives of the parties are not relevant, in that in the context of proceedings to assess its loss or any action against third parties that may have been identified in this way, IMC will, if necessary, be in a position to seek protection for this information and its sources. There is therefore no reason to limit access to this data to three months.

4- Damages and costs

154. The parties have requested separate proceedings in respect of damages and recoverable costs, the plaintiff having made no provisional claim in these respects. There is no need at this stage to rule on the royalty rate that Mul-T-Lock would have had to pay if it had consulted the patent owner with a view to being authorised to reproduce the patent; this issue will be dealt with in the separate proceedings.

155. In view of the outcome of the dispute, each party having succeeded in part of its claims, the costs of the infringement and invalidity proceedings will be shared between the parties, Mul-T-Lock bearing 90% of them and IMC bearing 10%, in accordance with the provisions of Article 69 UPCA and R.118.5 RoP.

FOR THESE REASONS,

The Court,

- Holds that the limited claims 1 and 6 of the Unitary Patent UP 4 153 830, are worded as follows, with effect from 1st November 2023:

Claim 1

"Lock comprising a single base plate (1) and a slide (3), guided in translation relative to each other by guide means (5, 7, 6, 8, 9, 11, 13, 15) between two positions, one called extended and the other called retracted,

the slide comprising a bearing surface (27) which extends in a sliding plane defined by the guide means (5, 7; 6, 8; 9, 11; 13, 15)

and a setback (31) relative to the bearing surface (27), forming a translational stop in one of the two positions

one of the two positions,

the base co-operating with a retractable finger (17) of a locking means (43) carried by the slide (3) to lock it in the extended position and in the retracted position,

the slide (3) comprising, opposite the offset (31) with respect to the retractable finger (17) of the locking means (43), a stop (46) for translation into the extended position,

the bearing surface (27) being flush with a fixing base (29) of the sole (1),

characterised in that :

the flush bearing surface (27) is integrated into the slider (3) and

the stop (46) can be retracted perpendicularly to the sliding plane and is received in a recess (39) in the base plate (1).

Claim 6

"Lock according to claim 1, 3 or 5, characterised in that the base plate (1) is provided with holes (37) comprising a shoulder (36) opposite the fixing base (29) of the base plate (1) and intended to receive a rivet head (52),

- Declares that the text of limited claims 1 to 7 of Unitary Patent UP 4 153 830 now reads as follows:

Claim 1.

Lock comprising a single base plate (1) and a slide (3), guided in translation relative to one another by guide means (5, 7, 6, 8, 9, 11, 13, 15) between two positions, one called the extended position and the other called the retracted position, the slide comprising a bearing surface (27) which extends in a sliding plane defined by the guide means (5, 7; 6, 8, 9, 11; 13, 15) and a setback (31) relative to the bearing surface (27), forming a translational stop in one of the two positions of the slide.
in translation in one of the two positions, the base plate cooperating with a retractable finger (17) of a locking means (43) carried by the slide (3) to lock it in the extended position and in the retracted position, the slide (3) comprising, opposite the offset (31) with respect to the retractable finger (17) of the locking means (43), a stop (46) for translation in the extended position, the bearing surface (27) being flush with a fixing base (29) of the baseplate (1), characterised in that the flush bearing surface (27) is integrated into the slider (3) and the stop (46) is retractable perpendicularly to the sliding plane and received in a recess (39) of the baseplate (1).

Claim 2.

Lock according to claim 1, characterised in that the retractable stop (46) comprises a head (57) and a body (55) held in a bore (65) of the slide (3) by a screw (63), against an elastic return means (61).

Claim 3.

Lock comprising a base plate (1) and a slide (3), guided in translation with respect to each other by guide means (5, 7, 6, 8, 9, 11, 13, 15) between two positions, one called the extended position and the other called the retracted position, the slide comprising a bearing surface (27) which extends in a sliding plane defined by the guide means (5, 7; 6, 8; 9, 11 ; 13, 15) and a step (31) with respect to the bearing surface (27), forming a stop in translation in one of the two positions, the sole cooperating with a retractable finger (17) of a locking means (43) carried by the slider (3) to lock it in the extended position and in the retracted position, the slider (3) comprising, opposite the offset (31) with respect to the retractable finger (17) of the locking means (43), a stop (48) for translation into the extended position, characterised in that the bearing surface (27) is flush with a fixing base (29) of the baseplate (1) and the stop (48) is received in a recess (40) of the baseplate (1), the flush bearing surface (27) being integrated into the slide (3) and the stop (48) being retractable into the plane of sliding.

Claim 4.

Lock according to claim 3, characterised in that the retractable stop (48) comprises a screw (59) and a screw head (60) received in a thread (58) of the slide (3).

Claim 5.

Lock comprising a base plate (1) and a slide (3), guided in translation with respect to each other by guide means (5, 7, 6, 8, 9, 11, 13, 15) between two positions, one called the extended position and the other called the retracted position, the slide comprising a bearing surface (27) which extends in a sliding plane defined by the guide means (5, 7; 6, 8; 9, 11 ; 13, 15) and a setback (31) relative to the bearing surface (27), forming an abutment in translation in one of the two positions, the sole cooperating with a retractable finger (17) of a locking means (43) carried by the slide (3) to lock it in the extended position and in the retracted position, the slide (3) comprising, opposite the offset (31) relative to the retractable finger (17) of the locking means (43), a stop (62, 64) for translation into the extended position, characterised in that the bearing surface (27) is flush with a fixing base (29) of the baseplate (1) and the stop (62, 64) is received in a recess (39) of the baseplate (1), the flush bearing surface (27) being retractable with respect to the slide (3) and the stop (62, 64) being integrated in or attached to the slide (3).

Claim 6.

Lock according to claim 1, 3 or 5, characterised in that the base plate (1) is provided with holes (37) comprising a shoulder (36) opposite the fixing base (29) of the base plate (1) and intended to receive a rivet head (52).

Claim 7.

Lock according to claim 1, 3 or 5, characterised in that the base plate comprises two perforations (19, 21) cooperating with the retractable finger (17) of the locking means (43) of the slide (3) to lock it in one of the two positions by means of a perforation (19) and in the other position by means of the other perforation (21).


- Orders that this decision be forwarded to the European Patent Office for amendment of the register at the end of the appeal period,
- Dismisses Mul-T-Lock's claim for invalidity of claims 1 and 6 of the amended patent and for invalidity of the subsidiary claims,
- Holds that the MVP 1000 padlock manufactured and marketed by Mul-T-Lock constitutes an infringement of limited claims 1 and 6 of patent UP 4 153 830 belonging to IMC, as from 1st November 2023,
- Orders Mul-T-Lock to refrain and cease offering, placing on the market, using or importing or stockpiling for these purposes, on the territory of the Contracting Member States to the UPCA, the MPV 1000 padlock or any other product implementing amended claims 1 and 6 of unitary patent UP 4 153 830, worded as above,
- Orders Mul-T-Lock, at its own expense, and under the supervision of a Commissioner of Justice, to :
 - Recall the MPV 1000 products or any other product implementing the claims as amended of the unitary patent, from the commercial circuits located within the territory of the Contracting Member Countries of the UPC Agreement,
 - Permanently withdraw these products from these commercial circuits, located on the territory of Contracting Member Countries of the UPCA,

Destroy these products

- Declares that the requests for a permanent injunction and the ancillary measures will only take effect, in accordance with the parties' agreement on these points, at the end of a period of three months following the delivery of this decision,
- Orders Mul-T-Lock to provide IMC Créations with the following information within two months of the date of this decision:
 - the origin and distribution channels of the disputed products on the territory of the Contracting Contracting Members of the UPC Agreement, since 1 November 2023,
 - the quantities produced, manufactured, delivered, received or ordered, as well as the price obtained for the disputed products since 1st November 2023,
 - the identity of any third party involved in the production or distribution of the disputed products on the territory of the contracting Member States of the UPC Agreement, since 1st November 2023,
- Holds that this information is confidential and that this information, in its uncrossed-out version, will be accessible only to the representatives of each of the parties in the present case, as well as to a representative of each of the parties, whose name and capacity will be communicated to the Court within 10 days of the delivery of the present decision and who will have to give a confidentiality undertaking beforehand
- Rejects the request to distribute the decision to customers,
- Holds Mul-T-Lock liable for all damages resulting from the infringement of the patent in dispute and will be required to pay damages in an amount to be determined in separate proceedings,
- Dismisses IMC Créations' claims against the Swiss part of the patent,
- Orders that Mul-T-Lock shall bear 90% of the legal and procedural costs and IMC Créations shall bear the balance.
and IMC Créations 10%.

Pronounced in Paris on 16 January 2026

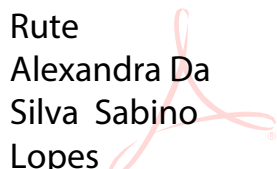
Camille Lignières, presiding judge

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Carine Gillet, Judge-Rapporteur

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Rute Lopes, legally qualified judge,

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Alexandra Da
Silva Sabino
Lopes

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Michel Abello, technically qualified Judge

Michel, Robert, Gérard Abello
Digital signature of Michel,
Robert, Gérard Abello
Date: 2026.01.14 19:54:49
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Marielle Brasseur, Clerk

Date:
Marielle BRASSEUR 2026.01.16
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Information on appeal (Art. 73(1) UPCA, R. 220.1(a), 224.1(a) RoP)

An appeal against this decision may be lodged with the Court of Appeal by any party that has been partly or wholly unsuccessful in its claims, within two months of the date of notification of the decision.

Information relating to enforcement (Art. 82 UPCA, art. 37(2) Statutes, R. 118.8, 158.2, 354, 355.4 RoP) An authentic copy of the enforceable decision or order will be issued by the Deputy Registrar at the request of the party seeking enforcement, R. 69 RoP.

DETAILS OF THE DECISION

Action number : UPC_CFI_702/2024 and UPC_CFI_369/2025

Type of action : Infringement action and counterclaim for a declaration of invalidity

Date of order : 16 January 2026