



Reference no.:

UPC CoA_8/2025

APL_366/2025

Order
of the Court of Appeal of the Unified Patent Court
regarding an application for release of security under R. 352.2 RoP
issued on 3 February 2026

APPLICANT (RESPONDENT BEFORE THE COURT OF APPEAL AND CLAIMANT BEFORE THE COURT OF FIRST INSTANCE)

Oerlikon Textile GmbH & Co KG, Leverkuser Strasse 65, 42897, Remscheid, Germany
(hereinafter referred to as “**Oerlikon**”),

represented by Stefania Bergia, attorney at law, Simmons & Simmons, and other representatives of that firm

DEFENDANT (APPELLANT BEFORE THE COURT OF APPEAL AND DEFENDANT BEFORE THE COURT OF FIRST INSTANCE)

Bhagat Textile Engineers, PLOT NO B/13/10-A, HOJIWALA INDUSTRIAL ESTATE, ROAD NO. 13, Sachin Apparel Park SEZ, 394230, Sachin, Surat, Gujarat, India
(hereafter referred to as “**Bhagat**”),

represented by Peter FitzPatrick, attorney at law, Powell Gilbert (Europe) LLP and other representatives of that firm

PATENT AT ISSUE

EP 2 145 848

LANGUAGE OF THE PROCEEDINGS

Italian

DECIDING JUDGE

Emmanuel Gougé, legally qualified judge and judge-rapporteur

IMPUGNED DECISION OF THE COURT OF FIRST INSTANCE

- ☐ Decision of the Court of First Instance of the Unified Patent Court, Milan Local Division, dated 04 November 2024
- ☐ Reference numbers:

ORD 598484/2023
ACT 549585/2023
UPC_CFI_ 241/2023

SUMMARY OF FACTS AND PARTIES REQUESTS

1. The Milan Local Division (hereafter the “Milan LD”) held Bhagat liable for infringement of the patent at issue (impugned decision of 4 November 2024, ORD 598484/2023).
2. Bhagat filed an appeal against the impugned decision.
3. Oerlikon filed an application for security for costs pursuant to Art. 69.4 UPCA and R. 158 RoP following which the Court of Appeal ordered Bhagat to pay a security for costs in the amount of € 19,000 (CoA Order of 30 October 2025), which Bhagat provided via transfer to the UPC bank account designated for deposits of security for costs.
4. The Court of Appeal adjudicated the appeal and ordered Bhagat to bear 80% of Oerlikon costs in the appeal proceedings, and Oerlikon has to bear 20% of Bhagat costs in the appeal proceedings (CoA decision of 9 December 2025).
5. On 14 January 2026, Oerlikon informed the Court of Appeal that the parties have entered into a settlement agreement regarding the payment by Bhagat to Oerlikon of the outstanding amounts of the procedural costs incurred in the first instance and in the appeal proceedings, and requested, pursuant to R. 352.2 RoP, that the security for procedural costs provided by Bhagat in the amount of € 19,000 be released and transferred to the bank account provided by Oerlikon.
6. In a declaration signed by Bhagat’s legal representative [REDACTED] (Oerlikon Exhibit 4), the latter consented to the release by the Court of Appeal of the security in the amount of € 19,000 in favour of Oerlikon and confirmed that the security for costs should be transferred to Oerlikon’s account.

GROUND FOR THE ORDER

7. Oerlikon requests that the security deposit referred to under para 5 and 6 here above be released and transferred to its account, and Bhagat expressed its consent in this regard.
8. According to R.352.2 RoP, the Court may upon the application of a party release a security by order. This provision applies to security for enforcement but should be applied by way of analogy in the present case. There is a reason to do so given the conclusion of the proceedings and the settlement between the parties (CoA Order of 15 August 2025, UPC_CoA_328/2024, Ballinno B.V. v Kinexon).

ORDER

The Court of Appeal

- (i) orders that the amount deposited by Bhagat at the Court of Appeal’s bank account on 10-11 November 2025 pursuant to the order of 30 October 2025 referred to above shall be released and transferred in full to the Oerlikon’s bank account specified in Oerlikon’s request;
- (ii) instructs the Registry to ensure that the bank transfer is made accordingly.

This order was issued on 3 February 2026.

Emmanuel Gougé
Legally qualified judge and judge-rapporteur