



Paris Local Division

UPC_CFI_1963/2025
Procedural order
of the Court of First Instance of the Unified Patent Court
issued on 17/02/2026
(R.19 Preliminary objection)

ENTETE

The condition laid down in Article 33.1.b/ relating to "the action relates to the same infringement", in order to justify the internal jurisdiction of a Local Division, in the event of multiple defendants, refers to the infringement of the same patent by all the defendants, and does not require that the products claimed to be infringing be identical between all the defendants.

KEY WORDS

Internal jurisdiction of the UPC- Art. 33.1.b/ UPCA- - plurality of defendants- double condition

PLAINTIFF (Defendant to preliminary objections)

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PATENT IN SUIT

<i>Patent no.</i>	<i>Owner</i>
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EP4144599	Valeo Wiper Systems
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JUDGE WHO RULES:

Judge-Rapporteur

Carine Gillet

LANGUAGE OF PROCEEDINGS: French

ORDER

On 12 December 2025, Valéo Systèmes d'Essuyage (hereinafter Valéo) brought an action for infringement of patent EP 4144599 B1 belonging to it, before the Paris Local Division, against six companies belonging to the Bosch group, domiciled respectively in France, Germany, Belgium (two defendants), Serbia and China.

On January 27, 2026, five of the Bosch companies filed a preliminary objection challenging the internal jurisdiction of the Paris Local Division and the language of the proceedings, making the following claims:

- I. Declare that the Paris Local Division does not have jurisdiction to hear the infringement action.
- II. If the Claimant fails to indicate one of the local divisions located on the territory of Germany as the competent referral division and to file its Statement of Claim in German or English as a new language of proceedings within 14 days from the notification of this Preliminary Objection, dismiss the infringement action.
- III. In the event that the present Preliminary Objection is upheld and the case is transferred to a local division located in the territory of Germany upon the possible indication of the Plaintiff, to order that the three-month period granted to the Defendants to file their Statement of Defence will only run from the service of the Statement of Claim in German or English as the new language of proceedings.
- IV. In the alternative, in the event of the rejection of one or more of the Defendants' claims referred to in points I to III above, grant the Defendants leave to appeal.

By order of 02 February 2026, to which reference is made, the judge-rapporteur set the starting point of the time limits, for all the defendants, after notification of the statement of claim, at 12 January 2026.

On 06 February 2026, Bosch Changsa filed a preliminary objection in the same terms as that filed on 02 February 2026 for its co-defendants.

By order dated February 09, 2026, the Judge-Rapporteur rejected Valeo's request for an extension of the deadline for filing its observations on the two preliminary objections, which must be filed by February 10, 2026 at the latest.

On February 10, 2026, Valeo made the following submissions:

Primarily

- Declare inadmissible, or at the very least REJECT, the First Preliminary Objection filed by Defendants 1 to 5 based on lack of jurisdiction over Defendant 6;
- Reject the Second Preliminary Objection. In any event,
- Reject BOSCH's request for dismissal of the infringement action (UPC_CFI_1963/2025) initiated by VALEO on December 12, 2025;
- Authorize VALEO to appeal the order if it declares that the Paris local division does not have jurisdiction.

GROUNDINGS FOR THE DECISION

The preliminary objection raised by defendants 1) to 5) in the main proceedings and the objection raised in the same terms by defendant 6) (Bosch Changsa) should be joined in order to give judgment in a single order.

A preliminary objection may be lodged by the defendant, within the one-month time limit, to contest the internal jurisdiction of a division and the language of proceedings of the statement of claim (rule R19 §1 b) and c) RoP). In the present case, the preliminary objections were lodged on 27 January 2026 and 06 February 2026 respectively, i.e. within the one-month time limit set by R19.1 RoP, running from 12 January 2026, as stated in the order of 02 February 2026, aligning the starting point of time limits for all defendants.

Arguments of the parties

At the outset, Bosch submits that Valeo fails to mention in its statement of claim that it had previously brought an infringement action before the Paris Central Division, registered under No. UPC_CFI_809/2025, against the same defendants, based on another European patent belonging to it, EP 2 671 766 B1, and relating in part to products identical to those that are the subject of the present proceedings before the Paris Local Division. By orders of 23 December 2025 and 21 January 2026, the judge of the Central Division declared that the Central Division lacked jurisdiction to hear the infringement action and referred the case back to the Local Division of Düsseldorf, stating that the language of proceedings would be English. Valéo has lodged an appeal against these two orders, which is currently pending.

Bosch maintains that, pursuant to Article 33.1(b) of the UPCA, an infringement action against several defendants may be brought before the local division of the UPC located in the territory of a Contracting Member State in which one of the defendants has its registered office, provided that this (so-called anchor) defendant has a commercial connection with the others and that the action relates to the same alleged infringement in respect of the same patent, but also the same product or process. In this case, according to Bosch, four of the defendants are domiciled in a UPCA signatory state, while the other two are domiciled in Serbia and China respectively. The infringement action before the Local Division relates to several claims of the EP 599 patent, relating to different devices and different types of allegedly infringing products. However, according to Bosch, the allegedly infringing products do not relate to all of the defendants. For example, it is not claimed that Robert Bosch France is concerned by the DENZA wiper model.

Thus, the twofold condition set out in Article 33 UPCA would only be met, according to Bosch, if the anchor defendant were the parent company Robert Bosch GmbH, domiciled in Germany. Consequently, it cannot be considered that Robert Bosch France has a commercial link with all the other defendants and that the action against this defendant concerns the same products.

The action therefore falls within the jurisdiction of a local division in Germany and, more specifically, of the Düsseldorf Local Division, to which the other case has already been referred.

In the event of referral to the German division, Bosch requests that the language of the proceedings be changed to English, which is one of the languages adopted by the German divisions, as it is a working language commonly used by judges and for business relations.

Should Valeo fail to designate a competent local referral division or to file an English or German translation of the statement of claim within 14 days, the infringement action must be dismissed.

Finally, Bosch seeks an extension of the 3-month time limit for filing the statement of defence, with that time limit to run from service of the statement of claim in the new language (German or English).

Valeo submits that the first objection raised by defendants 1) to 5) should be dismissed, since they have a commercial connection with each other and are committing the same infringement of the contested patent. As regards the second preliminary objection, Bosch Changsa (defendant 6) also fulfils the two conditions laid down by the Rules of Procedure, since if the parent company has a commercial link with all the defendants, then all the defendants share this link, membership of a group of companies being sufficient to qualify the link.

Moreover, the "same alleged infringement" referred to in the text of the rule does not require identity of the distribution channels, the entities involved and the countries of marketing, or even identity of the allegedly infringing products, the suggested interpretation proposed by the defendants adding to the text. Moreover, in any event, Bosch has not shown that the allegedly infringing products are different, depending on the defendants, and this discussion goes to the heart of the dispute and cannot be decided at the preliminary observation stage.

Valeo added that, as regards the ancillary claims brought by Bosch, the requirement to file a statement of case in German and English had no legal basis. Only rule R.361 RoP could possibly apply, but this rule does not concern the internal jurisdiction of a division, but only the substantive and/or territorial jurisdiction of the UPC, and moreover this issue cannot be examined in the context of a preliminary objection, as the Central Division ruled.

Valeo does not object to Bosch being granted leave to appeal, provided that it is granted the same leave if the Paris Local Division is found to lack jurisdiction.

Response to the parties' arguments

1- Jurisdiction of the Paris Local Division

The actions referred to in Article 32(1)(a) [infringement action and related claims] are, according to Article 33(1)(b), brought before "the local division situated in the territory of the Contracting Member State in which... if there are several defendants, one of the defendants has his domicile or principal place of business (...). An action may be brought against several defendants only if they have a commercial connection and if the action relates to the same alleged infringement".

Thus, where there are several defendants, an infringement action may be brought before the Local Division of the Member State in which one of them is domiciled, on the twofold condition, according to the aforementioned text, that the defendants have a commercial connection with each other and that the action relates to the same alleged infringement.

In this case, one of the defendants, Robert Bosch France SAS (Defendant 2), was brought before the Paris Local Division because it was domiciled in France.

It is by an erroneous interpretation that must be rejected that Bosch maintains that it is necessary for THE defendant (known as the anchor defendant, as being the one who justifies the jurisdiction of the seizure division) domiciled before the seizure division to have a commercial connection with the other defendants, whereas the aforementioned text designates not THE defendant but "them", i.e. all of the defendants, as having to have a commercial connection.

It is not disputed that defendant 2) (domiciled in France), which justifies the jurisdiction of the Paris Division, has a commercial connection with the other defendants, in that these defendants, domiciled respectively in UPCA Member States or in third countries (Serbia, China), all belong to the same international group, a direct competitor of Valeo, and are each involved in their own way in the manufacture and marketing of the products at issue.

Nor is it disputable that the parent company, located in Germany, maintains links with all the defendants, so that all the defendants necessarily have a commercial link with each other, since they participate in the distribution of the allegedly infringing products.

Lastly, it should be remembered that the commercial link, which presupposes relations of a certain quality and intensity, is not assessed narrowly, but flexibly, to avoid multiple proceedings and the risk of irreconcilable decisions in the event of separate proceedings. The fact of belonging to the same group (of legal persons) and engaging in related commercial activities with the same objective (such as research and development, manufacture, sale and distribution of the same products) is sufficient to be considered a "commercial relationship" within the meaning of Article 33(1)(b) (LD Paris UPC_CFI_495/2023 *Arm v. IC Pillar* decision of 11 April 2024).

As regards the second condition, i.e. "an action relating to the same infringement", the acts alleged against all the defendants concern different products which are all supposed to implement the "Aquablade" technology derived from the asserted patent, relating to a wiper system adapter for automobiles and its accessories (attachment adapter, connection device, etc.). And it does not matter that all the defendants are not involved in strictly identical products, which nevertheless come from the same range of products and are supposed to infringe the claims of a single property title.

Thus, the acts relied on relate to infringement of the same patent, which is necessary and sufficient, unless we add to Article 33.1 b/ which does not provide for it. In fact, contrary to what Bosch maintains, the text in no way requires that the action also concern "the same allegedly infringing products", or even the same distribution channels or the same countries of marketing.... which, moreover, would be nonsensical and contrary to the spirit of the UPC and would prohibit the prosecution, in the context of the same action, of alleged infringers operating at distinct territorial or material levels.

The aforementioned condition therefore necessarily means infringement of the same intellectual property rights, namely a patent, which is the case here.

In addition, the question of the involvement of each of the defendants in the commission of the acts complained of is excluded from the scope of the preliminary objection, which is only possible in three restrictively listed situations (R.19.1 a) b) and c) and is unquestionably a matter for assessment by the trial judge. Thus, at this stage, it is of little importance that certain defendants are not prosecuted for certain allegedly infringing products, while others are, depending on their involvement in the commission of the acts, as long as all the defendants are involved in an alleged infringement of the same patent.

Consequently, the twofold condition laid down by Article 33.1 b/ UPCA is met in respect of all the defendants and the Paris Local Division has jurisdiction to hear the infringement action brought by Valéo against all the defendants.

There is no reason to refer the case to another division.

2- Bosch's ancillary claims

The ancillary requests made by Bosch in the event of a referral to the Düsseldorf Local Division (request for a change of language, an order for Valeo to produce a translation, in English of the statement of claim within a time limit and, failing that, dismissal of the infringement action if the plaintiff does not designate a court for referral, extension of the time limit for the statement of defence and a new starting point) are irrelevant since the preliminary objections have been rejected and the Paris Local Division has jurisdiction.

Moreover, they have no legal basis whatsoever. Indeed, the dismissal of infringement proceedings at the stage of a preliminary objection is not envisaged by the procedural rules. R20.1 RoP, which allows the judge to give instructions to the parties and the registry for the next procedural stage, is not accompanied by such a sanction.

R.361 RoP, which envisages the dismissal of the action in the event of an action that is manifestly doomed to failure, concerns the material or territorial jurisdiction of the court, within the meaning of articles 31 and 32 of the UPCA and not the internal jurisdiction of the UPC, within the meaning of article 33 of the same text.

3- Legal costs

A decision on the costs of preliminary objections will be taken with the decision on the merits of the case.

4- Leave to appeal

Each of the parties seeks leave to appeal, with leave of the court, in the event that they are unsuccessful, with Bosch believing that such an appeal is necessary given the paucity of UPCA case law on art.33.1 b) UPCA.

Pursuant to R21.1 RoP, "an order of the judge-rapporteur rejecting the preliminary objection may be appealed only pursuant to R.220.2 RoP", either "at the same time as the appeal against the decision or, with the permission of the court of first instance, within fifteen days of service of the court's decision to that effect".

In deciding whether or not to grant leave to appeal, the Court must consider whether the order raises legal issues that are likely to be subject to differing interpretations by the judges of the Unified Patent Court, which is not the case here, as the conditions set out in Article 33.1 b/ have already been interpreted and are unambiguous. It must also be assessed whether the appeal against the order is likely to serve the concrete interests of the parties concerned (CD Paris, 12 December 2024, UPC CFI 164/2024 - App. 64780/2024), which is not the case either, even though an action is pending before the LD of Düsseldorf between the same parties, in relation to a separate patent.

There is therefore no justification for granting this request.

For these reasons

The Judge-Rapporteur, having heard the parties on all relevant aspects :

- Orders that the two preliminary objections raised by Bosch be joined and disposed of in a single order,
- Dismisses the preliminary objections,
- Finds Bosch's ancillary claims to be moot,

Holds that Bosch's statement of defence is due **on 13 April 2026** (three-month period expiring on Sunday 12 April, extended to the next working day),

- Dismisses Bosch's application for leave to appeal,
- Holds that the decision on the merits will include a ruling on the costs of the preliminary objections.

Delivered in Paris on 17 February 2026

Carine Gillet
Judge-Rapporteur

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Information on the appeal

This order of the Judge-Rapporteur rejecting the preliminary objection may be appealed under the conditions set out in R. 220.2 RoP.

DETAILS OF THE ORDER

Case no.: UPC-CFI-0001963/2025
Type of action: Infringement action
Type of claim: Preliminary objection
Date of order: 17 February 2026