



Düsseldorf local division
UPC_CFI_466/2025
UPC_CFI_869/2025

Provisional procedural order
of the Court of First Instance of the Unified Patent Court
concerning EP 3 805 415
issued on 18 February 2026

Claimant:

Dai Nippon Printing Co., Ltd., represented by its management, represented by its chairman, Mr Yoshinari Kitajima, 1-1-1, Ichigaya-Kagacho, Shinjuku-ku, Tokyo 162-8001, Japan

represented by:

Solicitor Dr Soenke Fock, Solicitor Thorben Strich, Solicitor Jan-Caspar Maiers, Solicitor Alex-Christian Lesch, Wildanger Kehrwald Graf von Schwerin & Partner mbB Solicitors, Couvenstraße 8, 40211 Düsseldorf, Germany

Patent Attorney Dr. Jochen Kapfenberger, Patent Attorney Georg Tully, Patent Attorney Dr. Frederik Tenholt, Cohausz & Florack Patent- und Rechtsanwälte PartG mbB, Bleichstraße 14, 40211 Düsseldorf, Germany

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Defendant:

1. **Zapp AG**, represented by the Executive Board, Dr Stefan Seng (Chairman of the Executive Board) and Daniela Scheidsteger, Letmather Straße 69, 58239 Schwerte, Germany
2. **Zapp Precision Metals GmbH**, represented by the managing directors Malte Edward Dotzel, Edo Ollermann, Dr Evelin Ratte, Britta Van Beurden, Letmather Straße 69, 58239 Schwerte, Germany

Defendants 1) and 2) represented by:

Holger Stratmann, solicitor, Dr.
Henrik Vocke, solicitor Philipp Zambelli, HOFFMANN
EITLE Patent and
Law Firm mbB, Arabella-Straße 30, 81925 Munich,
Germany

PATENT AT ISSUE: EUROPEAN PATENT NO. 3 805 415

DECISION-MAKING PANEL/CHAMBER: Local Division Düsseldorf

JUDGES INVOLVED:

This order was issued by the legally qualified judge and judge-rapporteur Dr Zhilova.

LANGUAGE OF THE PROCEEDINGS: German

SUBJECT: R. 262A RoP – Protection of confidential information

BRIEF DESCRIPTION OF THE FACTS AND THE PARTIES' APPLICATIONS

1. In their rejoinder in the infringement dispute, reply to the counterclaim for annulment and defence against the amendment, the defendants submitted an application for confidentiality. This application was clarified in the document of 5 February. A justified version of the rejoinder was also submitted (Annex HEA2). Further clarifications and applications regarding the group of persons to whom access to the confidential information must be granted were submitted in the document dated 9 February 2026.
2. The defendants have marked the information contained in paragraphs 303, 304, 305, 306, 316, 317 and 324, as well as the unredacted versions of Annexes HE 137, HE 138, HE 139, HE 140, HE 144 and HE 145 as trade secrets or confidential information within the meaning of Article 58 of the UPC Agreement (application I). This information was presented in tabular form in the document of 5 February 2026:

Marginal number / Annex	Content
Marginal numbers 303 - 306 Marginal numbers 316 - 317	Information exchanged between the defendants and a raw material supplier
Rn. 324	Internal test report by the second defendant
Annexes HE 137 HE 138 and 139 HE 140 HE 144 and HE 145	Written witness statement by Dr Barani Contents of PowerPoint presentations – Raw material suppliers Contents of PowerPoint presentations – Potential customer Internal test report by the second defendant

3. The defendants further requested (additionally in their document of 9 February 2026):
 - II. access to the information classified as confidential under I. exclusively:
 - a. the legal representatives of the Claimant and their office staff,
 - b. two natural persons of the Claimant,
 - c. the interpreters who are subject to a professional and/or contractual duty of confidentiality for the German-Japanese and/or English-Japanese translation,
 - d. any party-appointed experts, and
 - e. a solicitor or patent attorney from the Japanese law firm Kyowa Patent and Law Office,provided that the Claimant communicates the names of these persons in advance in writing and these persons are subject to the orders of sections III and IV of the confidentiality request.
 - III. to order that the information classified as confidential under I. be treated as strictly confidential by the persons named under II. and, in particular, that it not be disclosed to other persons or used for purposes other than the present proceedings, unless they become aware of it outside the context of these proceedings. These obligations shall continue to apply even after the conclusion of the present proceedings and shall end when the court has lifted the confidentiality of the information classified as confidential under I. by means of a final decision or order, or as soon as the information classified as confidential under I. becomes known to persons or is easily accessible to persons who normally have access to such information;
 - IV. to order that, in the event of a culpable breach of the order requested under II. or III., the court may impose a penalty payment for each such breach, which shall be determined in accordance with R.354.3 RoP, taking into account the circumstances of the individual case;
 - V. to exclude the public from the interim hearing and/or the oral hearing during the direct or indirect discussion of the information classified as confidential under I. and/or from the pronouncement of the grounds for the judgment, insofar as the information classified as confidential under I. is discussed;
 - VI. to redact all information classified as confidential under I. prior to the publication of decisions, orders or other announcements;
 - VII. to exclude the information classified as confidential under I. from inspection by third parties and from publication in the register or by other means of disclosure.
4. The claimant raised objections to the aforementioned information. It asserted that the information was not subject to confidentiality, as a large part

ORDER:

1. The following information, presented in grey font, in the notorious version of 5 February 2026 of the rejoinder in the infringement dispute, Reply to the action for annulment and defence on the defendant's amendment request (Exhibit HEA2) is classified as confidential within the meaning of Art. 58 of the UPC Agreement, R. 262.2 RoP:
 - i. The information contained in paragraphs 303, 304, 305, 306, 316, 317 and 324;
 - ii. The annexes HE 137, HE 138, HE 139, HE 140, HE 144 and HE 145.
2. Access to the information classified as confidential in paragraph 1 shall be restricted on the part of the Claimant to the legal representatives and their office staff, as well as any experts and interpreters who need access to the confidential information for the purposes of these proceedings, and to the following natural persons:
 - i. Mr. ___ Employee, Technology Development Centre;
 - ii. Mr. ___ Employee, Intellectual Property Division;
 - iii. Ms. ___ Employee, Optical Electronics Operations
 - iv. Mr. ___ Officer, Intellectual Property Division.
 - v. Mr. ___ (Kyowa Law Office)
 - vi. Mr. ___ (Kyowa Law Office)
3. The information classified as confidential in section 1 shall be treated as such by the persons named in section 2 until further notice and may not be used or disclosed outside these court proceedings, unless it has become known to the receiving party outside these proceedings. This obligation shall continue to apply even after the proceedings have been concluded.
4. The claimant may only work with professional interpreters and experts who are subject to contractual confidentiality obligations by virtue of their profession.
5. In the event of a culpable violation of this order, the court may impose a penalty payment for each case of violation, the amount of which shall be determined by the circumstances of the individual case.

NAME AND SIGNATURE:

Dr Tatyana Zhilova
Legally qualified judge
and judge-rapporteur