



**Ex Parte Order  
of the Court of First Instance of the Unified Patent Court  
delivered on 23 February 2026**

APPLICANT

**AdvanSix Resins & Chemicals LLC.**  
("Applicant") - 300 Kimball Drive, Suite 101, -  
NJ 07054, - Parsippany, - US

Represented by Arjen  
Reijns, Mark Marfé,  
Kristina Cornish

DEFENDANTS

1. **Krahn Chemie Benelux BV** of Westzijde 138,1506 EK Zaandam, the Netherlands (being both the registered address and the main business operations address known to Applicant)
2. **Reschem Italia SpA** of (i) Piazza Guiseppe Maggiolini 34 Cap 20015 Parabiago, Milan Italy; and (ii) Via Olona, 73, 20015 Parabiago, Milan, Italy (being (i) the registered address and (ii) the main business operations address known to Applicant)
3. **Vicris SrL** of Via Fontanellato, 44, 00142 Roma RM, Italy (being the registered address)

Hereinafter jointly referred to as "**Defendants**" and individually as **Krahn NL**, **Reshem** and **Vicris**.

PATENT AT ISSUE

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**EP3286270**

AdvanSix Resins & Chemicals LLC.

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DECIDING JUDGE/SINGLE JUDGE

By appointment of the Presiding judge of the Local Division The Hague of 29 December 2025 pursuant to R. 194.3, Margot Kokke decides the applications as single judge.

LANGUAGE OF PROCEEDINGS: English

## I. SUMMARY OF FACTS AND PROCEDURE

1. The Applicant requests the preservation of evidence pursuant to R. 192 RoP and inspection of premises pursuant to R.199 RoP (cases UPC\_CFI\_2028/2025 and UPC\_CFI\_2031/2025).
2. The following documents are part of the case files (identical submissions in both cases):
  - Application for preservation of evidence R. 192 and 199 RoP submitted on 18 December 2025, with 24 exhibits (PM01-PM24);
  - An Amended application dated 14 January 2026 (submitted pursuant to discussion with the JR on 7 January 2026), with two further exhibits (PM25 and PM26);
  - A communication of 3 February 2026 with information about the Laboratory mentioned in the Application.

### The Applicant

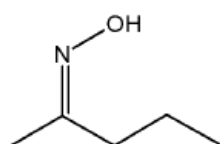
3. Applicant is a fully integrated chemical manufacturer with a wide range of products catering to various industries. It produces a large number of essential chemicals and materials suitable for use in a wide variety of end markets, ranging from agriculture to automotive and from pharmaceuticals to personal care. Applicant's business was previously the Resins and Chemicals division of Honeywell International Inc. until it became a separate entity in 2016. With about 1400 employees, Applicant is a globally operating company that strives to deliver best-in-class customer experiences and differentiated products, mostly via nylon solutions, plant nutrients and chemical intermediaries.
4. One of the areas in which Applicant is active is the field of research and development of proprietary materials for use in many types of coatings, and it has developed a coating additive that can be used, *inter alia*, in the manufacture of alkyd type paints and coatings. Alkyd paints and coatings are oxidatively curing (often referred to as oxidatively drying) surface coverings and have an enamel type finish that is similar in consistency to oil paints, although they do not contain traditional plant/seed-based oils, and generally have a (semi-)gloss finish. They are typically more durable and are scruff resistant.

### The patent

5. Applicant is the (sole) proprietor of European Patent EP 3 286 270 ("**EP 270**" or the "**patent**"), granted on 24 January 2024, based on the international application WO 2016/172108 filed on 19 April 2016 (invoking the priority date of 20 April 2015 of the US patent application US 62/149,894). It was validated in Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Spain, Switzerland, Sweden, Turkey and the United Kingdom.
6. Opposition was filed against the grant of the patent. On 9 September 2025 the Opposition Division of the European Patent Office ("**OD**") maintained the patent in amended form, according to the Main Request. Appeal to this decision was filed by one of the opponents and

is pending. Here, Applicant relies on the claims as maintained by the OD (the “**Relevant Claims**”), comprising one independent claim and four dependent claims that read as follows:

1. A coating composition comprising:
  - at least one solvent;
  - at least one alkyd resin;
  - at least one drier; and
  - an anti-skinning composition capable of preventing oxidative crosslinking of the resin to form a skin, the anti-skinning composition comprising at least 98 wt.% of an alkyl oxime based on the total weight of the anti-skinning composition, wherein the alkyl oxime is 2-pentanone oxime; andwherein the at least one drier is an oxidation catalyst selected from cobalt esters and manganese esters.
2. The coating composition of claim 1, wherein the anti-skinning composition comprises less than 0.5 wt.% methyl isobutyl ketoxime, based on the total weight of the anti-skinning composition.
3. The coating composition of claim 1, wherein the anti-skinning composition comprises less than 0.3 wt.% methyl isobutyl ketoxime, based on the total weight of the anti-skinning composition.
4. The coating composition of claim 1, wherein the coating composition comprises less than 0.06 wt.% methyl isobutyl ketoxime, based on the total weight of the coating composition.
5. The coating composition of claim 1, wherein the solvent is present in an amount of 10 wt.% to 40 wt.% based on the total weight of the coating composition.
7. EP270 is directed to alkyd-based coating compositions with advantageous properties which comprise a solvent, an alkyd resin, a drier, and the component 2-pentanone-oxime (also referred to as “**2-PO**”) as a so-called anti-skinning agent. The molecular formula of 2-PO is  $C_5H_{11}NO$  and its chemical structure is shown below:



8. Air drying coating compositions, like paints, include a number of components, such as an unsaturated resin (dissolved in an organic or aqueous solvent medium) and several additives, such as driers and an anti-skinning agent. An anti-skinning agent in a coating composition prevents the resin from ‘skin’ forming during storage, while also allowing good drying properties of the coating composition when applied in normal use. At the priority date, the compound methyl ethyl ketoxime (“**MEKO**”) was the most effective and widely used anti-skinning agent, given its benefits, including low odour, low required dosage, applicability to a wide range of coatings, no yellowing or discoloration, no residue, no impact on the drying profile of the coating, and no impact on the performance of the coating, such as gloss, adhesion or solvent resistance. However, concerns were raised relating to the toxicity of MEKO.
9. Applicant discovered that high purity 2-PO functions as an effective anti-skinning agent, with comparable properties to MEKO. 2-PO has a positive toxicology profile compared to MEKO. 2-PO also provides several further benefits, comparable to those of MEKO, such as low required dosage, applicability to a wide range of coatings, no yellowing or discoloration, no residue,

and no impact on the performance of the coating, such as gloss, adhesion, or solvent resistance. Therefore, the invention in EP 270 allows for safe replacement of MEKO in coating compositions, while providing anti-skinning compositions with similar positive characteristics.

### **EZ-BLOX and Dura**

10. Applicant manufactures and sells 2-PO under the brand name EZ-BLOX both directly and through a network of authorised distributors. Sales are to the paint manufacturing industry across the world in regions where other oximes, including MEKO, are no longer usable due to regulatory constraints (like the EU, the UK and Korea). Applicant also sells 2-PO for other uses, principally for production of silicone sealants. However, this is a very limited market largely due to the divergence of the regulatory landscape.
11. The Spanish company Dura Europe S.A.U. ("**Dura Europe**") is part of an international group that includes California based Dura Chemicals Inc. ("**Dura Inc**", and together with Dura Europe: "**Dura**"). On 1 August 2020 Applicant entered into a distribution agreement (the "**Agreement**") with Dura, pursuant to which Dura Europe was an authorised non-exclusive distributor of EX-BLOX for Applicant for the UK and the EU. Under the terms of the Agreement, Dura Europe agreed to source 2-PO solely from Applicant. The 2-PO was sold to Dura Europe's customers as EZ-BLOX and additionally co-branded as "**Duroxime P**". The distribution would be carried out in certain countries via sub-distributors; this was permitted by the Agreement and such a network involving third party distributors is typical in the chemicals industry.
12. The Agreement was terminated by Applicant on 2 December 2024, "*due to breach, effective immediately*". All commercial activity was required to cease immediately and arrangements to return any stock were required to be made i.e. there was no sell-off period. Applicant decided to terminate the Agreement after a senior representative of Dura had made oral statements that Dura Europe had been sourcing 2-PO from a Chinese manufacturer. The termination notice was not disputed by Dura.
13. Applicant has not supplied EZ-BLOX (or any other 2-PO) to Dura since termination of the Agreement. Applicant has also made enquiries of its distributors and is unaware of any source of EZ-BLOZ to which Dura would have access.
14. The following screenshots were taken from Dura's website [www.durachem.com](http://www.durachem.com) on 16 December 2025:



### ANTI-SKINNING AGENTS

Anti-skinning agents are used for in-can preservation of coatings and inks. Oxime based with high evaporation rate. Oxime free with low evaporation rate. Active components reversibly complex the primary driers.

ANTI-SKINNING AGENTS												
Product Name	Availability			REACH Compliant	TSCA Compliant	Applications						
	US	EU	ROW			Paints & Coatings	Printing Inks	UPR	PU Catalysts	Fuel Additives	Lubricants & Greases	Chemical & Petrochem
MEKO #2	✓	✓	✓	✓	✓	✓	✓					
Duroxime P®	✓	✓	✓	✓	✓	✓	✓					
DriCAT® 216		✓		✓		✓	✓					
DriCAT® 232		✓		✓		✓	✓					

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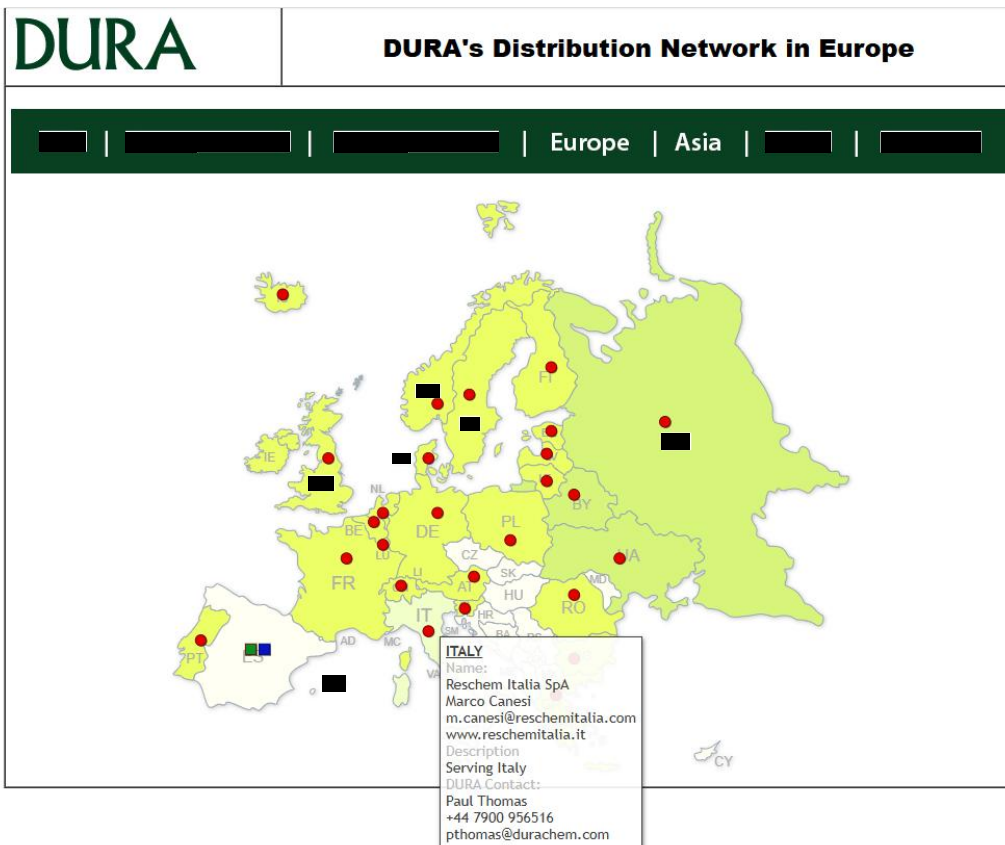


#### News

In response to the growing legislative pressure on MEKO used in coatings, paints and inks, DURA introduces Duroxime P as a oxime-based anti-skinning agent with a significantly more favorable toxicology profile as a drop-in product for MEKO. DURA has also recently introduced the oxime-free DriCAT 216 and DriCAT 232 as the next generation anti-skinning agents.

Contact your Sales Representative or Technical Service Chemist for detailed information and samples for evaluation in your systems.

15. Dura operates its business in Europe by direct supply to certain customers and through a distribution network which is set out on the durachem.com website.



**Defendants**

16. Defendants are (sub)distributors of Dura Europe.

17. Krahn NL is part of the KRAHN Chemie group (“Krahn Chemie”). In a press release dated 25 February 2025, Krahn Chemie announced that with effect from 1 January 2025 Krahn NL will distribute certain Dura Europe paint driers and anti-skinning agents for various applications in the Benelux region. On the website of Krahn Chemie, krahn.eu, it offers anti-skinning agents sold under the brand Duroxime (which Applicant assumes is the same as ‘Duroxime P’) for, in any case, customers in the Benelux:



**Anti-Skinning Agents**

Anti-skinning agents are additives used in paints and coatings to prevent the formation of a dry skin on the surface during the drying process. They work by promoting uniform drying, preventing skin formation and shrinkage. Chemically, these agents are antioxidants that evaporate along with the solvents, helping to maintain a smooth and consistent coating.

**Product characteristics**

- Stabilization of paint storage
- Prevention of surface skinning

**Applications**

- Architectural
- Automotive Coatings
- Can and Coil coatings
- Flooring
- Industrial and protective coatings
- Plastic coatings
- Printing inks
- Wood coatings

**Solutions**

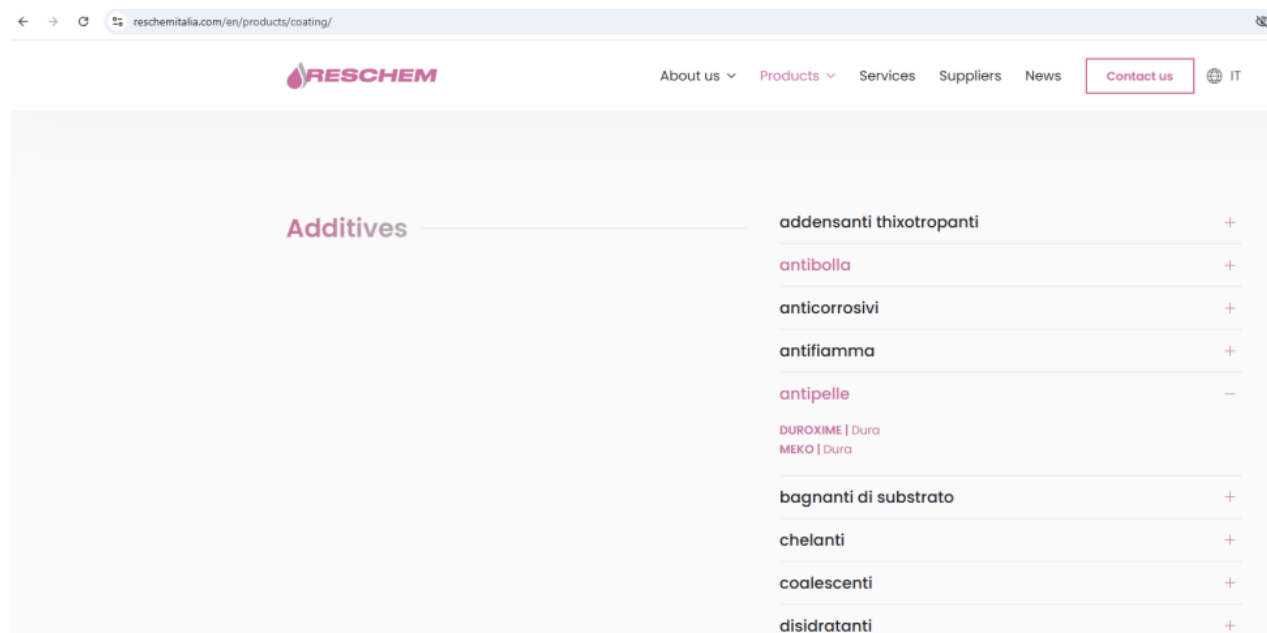
- Durability

**Brands & Producers**



18. Reschem is a major Italian distributor in the polyurethane, coatings and resins industries. Vicris is a part of the Reschem group focused on coatings and involved in “the supply of raw

materials". Based in Rome, Vicris became part of Reschem in 2019. On the Durachem.com website, Reschem is named as Dura Europe's distributor. On the website reschemitalia.com Duroxime is offered as anti-skinning agent ('Additives > antipelle'):



## II. ORDERS SOUGHT BY THE APPLICANT AND SUBMISSION

19. The Applicant assumes that its former distributor of 2-PO, Dura, is (still) offering for sale and selling 2-PO with a purity claimed in EP 270 through its European distribution network for use of the invention protected by claim 1 of the Relevant Claims of EP 270, also to the Defendants as its Italian and Benelux (sub)distributors. The Defendants in turn are supplying or offering to supply 2-PO to their customers. The Applicant asserts that the 2-PO offered/sold is an essential element of the invention and that by supplying or offering to supply 2-PO within the territory of the Contracting Member States ("UPC Territory") in which that patent has effect, to any person other than a party entitled to exploit the patented invention, Dura and/or the Defendants supply means for putting the invention into effect in UPC Territory, whereas Dura and the Defendants know, or should have known, that those means are suitable and intended for putting the invention into effect. This amounts to indirect infringement pursuant to Art. 26 UPCA.
20. In essence, the following measures are said to be required in order to prepare for infringement proceedings at the LD The Hague of the UPC
- (i) to obtain and test samples of 2-PO, as specified in the request at l.b., cited in the next paragraph (the "**Samples**") to ascertain whether 2 PO offered/sold by Defendants falls within in the scope of protection of the patent
  - (ii) to secure and obtain evidence of indirect infringement (double territoriality, knowledge of Defendants) by taking copies of documentation of Defendants regarding the proposed use of 2-PO
  - (iii) to secure and obtain evidence regarding the origin and/or supply chains of 2-PO.

21. To that end, Applicant requests the Court to grant the following, immediately enforceable, order and measures:

- I. *Authorise Applicant to proceed through territorially competent bailiffs to carry out an inspection at the addresses of the Defendants listed above together with their local warehousing identified by enquiries made by the territorially competent bailiff (under the order at III.b below), to make a description of the relevant information found, and to preserve evidence, with the purpose of determining whether the Defendants have 2-PO in their power of disposal capable of infringing claim 1 of the Relevant Claims, and the scope of any such infringement, by authorising:*
  - a. *The taking of photographs of container(s) of 2-PO and accompanying or attached documentation of such container(s).*
  - b. *The retention of 500g (i.e. approximately 500 ml) samples of 2-PO in high density polyethylene bottles, such samples to be obtained from any containers at the Defendants' premises that are identifiable or labelled as containing 2-PO. Samples are to be stored in high-density polyethylene (HDPE) bottles. In the event of the Defendants' refusal to hand over samples, the taking of samples by means of seizure of containers or samples of containers with the 2-PO referred to above by the independent technical expert(s) identified at II. below.*
  - c. *The making of physical and/or digital copies of documents, digital files, records and/or media evidencing the origin and/or supply of 2-PO; including documents such as bills of lading, delivery notes, purchase orders, invoices, documents concerned with import and chemical regulation/registration.*
  - d. *The making of physical and/or digital copies of documents, digital files, records and/or media evidencing any sales or distribution agreements (or proposed distribution agreements) between (i) Dura Europe or Dura Chemicals Inc and (ii) each of the Defendants in relation to the transfer of 2-PO; together with documentation concerned with distribution agreements (or proposed distribution agreements) or the distribution network.*
  - e. *The making of physical and/or digital copies of documents, digital files, records and/or media evidencing the proposed use of 2-PO, including promotional or technical documentation referring to 2-PO such as labelling and material safety data sheets ("MSDS"), certificates of analyses ("CoAs"), technical data sheets ("TDS"), marketing collaterals and materials such as banners, booklets, brochures, flyers.*

*All materials taken or copied above will hereinafter be referred to as the "Preserved Evidence" and the steps taken as the "Preservation Measures".*

- II. *Appoint*
  - a. *the bailiffs from the bailiffs office of Groot & Evers, established in (1101 CW) Amsterdam, the Netherlands at the Hiridostraat 3, as the territorially competent bailiffs for performing the Preservation Measures in the Netherlands, and orders Applicant to inform the court of the identity of another bailiff to be used to perform the inspection and evidence seizure under relevant national law, in the event that any Krahn NL premises are located in Belgium and/or Luxemburg;*
  - b. *the bailiffs that are territorially competent and allowed to operate as bailiffs for the performance of the Preservation Measures at the envisaged premise locations in Italy under Italian national law, which, based on the currently available information, are:*
    - i. *Ufficiali Giudiziari (UNEP) of the Busto Arsizio Court, Via Volturmo, 6, 21052 Busto Arsizio VA, Italy for Reschem at (i) Piazza Guiseppe Maggiolini 34 Cap 20015 Parabiago, Milan, Italy; and (ii) Via Olona, 73, 20015 Parabiago, Milan, Italy; and*
    - ii. *Ufficiali Giudiziari (UNEP) of Rome Appeal Court, Viale Giulio Cesare, 52, 00192 Rome, Italy for Vicris at Via Fontanellato, 44, 00142 Rome, Italy.*

*In the event that any Reschem or Vicris premises are located elsewhere outside the locality covered by the above bailiff offices, Applicant is ordered to inform the court of the additional location and bailiff office to be used to perform the inspection and evidence seizure prior to taking any further steps.*

- c. *the following as independent technical experts who may accompany the bailiffs during the execution of the Preservation Measures:*
- i. *Ben Brigou, European & Dutch Patent Attorney of BBIP B.V. trading as Lakeside Intellectual Property;*
  - ii. *Roberto Pistolesi, European Patent and Trademark Attorney of Dragotti & Associati S.P.A;*
  - iii. *██████████ IT Expert, Partner at ██████████ and*
  - iv. *████████████████████ IT Expert at ██████████*

*which independent technical experts shall be authorised to engage any necessary auxiliary persons to assist them during and after the execution of the Preservation Measures above, to gather the Preserved Evidence, with a prohibition to disclose the acquired information to third parties except as authorised by the Court in this Order, or subsequent order.*

*The independent technical experts under II.c.i and II.c.ii above [hereinafter: the “Technical Experts”] are appointed as legal custodians of the Preserved Evidence in the form of samples retained under I.b of the order. They shall transport the samples collected in accordance with I b. above to an independent laboratory identified by Applicant (the “Laboratory”) for analysis. The Laboratory is also appointed as legal custodian of the samples. Such transport to be achieved by a recognised international courier service using a tracked package service. The Laboratory shall analyse the samples on the content of 2-PO and shall share the samples analysis report(s) (“Analysis Report”) with the independent technical experts under II.c.i and II.c.ii above within 5 working days from completion of the analysis.*

*The independent technical experts under II.c.i and II.c.ii above shall prepare, collectively or individually, a written report summarising the technical characteristics of the samples as included in the Analysis Report in relation to the Patent (an “Technical Report”) and shall upload such Expert Report within 10 working days after receipt of the Analysis Report, from the Laboratory. Such Expert Report shall be prepared collectively where the independent technical experts attend to their duties jointly and shall be prepared separately where their duties are undertaken individually. As such, multiple Expert Reports may be produced in satisfaction of this order.*

*The independent technical experts under II.c.iii and II.c.iv. above [hereafter: the “IT Experts”] are appointed as legal custodians of the photographs and physical and/or digital copies of the Preserved Evidence retained under I. a, c, d. and e. Such Preserved Evidence being gathered by the independent experts using, at their discretion, the search terms:*

- i. *“2-pentanone oxime”, “2-PO”, “2 PO”, “MPKO” “methyl-propyl ketone oxime”, “methyl n-propyl-ketoxime”, “Duroxime”, “EX-BLOX”, “EX BLOX”,*
- ii. *“623-405”, “484-470-6”*
- iii. *“anti-skin\* AND Dura”, “antipelle AND Dura”*
- iv. *“Dura Europe”, “Dura Chemicals”*
- v. *“Paul Thomas”, [pthomas@durachem.com](mailto:pthomas@durachem.com)*

*Each territorially competent bailiff appointed in the execution of this order shall produce a report (a “Bailiff Report”) in accordance with their usual practice under their national laws to describe the Preserved Evidence.*

- III. *Orders Defendants to permit the Preserved Evidence to be gathered, and to order that the Defendants fully cooperate with the bailiffs and independent technical experts by providing full and unrestricted access to:*
- a. *any building, room, cabinet or safe at any premises of the Defendants;*
  - b. *information identifying the location of the Defendants' local warehousing facilities relevant to their trade in 2-PO within: (i) in the case of Krahn NL, the Benelux region; and (ii) in the case of Reschem and Vicris, the territory of Italy;*
  - c. *any device, digital file, Enterprise Management System ("EMS") or document stored at or accessible from any premises of the Defendants;*  
*in particular, to the extent that any digital file is inaccessible as it is stored remotely and password-protected or otherwise made inaccessible, by providing all cooperation to the bailiffs and independent technical experts to make any such digital file accessible.*
- IV. *Orders that the Bailiff Reports produced in accordance with II will be provided to the LD The Hague and made available to Applicant's UPC Representatives (as defined in the heading of this Application and to include any necessary auxiliary persons employed by Pinsent Masons LLP or Pinsent Masons Netherlands LLP or Pinsent Masons Ireland LLP) and the Defendants (or their respective representative before the UPC, if known during the performance of the measures above) within 10 working days upon completion of the execution of this order.*
- V. *Orders that the Defendants forfeit an immediately payable penalty of €200,000 for each hour, or part thereof, that they fail to cooperate with the orders under III.*
- VI. *Orders that the Preserved Evidence is to be made directly accessible, after a period of 15 working days upon completion of the execution of this order has passed and no request under R. 262A.1 RoP is made, to the UPC representatives of Applicant (as defined in the heading of this Application and to include any necessary auxiliary persons employed by Pinsent Masons LLP or Pinsent Masons Netherlands LLP or Pinsent Masons Ireland LLP), until further order by the judge.*
- VII. *Orders that the Defendants, in case the sought orders are not executed at the respective sites of the Defendants simultaneously or otherwise, are prohibited from directly or indirectly contacting: different physical sites associated with that Defendant, each other, or any person connected with the Potential Defendants until confirmation from the Court or the legal representatives of Applicant that execution of the order(s) is complete, this under a pecuniary restraint of €200,000 for every contact made (by any means). This order does not prevent the Defendants from communication with any legal representative chosen by a Defendant (including a legal representative intended to jointly represent more than one Defendant) so long as such legal representative also complies with the terms of this order.*
- a. *Applicant is ordered to keep the Court and the Defendants' legal representative (or other individual nominated as a point of contact) informed of progress in execution of the order(s) and, in particular, the completion of the execution process.*
- VIII. *Allows Applicant to use the outcome of the measures in proceedings concerning EP 270 other than the proceedings on the merits before the UPC.*
- IX. *Orders that the time period (of 31 calendar days or 20 working days) under R. 198.1 RoP shall only run from the date on which Applicant is provided with access to the Preserved Evidence (subject to any confidentiality obligations specified by the Court) as well as the Expert Reports.*
- X. *Orders that, at the time(s) of execution of this order Applicant shall arrange for the application and this order to be made available to the Defendants as follows:*

- a. For Krahn NL, the English version of this order and the Amended Application dated 13 January 2026 be served by the territorially competent bailiff appointed by this order by delivery in person to the address being inspected. Krahn NL shall also be further provided with courtesy copies in Dutch, such having been prepared by machine translation.
- b. For Reschem and Vicris, the (original) English version of this order and the Amended Application dated 13 January 2026 be served by (i) delivery in person to the address being inspected by the territorially competent bailiff appointed by this order; and (ii) delivery by certified email to the Posta Elettronica Certificata (“PEC”) address held by the relevant company (being [REDACTED] for Reschem and [REDACTED] for Vicris) directly by territorially competent bailiff or by a representative of Applicant empowered to serve legal proceedings via PEC in Italy. Reschem and Vicris shall also be further provided with courtesy copies in Italian, such having been prepared by machine translation.

Access to the UPC case file being provided by the Court to the Defendants upon request by an authorised UPC representative.

22. On 3 February 2026, at the request of the court, Applicant provided the name of a laboratory that is to analyse the Samples: RIC BV, registered under the company registration number BE428.603.012 – RPR Kortrijk, located at the President Kennedypark 6 in (8500) Kortrijk, Belgium.

### **III. GROUNDS FOR THE ORDER**

#### **Jurisdiction, competence and admissibility**

23. The application is admissible; the requirements of (R.199 and) R.192 RoP are met. Applicant indicated that it intends to start infringement proceedings for indirect infringement of EP 270 before the LD The Hague against Dura and Defendants.
24. International jurisdiction of the court for the proceedings on the merits, can be based on Art. 4 of the Brussels I bis Regulation<sup>1</sup> as the Defendants are based in UPC Territory. Therefore, there is also jurisdiction to hear the application for interim measures such as the present one (Art. 31 and 32.1(a) and (c) UPCA). The Local Division the Hague is competent because the Applicant intends to start an infringement action against Defendant and/or Dura, at the Local Division The Hague of the court for, inter alia, infringement in The Netherlands (R. 192.1; R. 199 in conjunction with R. 192.1 RoP; Art. 33), and because one of the defendants to be in the main action is based in the Netherlands.

#### **Ex parte**

25. This order was adopted without the Defendants having been heard. The court is convinced, based on the submission, that the reasons presented for not hearing the Defendants are well-founded. Such hearing is likely to cause irreparable harm to the Applicants as there is a demonstrable risk of evidence being destroyed or otherwise ceasing to be available (R.192.3, 194.1 and 2, R.197 and R.199.2 RoP).

#### **Substantive assessment**

*plausibility of the infringement*

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<sup>1</sup> Regulation (EU) 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

26. Considering for the interim and prima facie, there is no reason to doubt the validity of the rights invoked by the Applicant, in view of the reliance on the Relevant Claims as upheld by the OD. It has been made sufficiently plausible that the Defendants indirectly (imminently) infringe those rights. The court refers to chapter C of the application, explaining that 2-PO is offered with the brand name Duraxime, which was previously used for the 2-PO sourced from the Applicant, rendering indirect infringement of claim 1 of the Relevant Claims plausible especially in view of the asserted fact that the primary use of 2-PO is as anti-skinning agent in coating compositions according to claim 1 of the Relevant Claims.

27. It should be noted that this preliminary opinion was only reached after a summary investigation in which (in this case) only the Applicant was heard.

*plausibility of the required proportionality and subsidiarity of the requested permission for seizure, sampling and drawing up an expert report*

28. The Applicant has sufficiently explained that, considering the mutual interests of the parties, the requested leave to obtain and to test the Samples (see paragraph 20 at (i) above) is justified to obtain additional evidence in support of future proceedings, in particular to establish whether the 2-PO offered for sale/sold by Defendants falls within the claims, whereas the proposed measures cannot be taken in another way that is less intrusive for the Defendants. Applicant made clear that due to the (niche) market, with sophisticated business to business sales in a highly personalised interaction and restricted distribution channels, a test purchase is difficult and, in any case, not possible without raising suspicions (application, chapter D, para. 76-81).

29. Also, the requested securing of evidence for the purposes summarized in paragraph 20 at (ii) and (iii) above (collectively the “**Preserved Evidence**”) is justified and necessary to prevent the possible disappearance of such information.

30. The Applicant has also described the evidence to be seized in a sufficiently concrete manner and has made it sufficiently plausible that the evidence to be seized is likely to be in the possession of Defendants.

*plausibility of the necessity of retaining the items seized and surrendered*

31. The Applicant has sufficiently explained that it is necessary that the seized items and information be placed in judicial custody. It has also been made sufficiently plausible that prior hearing of the defendant about the custody of the items that will be seized should be omitted.

*Proportionality of access, sequence of reports*

32. In deviation from what is requested, considering that the application concerns asserted indirect infringement, and taking into account the interests of all parties, it is considered proportionate to allow access to the seized materials in phases only. Access to the Preserved Evidence will only be granted if the results of the analysis of the Samples are such, that Applicant can be assumed to have a legitimate interest in the Preserved Evidence.

33. In step one, the Samples shall be analysed by the Laboratory and expert reports regarding the analysis and allegedly infringing character of the Samples (the “**Technical Report**”) shall be prepared by the Technical Experts, jointly or individually, resulting in separate reports , one

report for Defendant one and another report for Defendants 2 and 3. Any technical documentation obtained during the seizure relevant for the analysis of the Samples (e.g. documentation attached to the container of 2-PO) shall be made available to the Technical Experts. Access to the Technical Report will be granted to Applicant, subject to the restrictions mentioned in the next paragraph.

34. In case the outcome of step 1 warrants this, i.e. it is established with a reasonable certainty that the samples contain 2-PO that falls within the scope of the 2-PO of claim 1 of the Relevant Claims, the second phase becomes relevant. Proceeding to step 2 requires the court's approval.
35. In a second step the Preserved Evidence shall be analysed by the IT experts, using the keywords as search terms. The relevant documentation shall be provided to the bailiffs who shall include this in their "**Bailiff Report**", which will also include any further non-technical information regarding the 2-PO (such as origin). Applicant is granted access to the Bailiff reports subject to the next paragraph.
36. Any access is subject to the requirements regarding the protection of confidential information. This entails that Defendants will be heard and will have the opportunity to submit a reasoned request to the court to keep certain information in a Report confidential. The court will decide on such request prior to granting access to the reports, as set out by the Court of Appeal of the UPC (Order of 23 July 2024 in UPC\_CoA\_177/2024).

*other points*

37. Applicants request the seizure to be carried out at the premises of three defendants in both The Netherlands and Italy, at several premises. It is up to the Dutch and Italian bailiffs to coordinate that the seizures are carried out simultaneously, to avoid that one Defendant alerts the other. It is the choice of the Applicant to combine measures against all Defendants in one application.
38. In so far as the Application relates to Krahn NL, it is directed to seizure in the Netherlands. This means Dutch law also applies to the application and (in particular) its execution (such as the Dutch Code for Civil Procedure, DCCP, but also common practices of the Dutch courts for these types of seizures). In as far as necessary, the court refers in particular to the Beslagsyllabus to be found at: <https://www.rechtspraak.nl/SiteCollectionDocuments/Beslagsyllabus.pdf>, especially chapter G13 thereof. A specific way of seizure of documents is described therein.
39. In so far as the application relates to Reschem and Vicris, it is directed to the preservation of evidence in Italy. This means also Italian law applies to (the execution of) the Application. Applicant has been asked to take this into account in the amended version of the Application.
40. In both the Netherlands and Italy, the seizure must be effected by a bailiff, and the bailiffs proposed thereto shall be appointed. The appointment of experts, both technical and IT, and a specialised laboratory for analysis of the samples is also admissible and shall be granted.
41. Where documentation is to be seized, in principle this shall be done by making a (digital) copy of the information. Physical copies shall only be made if digital seizure is not possible.

42. The number of samples shall be limited to three per Defendant, and must be taken in accordance with the safety guidelines set out by the Applicant (see A.b below).

#### IV. ORDER

The court:

A. **grants leave** to carry out precautionary **seizure of evidence** under

- (i) **Krahn NL** of Westzijde 138, 1506 EK Zaandam,
- (ii) **Reschem Italia SpA** of (i) Piazza Guiseppe Maggiolini 34 Cap 20015 Parabiago, Milan Italy; and (ii) Via Olona, 73, 20015 Parabiago, Milan, Italy (being (i) the registered address and (ii) the main business operations address known to Applicant)
- (iii) **Vicris Srl** of Via Fontanellato, 44, 00142 Roma RM, Italy

whereby for all three Defendants, seizure is to be carried out at their premises or at another location of which it comes to the attention of the relevant bailiff that the relevant materials to be seized are kept/held there for the respective Defendant;

whereby seizure is carried out as follows:

- a. By taking of photographs of container(s) of 2-PO and accompanying or attached documentation relating to such container(s).
- b. By the retention of 500g (i.e. approximately 500 ml) samples of 2-PO in high density polyethylene bottles, such samples to be obtained from any containers at the Defendants' premises that are identifiable or labelled as containing 2-PO, up to a maximum of **three** samples per Defendant. Samples are to be taken according to the handling instructions set out in Section 7 of the AdvanSix **material safety data sheet** (MSDS) exhibited as **PM-023** to the Amended Application and the Samples are to be stored in high-density polyethylene (HDPE) bottles. In the event of the Defendants' refusal to take samples, the taking of samples by means of seizure of containers with the 2-PO.
- c. By the making of (digital) (see 41 above and G. below) copies of documents, digital files, records and/or media
  - i. evidencing the origin and/or supply of 2-PO;
  - ii. evidencing the chemical composition and the proposed use of 2-PO, including promotional or technical documentation referring to 2-PO such as labelling and material safety data sheets ("MSDS"), certificates of analyses ("CoAs"), technical data sheets ("TDS"), marketing collaterals and materials such as banners, booklets, brochures, flyers

whereby the (digital) search shall be limited to the following keywords:

- "2-pentanone oxime", "2-PO", "2 PO", "MPKO" "methyl-propyl ketone oxime", "methyl n-propyl-ketoxime", "Duroxime", "EX-BLOX", "EX BLOX",
- "623-405", "484-470-6"
- "anti-skin\* AND Dura", "antipelle AND Dura"
- "Dura Europe", "Dura Chemicals"
- "Paul Thomas", pthomas@durachem.com

and whereby the seizure of copies of documents is limited in time to the period on or after 24 January 2024 (the date of grant of the patent).

**B. appoints:**

a. the following bailiffs:

- to perform the seizure in the Netherlands a bailiff of Groot & Evers, established in (1101 CW) Amsterdam, the Netherlands at the Hiridostraat 3, with the understanding that he/she can engage competent colleagues in those countries in the event that any Krahn NL premises are located in Belgium and/or Luxemburg.
- to perform the seizure in Italy:
  - A bailiff of Ufficiali Giudiziari (UNEP) of the Busto Arsizio Court, Via Volturno, 6, 21052 Busto Arsizio VA, Italy for Reschem at (i) Piazza Guiseppe Maggiolini 34 Cap 20015 Parabiago, Milan, Italy; and (ii) Via Olona, 73, 20015 Parabiago, Milan, Italy; and
  - A bailiff of Ufficiali Giudiziari (UNEP) of Rome Appeal Court, Viale Giulio Cesare, 52, 00192 Rome, Italy for Vicris at Via Fontanellato, 44, 00142 Rome, Italy.

In the event that any of the Reschem or Vicris premises relevant for the seizure are located elsewhere outside the locality covered by the above bailiff offices, these bailiffs are requested to engage other competent Italian bailiffs to (continue to) perform the seizure at such premises.

b. the following independent experts who may accompany and assist the bailiffs during the execution of the seizure:

- (i) Ben Brigou, European & Dutch Patent Attorney of BBIP B.V. trading as Lakeside Intellectual Property as **Technical Expert** for the Dutch seizure;
- (ii) Roberto Pistolesi, European Patent and Trademark Attorney of Dragotti & Associati S.P.A as **Technical Expert** for the Italian seizures;
- (iii) ██████████ Partner at ██████████ B.V. as **IT Expert** for the Dutch seizure and
- (iv) ██████████ at ██████████ as **IT Expert** for the Italian seizures.

which independent Technical and IT Experts shall be authorised to engage any necessary auxiliary persons to assist them during and after the execution of the preservation measures above, to gather the Samples and the Preserved Evidence, with a prohibition to disclose the acquired information to third parties except as authorised by the Court.

c. RIC BV (of President Kennedypark 6, (8500) Kortrijk, Belgium) as independent **Laboratory**.

d. as legal custodians:

- For the Samples (A. b above): the Technical Experts. They are responsible for the transportation of the Samples to the Laboratory for analysis., which is appointed as (assistant) legal custodian of the Samples.
- For the Preserved Evidence including the photographs (A. a and c above): the IT Experts.

C. **understands that** to carry out the order to inspect and preserve evidence, the Applicant shall engage and instruct the appointed bailiffs who shall be accompanied/assisted by a Technical

Expert and by an IT Expert as appointed above. The appointed bailiffs can engage any other assistance deemed necessary by the bailiff to carry out the order, including law enforcement, in accordance with the provisions of Dutch or Italian law (as the case may be) on the execution of judicial measures.

- D. **orders that** this order, together with a copy of the Amended Application and all exhibits as well as the letter of service and the instructions for access to the proceedings in the CMS, shall be **served** by the relevant bailiff, at the above locations on the Defendants immediately at the start of the execution of this order.
- E. **orders** the bailiffs to coordinate the seizures at the respective locations of Defendants as much as possible, to maintain the surprise effect of each seizure.
- F. **orders** Defendants to allow the bailiff and the other appointed persons to carry out this order, including by granting access to the premises, by identifying the location(s) /warehousing facilities of the Defendant relevant to their 2-PO trade and digital environments, in particular, orders that if there are reasonable grounds to suspect that digital files to which this seizure order applies are stored elsewhere on an external server, the relevant Defendant must make these files accessible to the bailiff and IT Experts by providing the necessary passwords and login codes.
- G. **orders that** any Defendants that fails to comply with the order at F. to cooperate and one hour has elapsed after a request from the bailiff to that effect, forfeits an immediately payable penalty if he/she does not comply with this obligation to cooperate of € 5,000 per hour with a maximum of € 100,000 for each Defendant.
- H. **stipulates that** the seizure of evidence should be made as much as possible on copies of documents and/or digital files. If making copies of (digital) files/documents at the place of the seizure turns out to be impracticable and the bailiff does not obtain permission from the Defendant against whom enforcement is sought to make copies elsewhere, the seizure of the entire data carrier(s) on which these documents and/or digital files are located can be levied under the condition that the data carrier is returned as soon as the Preserved Evidence has been retrieved from the carrier using the keywords listed at A.c above.  
If, during the seizure of evidence, a data carrier is found containing one or more encrypted or access-code-protected files and there is reasonable reason to suspect that these files are to be regarded as/contain documents within the meaning of this order, the bailiff may also seize this data carrier if the files are not made accessible to him/her.
- I. **stipulates that**
- the Applicant and/or his/her representatives are not allowed to be present at the seizure, sampling and/or description. The bailiff is also not free to make an exception to this on the basis of Article 443(2) in conjunction with Article 702(1) in conjunction with Article 1019c of the Dutch Code of Civil Procedure by allowing the Applicant and/or her representatives to be present. Such presence is not considered necessary under any circumstances.
  - the Defendants can call in the assistance of a lawyer or other trusted person, but the seizure may commence even without the presence of that lawyer or trusted person. If a Defendant informs the bailiff within one hour of the commencement of the seizure that a lawyer or trusted person wishes to attend the seizure on his behalf, the bailiff

will not be allowed to close the seizure before the lawyer or trusted person has been able to form an opinion about the course of events during the seizure. If the arrival of the lawyer or trusted person has been announced, but he or she is not yet present at the time the bailiff has completed his/her work (insofar as it can take place on site), then there is no need to wait longer than an hour for the arrival of the lawyer or trusted person.

- the seizure of evidence and sampling may not take place between five o'clock in the afternoon and eight o'clock in the morning, nor during the weekend or on a generally recognized public holiday, on the understanding that a seizure/sampling started two hours before said deadline expires may be completed on these days and hours.
- the Technical and Bailiff Reports, may only be used in proceedings on the merits to be initiated in relation thereto against one or all Defendants and/or Dura or in other proceedings concerning EP 270.

#### Reporting and access to seized information

J. **stipulates that** during the first phase after the seizure:

- Each territorially competent bailiff appointed in the execution of this order shall produce a report (a "**Bailiff Report**") in accordance with their usual practice under their national laws in cooperation with the respective IT Expert to describe the Preserved Evidence. The Bailiff Reports shall be provided to the Court only (by Tresorit upon instructions from the (sub)registry of the LD The Hague of the Court) within five working days from the seizure.
- The Technical Experts shall provide the Samples to the Laboratory as soon as practically possible after the completion of the seizure of the Samples and the Laboratory is ordered to analyse the Samples on the content of 2-PO as soon as practically possible after receipt thereof and that shall share the Samples' **Analysis Report** or Reports with the relevant Technical Expert within 5 working days from completion of the analysis.
- The Technical Experts are ordered to prepare, collectively or individually but with separate reports for the Italian and the Dutch Defendants, a written **Technical Report** summarising the technical characteristics based on the Analysis Report of the Samples and on any other relevant seized technical documents concerning the (chemical) composition and manufacture of the product as part of the Preserved Evidence as envisaged in A. c above (seizure of documents), and the appointed IT Experts shall therefore grant the appointed Technical Experts access to such technical documents;
- The Technical Experts shall submit the Technical Reports to the Court (by Tresorit upon instructions from the (sub)registry of the LD The Hague of the Court) and to the representatives of the respective Defendants within 10 working days after receipt of the Analysis Report.
- The Technical Reports shall at first be made accessible to the (Court and to the) respective representatives of the Defendant(s) only, and from the **fifth working day** after the submission of the Technical Reports, also to the representatives of the Applicant, unless one of the Defendants makes use of the opportunity to file a request for confidentiality regarding a Technical Report before that date, in which case the Court shall decide by specific order on access to the relevant Technical Report and on the terms of a "confidentiality club" for the relevant report.
- In case a/the Technical Report(s) justify this, the Applicant can then apply to the Court to proceed to the second phase. The Court shall then decide on such request promptly.

K. **stipulates that**, if so ordered by the Court, access shall proceed to the second phase wherein the Bailiff Reports and the corresponding Preserved Evidence shall be made accessible at first to the respective representatives of the Defendants only, and from the **fifth working day** thereafter, also to the representatives of the Applicant, unless one of the Defendants makes use of the opportunity to file a request for confidentiality regarding a Bailiff Report before that date, in which case the Court shall decide by specific order on access and on the terms of a “confidentiality club” for the relevant report.

Confidentiality

L. **stipulates that** the appointed persons are subject to the professional obligations of **confidentiality** with regard to all information to which they may have access in the course of their duties.

Various

M. stipulates that the measures to preserve evidence and/or sampling shall be revoked or otherwise cease to have effect, at (one of) the Defendants’ request, if the Applicant does not bring an action leading to a decision on the merits of the case before the Court within a period not exceeding 31 calendar days or 20 working days, whichever is longer, after the Bailiff Report has been disclosed to the Applicant or the Court has decided by a final decision not to give access to the Bailiff Report (Art. 60(8) UPCA, R. 198.1). In case no report is drawn up (for example, if no samples are (found and) seized), this term begins after Applicant has obtained access to a Technical Report.

N. declares this order immediately enforceable.

O. refers the decision on costs to the proceedings on the merits.

P. rejects the more or otherwise requested.

Kokke	<p><b>Margot Elsa Kokke</b></p> <p>Digitally signed by Margot Elsa Kokke Date: 2026.02.23 15:04:02 +01'00'</p>
On behalf of the registry	<p><b>Noua Mohammed</b></p> <p>Digitally signed by Noua Mohammed Date: 2026.02.23 16:36:21 +01'00'</p>

INFORMATION ABOUT REVIEW

Any Defendant may request a review of the present order for inspection and to preserve evidence within 30 days after the execution of the measures. [Art. 60(6) UPCA, R. 197.3 and R.199.2 RoP]