



Appeal n°:
UPC_CoA_789/2025

UPC_CoA_813/2025

Order
of the Court of Appeal of the Unified Patent Court
concerning an application for provisional measures
issued on 6 March 2026

HEADNOTE

1. While the function of a structural element must be considered when interpreting a claim feature relating to such an element, the interpretation must likewise take into account the physical and spatial configuration of the elements as taught by the patent.
2. The requirement to limit an injunction to the specific infringing acts which the infringer has committed cannot be derived from Art. 62(1) and Art. 25(a) UPCA. As a general rule, the fact that a party has infringed the patent is sufficient to establish a risk of further infringement through other acts of use, including infringing acts which it had not previously committed.

KEYWORDS

Appeal; provisional measures; claim construction; injunction

APPELLANT IN APPEAL 789/2025, RESPONDENT IN APPEAL 813/2025 (APPLICANT IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

Dyson Technology Limited, Malmesbury, Wiltshire, United Kingdom

hereinafter “**Dyson**”

represented by attorney-at-law Dr. Constanze Krenz, DLA Piper UK LLP, and other representatives of that firm

RESPONDENTS IN APPEAL 789/2025, APPELLANTS IN APPEAL 813/2025 (DEFENDANTS IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

1. **Dreame International (Hongkong) Limited**, Tsu-en Wan, Hong Kong, China

2. **Tegphone GmbH**, Bad Nauheim, Germany

3. **Dreame Technology AB**, Stockholm, Sweden

hereinafter individually “Dreame International”, “Tegphone”, and “Dreame Technology” and jointly “Dreame”

Dreame International represented by attorney-at-law Dr. Anna-Katharina Friese-Okoro, and Tegphone, and Dreame Technology represented by attorney-at-law Christian Stoll and by other representatives of the firm Hogan Lovells International LLP

PATENT AT ISSUE

EP 3 119 235

PANEL AND DECIDING JUDGES

Panel 1a:

Klaus Grabinski, President of the Court of Appeal

Peter Blok, legally qualified judge and judge-rapporteur

Emmanuel Gougé, legally qualified judge

Simon Michels, technically qualified judge

Lorenzo Parrini, technically qualified judge

LANGUAGE OF THE PROCEEDINGS

English

DATE OF THE ORAL HEARING

22 January 2026

IMPUGNED ORDER OF THE COURT OF FIRST INSTANCE

- Order of the Court of First Instance of the Unified Patent Court, Hamburg Local Division dated 14 August 2025
- Numbers attributed by the Court of First Instance:
 - UPC_CFI_387/2025
 - ACT_20368/2025
 - ORD_33668/2025

SUMMARY OF FACTS AND REQUESTS OF THE PARTIES

Dyson

1. Dyson is part of the international Dyson Group. It markets a hair treatment device under the name “Dyson Airwrap”, which can be used to curl hair, among other things.

The patent at issue

2. Dyson is the registered proprietor of European Patent 3 119 235 (the “patent”) relating to a handheld device, in particular a hair care appliance. The application for the patent was filed on 6 March 2015, claiming priority from the British patent application 20140004983 of 20 March 2014. The application was published on 24 September 2015. The date of publication and mention of the grant of the patent is 30 April 2025. An application for unitary effect was filed on 30 April 2025. Unitary effect was registered in the Register for unitary patent protection on 8 May 2025. The patent is in force in all Member States party to the UPCA (“UPC Member States”) and in the Kingdom of Spain (“Spain”).

3. Claim 1 and 11 of the patent read as follows (with added numbering of the claim elements in accordance with numbering used by the parties and the Court of First Instance):

- 1.1 *An attachment (30) for a hand held appliance*
 - 1.2 *comprising a body having a wall,*
 - 1.3 *a fluid inlet at one end of the wall*
 - 1.4 *a fluid outlet through the wall,*
 - 1.5 *wherein the fluid outlet comprises a slot (102, 202, 282) extending along the wall,*
 - 1.6 *the slot (102, 202, 282) is formed by an overlap of a first end of the wall and a second end of the wall,*
 - 1.7 *the attachment (30) is tubular,*
 - 1.8 *the slot (102, 202, 282) extends longitudinally along the tubular attachment (30),*
 - 1.9 *hair is wrapped around the attachment (30) in the direction of fluid flow,*
 - 1.10 *the fluid emitted from the fluid outlet is attracted to an external surface (112) of the wall, and*
 - 1.11 *fluid emitted from the fluid outlet flows around the external surface (112) of the wall.*
-
- 11.1 *A hand held appliance comprising*
 - 11.2 *a handle (20) having a fluid flow path from a fluid inlet (40) to a fluid outlet and*
 - 11.3 *a fan unit for drawing fluid into the fluid inlet and*
 - 11.4 *an attachment (30) as claimed in any preceding claim for attaching to the handle,*
 - 11.5 *wherein the fluid inlet of the attachment (30), when the attachment is attached to the handle, is in fluid communication with the fluid outlet of the handle.*

Dreame

- 4. Dreame International and Dreame Technology are part of the Dreame Group, which is involved in developing and commercializing consumer goods, including hair dryer products.
- 5. Dreame International is the website operator of several country specific websites incorporating country specific webshops for, inter alia, Germany and Spain.
- 6. Dreame International manufactured and placed on the market the hairdryers named “*Dreame Airstyle*” and the “*Dreame Pocket* (the “Old Dreame Products”). The Old Dreame Products include the following barrels for curling hair (the “Curling Attachments”):



Curling Attachment of the Dreame Airstyle



Curling Attachment of the Dreame Pocket

7. In addition, Dreame International manufactured and offered through its websites multi-functional hairdryers named “*Dreame Airstyle Pro*” and “*Dreame Pocket Neo*” (the “New Dreame Products”). The New Dreame Products are newer versions of the Old Dreame Products. The New Dreame Products comprise a main device with a motor and several attachments, including the following barrels for curling hair (the “Staggered Curling Attachments”):



Staggered Curling Attachment of the Dreame Airstyle Pro



Staggered Curling Attachment of the Dreame Pocket Neo

8. Teqphone supports Dreame International’s distribution activities in Austria, Belgium, Germany, Luxembourg and the Netherlands. It is presented as the “Official Distributor of Dreame”. Products can be purchased via Teqphone’s German website DREAME Store (<https://dreame.de/>) and in its retail store in Frankfurt am Main in Germany.

9. Eurep GmbH (“Eurep”) is indicated on the packaging of the Old Dreame Products and the New Dreame Products. According to the German commercial register, Eurep acted as the so-called “Authorized Representative” for manufacturers based in a non-EU Member-State and thus served as a contact point for consumers and authorities within the EU. Accordingly, Eurep was presented as the “EU representative” on the website of Dreame International.
10. Dreame Technology is the Swedish affiliate of Dreame International and operates the country specific website www.se.dreamtech.com as well as a retail store in Stockholm.

The action and the appeals

11. On 2 May 2025, Dyson lodged an application for provisional measures against Dreame and Eurep with the Hamburg Local Division, requesting, *inter alia*, an order prohibiting – in summary – infringement of the patent within the territory of the Contracting Member States to the UPCA (the “UPC Territory”) and Spain. Dyson argued that the Old Dreame Products and the New Dreame Products fall within the scope of protection of claims 1 and 11 of the patent.
12. On 14 August 2025, the Hamburg Local Division ordered, by way of preliminary injunction (the “impugned order”), in summary, that
 - a. Dreame International, Teqphone and Dreame Technology refrain from infringing claim 1 and claim 11 of the patent within the UPC Member States,
 - b. Eurep refrain from providing services for infringing the patent within the UPC Member States.The injunction was extended to the territory of Spain only with respect to Dreame International and Eurep. In addition, the Hamburg Local Division ordered that Dreame pay a recurring penalty of up to € 250,000 for each individual case of non-compliance and that each party bear its own costs of the proceedings, with the exception of the court fees, which were to be borne by Dyson and by Dreame in equal shares (50% each). It found that it is more likely than not that the patent was infringed by the offer and distribution of the Old Dreame Products. However, in the view of the Hamburg Local Division, the New Dreame Products do not fall within the scope of protection of the patent.
13. Dyson, as well as Dreame and Eurep, appealed against the impugned order. Dyson requests that the impugned order be set aside to the extent that it dismissed the application for provisional measures with respect to the New Dreame Products and that the Court of Appeal – in summary – extend the injunction to these products. Dyson did not appeal the rejection of an injunction against Teqphone and Dreame Technologies with respect to the territory of Spain. Dreame and Eurep request that the impugned order be set aside and that the application for provisional measures be rejected in its entirety.

REASONS FOR THE ORDER

Procedural issues

Partial stay of the proceedings

14. By separate order of the same date as the present order, the Court of Appeal will stay the appeal proceedings pursuant to Article 38(2) UPCS and R. 266.5 RoP to the extent that they concern:
- the action against Dreame International, to the extent that it relates to the territory of Spain; and
 - the action against Eurep.

These parts of the case raise questions concerning the interpretation of European Union law which the Court of Appeal will, by that order, refer to the Court of Justice of the European Union (“CJEU”).

15. The Court of Appeal will not stay the proceedings in relation to any other parts of the case, namely:
- the action against Dreame International, to the extent that it relates to the UPC Territory, and
 - the action against Teqphone and Dreame Technologies.

The answers to the questions referred to the CJEU are not relevant to the decision in those other parts of the case. Therefore, a stay in this respect is not necessary. Nor is a stay appropriate, particularly since the case concerns provisional measures. By the present order, the Court of Appeal will decide on those parts of the case.

International jurisdiction

16. The parties were correct not to challenge the conclusion of the Hamburg Local Division that this Court has jurisdiction in relation to the parts of the case that are not stayed.
17. The jurisdiction concerning the action against Teqphone and Dreame Technologies arises from the fact that these parties are domiciled in Contracting Member States of the UPCA, respectively, Germany and Sweden (Art. 4 in conjunction with Art. 71b(1) of Regulation (EU) No 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, including any subsequent amendments (“Regulation 1215/2012”). Pursuant to Art. 7(2) in conjunction with Art. 71b(2) Regulation 1215/2012, this Court also has jurisdiction in respect of the action against Dreame International to the extent that it concerns the alleged patent infringement by Dreame International within the UPC Territory.

Admissibility submission Dyson

18. The amended claim filed by Dyson in its submission of 3 November 2025 is admissible.
19. Under R. 263 RoP, a party at any stage of the proceedings may apply to the Court for leave to change its claim. Leave shall not be granted if, having regard to all the circumstances, the party seeking the amendment fails to satisfy the Court that:
- a) The amendment in question could not have been made with reasonable diligence at an earlier stage; and
 - b) The amendment will not reasonably hinder the other party in the conduct of its action.

20. Dyson has demonstrated that it could not have submitted the amendment with reasonable diligence at an earlier stage. The amendment concerns new products referred to as “Dreame Airestyle Shine Multi Hairstyler” and “Dreame Pocket Pro” (“the Newest Dreame Products”). It is not in dispute that Dreame International began offering the Newest Dreame Products only after Dyson had filed its Statement of appeal and its Statement of grounds of appeal. Dyson could therefore not have included a claim relating to these products in its appeal statements or its first instance submissions.
21. Dyson also filed the amended claim within a reasonable time period after the launch of the Newest Dreame Products. Dyson states that it noted the offer of the Newest Dreame Products on the website of Dreame International in early October 2025. Dreame did not contend that these products were offered online prior to that date. Moreover, it is undisputed that the Newest Dreame Products were offered online using images of the New Dreame Products. Even assuming the Newest Dreame Products had been offered online before October 2025, Dyson could not reasonably have detected the new offer merely by monitoring the website.
22. Dreame’s assertion that the Newest Dreame Products were offered at the IFA trade fair from 5 to 9 September 2025, does not alter this assessment. It is undisputed that the relevant differences between the New Dreame Products and the Newest Dreame Products concern minor details of the curling attachments. It is therefore unlikely that Dyson’s employees, even had they attended the fair, would have noticed the modifications.
23. In addition, the amendment does not unreasonably hinder Dreame in its defence, as the submissions concerning the Newest Dreame Products and the New Dreame Products are almost identical, except for the additional argument relating to equivalence. The question whether the argument based on equivalence is admissible may remain open. It is not relevant for the decision of the Court of Appeal, as will be apparent from the following paragraphs.

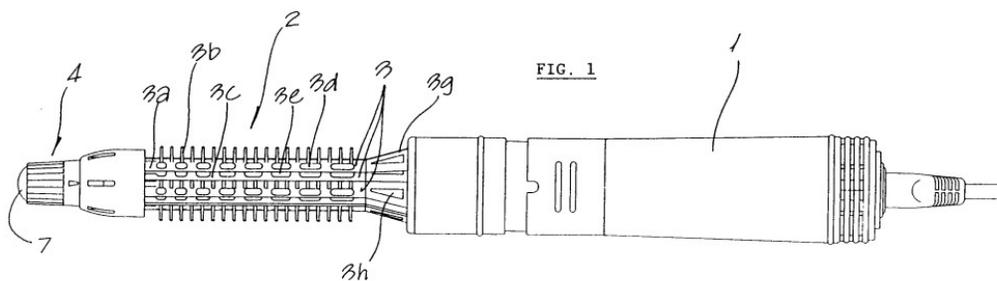
Claim construction

Principles

24. The principles applicable to claim construction have been set out by this Court in its final order in *NanoString v 10x Genomics* (UPC_CoA_335/2023, Order of 26 February 2024, as rectified). The patent claim constitutes not merely the starting point, but the decisive basis for determining the protective scope of a European patent under Art. 69 EPC in conjunction with the Protocol on the Interpretation of Art. 69 EPC. Interpretation of a patent claim does not depend solely on the strict, literal meaning of the wording used. Rather, the description and the drawings must always be used as explanatory aids for the interpretation of the patent claim and not merely to resolve any ambiguities in the patent claim. These principles of patent claim interpretation apply equally when assessing the infringement and examining the validity of a European patent.

The patent

25. The patent relates to an attachment for a hand held appliance, in particular a hair care appliance such as a hot styling brush (para. [0001]).
26. In the description of the patent, it is stated that, in a conventional styling brush, air is sucked into an inlet by a fan unit and directed towards the hair by an attachment or head. Depending on the style desired, the air may or may not be heated. The head or attachment often includes bristles onto which hair is wrapped and held for styling. The air is generally blown out of the head or attachment normal to the surface of the head (para. [0002]).
27. An example of the prior art is EP 0 482 906 ("D3") from which Figure 1 is reproduced below.



28. Against this background, the invention seeks to facilitate the styling of hair when using a styling brush. According to the patent, this problem is solved by an attachment pursuant to claim 1 and a hand held appliance pursuant to claim 11.

The person skilled in the art

29. In the impugned order, the Hamburg Local Division defined the person skilled in the art as a mechanical engineer with several years of experience in the development of hair care appliances and corresponding knowledge in fluid dynamics. The parties have not challenged that definition, and the Court of Appeal concurs with it.

Overlap

30. Claim element 1.6 requires that the slot be formed by an "overlap" of a first end of the wall and a second end of the wall. It is undisputed that, to the person skilled in the art, this means that the first end of the wall and the second end of the wall extend over each other, at least partially.
31. Whether the ends of a wall extend over each other depends on the viewpoint adopted. In the context of the patent, the relevant viewpoint is generally perpendicular to the outer surface of the first end of the wall. That this viewpoint is decisive follows from the other claim features and the function of the overlap within the claimed invention, interpreted in the light of the description and the drawings. It is common ground that the function of the overlap is to direct the fluid flow in such a way that the fluid

emitted from the fluid outlet is attracted to an external surface of the wall (claim element 1.10) and flows around such external surface (claim element 1.11). Paragraphs [0007] and [0030] explain that the fluid exiting the slot is attracted to the curved surface of the head by the Coanda effect and that this in turn causes hair that is presented to the head to automatically wrap around the surface as claimed in claim element 1.9. Paragraph [0006] describes that this effect is achieved by guiding the fluid along a radially inner surface of the slot that becomes the external surface when a downstream end of the overlap is reached. Referring to the embodiment shown in Figure 5b (reproduced below in paragraph 32), paragraph [0029] further describes that the overlap directs the fluid between a radially inner surface 104 formed from the outer surface 112 of a first plate 110a and a radially outer surface 106 formed from the inner surface 114 of a second plate 110b. As the function of the overlap is to guide the fluid along the radially inner surface of the slot, the person skilled in the art would understand that the overlap must be determined from a viewpoint generally perpendicular to this surface, namely the outer surface of the first end of the wall.

32. This interpretation is confirmed by Figure 5b of the patent, reproduced below:

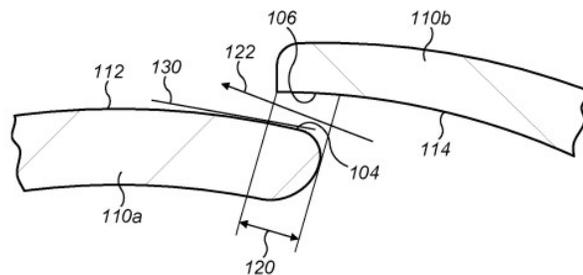
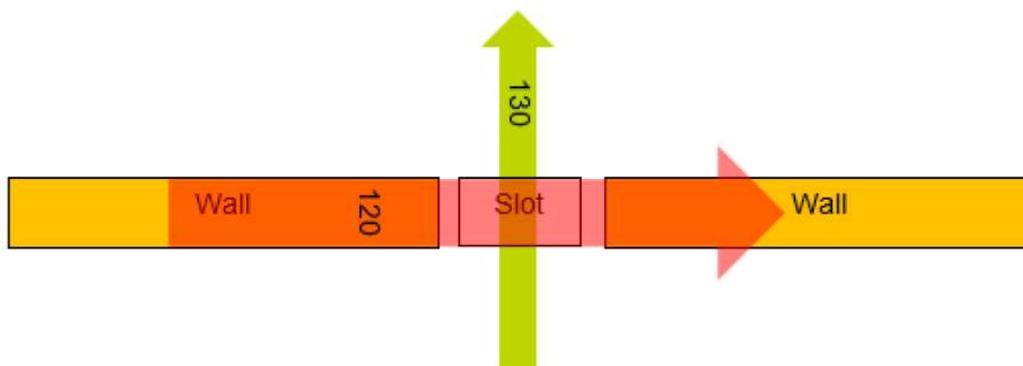


FIG. 5b

This figure shows a slot formed from an overlap 120, the extent of which is defined by two lines generally perpendicular to the outer surface 112 of the first end of the wall. That these lines are generally perpendicular to the outer surface is illustrated by line 130, which according to paragraph [0029] of the description is tangential to the outer surface 112.

33. This interpretation of the claim feature “overlap” resembles, in certain respects, the interpretation adopted by the Hamburg Local Division. The Hamburg Local Division defined the overlap as being “somewhat perpendicular to the flow of air”. However, for the reasons given above, the interpretation according to which the overlap is determined from a viewpoint generally perpendicular to the outer surface of a first end of the wall is more closely aligned with the wording of the claim and with the description and drawings of the patent.

34. Furthermore, if the reference to the air flow in the definition adopted by the Hamburg Local Division refers to the actual fluid flow through the slot, that definition is clearly overly broad. As observed by Dreame, it would include a slot formed by an opening between two ends of the wall lying in the same plane, as shown in the following illustration (the fluid flow being indicated by the green arrow 130 and the direction of view by the red arrow):



It is undisputed that such a configuration of the ends of the wall does not constitute an overlap. The Hamburg Local Division itself acknowledged that a “planar slot” is not an overlap within the meaning of the patent.

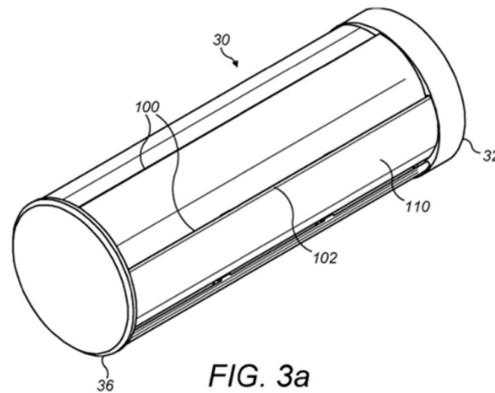
35. If the reference to the air flow in the definition by the Hamburg Local Division is understood as referring to the air flow that is to be achieved by the overlap in accordance with the teaching of the patent, that definition places undue emphasis on the function of the overlap. While the function of a structural element must be considered when interpreting a claim feature relating to such an element, the interpretation must likewise take into account the physical and spatial configuration of the elements as taught by the patent. Therefore, in this case, the relevant viewpoint must be determined in relation to the outer surface of the first end of the wall, and not in relation to the fluid flow to be achieved by the overlap.

36. It follows that Dreame’s submission that the overlap must be determined from a radial viewpoint in relation to the axis of the tubular attachment must be rejected. Neither the wording of the claims of the patent nor the description and drawings provide a basis for this interpretation. The claims do not require an overlap in the radial direction. Nor do the drawings show that the claimed overlap is in the radial direction. The only figure depicting the overlap is Figure 5b, which is reproduced above in paragraph 32. As acknowledged by Dreame, this figure does not indicate the radius. It therefore does not permit an assessment of the existence of an overlap from a radial viewpoint. Furthermore, the fact that, in Figure 5b, the two lines defining the slot do not notably converge suggests that the radial viewpoint is *not* the decisive viewpoint. Nor does the description of the patent disclose a radial viewpoint for defining the overlap. Paragraphs [0006] and [0029], to which Dreame refers, use the adverb “radially” merely to distinguish between the inner and outer surface of the slot and the wall. In addition, the patent does not teach that the fluid flow claimed in claim elements 1.10 and 1.11 or the use of the Coanda effect described in paragraph [0030] is reliant on an overlap from a radial viewpoint. Rather, those passages relate to the outer surface of the first end of the wall (see claim element 1.10: “... the fluid emitted from the fluid outlet is attracted to an external surface of the wall, ...” claim element 1.11: “... the fluid emitted from the fluid outlet flows around the external surface of the wall.”, paragraph [0030]: “The fluid 122 exiting the slots 102 is attracted to the curved surface of the head 30 by the Coanda effect.”).

37. This interpretation is not called into question by statements made by Dyson in the context of the examination of US Patent 14/656,432 (published as US 2015/0265023A1, Exhibit HL 33), to which Dreame refers. Even assuming that the statements made by the patentee in the context of other patents were relevant to the construction of the patent at issue, those statements would not suffice to overturn the conclusion reached by the Court of Appeal on the basis of the claims of the patent at issue, interpreted in the light of the description and drawings. Moreover, the Court of Appeal observes that the viewpoint was not decisive for distinguishing the invention claimed in the US patent from the prior art discussed in the statement. The cited prior art did not disclose an overlap of a first and second end of the wall, irrespective of whether viewed from the radial direction or from a viewpoint generally perpendicular to the outer surface of the first end of the wall.
38. Dreame's argument that the overlap must have a certain length likewise cannot succeed. Neither the claims nor the description and drawings require the overlap to have a minimum extension. Furthermore, Dreame did not specify what length the overlap should have in its view.

End of the wall

39. Claim element 1.6 further requires that the slot be formed by an overlap of a first and second "end of the wall". In accordance with the ordinary meaning of the term "end", this refers to a boundary of the wall. There is no indication that the term has a different meaning within the context of the patent.
40. Since the attachment is tubular (claim element 1.7), the person skilled in the art would understand that the wall does not have any boundaries in the lateral surface if the wall does not have any openings in this surface. However, the claim teaches that the tubular attachment comprises a fluid outlet through the wall (claim element 1.4) comprising a slot extending along the wall and longitudinally along the tubular attachment (claim elements 1.4 and 1.8), wherein the slot is formed by an overlap of a first end of the wall and a second end of the wall (claim element 1.6). Against that background, the person skilled in the art would understand that any boundary of the wall which delimits a longitudinally extending slot of the fluid outlet through the wall constitutes an "end of the wall" within the meaning of claim element 1.6. Obviously, the function of the end of the wall is to enable the fluid to flow out of the attachment and, in combination with the other end of the wall, to form a slot guiding the fluid along the radially inner surface of the slot.
41. This interpretation is confirmed by the description and the drawings. The description explains that, preferably, the wall is formed from plates extending longitudinally along the tube and radially around the tube. A first plate comprises the first end of the wall, and a second plate comprises the second end of the wall (para. [0004] and [0005]). How such an embodiment may look is shown in Figure 3a below, which depicts an attachment with a wall formed of six plates.



Paragraph [0029] describes that, in this embodiment, the slots 102 are formed from an overlap 120 formed between adjacent plates 110. The overlap and ends of the wall are shown in greater detail in Figure 5b, reproduced above in paragraph 32. It is apparent that, in this embodiment, the ends of the wall are constituted by the boundaries of the plates delimiting the longitudinally extending slots of the fluid outlets through the wall.

42. Claim 1 is not limited to attachments in which the wall is formed from plates and the slots are formed by an overlap of the ends of these plates, as described in paragraphs [0004] and [0029] and illustrated in Figure 3a. Such a limitation cannot be derived from the wording of the claim, which does not refer to plates and defines the attachment in structural and functional terms, rather than by reference to the manufacturing method. In addition, the description expressly presents a wall formed from at least two plates, with the ends of these plates forming two ends of the wall as a preferred embodiment (“Preferably” in para. [0004]) and thereby makes clear that the ends of the wall may be realised otherwise than by the ends of plates. Furthermore, the function of the feature, namely enabling the fluid to flow out of the attachment and guiding the fluid along the inner surface of the slot, is not dependent on the end of a wall being the end of a plate.
43. The view, shared by Dreame and the Hamburg Local Division, that “a simple aperture in the wall” does not constitute a slot formed by an overlap of a first and a second end of the wall does not alter that assessment. Such an aperture may indeed not be covered by claim element 1.6, since it may lack the required overlap. That conclusion, however, has no bearing on the interpretation of the claim feature “end of the wall”. A slot formed by a “simple” longitudinally extending aperture presupposes the existence of longitudinally extending boundary edges of the wall, that is to say, ends of the wall, even if those ends do not overlap.
44. This conclusion is not called into question by the interpretation of certain prior art documents by the EPO during the examination proceedings, including D3, cited above in paragraph 27 (Dreame’s Exhibit HL 10). Even if the Examining Division applied a different understanding to the “ends” of the wall, it did not provide any reasons for doing so. Even if such unsubstantiated statements could provide any indication of the view of the person skilled in the art, they would in the present case not be sufficient to overturn the conclusion reached by the Court of Appeal on the basis of the claims of the patent at issue, interpreted in the light of the description and drawings. It is further noted that any potential divergence in the interpretation of the term “ends of the wall” between the Court of Appeal

and the Examining Division would not lead to a different assessment as regards the prior art, including D3, as no slot being formed by an overlap is disclosed in the prior art.

Number of ends of the wall

45. Dreame's argument that, under claim element 1.6, the wall may not have more than two overlapping ends must be rejected. There is nothing in the patent that would justify limiting the claim to an attachment whose wall has exactly two overlapping ends. On the contrary, the wording of the claim, as well as the description and drawings, indicates that the wall may have more than two overlapping ends. Claim 1 describes the attachment as "comprising" a fluid outlet (claim element 1.4), wherein the fluid outlet "comprises" a slot (claim element 1.5). The claim wording thereby expressly leaves open that the claimed attachment has more than one fluid outlet through the wall and more than one slot formed by overlapping ends of the wall. It follows that the walls may also have more than two overlapping ends. Secondly, all embodiments disclosed in the description and drawings of the patent have more than two ends of the wall. Paragraph [0004] of the description states that the wall is formed from "at least two plates". This teaches the person skilled in the art that there may be at least four ends of the wall that can be used to form slots. Thirdly, Figure 5a below clearly depicts an embodiment comprising six slots formed by twelve overlapping ends of the wall.

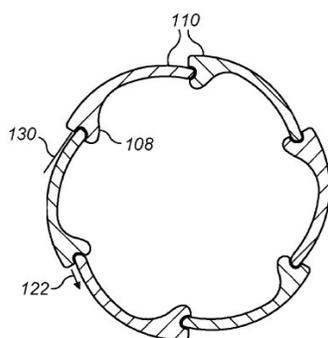
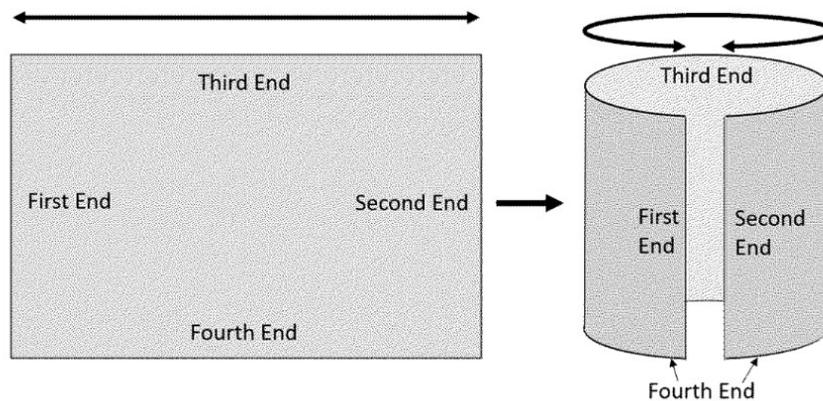


FIG. 5a

46. This interpretation is not called into question by statements made by the EPO in the context of the examination of the patent. In its communications of 14 May 2024 and 5 December 2024, to which Dreame refers (Exhibits HL 7 and HL 10), the EPO merely raised doubts as to whether the same two ends of a wall could form more than one slot. The EPO did not take the position that the wall may not have more than two overlapping ends. Furthermore, even if this communication were to be understood as implying that the EPO assumed that there can only be two overlapping ends of the wall and as providing an indication of the views of the person skilled in the art, that would not suffice to overturn the conclusion reached by the Court of Appeal on the basis of the claims of the patent, interpreted in the light of the description and drawings.

47. Nor is that interpretation in conflict with statements made by Dyson during the examination proceedings. In response to a communication from the Examination Division, which questioned whether the wall of the tubular attachment can have more than two ends (namely the axial ends), Dyson explained that the wall can have four ends, referring to the following illustration (Submission of 5 April 2024, Exhibit HL 6, p. 2).

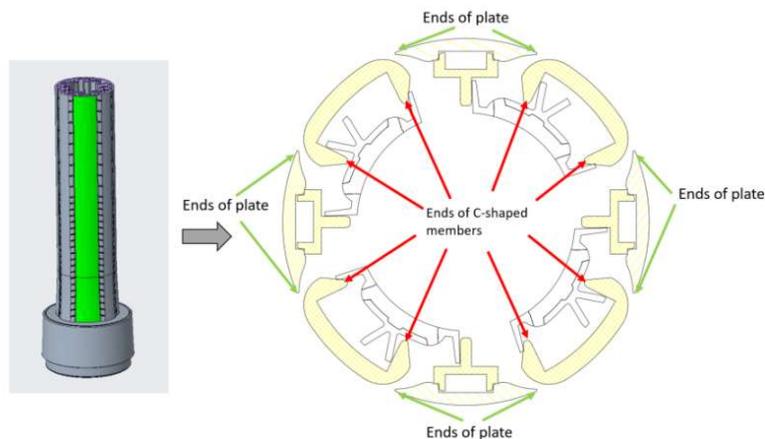


However, it is clear that Dyson did not intend to limit the scope of the patent to a configuration having only four ends. In the same submission, Dyson expressly stated that the wall may have more than four ends, with each slot being formed by the overlap of two respective ends of the wall (Exhibit HL 6, p. 3). Dyson’s statement therefore cannot be regarded as indicating that the person skilled in the art, at the filing date, would have assumed that the wall may not have more than two overlapping ends (cf. UPC_CoA_405/2024, Order of 20 December 2024 - Alexion/Amgen, para. 43).

Infringement

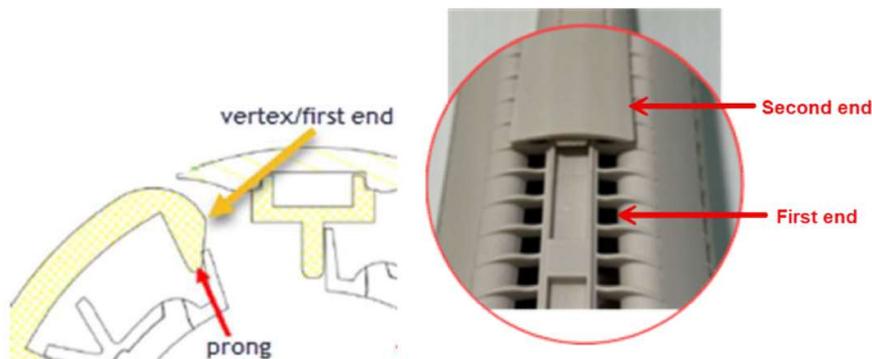
The Old Dreame products

48. The Hamburg Local Division did not err in finding that the Old Dreame products fall within the scope of protection of claims 1 and 11 of the patent. Dreame contests these findings only in relation to claim element 1.6 (*the slot (102, 202, 282) is formed by an overlap of a first end of the wall and a second end of the wall*).
49. Dreame’s first argument is that, in the Curling Attachments of the Old Dreame Products, the wall has multiple ends. This argument is based on the assumption that, under claim element 1.6, the wall may not have more than two overlapping ends. This assumption is incorrect for the reasons set out above in paragraphs 45 to 47.
50. Secondly, Dreame submits that the Hamburg Local Division set arbitrary points on the surface to identify the ends of the wall. This submission has no merit. The Curling Attachments of the Old Dreame Products are formed by plates and C-shaped members, as shown in the following drawings (Exhibit HL 30, annotations added by Dreame):



The Hamburg Local Division determined the relevant ends of the plates in accordance with the approach proposed by Dreame (indicated by the green arrows in the CAD drawing reproduced above). It is undisputed that they correspond to ends of the wall.

51. The Hamburg Local Division was correct not to follow Dreame’s submission that the innermost point of the prongs of the C-shaped members (indicated by the red arrows in the CAD drawing reproduced above in paragraph 50 and below) constitute the other relevant ends of the wall. The Hamburg Local Division correctly identified the “*vertex/first end*” of the C-shaped members, as indicated by the orange arrow in the following picture submitted by Dyson, as the relevant end.

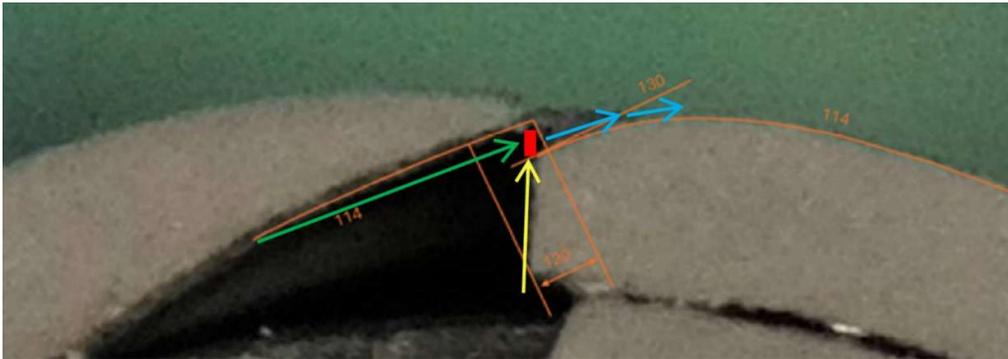


The Hamburg Local Division explained that this vertex constitutes the outermost point in the longitudinal extension of the C-shaped member and that this longitudinal extension, rather than its thickness, is the relevant extension of the member, irrespective of whether the member is hollow or solid. The Court of Appeal concurs. This approach to determining the end of the wall is neither arbitrary nor incorrect.

52. Dreame has not contested that, on the basis of the ends of the wall as determined by the Hamburg Local Division, there is an “overlap” within the meaning of claim element 1.6.

The New Dreame products

53. The Hamburg Local Division held that the New Dreame Products do not fall within the scope of protection of claims 1 and 11 of the patent because, in the Staggered Curling Attachments, the fluid outlets are not arranged between the plates forming the wall, but are formed by apertures in the plates. This conclusion is based on an incorrect interpretation of claim element 1.6. As the Court of Appeal pointed out above in paragraph 43, the claim element encompasses slots formed by apertures in the wall, provided that the ends of the wall delimiting the aperture overlap.
54. The Hamburg Local Division correctly established that the slots of the Staggered Curling Attachments are formed by the required overlap. It referred to the following enlarged image of a cross-section of a plate of the Staggered Curling Attachment (with annotations provided by Dreame, Exhibit HL 24).



This image shows an overlap in the direction perpendicular to the outer surface of the inner wall 114, as illustrated by the orange line perpendicular to line 130 (i.e. the orange line between the red rectangle and the blue arrows). This is also the case if the “thickness” of the lower wall element is not considered to form part of the outer surface of the inner wall, as Dreame maintains. On that assumption, the outer surface of the inner wall starts at the lower right end of the red rectangle and extends to the right from that point. This means that there is an overlap between that point and the downstream orange line perpendicular to that surface.

55. Dreame’s criticism of these findings is based primarily on the assumption that the overlap must be determined from a radial viewpoint. This assumption is incorrect, as the Court of Appeal pointed out above in paragraph 36.
56. In addition, Dreame argues that, to the extent that there is an overlap in the Staggered Curling Attachments, it does not have the required minimum extension. This argument likewise cannot succeed. As the Court of Appeal considered above in paragraph 38, the claim does not require the overlap to have a certain extension.

The Newest Dreame products

57. The same findings apply to the Newest Dreame Products. Dreame has not contested that, if the New Dreame Products fall within the scope of protection of claims 1 and 11 of the patent, the Newest Dreame Products likewise fall with that scope.

Measures against Dreame International, Teqphone and Dreame Technology

58. Dreame rightly did not contest the findings of the Hamburg Local Division concerning the infringing acts committed by Dreame International, Teqphone and Dreame Technology in respect of the Old Dreame Products, nor its assessment of urgency and the balancing of interests in respect of the requested measures. The Court of Appeal concurs with these findings and with the reasons given by the Hamburg Local Division.
59. For the same reasons, the Court of Appeal concludes that Dreame International, Teqphone and Dreame Technology must be held liable for patent infringement with respect to the New Dreame Products and the Newest Dreame Products and that the requested measures are likewise urgent and, on the balance of interests, necessary in respect of these products.

Operative part

60. Dreame's submission regarding the scope of the injunction (operative part I.a) must be dismissed. The scope is not overly broad. The requirement to limit the injunction issued to the specific infringing acts which Dreame International, Teqphone and Dreame Technology had committed cannot be derived from Art. 62(1) and Art. 25(a) UPCA (cf. UPC_CoA_382/2024 APL_39664/2024, order of 14 February 2025, *Abbott v Sibio*, para. 158). As a general rule, the fact that a party has infringed the patent is sufficient to establish a risk of further infringement through other acts of use, including infringing acts which it had not previously committed.
61. Dreame's remaining submissions regarding the operative part of the impugned decision concern issues which relate exclusively to the part of the appeal proceedings to be stayed. There is therefore no need to decide on these submissions in this order.

Conclusion

62. It follows that, to the extent that the proceedings are not stayed, Dreame's appeal must be dismissed, and Dyson's appeal must be allowed. The Court of Appeal will therefore revoke the impugned order to the extent that Dyson's application for provisional measures was dismissed (operative part of the impugned order, sub II). The Court of Appeal will declare that, as from the date of this order, the provisional measures granted in the impugned order extend to the New Dreame Products and the Newest Dreame Products. For the avoidance of doubt, the Court of Appeal notes that this extension does not apply to Eurep or to activities by Dreame International relating to the territory of Spain, since the proceedings in relation to these parts of the case are stayed.
63. The Court of Appeal will set a time limit for starting proceedings on the merits within the meaning of R. 213.1 RoP in case the New Dreame Products and Newest Dreame Products are not yet part of pending proceedings on the merits.
64. As this order does not conclude the proceedings in all respects, and the proceedings concerning certain aspects of the case are stayed, the Court of Appeal will not issue an order on costs at this stage.

65. The Court fee due by Dyson for its appeal pursuant to R. 220.1(c) RoP is € 11,000 (R. 228 RoP and Table of Court Fees of 8 July 2022). Dyson paid court fees of € 15,000. The Court of Appeal therefore instructs the Registry to reimburse € 4,000 to Dyson.

ORDER

The Court of Appeal

in the action against Dreame International, to the extent it relates to the UPC Territory, and in the action against Teqphone and Dreame Technologies:

- I. rejects the appeal by Dreame;
- II. revokes the impugned order to the extent that the application for provisional measures was dismissed;
- III. declares that, from the date of this order, the provisional measures, as granted in the impugned order, extend to the New Dreame Products and the Newest Dreame Products;
- IV. specifies the date as referred to in R. 213.1 RoP in relation to the extension of the provisional measures under III. at 31 calendar days after service of this order;
- V. instructs the Registry to reimburse Dyson € 4,000 of the amount it paid as court fees.

This order was issued on 6 March 2026.

Klaus Grabinski
President of the Court of Appeal

Peter Blok
Legally qualified judge and judge-rapporteur

Emmanuel Gougé
Legally qualified judge

Simon Michels
Technically qualified judge
due to his unavailability signed by Klaus Grabinski on his behalf

Lorenzo Parrini
Technically qualified judge

For the Registry