



Milan Local Division

**UPC CFI No. 770/2024, No. 556/2025**  
**Order filed on 19**  
**March 2026**

PLAINTIFF

Pirelli Tyre S.p.A. ('Pirelli')

DEFENDANT

Sichuan Yuanxing Rubber Co., Ltd. ('SYR')

ADJUDICATING BODY

Presiding Judge and Judge-Rapporteur Pierluigi Perrotti

LANGUAGE OF THE PROCEEDINGS

Italian

SUMMARY OF THE FACTS OF THE CASE

By order of 13 February 2026, following the interim conference and having noted the parties' agreement on the matter, the Court ordered the examination in the presence of both parties of the tyre samples subject to seizure during the oral hearing, providing for the performance, within the same hearing, of all the physical operations necessary for the full verification of their characteristics, namely, in particular, the cutting of the tyres to examine their internal layers and, in particular, the radial carcass structure and its characteristics.

Pirelli's defence had reserved the right to verify with its client the technical feasibility of this operation during the oral hearing, taking into account any issues not currently known.

In a motion filed on 24 February 2026, Pirelli highlighted the impossibility of dissecting the tyre samples during the hearing, as the relevant cutting operations must be carried out by specialised personnel in a safe working environment and with the aid of specific, non-portable equipment. It therefore offered to make available a laboratory dedicated to carrying out the aforementioned operations, with a detailed description of the necessary activities.

Should the Court have deemed it appropriate to dissect the seized samples, it requested that the dissection operations be carried out at Pirelli's laboratory, in accordance with the following procedures:

- a joint examination of the samples during the tyre dissection phase, with a view to obtaining a section;
- carrying out a second phase to reveal the layers of the tyre's internal structure, whilst securing the section, in the presence of only the designated Pirelli operator, with full video recording of the activities carried out, and with the possibility for the opposing party and the Court to verify the outcome of the entire procedure upon completion of the activities.

The judge-rapporteur has given the defendant until 2 March 2026 to file a defence brief commenting on Pirelli's application.

SYR filed its notes on 2 March 2026.

The defendant objected to the cutting and sectioning operations taking place in the absence of conditions suitable for ensuring the impartiality of the assessment and respect for the adversarial principle.

It concluded by requesting the dismissal of the claimant's application and the confirmation that the examination of the samples would take place during the oral hearing, in full compliance with the principle of adversarial proceedings.

By order of 3 March 2026, the judge-rapporteur summoned the parties to a case management hearing, which took place via videoconference on 6 March 2026.

During that hearing, Pirelli pointed out that, in its view, it was not necessary to proceed with the inspection of the internal layers of the product, since the presence of all the features claimed by the patent at issue had already been fully proven. Should the Court nevertheless have deemed it essential to proceed in this regard, it reiterated its willingness to do so in accordance with the terms already set out in the application of 24 February 2026.

SYR has taken note of Pirelli's position regarding the lack of necessity for the technical investigation. Had the Court nevertheless deemed this technical investigation to be essential, all proceedings would have had to be conducted in such a way as to ensure full adversarial proceedings and the defendant's participation at every stage.

The judge-rapporteur made it clear to the parties that the principles of proportionality and efficiency must be upheld, particularly given the short time available ahead of the oral hearing scheduled for 14 April 2026. With this in mind, he therefore invited the parties to consider the possibility of submitting to the Court, no later than 13 March 2026, a joint proposal on the procedures for conducting any technical investigation, structured in such a way as to guarantee full respect for the principle of adversarial proceedings, whilst also clarifying the procedural framework of the undertaking.

Following the hearing of 6 March 2026, the parties filed a motion on 13 March 2026 containing a shared operational protocol, including – also by mutual agreement – two alternative names of experts for the Court’s subsequent appointment of a Court expert.

SYR reiterated its view that this preliminary investigation was unnecessary, as also stated by Pirelli during the hearing on 6 March 2026.

#### REASONS FOR THE DECISION

The Court takes note of the technical issues raised by Pirelli, which prevent the dissection and stripping of the tyre samples during the oral hearing. It also takes note of the position expressed by the claimant, and shared by the defendant, regarding the lack of necessity for a specific technical investigation concerning the seized tyre samples.

It is clear that the circumstances reported by Pirelli do not permit the cross-examination of the tyre samples within the timeframe initially set out in the order of 13 February 2026, namely through the performance of cutting operations during the hearing.

From a theoretical point of view, the technical examination described in the joint protocol could allow for a more thorough analysis of the tyre samples, as it is capable of revealing their internal layers.

However, the time required to carry it out appears difficult to reconcile with the trial schedule, given that the oral hearing is set for 14 April 2026, and account must also be taken of the time required for the court expert to draft and file the report, as provided for in Rules 185(4)(f) and/or 201(5)(d) of the Rules of Procedure, if and insofar as applicable. The protocol agreed by the parties contains no precise indications regarding the timeframe for the completion of all procedures.

It should also be noted, as already mentioned above, that the parties do not consider it necessary to proceed with a technical investigation, subject to the Tribunal’s determinations on this point.

In this particular procedural context, having heard the Panel, the judge-rapporteur considers that any final determination on this point should be reserved until the outcome of the oral hearing, thereby achieving what appears to be the best balance between the interests of all parties to the proceedings and the general principles of efficiency and proportionality, in accordance with the provisions of Articles 41(3), 42 and 52(1) of the UPCA, as referred to in the Preamble (para. 2) of the Rules of Procedure.


#### ORDER

The judge-rapporteur, having consulted the Panel, confirms that during the oral hearing, the seized product samples will be examined in the presence of both parties, without the cutting and dissection operations previously indicated in the order of 13 February 2026; any further determination is reserved until the outcome of the oral hearing.

Milan, 19 March 2026.

*Pierluigi Perrotti*  
Presiding Judge and Judge-  
Rapporteur

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