



Düsseldorf local division
UPC_CFI_649/2025

Decision

of the Court of First Instance of the Unified Patent Court
issued on 23 March 2026
concerning EP 2 919 672 B1

Claimant:

Versah LLC, c/o Salah Huwais, DDS, 2000 Spring Arbor Rd., Suite D, Jackson, 49203 Michigan, USA

represented by:

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Assisted by:

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DEFENDANT:

Argimiro Antonio Hernandez Suarez, Av. San Juan 26, B2 P3-A, 41927 Mairena del Aljarafe, Spain

represented by:

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PATENT AT ISSUE:

European Patent No. EP 2 919 672 B1

DECISION-MAKING PANEL/CHAMBER:

Panel 1 of the Düsseldorf local division JUDGES:

This order was issued by the presiding judge, Thomas, and the legally qualified judge

Dr Schumacher, a legally qualified judge, acting as judge-rapporteur, and the legally qualified judge Agergaard.

LANGUAGE OF THE PROCEEDINGS: German

SUBJECT: R. 265.1(2) RoP – Application to withdraw the action
R. 370.9, R. 370.11 RoP – Application for reimbursement of court fees

BRIEF SUMMARY OF THE FACTS:

1. By document dated 11 July 2025, the claimant brought an action for patent infringement against the defendant.
2. Even before the conclusion of the written procedure, the claimant declared the withdrawal of the claim by a document dated 13 February 2026.
3. In a document dated 24 February 2026, the claimant also requested reimbursement of 60% of the court fees she had paid, amounting to EUR 6,600.
4. The claimant finally requests:
 1. The court grants the withdrawal of the claim.
 2. The court issues a decision declaring the proceedings closed.
 3. The court orders the entry of the decision in the register.
 4. The claimant be reimbursed 60% of the court fees paid by her in these proceedings, amounting to EUR 6,600.
5. The defendant has consented to the withdrawal of the claim and to the reimbursement of court fees.
6. The claimant initially applied for an order as to costs, whilst the defendant requested that no such order be made. Following a direction from the court, the claimant also stated that, in view of the out-of-court settlement, an order as to costs was unnecessary.

REASONS FOR THE DECISION:

7. The decision follows the parties' jointly expressed wishes.
8. Although Rule 265.2(c) of the RoP requires an order on costs pursuant to Part 1, Chapter 5 of the RoP, such an order was unnecessary in this case in view of the parties' unanimous declaration that an order on costs was not required (see UPC_CFI_505/2024, Order of 24 January 2025, para. 13 – DexCom v. Abbott).

9. The order for the proportionate reimbursement of court costs is based on Rule 370.9(b)(i), 370.11 of the RoP in conjunction with Article 5 of the Administrative Committee's decision amending the scale of court fees and other related amendments and guidelines of 4 November 2025 (D-AC/08/02072025_rev. I_D).

DECISION:

1. The withdrawal of the claim is permitted on the claimant's application and with the defendant's consent.
2. The proceedings are hereby declared closed.
3. This decision is to be entered in the register.
4. No decision on the parties' costs is required.
5. The Registrar is instructed to reimburse the Claimant as soon as possible for 60% of the court fees paid by her in these proceedings, amounting to EUR 6,600.
6. The value in dispute for the claim is set at EUR 250,000.

Issued in Düsseldorf on 23 March 2026

NAMES AND SIGNATURES

Presiding Judge Thomas	
Legally qualified judge Dr Schumacher	
Legally qualified judge Agergaard	
For the Deputy-Registrar	