Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

Reference no:
UPC_CoA_409/2025
UPC_CoA_410/2025
UPC_CoA_420/2025

DECISION

of the Court of Appeal of the Unified Patent Court
as of 27 March 2026

HEADNOTE

(i) In UPC proceedings, which are organized by electronic procedures (Art. 44 UPCA) in which written pleadings and other documents shall be lodged in electronic form (R. 4.1 RoP), the first step to be taken by the UPC representative appointed by a Party is, using the served access code provided by the Registry to said Party, to log onto the case file in the Case Management System.

(ii) This first step enables the Party and its representative to have access to the file and to be aware of the case. The mere access to the file, before any active step or defense, is however not sufficient to establish a deliberate choice regarding the jurisdiction of the UPC. Another step is required in order to constitute the entering of an appearance within the meaning of Art. 26(1) Brussels Ia Regulation.

(iii) It is only when the defendant lodges its first statement, by filing a Preliminary objection pursuant to R. 19 RoP as to the issues listed in R. 19.1 and .4 RoP or, if not, the Statement of defence pursuant to R. 23 ff. RoP as to the substance of the dispute, that he will have deliberately chosen or contested the international jurisdiction of the court seized instead of the court which would normally have jurisdiction under the provisions laid down in Brussels Ia Regulation.

KEYWORDS
Appeal; claim construction; scope of protection; international jurisdiction; preliminary objection.

1. UPC_CoA_409/2025

APPELLANTS (DEFENDANTS IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

(i) **NUC Electronics Europe GmbH**, Schwalbacher Strasse 76, 65760 Eschborn, Germany (hereinafter "**NUC Europe**" and, together with NUC Korea, "**NUC**")
(ii) **WARMCOOK,** 73, boulevard Gay Lussac, 13014 Marseille, France (hereinafter "**WARMCOOK**")

represented by Dr. Christian Kau, attorney-at-law, and other representatives of Preu Bohlig & Partner

RESPONDENT (CLAIMANT IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

Hurom Co., Ltd., 80-60, Golden root-ro, Juchon-myeon, Gimhae-si, Gyeongsangnam-do, 62184, Republic of Korea (hereinafter "**HUROM**")

represented by Klaus Haft, attorney-at-law, and other representatives of Hoyng ROKH Monegier

2. UPC_CoA_410/2025

APPELLANT (DEFENDANT IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

NUC Electronics CO., Ltd, 280, Nowon-ro - 41548 - Buk-gu, Daegu, Korea (hereinafter "**NUC Korea**" and, together with NUC Europe, "**NUC**")

represented by Martin Momtschilow, attorney-at-law, and other representatives of Preu Bohlig & Partner

RESPONDENT (CLAIMANT IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

Hurom Co., Ltd., 80-60, Golden root-ro, Juchon-myeon, Gimhae-si, Gyeongsangnam-do, 62184, Republic of Korea (hereinafter "**HUROM**")

represented by Klaus Haft, attorney-at-law, and other representatives of Hoyng ROKH Monegier

3. UPC_CoA_420/2025

APPELLANT (DEFENDANT IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

Hurom Co., Ltd., 80-60, Golden root-ro, Juchon-myeon, Gimhae-si, Gyeongsangnam-do, 62184, Republic of Korea (hereinafter "**HUROM**")

represented by Klaus Haft, attorney-at-law, and other representatives of Hoyng ROKH Monegier

RESPONDENT (CLAIMANT IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

NUC Electronics CO., Ltd, 280, Nowon-ro - 41548 - Buk-gu, Daegu, Korea (hereinafter "**NUC Korea**")

represented by Martin Momtschilow, attorney-at-law, and other representatives of Preu Bohlig & Partner

PATENT AT ISSUE

EP 2 028 981

DECIDING PANEL

Panel 1a
Klaus Grabinski, Presiding judge and President of the Court of Appeal
Emmanuel Gougé, legally qualified judge and judge-rapporteur
Peter Blok, legally qualified judge
Kerstin Roselinger, technically qualified judge
Claus Elmeros, technically qualified judge

LANGUAGE OF THE PROCEEDINGS

English

IMPUGNED DECISIONS OF THE COURT OF FIRST INSTANCE

□ In APL_21563/2025 UPC_CoA_409/2025:

Decision of the CFI, Mannheim Local Division, dated 11 March 2025

Reference attributed by the Court of First Instance: UPC_CFI_159/2024, ACT_17336/2024, ORD_68865/2024

□ In APL_21565/2025 UPC_CoA_410/2025 and APL_22270/2025 UPC_CoA_420/2025:

Decision of the CFI, Mannheim Local Division, dated 11 March 2025

Reference attributed by the Court of First Instance: UPC_CFI_162/2024, ACT_17365/2024, ORD_68864/2024

ORAL HEARING

10 December 2025

FACTS AND REQUESTS OF THE PARTIES

The patent at issue and HUROM

1. The patent at issue, EP 2 028 981, relates to a juice extractor (hereafter "the patent"). It was filed by its inventor Mr. Kim, Young-Ki on 27 April 2007 under a priority of 21 June 2006 (KR 20060055656). Its application was published on 4 March 2009 and its grant was published on 23 September 2015.

2. The patent is in force in the UPCA contracting member states Germany, Denmark, France, Italy, The Netherlands, Romania, and in the EPC member states Poland, Spain, Turkey and the United Kingdom.

3. HUROM has been the effective registered owner of the patent in Germany and Denmark since 18 September 2019, in the Netherlands since 30 March 2020, in France since 2 January 2020 according to the information available in the French Patent Register and in Italy since 11 February 2020 according to the information available in the Italian Patent Register.

4. Claim 1 of the patent reads as follows:

"A juice extractor comprising:
a cover (100) having an inlet port formed on one side of an upper part thereof and a rotary shaft hole (120) formed in the center of an inner part thereof; a housing (500) installed on a lower part of the cover, and having a guide jaw formed on a bottom of the housing, a draff outlet port (570) and a juice outlet port (560) formed apart from each other on a lower end part of the housing, a waterproof cylinder having a through hole and formed in the center of the lower end part of the housing, and a pressure discharge passage formed around a lower part of the waterproof cylinder;
a screw (200) having an upper rotary shaft formed on an upper part of the screw (200) to be rotatably inserted into the rotary shaft hole, a plurality of screw spirals formed on an outer surface of the screw, an inner ring formed at a lower end of the screw to project downward and having a plurality of screw gears

rotatably inserted into the pressure discharge passage, a lower space formed inside the inner ring to receive the waterproof cylinder therein, and a lower rotary shaft formed in the center of a lower part of the screw and a polygonal shaft hole formed thereon;
a mesh drum insertable into the guide jaw of the housing, the mesh drum (300) having a mesh structure formed on an outer wall of the mesh drum (300) to discharge juice to the juice outlet port, and a plurality of wall blades longitudinally formed on an inner surface of the mesh drum;
a rotary brush installed (400) between the housing and the mesh drum (300) to be rotated, and having a brush holder in which a brush for continuously sweeping the mesh drum and the housing is installed; and
a drive unit having (600) a polygonal shaft that is inserted into the polygonal shaft hole through the through hole of the waterproof cylinder, and rotating the screw at (200) a low speed;
wherein the housing accommodating the screw is longitudinally fixed to an upper side of the drive unit (600) so as to press, grind and extract juice from materials put into the inlet port and to discharge the draff."

The NUC companies and WARMCOOK

5. NUC Europe is the German subsidiary of NUC Korea and runs the website "kuvings.de" with a web shop and a German amazon web shop distributing inter alia the attacked embodiment described below (para 9).

6. WARMCOOK runs the French website "warmcook.com" also with a web shop and the French amazon web shop "Warmcook-Kuvings".

7. NUC Korea runs a website which directs to the websites of NUC Europe and WARMCOOK and which presents NUC Europe as their distributor for Europe.

The attacked embodiment

8. NUC Europe, NUC Korea and WARMCOOK have been marketing, in several countries in Europe, slow juicers under the name "AUTO10" (the "attacked embodiment") which, according to HUROM, implements the technical teaching of Claims 1 to 4 and 6 to 9 of the patent.

9. The following pictures of the attacked embodiment have been submitted by HUROM, taken from the German website of NUC Europe (Statement of Claim, para. 144):

HUROM (Exhibit P18) filed more detailed pictures of the attacked embodiment, including concerning the following parts of the same (in which the red arrows have been added by HUROM):

- the inner part of the cover of the attacked embodiment:

- the cover and the housing of the attacked embodiment:

- the drive unit of the attacked embodiment (two pictures):

The infringement actions

10. HUROM brought proceedings against NUC Europe and WARMCOOK (UPC_CFI_159/2024) as well as NUC Korea (UPC_CFI_162/2024) before the Mannheim Local Division of the Court of First Instance of the Unified Patent Court (hereafter the "Mannheim LD") for infringement of the patent in all countries in which the patent is in force.

11. In UPC_CFI_159/2024 the Mannheim LD held claim 1 of the patent to be infringed by the attacked embodiment and issued - regarding all UPC Member States in which the patent is in force, namely Germany, Denmark, France, Italy, The Netherlands and Romania - an injunction and an order for information, destruction, recall and removal. It also held NUC and WARMCOOK to be liable for damages and ordered an interim award on legal costs (impugned decision, ORD_68865/2024, 11 March 2025). It separated the proceedings with regard to Poland, Spain, the United Kingdom and Turkey (LD Mannheim procedural order of 11 March 2025, UPC_CFI_159/2024).

12. In UPC_CFI_162/2024, the Mannheim LD held NUC Korea liable for infringement of the patent in the same UPC territories, but dismissed the infringement action with regard to Turkey for lack of jurisdiction under 7(2) or 71b(3) 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 (hereafter "Brussels Ia Regulation") (impugned decision, ORD_68864/2024, 11 March 2025). It also held that NUC Korea's objection against jurisdiction was not precluded by R. 19.7 RoP, even though NUC Korea did not file a preliminary objection pursuant to R. 19 RoP, as Art. 26 Brussels Ia Regulation prevails over R. 19.7 RoP. It separated the proceedings with regard to Poland, Spain and the United Kingdom (LD Mannheim procedural order of 11 March 2025, UPC_CFI_162/2024).

13. The LD Mannheim decisions on infringement are based on a claim interpretation which, inter alia, considered that the longitudinal fixing of the housing under claim 1 of the patent means that the housing (accommodating the screw, the mesh drum and the rotating brush) and thus in particular the screw is aligned in the vertical direction (in contrast to the horizontal direction) and that the housing is fixed in this alignment to the drive unit without requiring that the fixation prevents the housing from being vertically lifted. It considered that the fixing means of the attacked embodiment prevent the housing from rotating and moving sideways and falling off the drive unit when in use and therefore fix the housing to the drive unit according to feature [1N] of claim 1 of the patent.

The appeals

Appeal CoA_409/2025

14. NUC Europe and WARMCOOK lodged an appeal against the impugned decision ORD_68865/2024 (Appeal CoA_409/2025). They request the Court of Appeal
    1. to set aside the impugned decision,
    2. to hold that HUROM has not demonstrated that NUC Europe and WARMCOOK have infringed claims 1 to 4 and 6 to 9 of the patent,
    3. to dismiss HUROM infringement action and
    4. to order HUROM to bear the costs.

    As auxiliary requests, they request the Court of Appeal
    1. to set aside the impugned decision,
    2. to limit the claims of HUROM to the countries of Germany and France and/or
    3. to temporarily limit the claim for damages and information in Germany, Denmark, France, Italy and the Netherlands for specific periods (as specified in the Grounds of Appeal of 11 July 2025, p. 131).

15. HUROM requests the Court of Appeal
    1. to reject the appeal and
    2. to order NUC Europe and WARMCOOK to bear the costs of the appeal.

Appeal CoA_410/2025

16. NUC Korea lodged an appeal against the impugned decision ORD_68864/2024 (Appeal CoA_410/2025), with the same request as the requests filed by NUC Europe and WARMCOOK in Appeal CoA_409/2025. HUROM makes the same requests as in appeal CoA_409/2025.

Appeal CoA_420/2025

17. HUROM filed an appeal against the impugned decision ORD_68864/2024 to the extent that the action for infringement was dismissed regarding Turkey for lack of jurisdiction (Appeal CoA_420/2025). In summary, HUROM requests the Court of Appeal
    1. to confirm jurisdiction of the UPC to hear the action regarding damages and provision of information regarding infringements in relation to Turkey,
    2. to hold that NUC Korea shall pay damages to HUROM compensating all losses caused by the infringing acts of the patent in Turkey,
    3. to order NUC Korea to inform HUROM to the extent of which it has committed infringing acts (as specified in the Statement of Appeal of 16 May 2025, p. 5 seq.),
    4. to set the value for this appeal in the amount of € 30,000,
    5. to order NUC Korea to bear the costs of the proceedings and
    6. to order it to pay interim costs in the amount of € 19,000 to HUROM.

18. NUC Korea requests the Court of Appeal
    1. to reject the appeal,
    2. to set the value in dispute at € 18.750,00 and
    3. to order HUROM to bear the costs of the proceedings.

GROUNDS

APPEALS CoA 409/2025 and CoA 410/2025

Skilled person

19. The Court defines the skilled person as a mechanical engineer with a university degree who has several years of practical experience in the field of domestic kitchen equipment, especially juicers and related food processing devices, considering that NUC and WARMCOOK have given a similar definition while HUROM considers that the skilled person is assumed to have expertise in the technical field of the invention and that adopting the definition of the skilled person suggested by the defendants would not alter the outcome of the decision.

Claim interpretation

20. The features of claim 1 of the patent can be divided as follows (for ease of reference, reference numbers in square brackets instead of parentheses have been added compared to the claim as it appears in the patent, see para 4 above):

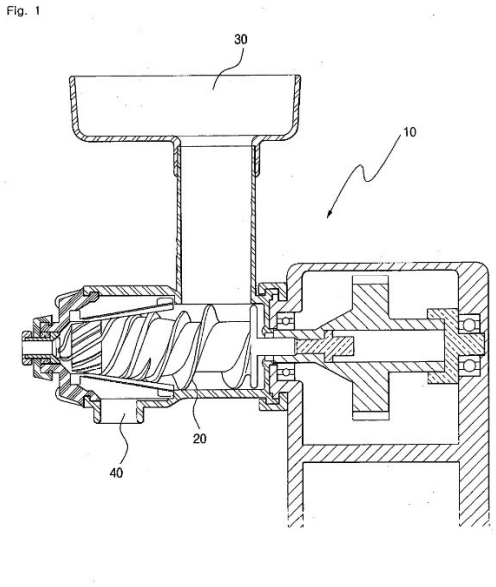
[1A] A juice extractor comprising:
[1B] a cover (100) having an inlet port [110] formed on one side of an upper part thereof and a rotary shaft hole (120) formed in the center of an inner part thereof,
[1C] a housing (500) installed on a lower part of the cover, having
[1D] a guide jaw [550] formed on a bottom of the housing, a draff outlet port (570) and a juice outlet port (560) formed apart from each other on a lower end part of the housing,
[1E] a waterproof cylinder [530] having a through hole and formed in the center of the lower part of the housing,
[1F] a pressure discharge passage [580] formed around a lower part of the waterproof cylinder,
[1G] a screw (200) having
an upper rotary shaft [210] formed on an upper part of the screw (200) to be rotatably inserted into the rotary shaft hole,
[1H] a plurality of screw spirals formed on an outer surface of the screw,
[1I] an inner ring [250] formed at a lower end of the screw to project downward and having a plurality of screw gears rotatably inserted into the pressure discharge passage,
[1J] a lower space [270] formed inside the inner ring to receive the waterproof cylinder therein, and a lower rotary shaft formed in the center of a lower part of the screw and a polygonal shaft hole [230] formed thereon,
[1K] a mesh drum [300] insertable into the guide jaw of the housing, the mesh drum (300) having a mesh structure formed on an outer wall of the mesh drum (300) to discharge juice to the juice outlet port, and [the mesh drum (300) having] a plurality of wall blades longitudinally formed on an inner surface of the mesh drum,
[1L] a rotary brush (400) installed between the housing and the mesh drum (300) to be rotated, and having a brush holder in which a brush for continuously sweeping the mesh drum and the housing is installed,
[1M] a drive unit (600) having a polygonal shaft that is inserted into the polygonal shaft hole through the through hole of the waterproof cylinder, and rotating the screw (200) at a low speed,
[1N] wherein the housing accommodating the screw is longitudinally fixed to an upper side of the drive unit (600) so as to press, grind and extract juice from materials put into the inlet port and to discharge the draff.

21. The principles applicable to claim construction have been set out by the Court of Appeal in its final order in UPC_CoA_335/2023 (NanoString v 10x Genomics, 26 February 2024, Headnote 2, as rectified). The patent claim is not only 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. The 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 only to resolve any ambiguities in the patent claim.

The object of the invention

22. According to the patent specification, the invention relates to a juice extractor capable of extracting juice from vegetables, fruits, or soymilk from beans, and more particularly to a juice extractor which performs an excellent juice-extracting function irrespective of kinds of vegetables or fruits, and maintains the freshness of juice by employing a very low speed rotating method, so that the size of the juice extractor and noise are greatly reduced, and the assembling, disassembling, and cleaning of the juice extractor can be simply performed [para. 0001].

23. Conventional juice extractors are provided with a long screw horizontally assembled in a drum together with a juice-extracting net and a drum cap and engaged with a side surface of a drive unit [para 0004] as illustrated in Fig. 1 of the patent specification:



Such conventional juice extractors have a number of drawbacks: wide space is required in using or keeping the juice extractor in custody, as the materials are horizontally moved, the juice-extracting speed becomes low and thick juice cannot flow downward well but remains in the drum. Also, since no rotary shaft is provided on one side of the screw, the screw is shaken when rotated and collides with wall blades formed on an inner wall of the juice-extracting net to cause noise and abrasion of the screw to occur [para. 0005].

24. Against this background, the problem underlying the invention can be seen in providing a juice extractor with a high juicing efficiency across a wide range of fruits and vegetables while minimizing vibrations during operation, which can
    - heighten the speed of juice extraction and make the extracted juice well flow downward without remaining in a housing,
    - prevent shaking or striking of the juice-extracting screw upon operation of the screw and thus reduce noise occurrence with the abrasion of the screw prevented and

- make materials automatically move downward without pressing the materials, to allow a continuous use without the necessity of frequently disassembling and cleaning the juice extractor [see para. 0010].

Feature [1N]

25. For the present proceeding, the interpretation of the housing accommodating the screw longitudinally fixed to an upper side of the drive unit is of particular importance.

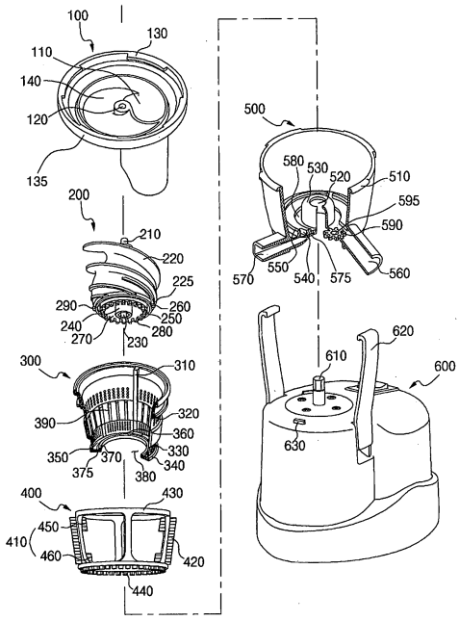
26. Feature [1N] requires that the housing accommodating the screw is longitudinally fixed to an upper side of the drive unit (600) so as to press, grind and extract juice from materials put into the inlet port and to discharge the draff.

27. According to the wording of the claim, the feature according to which the housing has to be longitudinally fixed to an upper side of the drive unit shall be considered in conjunction with the specified function claimed therein, namely to allow the materials introduced into the inlet port to be pressed, grinded, and juiced, and to discharge the draff.

28. The longitudinal fixing of the housing to an upper side of the drive unit can be found in the patent description, according to which the housing of the juice extractor is longitudinally assembled to the upper side of the drive unit, and thus the materials are naturally moved downward by the gravity and the rotation of the screw, and the juice-extracting speed is heightened. Accordingly, the extracted juice well flows downward without remaining in the housing, and thus any kind of vegetables and fruits can be juiced promptly [para. 0024].

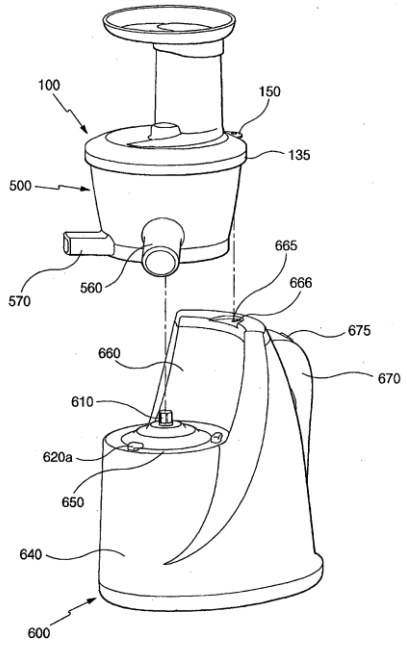
29. In order for the materials to move downward and for the extracted juice to flow downward, the housing should be prevented to move laterally. This is illustrated in the embodiments of the invention which provide for a plurality of fixing projections (630) that are inserted into the fixing groove (515) of the housing (500) to fix the housing (500) [para. 0053], as shown on the right side of Fig. 2 of the patent specification:

Fig. 2



or a plurality of engagement hooks (620a) formed on an outer periphery of the engagement surface (650) of the drive unit (600) to secure the housing (500) [para. 0075], as shown in Fig. 6 of the patent specification:

Fig. 6



both of which prevent the housing and the drive unit to move laterally from each other.

30. A second aspect of the longitudinal fixing of the housing to the drive unit relates to the prevention of vibration of the juice extractor. According to the invention, this is achieved with the screw (200) being bidirectionally fixed, thus preventing the vibration of the screw, so that shaking or striking of the screw against the inner wall of the mesh drum is prevented during the operation of the screw to reduce the noise occurrence and to prevent abrasion of the screw [para. 0025 and 0081].

31. Preventing the vibration of the juice extractor is also addressed by the longitudinal fixation of the housing to an upper side of the drive unit with engagement hooks.

32. According to a first preferred embodiment shown in Figure 1, on the upper surface of the drive unit (600), a pair of engagement hooks (620), which are fixed to the housing (500) secured to the cover (100), are further provided on the upper surface of the drive unit (600) to prevent vibration of the juice extractor [para. 0056].

33. In a second preferred embodiment shown in Figures 6 and 7, the engagement hooks (620a), which are formed on the housing engagement surface (650), are inserted into the engagement groove (not shown in Figures 6 and 7) formed on a bottom surface of the housing, and then the housing (500) is fixed to the engagement surface (650)by slightly rotating the housing (500) [para. 0076].

34. As a result of the hooks present in the two preferred embodiments, the housing cannot be lifted when the engagement hooks are engaged.

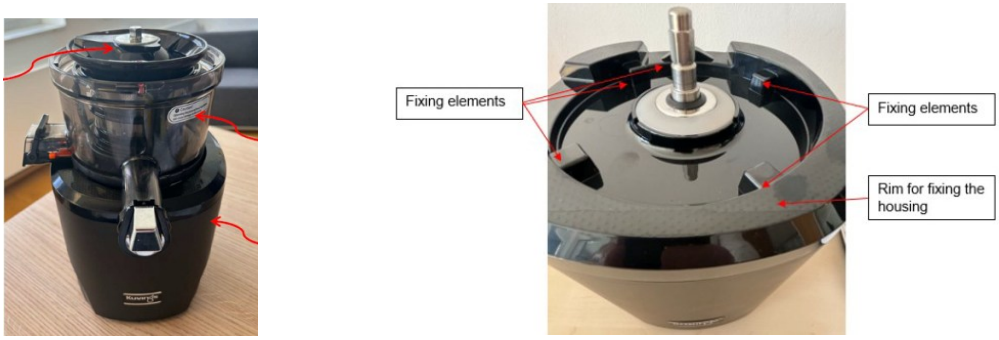
35. Contrary to the CFI, the engagement hooks as illustrated in the preferred embodiments do not refer to an additional feature not provided under claim 1 (see impugned decision, para. 73). The person skilled in the art will understand that materials that naturally move downward by gravity [para. 0024] exercise a vertical force downward through the screw against the drive unit. As rightly pointed out by NUC and WARMCOOK, without vertical fixation provided by the engagement hooks or any other vertical fixation means, the housing and the screw would tend to move upwards, thus not maintaining the housing together with the drive unit in the longitudinal fixed position claimed under feature [1N] and not properly achieving the function of pressing, grinding and extracting juice from materials put into the inlet port and to discharge the draff, nor the minimizing of vibrations which the patent aims for.

36. This interpretation is not called into question by subclaims 6 and 12 of the patent, which require engagement hooks which secure the housing to the drive unit. Claim 6 refers to a juice extractor of claim 1 wherein the housing is detachably secured to the drive unit by the engagement hooks while, under claim 12, the drive unit of a specific form of the juice extractor under claim 1 or 10 comprises a plurality of engagement hooks formed on an outer periphery of the engagement surface to secure the housing. These subclaims specify specific means for realising the longitudinal fixation of the housing. Claim 1 is broader. It claims a juice extractor with a housing which is longitudinally fixed by any means.

37. It follows that the longitudinal fixation of the housing to an upper side of the drive unit not only requires the housing to be assembled or positioned in a longitudinal direction. It further requires, unlike assessed by the CFI (impugned decision, para. 76), that the fixation prevents vertical lifting of the housing or the screw against the drive unit, thus encompassing a fixation against vertical lifting. The means of achieving such a longitudinal fixation of the housing on an upper side of the drive unit are left to the discretion of the person skilled in the art and are not limited to the specific configurations shown in Figures 1 and 6/7 and described in the patent specification in each of which it is, however, ensured that the housing remains aligned with the drive unit in the vertical direction and, equally, cannot be lifted in the vertical direction.

Infringement

38. According to HUROM, the housing of the AUTO 10 attacked embodiment is longitudinally fixed to the drive unit according to Feature 1N of claim 1 to the extent that its housing is fixed to the drive unit by means of fixing elements, i.e. the circumferential edge (or rim) and the protrusion therefrom. It refers to the impugned decision (para. 85) and submits the following picture of the attacked embodiment with its fixing elements (arrows and captions added by HUROM, Statement of Response, para. 171):



39. Although it is accepted by all parties that the fixing elements of the attacked embodiment prevent the housing from rotating and moving sideways, said elements, do not, however, prevent the housing from falling off the drive unit, contrary to the assessment made by the Mannheim LD (impugned decision, para. 86).

40. The fixing elements of the attacked embodiment do not prevent the housing from being lifted from the drive unit and do not achieve a longitudinal fixation of the housing to the drive unit in the meaning set out above by this Court. While it is clear that the housing is inserted into the rim of the drive unit of the attacked embodiment, which ensures that the two bodies maintain their vertical alignment, the housing remains attached to the drive unit by its own weight only. In the absence of any longitudinal fixation, the housing can move in a vertical direction, e.g. due to vibrations caused by the driving unit during operation.

41. Contrary to the invention, the purpose of which is to avoid vibration through a longitudinal fixation of the housing to the drive unit, as realized with the engagement hooks of the preferred embodiments described in the specifications of the patent, absent longitudinal fixation the attacked embodiment does not avoid the creation of vibrations while being in use. It is reflected in the user's manual of the attacked embodiment

which informs about the existence of vibration when using the juice extractor, with explicit indication that "during operation, the drum shakes" and that "it is normal for the juicing screw and the strainer to vibrate" (Exhibit D5, p. 24).

42. Considering that HUROM has not established that the housing is connected to the drive unit by way of a longitudinal fixation which may prevent the housing from being moved away from the drive unit when pressing, grinding and extracting juice from material put into the inlet port, feature [1N] is not fully implemented by the attacked embodiment.

43. It follows that NUC and WARMCOOK do not infringe independent claim 1. The same applies to the other patent claims invoked by HUROM (subclaims 2 to 4 and 6 to 9), as these are dependent on claim 1 and therefore also require feature [1N].

Costs

44. HUROM must be considered as the unsuccessful party on appeal. It will be ordered to pay NUC and WARMCOOK the costs of the proceedings on appeal and in first instance.

APPEAL CoA 420/2025

45. In the infringement action UPC_CFI 162/2024, HUROM has brought proceedings against NUC Korea for acts of infringement allegedly committed in several UPC Contracting Member States (hereafter "CMS") as well as, pursuant to Art. 71b(2), (3) and 7(2) Brussels Ia Regulation, in non-CMS countries, including Turkey. In its Statement of Defense, NUC Korea challenged the jurisdiction of the UPC concerning acts of infringement occurring in non-CMS countries.

46. The Mannheim LD, having separated the proceedings with regard to - non-CMS countries - Poland, Spain and the United Kingdom (see above, para. 11 and 12), declared the action inadmissible regarding Turkey due to lack of jurisdiction. It considered, *inter alia*, that the objection against jurisdiction is neither precluded by R. 19.7 RoP nor by Art. 26(1) Brussels Ia Regulation or the caselaw of the CJEU relating to what constitutes an entering of appearance under said provision of Brussels Ia Regulation (impugned decision, para. 46 ff).

47. Although HUROM accepts that a failure to lodge an objection cannot as such constitute an appearance under Art. 26(1) Brussels Ia Regulation, it is of the opinion that by actively logging onto the UPC Case Management System NUC Korea, via its UPC representative, entered appearance before the UPC and that, in the absence of a preliminary objection being lodged within one month of service of the Statement of claim pursuant to R. 19.1 RoP, the jurisdiction of the UPC is sufficiently established pursuant to Art. 26(1) Brussels Ia Regulation.

48. Under the UPC Rules of Procedure, within one month of service of the Statement of claim, the defendant may lodge a Preliminary objection concerning the jurisdiction and competence of the Court, including any objection that an opt-out pursuant to R. 5 RoP applies to the patent that is the subject of the proceedings (R. 19.1(a) RoP). According to R. 19.7 RoP, the defendant's failure to lodge a Preliminary objection within the time period referred to in paragraph 1 shall be treated as a submission to the jurisdiction and competence of the Court and the competence of the division chosen by the claimant.

49. Pursuant to Art. 31 UPCA, the international jurisdiction of the Court shall be established in accordance with Regulation (EU) No 1215/2012 or, where applicable, on the basis of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Lugano Convention).

50. Art. 26(1) Brussels Ia Regulation, under Section 7 on prorogation of competence, provides that apart from jurisdiction derived from other provisions of this Regulation, a court of a Member State before which a defendant enters an appearance shall have jurisdiction. This rule shall not apply where appearance was

entered to contest the jurisdiction, or where another court has exclusive jurisdiction by virtue of Art. 24 Brussels Ia Regulation.

51. Absent a definition provided by the Regulation itself of what entering an appearance shall mean, Art. 26(1) Brussels Ia Regulation has to be interpreted autonomously and uniformly across the European Union rather than by national laws or UPC legislation: according to settled case-law, the provisions of Regulation No 44/2001 (replaced by Brussels Ia Regulation) must be interpreted autonomously, primarily by reference to the scheme and purpose of that regulation (see CJEU judgment of 11 September 2014, C-112/13, A v B, para. 50).

52. Entering appearance requires an active step of the defendant: the tacit prorogation of jurisdiction by virtue of the first sentence of Article 24 of Regulation No 44/2001 - which corresponds to Art. 26(1) Brussels Ia Regulation - is based on a deliberate choice made by the parties to the dispute regarding jurisdiction, which presupposes that the defendant was aware of the proceedings brought against him (above cited CJEU judgment of 11 September 2014, para. 54).

53. In UPC proceedings, which are organized by electronic procedures (Art. 44 UPCA) in which written pleadings and other documents shall be lodged in electronic form (R. 4.1 RoP), the first step to be taken by the UPC representative appointed by a Party is, using the served access code provided by the Registry to said Party, to log onto the case file in the Case Management System.

54. This first step enables the Party and its representative to have access to the file and to be aware of the case. The mere access to the file, before any active step or defense, is however not sufficient to establish a deliberate choice regarding the jurisdiction of the UPC. Another step is required in order to constitute the entering of an appearance within the meaning of Art. 26(1) Brussels Ia Regulation.

55. It is only when the defendant lodges its first statement, by filing a Preliminary objection pursuant to R. 19 RoP as to the issues listed in R. 19.1 and .4 RoP or, if not, the Statement of defence pursuant to R. 23 ff. RoP as to the substance of the dispute, that he will have deliberately chosen or contested the international jurisdiction of the court seized instead of the court which would normally have jurisdiction under the provisions laid down in Brussels Ia Regulation.

56. Where the defendant has unambiguously contested the jurisdiction of the court in its first defence, that challenge prevents prorogation of jurisdiction under the first sentence of Art. 26 Brussels Ia Regulation (see CJEU judgment of 13 July 2017, C-433/16 - BMW AG v Acacia, para. 34).

57. It follows that NUC Korea having contested the international jurisdiction of the UPC in its first defense (see Statement of Claim filed on 18 July 2024, para. 327) without having filed previously a Preliminary objection, the tacit acceptance of the jurisdiction of the UPC cannot, notwithstanding the provisions of R. 19.7 RoP, be established pursuant to Art. 26(1) Brussels Ia Regulation. The Mannheim LD was therefore right to examine the merits of NUC Korea's objection relating to the international jurisdiction of the Court. It concluded that Art. 7(2) and Art. 71b(3) Brussels Ia Regulation do not provide a basis for jurisdiction of this Court concerning the action against NUC Korea relating to the territory of Turkey. This conclusion is correct and HUROM failed to present any argument why the findings of the Mannheim LD were wrong.

Costs

58. HUROM must be considered as the unsuccessful party on appeal. It will be ordered to pay NUC Korea costs of the proceedings on appeal and in first instance.

59. The value of the two actions on appeal is the same as the value of the infringement actions as determined by the Mannheim LD, i.e. € 675,000.

DECISION

The Court of Appeal:

in the appeal 409/2025

- sets the impugned decision ORD_68865/2024 aside, except for the determination of the value in dispute in first instance;
- orders that HUROM shall bear the costs of the proceedings both on appeal and in first instance;
- determines that the value of the infringement action on appeal is € 675,000.

in the appeals 410/2025 and 420/2025

- sets the impugned decision ORD_68864/2024 aside, except for the declaration that the action is inadmissible with regard to Turkey and the determination of the value in dispute in first instance;
- dismisses all HUROM's requests other than those with regard to Turkey;
- rejects HUROM's appeal;
- orders that HUROM shall bear the costs of the proceedings both on appeal and in first instance;
- determines that the value of the action on appeal is € 675,000.

This decision was issued on 27 March 2026.

KLAUS STEFAN MARTIN Grabinski
Digitally signed by KLAUS STEFAN MARTIN Grabinski
Date: 2026.03.26 16:29:35 +01'00'

Klaus Grabinski, Presiding judge and President of the Court of Appeal

Emmanuel Gougé
Date : 2026.03.27 09:30:02 +01'00'

Emmanuel Gougé, legally qualified judge and judge-rapporteur

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