



### UPC\_CFI\_2255/2025

## Final Order of the Court of First Instance of the Unified Patent Court delivered on 07/04/2026

#### HEADNOTES:

1. The UPC is considered to be a court of member state just like the national EU Member State courts (Art. 71a BR), with a territory encompassing all Contracting Member States. Hence, the UPC has international jurisdiction under Art. 4 BR for every defendant, who is based or domiciled within *any* Contracting Member State of the UPCA.
2. Legal requirements that are not designed to ensure a certain level of protection within the UK, or at least Northern Ireland as a part of the UK, but to protect from an abstract risk in case the goods end up in the EU, are not a reasonably foreseeable basis to open jurisdiction based on the principle of co-defendants under Art. 8 BR.
3. The fact, that a party is the Authorized Representative for a non-EU based manufacturer in Northern Ireland, is – as far as the evidence shows – not a sufficient basis for qualifying this party being a joint tortfeasor with the actual importer or an intermediary in the meaning of the English law (cf. Art. 62 and 63 (1) UPCA).
4. As pursuant to Art. 1 (2) and (3) of the Guidelines, the ceilings on recoverable costs apply to the costs of representation at each instance of the proceedings, irrespective of the number of parties, it follows that in a split cost decision according to Art. 69(2) UPCA the costs should be split proportionally, not per party.

#### KEYWORDS:

Preliminary injunction; Art. 62(2) UPCA; Rule 209(2) RoP; Authorized representative; Intermediary, Art. 63 (1) 2nd sentence UPCA; International jurisdiction; Universal jurisdiction, Art. 4 Brussels I recast regulation (1215/2012/EU); Art. 8 (1) Brussels I recast regulation (1215/2012/EU); Anchor Defendant; Split cost decision, Art. 69(2) UPCA.

APPLICANT

**Dyson Technology Limited**

(Applicant) - Tetbury Hill - SN16 ORP - Malmesbury, Wiltshire - Krenz  
GB

Represented by Dr. Constanze

DEFENDANTS

- 1) **DREAME INTERNATIONAL (HONGKONG) LIMITED** Represented by Christian Stoll  
(Defendant) - Room H28G, Blk EH, 10th Floor, Golden  
Bear Ind. Ctr., 66-82 Chai Wan Kok St., Tsu-en Wan -  
Hong Kong - HK
- 2) **Dreame Technology AB** Represented by Christian Stoll  
(Defendant) - Sigrid Undsets Gata 20 - lgh 1101,168, 49  
Stockholm (Bromma) - SE
- 3) **Dreame Technology Netherlands B.V,** Represented by Christian Stoll  
(Defendant) Spicalaan 29, 2132JG Hoofddorp - NL
- 4) **Teqphone GmbH** Represented by Christian Stoll  
(Defendant) - Nördlicher Park 16 - 61231 - Bad Nauheim  
– DE
- 5) **Cellcom Ltd., WSF House,** Represented by Christian Stoll  
(Defendant) c/o Taxadvisors & Accountants Ltd, 42 High  
Street, Bilston, England, WV14 0EP - UK

PATENT AT ISSUE

*Patent no.*

*Proprietor/s*

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**EP3119235**

**Dyson Technology Limited**

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SUBJECT-MATTER OF THE PROCEEDINGS

Application for provisional measures

PANEL

Panel of the Local Division in Hamburg

DECIDING JUDGES

This order has been issued by the presiding judge Sabine Klepsch, the legally qualified judge and judge-rapporteur Dr. Stefan Schilling and the legally qualified judge Stefan Johansson.

## ORAL HEARING

17.02.2026, 10:00 h

### SUMMARY OF FACTS

- 1 The Applicant is claiming that the Defendants are – again – infringing the European Patent of EP 3 119 235 (hereinafter also referred to as the “*patent in suit*” or “the patent”, exhibit A10), which relates to a hand held device, in particular a hair care appliance. The Applicant is asserting its patent rights against Defendants’ sales of the “Dreame Dazzle Hair Styler” (hereinafter referred to as “Dazzle”). The Dazzle and its curling attachment (hereinafter referred to as “Dazzle Attachment”) is in the view of the Applicant directly infringing claims 1 and 11 of the patent, alternatively infringing by equivalence of claims 1 and 11.
- 2 The Applicant, who is the owner of the patent in suit belongs to the international Dyson Group. It markets a hair treatment device under the name “*Dyson Airwrap*”, which can be used, amongst others, to curl hair.
- 3 Defendant 1) is a company based in Hong Kong and belongs to the Dreame Group. The products of Defendant 1) include hair drying and styling appliances, wet and dry vacuum cleaners and robotic vacuum cleaners. On its website Dreame Deutschland Offizielle Website| Intelligente Haushaltsgeräte – Dreame Germany (<https://de.dreametech.com/>), Defendant 1) offers a hair treatment device under the product name “Dreame Dazzle Hochgeschwindigkeits-Haartrockner” for, among other things, curling hair, that can be purchased in Germany. Further, Defendant 1) is the website operator of most of the other relevant country specific websites, including Spain at which the Dazzle is also available for sale respectively.
- 4 Defendant 2) is the Swedish affiliate to Defendant 1) and runs the country specific website [www.se.dreamtech.com](http://www.se.dreamtech.com) as well as a retail store in Stockholm. Defendant 2) also runs the website in Denmark and currently sells the Dazzle Attachment on its Swedish website.
- 5 Defendant 3) is based in Hoofddorp, Netherlands and is engaged in retail and sales, including household appliances and electronic products, as well as software development, technological services and consulting, and information and communication technology.
- 6 Defendant 3) has assumed the role of the EU representative. On the Website of Defendant 1), Defendant 3) was named as the EU representative with the email address of Defendant 3) provided as the point of contact.
- 7 The Defendants confirmed that Defendant 3) acts as EU Representative for Defendant 1) in several EU countries, including Germany and Spain, and is authorized to act as the importer of record for all shipments into the European Union. Based on this confirmation, the Applicant adjusted its request stating that Defendant 3) is also liable as a direct infringer of the patent in suit as an importer, Art. 25 (a) UPCA.
- 8 It is disputed amongst the parties, whether this includes the UK and Northern Ireland, as the Applicant claims. The Defendants disputed this (affidavit Ms. Xiong Jie, exhibit HL 1,

margin no. 3 "*in Northern Ireland, the sole task of Dreame NL is to serve as Dreame's contact point for consumers and EU authorities in the European Union.*", see exhibits HL 2 and 3). According to them Defendant 3)'s authority does not include the UK and Northern Ireland (evidence: CE Products Information appointing Defendant 3) as EU Representative of Dreame Trading (Tianjin) Co., Ltd. Exhibit HL 2; Power of Attorney between Dreame Trading (Tianjin) Co., Ltd. and Dreame Technology Netherlands B.V. Exhibit HL 3). However, on the outer packaging as well as the box of the Dreame Dazzle, Defendant 3) is several times mentioned as being the EU representative.

- 9 Defendant 4) is based in Bad Nauheim and the "Official Distributor of Dreame" for Germany and – as confirmed by the Defendants – also ships products to secondary distributors in Austria, the Netherlands, Belgium and Luxembourg. Defendant 4) does not currently sell the Dazzle, but when an employee of Applicant's representatives tried to conduct a test purchase in the Dreame Store in Frankfurt Zeil, she was informed by a staff member in the store that the Dazzle will be available in the store within two or three months (affidavit of Ina Gramkow as Exhibit A 3).
- 10 Defendant 5) is the exclusive distributor of Dreame products in the United Kingdom and the operator of the website Dreamestore.co.uk (the "UK Website"). The UK Website offers shipping to Mainland UK and Northern Ireland. It appears also as importer on the boxes of the attacked product shipped to the UK (including Northern Ireland).
- 11 The Applicant conducted test purchases in Germany, Spain, Mainland UK and Northern Ireland see exhibits A4 – A9).
- 12 The patent in suit was filed on March 6, 2015, claiming priority of the British patent application GB20140004983 of March 20, 2014. The application was published on September 24, 2015. The grant of the patent was published on April 30, 2025. It has (now) unitary effect (exhibit A9) in all UPC member states. The patent in suit is also in force in Spain and in the UK. Third-party observations were filed during the granting procedure.
- 13 The patent in suit relates to an attachment for a hand held device, in particular a hair care appliance such as a hot styling brush (para. [0001]).
- 14 With its application for provisional measures dated 29 December 2025, the Applicant claims that the Defendants are infringing claims 1 and 11 of the patent.
- 15 Its claim 1 reads as follows:
  1. *An attachment (30) for a hand held appliance comprising a body having a wall, a fluid inlet at one end of the wall and a fluid outlet through the wall,*  
*wherein:*  
*the fluid outlet comprises a slot (102, 202, 282) extending along the wall,*  
*the slot (102, 202, 282) is formed by an overlap of a first end of the wall and a second end of the wall,*  
*the attachment (30) is tubular,*  
*the slot (102, 202, 282) extends longitudinally along the tubular attachment (30),*

*hair is wrapped around the attachment (30) in the direction of fluid flow,  
the fluid emitted from the fluid outlet is attracted to an external surface (112) of  
the wall, and  
fluid emitted from the fluid outlet flows around the external surface (112) of the  
wall.*

16 Its claim 11 reads as follows:

*11. A hand held appliance comprising a handle (20) having a fluid flow path from  
a fluid inlet (40) to a fluid outlet and a fan unit for drawing fluid into the fluid inlet  
and an attachment (30) as claimed in any preceding claim for attaching to the  
handle, 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.*

17 Attached embodiment is the Dreame Dazzle hair styler:



18 The “Dreame Dazzle” has two curling barrels with the same diameter. Each curling barrel curls the hair in a different direction which is why the user has to change the curling barrel for each side of the head.

19 The curling barrels look as follows:



**STATEMENT OF THE FORMS OF ORDER SOUGHT BY THE PARTIES:**

**APPLICANT'S REQUESTS (APPLICATION FOR PROVISIONAL MEASURES 29 DECEMBER 2025, CHANGED WITH REPLY 06 FEBRUARY 2026):**

- I. Defendants 1), 2), 3), 4) and 5) are ordered, by way of preliminary injunction,
  - a. Defendants 1) and 3) to refrain from making, offering, placing on the market, using, importing or storing for the aforementioned purposes within the territory of the Contracting Member States of the Agreement on a Unified Patent Court (UPCA) and the territory of the Kingdom of Spain,
  - b. Defendants 2) and 4) to refrain from making, offering, placing on the market, using, importing or storing for the aforementioned purposes within the territory of the Contracting Member States of the Agreement on a Unified Patent Court (UPCA),
  - c. Defendant 5) to refrain from making, offering, placing on the market, using, importing or storing for the aforementioned purposes within the territory of the United Kingdom an attachment for a hand held appliance comprising a body having a wall, a fluid inlet at one end of the wall and a fluid outlet through the wall,

wherein:

the fluid outlet comprises a slot extending along the wall, the slot is formed by an overlap of a first end of the wall and a second end of the wall, the attachment is tubular, the slot extends longitudinally along the tubular attachment, hair is wrapped around the attachment in the direction of fluid flow, the fluid emitted from the fluid outlet is attracted to an external surface of the wall, and fluid emitted from the fluid outlet flows around the external surface of the wall.

(Direct infringement of EP 3 119 235, Claim 1)

a hand held appliance comprising a handle having a fluid flow path from a fluid inlet to a fluid outlet and a fan unit for drawing fluid into the fluid inlet and an attachment as claimed in claim 1 for attaching to the handle, wherein the fluid inlet of the attachment, when the attachment is attached to the handle, is in fluid communication with the fluid outlet of the handle.

(Direct infringement of EP 3 119 235, Claim 11)

**Alternatively:**

- Defendants 1), 2), 3), 4) and 5) are ordered, by way of preliminary injunction,
- a. Defendants 1) and 3) to refrain from making, offering, placing on the market, using, importing or storing for the aforementioned purposes within the territory of the Contracting Member States of the Agreement on a Unified Patent Court (UPCA) and the territory of the Kingdom of Spain,
  - b. Defendants 2) and 4) to refrain from making, offering, placing on the market, using, importing or storing for the aforementioned purposes within the territory of the Contracting Member States of the Agreement on a Unified Patent Court (UPCA),
  - c. Defendant 5) to refrain from making, offering, placing on the market, using, importing or storing for the aforementioned purposes within the territory of the United Kingdom an

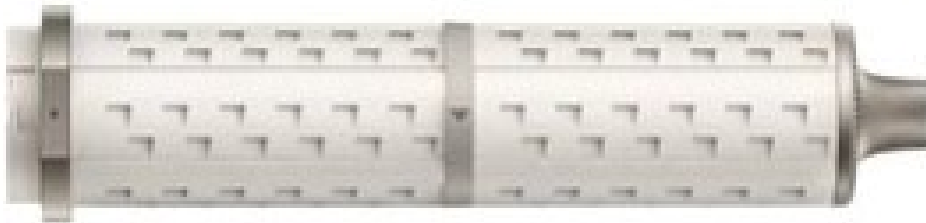
attachment for a hand held appliance comprising a body having a wall, a fluid inlet at one end of the wall and a fluid outlet through the wall,

wherein:

the fluid outlet comprises a slot extending along the wall, the slot is formed by an overlap of a first and second boundary of a wall aperture, the attachment is tubular, the slot extends longitudinally along the tubular attachment, hair is wrapped around the attachment in the direction of fluid flow, the fluid emitted from the fluid outlet is attracted to an external surface of the wall, and fluid emitted from the fluid outlet flows around the external surface of the wall,

especially wherein

the slot is configured as indicated in the following picture:



(infringement by equivalence of EP 3 119 235, Claim 1)

a hand held appliance comprising a handle having a fluid flow path from a fluid inlet to a fluid outlet and a fan unit for drawing fluid into the fluid inlet and an attachment as claimed in claim 1 for attaching to the handle, wherein the fluid inlet of the attachment, when the attachment is attached to the handle, is in fluid communication with the fluid outlet of the handle.

(infringement by equivalence of EP 3 119 235, Claim 11)

II. Defendant 3) is ordered, by way of preliminary injunction, with respect to I. to refrain from providing service for making, offering, placing on the market, using, importing or storing of for the aforementioned purposes within the territory of the United Kingdom,

Alternatively, if Defendant 3) is not found to be directly or equivalently infringing EP 3 119 235 within the territory of the UPC member states and the territory of the Kingdom of Spain:

Defendant 3) is ordered, by way of preliminary injunction, with respect to I. to refrain from providing service for making, offering, placing on the market, using, importing or storing of for the aforementioned purposes within the territory of the Contracting

Member States of the Agreement on a Unified Patent Court (UPCA), the territories of the Kingdom of Spain and the United Kingdom,

- III. For each individual case of non-compliance with the order under I. and II, Defendants 1), 2), 3), 4) and 5) must pay a recurring penalty payment of up to EUR 250,000 to the Court (repeatedly if necessary). These penalties will be determined by the Local Division in Hamburg upon request by the Applicant (Art. 63(2) UPCA; R. 354).
- IV. Defendants 1), 2), 3), 4) and 5) have to bear all costs of the proceedings.
- V. The orders are immediately effective and enforceable.
- VI. If Defendants do not respond within the time limit set by the court, we request that Defendants are ordered by default decision (R 355 (1) (a), (3) RoP).

#### DEFENDANTS' REQUESTS (OBJECTION TO THE APPLICATION 23 JANUARY 2026)

1. The application for provisional measures is rejected.
2. The Applicant is ordered to bear the costs of the proceedings.
3. The Applicant is ordered to pay to Defendants jointly an interim reimbursement of costs of 112.000 EUR.

#### POINTS AT DISPUTE

##### THE APPLICANT'S POSITION

- 20 The Applicant claims an infringement of claims 1 and 11 by the Defendants due to the fact that Defendants 1) – 5) sells the “Dreame Dazzle” in the UPCA territories and Spain and the UK. With respect to Defendant 4) at least infringement is imminent. Defendant 4) does not currently sell the Dazzle, but when an employee of Applicant’s representatives tried to conduct a test purchase in the Dreame Store in Frankfurt Zeil, she was informed by a staff member in the store that the Dazzle will be available in the store within two or three months (affidavit of Ina Gramkow as Exhibit A 3).
- 21 The Applicant’s requests with respect to Defendant 1) and 3) an injunction for the territory of the Contracting Member States of the UPCA and the territory of the Kingdom of Spain, whereas with respect to the Swedish Defendant 2) and the German Defendant 4) an injunction is requested solely for the territory of the Contracting Member States of the UPCA, an injunction against the English distributor Defendant 5) is limited to territory of the United Kingdom.
- 22 The Dutch Defendant 3), the EU authorized representative, was initially sued only as an intermediary, but with the Reply the Applicant claimed that it is concede that it acts as an importer with respect of the EU, including Spain (request I. a.), and as an intermediary with respect of the UK (New request II.).

- 23 The Applicant claims that Defendant 3) is also liable under UK law either as an intermediary or as a joint tortfeasor. Similarly, as with the EU, liability of Defendant 3) is in the Applicant's view tied to its role as EU representative for Defendant 5) which is a prerequisite for sales into Northern Ireland.
- 24 According to the Applicant, Defendant 3) must be considered an infringer of the patent or at least an intermediary under British Law with respect to the territory of the UK, since the relevant EU safety regulations still apply in Northern Ireland. This means that without an EU representative it would not be possible for Defendant 5) – the importer to mainland UK – to legally sell its products within the UK. Given that the EU representative is a mandatory requirement, it must be considered that it participates in the sales in UK.
- 25 From 13 December 2024, the EU General Product Safety Regulation (EU) 2023/988 (GPSR) applies within the EU. To facilitate dual access to both the UK Internal Market and EU Single Market, Northern Ireland (NI) applies certain EU product safety regulations – including GPSR. Certain new obligations therefore apply with respect to NI from 13 December 2024. The GPSR applies in Northern Ireland (only) as a result of the special provisions of the Withdrawal Agreement set out in the Protocol on Ireland/Northern Ireland and by virtue of the UK-EU Windsor Framework agreement. The Protocol allows for the continued application in Northern Ireland of certain EU legislation.
- 26 The Applicant is of the opinion that international jurisdiction is given. Art. 71b (1), (2) first sentence in conjunction with Art. 8 (1) Brussels Recast (hereinafter: "BR") would be applicable to Defendant 1) with respect to the territory of Spain and to Defendant 5) with respect to the territory of the UK. The Dutch Defendant 3) – the importer to the EU and authorized representative to the UK – serves as the anchor defendant.
- 27 Regarding claim construction the Applicant requests that the panel reconsidered its previous position in UPC\_CFI\_387/2025 and confirms that the formation of the slot is not limited to overlapping ends of *plates*, which build the wall, but could be formed by edged and thus overlapping apertures in the tubular wall. The wording of the asserted claim 1 is broader and not limited to plate ends but requires overlapping boundaries of the wall. The boundaries could be any limitation in the outer wall. The Applicant suggests that according to its claim interpretation of the patent, it is irrelevant that those boundaries are different from the ends of the plates that are used by the Dazzle Attachment as the ends of the wall do not necessarily need to be ends of the plate at the same time. Rather, a wall can have ends that differ from ends of the plates. It is further irrelevant that there are a number of slots in a row, instead of a continuous slot extending along the entire length from the lateral to the top end of the attachment. Based on this claim interpretation the attacked embodiments realize all features of claims 1 and 11 of the patent in suit.
- 28 The Applicant requests that should the court conclude that the Dazzle Attachment does not literally fulfil feature 1.6, the patent is at the very least infringed under the doctrine of equivalence. The Applicant argues that as the Local Division Hamburg drew a distinction between a slot defined by an overlap of ends of a wall and a slot being a simple aperture within the wall, the Local Division Hamburg came to the conclusion that the

Staggered Curling Attachment in the parallel case provided for simple apertures within the wall. The Applicant is of the opinion that the patent in suit is infringed under the doctrine of equivalence since there is no technical detectable distinction whether the slot is defined by an overlap of ends of the wall or by an overlap of other boundaries of a wall building an aperture provided that those boundaries still provide for an overlap.

- 29 The Applicant is of the opinion that it is reasonable to grant provisional measures. The patent in suit withstands all the defendant's invalidity challenges. As the parties are competitors in the field of hair treatment devices, and the distribution of the infringing devices directly affects the Applicant's own sales opportunities. The Applicant is of the opinion that its interest in not being further impacted in its intellectual property rights must be considered being much higher than the interest of Defendants to secure market share. This would be even more true since the products were not on the market for a long time and it will therefore be even more difficult for the Applicant to calculate damages against the Defendants. Also, and especially in view of the fact that Defendant 1) as the manufacturer of the product is a Chinese based company and it is almost impossible to enforce a damages claim in China.

#### THE DEFENDANTS' POSITION

- 30 The Defendants are of the opinion that the Court has no jurisdiction with respect to the alleged infringement of the Spanish and UK parts of the patent. With regard to Defendants 1), 3) and 5), the Court lacks jurisdiction with respect to the alleged infringement of the Spanish Patent and the alleged infringement of the UK Patent. The UPC's jurisdiction can neither be established pursuant to Art. 8 no. 1 nor under Art. 71b no. 2 subpara. 2 of Regulation (EU) No. 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. Defendant 3) cannot serve as an "anchor" defendant under Art. 8 no. 1 BR or Art. 71b no. 2 subpara. 2 BR, inter alia because Defendant 3) has never offered, sold or put on the market the attacked products in Spain or the UK. On this basis, this Court obviously has no jurisdiction for the alleged infringements by Defendant 1) in Spain and Defendant 5) in the UK.
- 31 With regard to Defendant 3), the application regarding the territory of the United Kingdom (including Northern Ireland) also has to be dismissed because Defendant 3) has not committed any infringing acts in connection with the attacked products in the territory of the United Kingdom, including Northern Ireland, and Defendant 3) has also not acted as an accomplice to any allegedly infringing activities of Defendant 5). The Defendants argue that specifically, the GPSR is not applicable in the *majority* of the United Kingdom (with reference to the opposing party's Affidavit in Exhibit A 17, margin no. 24).
- 32 The only reason why an EU Representative is required in Northern Ireland and therefore also why the GPSR and MSR are applicable in Northern Ireland is for products which are imported from Northern Ireland into the EU, to avoid a hard border between Northern Ireland and the Republic of Ireland. It basically means that if an economic operator is importing/selling products from Northern Ireland to the Republic of Ireland, the economic operator from Northern Ireland is required to comply with the provisions of the GPSR and MSR which means that they should have an EU Representative serving as a contact point

for authorities solely for those products. The non-compliance with these provisions makes the sale of products from Northern Ireland to the Republic of Ireland not impossible or illegal. If an economic operator from Northern Ireland continues to be non-compliant with the provisions of the GPSR and MSR and does not stop the non-compliance, the authorities have the option – subject to a decision – to impose appropriate measures to stop the activities of the economic operator or to impose sanctions – however, these would be entirely limited to activities on the EU market and not Northern Ireland.

- 33 The services provided by Defendant 3) are therefore completely irrelevant for any activities of Defendant 5) in the United Kingdom and in Northern Ireland and it is not legally required for offering of selling products in these territories.
- 34 The Defendants are of the opinion that the attacked products do not infringe the patent in suit, which applies to the unitary patent granted for the patent in Suit as well as to the Spanish part of the patent and the UK part of the patent. In particular, one essential feature of the Patent in Suit, which is that “the fluid outlet comprises a slot, [wherein] the slot is formed by an overlap of a first end of the wall and a second end of the wall”, is not realized by the attacked product.
- 35 The Defendants challenge the assertion of an infringement by equivalent means. They assert that the attacked “Dazzle Attachment” has a substantially different airflow characteristic due to the different concept of providing multiple individual airflow outlets all over the wall of the curling attachment. This arrangement of air outlets on the plates ensures that the airflow emitted from each individual outlet is intercepted and reinforced by adjacent outlets in both the axial and circumferential directions over a shorter travel distance. This interaction results in the formation of a more coherent and uninterrupted surface airflow layer (or "air curtain") enveloping the curling barrel.
- 36 Moreover, the patent is most likely invalid and will be revoked in opposition proceedings. It lacks sufficient disclosure. In addition, the patent is not novel with respect to three documents of prior art.
- 37 When weighing the interests of the parties, the Defendants are of the opinion that their interests have to prevail because the attacked products are not infringing the patent. Moreover, Defendants’ interests would be massively impaired if they were unable to temporarily offer the attacked products on the market due to a preliminary injunction, since the Defendants and the Applicant are also direct competitors on the market.
- 38 Regarding any additional arguments brought forward by the parties reference is made to the submissions of the parties and to the audio recording of the oral hearing.

#### **GROUND FOR THE ORDER**

- 39 The Application for provisional measures is admissible, apart from the claims against the British Defendant 5), where the UPC lacks international jurisdiction (**see below in sect. B**).
- 40 To the extent the application is admissible, it is for the most part well founded. The panel reconsidered its previous position in UPC\_CFI\_387/2025 and now sides with the Applicant

that the formation of the slot according to the feature that *the slot is formed by an overlap of a first end of the wall and a second end of the wall* is not limited to overlapping ends of plates, which build the wall (**see below in sect. C**). Based on this claim interpretation the attacked embodiments make literal use of claims 1 and 11 of the patent (**see below in sect. D**). Liability is, however, limited to the territory of the Contracting Member States of the UPCA and the territory of the Kingdom of Spain, excluding claims related to the territory of the United Kingdom's national part of the patent, the latter regarding Defendant 3 (**see below in sect. E**). To the extent liability is given with regard to an infringement of claim 1 and claim 11, the interests of the Applicant outweigh those of the Defendants. The panel considers the validity of the patent in suit is sufficiently secured. It is therefore justified to grant a preliminary injunction in the case at hand (**see below in sect. F**).

#### **A. APPLICANT'S ENTITLEMENT TO BRING ACTIONS**

41 As the Applicant is the registered proprietor of the patent at issue and as there have not been raised any concerns to the contrary, the Applicant is entitled to bring actions to the court, Art. 47 (2) UPCA and R. 8.5 and 211.2 RoP.

#### **B. INTERNATIONAL JURISDICTION**

42 The UPC has international jurisdiction over the dispute with respect to Defendants 1), 2), 3) and 4). The case against Defendant 5) is inadmissible due to the lack of international jurisdiction of the UPC. International jurisdiction is only contested with respect to the alleged infringement of the Spanish patent and the UK part of the patent by Defendants. As far as international jurisdiction is not contested this is to be considered a submission under the international jurisdiction of the UPC and the competence of the LD Hamburg in analogy with Rule 19.7 RoP.

#### **I. UPCA TERRITORY**

43 Art. 31 UPCA stipulates that the international jurisdiction of the UPC shall be established in accordance with Regulation (EU) No 1215/2012 (Brussels I recast, hereinafter "BR") 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). Art. 71 a-d BR incorporated the UPC as a new common court into the existing Brussels recast Regulation System (LD Düsseldorf, 28 January 2025 – UPC\_CFI\_355/2023, ACT\_578607/2023 – FUJI Film). Thus, the UPC is a common court within the meaning of Art. 71a (1) BR, see Art. 71a (2) (a) BR. According to Art. 71b (1) BR, the UPC as a 'common court' of several EU Member States (Art. 71a) has jurisdiction in patent matters (within the meaning of the UPCA), if a court of an EU Member State that is a party to the UPCA would be competent (if the UPC did not exist) under the rules of jurisdiction of the Brussels-Ia-Regulation (Bopp/Kircher EurPatentprozess-HdB/Bopp/Krumm, 3rd ed. 2025, Section 8, para. 11). This means that, in relation to claims against defendants domiciled in a Member State, all the bases for jurisdiction contained in Brussels I recast Regulation also apply to the UPC.

### 1. Art. 4 (1) Brussels I recast

- 44 Pursuant to Art. 4 (1) BR, persons domiciled in a Member State, whatever their nationality, shall be sued in the courts of that Member State. Following Art. 63 (1) BR a company or other legal person or association of natural or legal persons is domiciled at the place where it has its statutory seat; central administration; or principal place of business. This jurisdiction in the forum of the courts of the Member State in which the defendant is domiciled or has its seat under Art. 4 (1) BR is a universal jurisdiction (LD Düsseldorf, Order of 28 January 2025 – UPC\_CFI\_355/2023, ACT\_578607/2023 – FUJI Film). This gives a claimant - including before the UPC as the court of residence - the option of including patents in third countries in its infringement action, long arm jurisdiction (Tilmann, GRUR 2025, 521, 523).
- 45 The jurisdiction concerning the action against Teqphone GmbH and Dreame Technology AB 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) BR (CoA, Order of 6 March 2025 – UPC\_CoA\_789/2025 and UPC\_CoA\_813/2025, GRUR-RS 2026, 3160 mn. 17 – Injunction order Dyson/Dreame). Deviating from this panel's previous decision (Order of 14 August 2025, UPC\_CFI\_387/2025, GRUR-RS 2025, 25175 mn. 40 and 44 – Dyson/Dreame I), the panel concludes that the UPC is considered to be a court of member state just like the national EU Member State courts (Art. 71a BR), with a territory encompassing all Contracting Member States. Hence, the UPC has international jurisdiction under Art. 4 BR for every defendant, who is based or domiciled within *any* Contracting Member State of the UPCA (CoA, Order of 6 March 2025 – UPC\_CoA\_789/2025 and UPC\_CoA\_813/2025, GRUR-RS 2026, 3160 mn. 17 – Injunction order Dyson/Dreame; see also LD The Hague, Order of 6 February 2026, UPC\_CFI\_875/2025, mn. 4.2.2. – Abbott/MicroTech).
- 46 Based on that, the UPC has international jurisdiction to hear the case against Defendants 2) (based in Sweden), Defendant 3) (based in The Netherlands) and Defendant 4) (based in Germany) – which is not contested.

### 2. Art. 7 (2) Brussels I recast

- 47 International jurisdiction of the UPC regarding Defendant 1) concerning the territory of the UPCA countries follows Art. 7 sub (2) BR, as it is the website operator for several existing country-specific websites in the territory of the UPCA with the incorporated online shops for dreamtech.com – which is not contested, either.

## II. SPANISH NATIONAL PART OF THE PATENT-IN-SUIT

- 48 With respect to Defendants 1) and 3) the UPC has also jurisdiction to decide upon the infringement as far as it relates to acts infringing the Spanish national part of the patent-in-suit. This aspect of international jurisdiction is contested.

### 1. Defendant 3)

- 49 Defendant 3) is subject to the UPC's universal jurisdiction under Art. 4 BR in conjunction with Art. 71 b (1) BR, including alleged infringing acts with respect to the Spanish national part of the patent in suit. The connection with the UPC territory is established by the

domicile of the defendant, and not the location where the acts of the defendant occurred. According to the CoA and in deviation from the Hamburg Local Division's previous position (Order of 14 August 2025, UPC\_CFI\_387/2025, GRUR-RS 2025, 25175 mn. 48 – Dyson/Dreame I), it is not necessary to examine the plausibility of any acts committed by Defendant 3) in Spain for the purposes of establishing jurisdiction (CoA, Order of 6 March 2025 – UPC\_CoA\_789/2025 and UPC\_CoA\_813/2025 – Referral order Dyson/Dreame, mn. 12). Independent of that, the Claimant has made it sufficiently plausible in the present case that – as an importer – Defendant 3) could be held liable in accordance with Article 59.1 of the Spanish Patent Act as – undisputedly – the import of a goods constitutes direct patent infringement in Spain.

## 2. Defendant 1)

50 Defendant 1), who is running the online shops for dreamtech.com also in Spain, can be sued as a co-defendant under Art. 8 BR. Defendant 1) is not subject to the UPC's universal jurisdiction according to Art. 4 (1) BR. Also, the scope of Art. 7 sub (2) BR in conjunction with Art. 71b (1) BR is limited to infringing acts in the Contracting Member States of the UPCA (CJEU, Decision of 22 January 2015 - C-441/13, GRUR 2015, 296 Rn. 36 – Pez Hejduk v EnergieAgentur.NRW, on copyrights), which Spain is not. As the court of the place where the damage occurred or may occur, the UPC has jurisdiction only to hear cases concerning damage occurring in its territory, which is the only link between the court seized and the subject matter of the dispute (CoA, Order of 13 March 2026 – UPC\_CoA\_922-925/2025 – Keeex/Adobe et al, mn. 44). Thus, the international jurisdiction with respect of Defendant 1) regarding the Spanish national part of the patent in suit can only be obtained by means of Art. 8 BR.

51 In the present case Defendant 3) serves as an anchor defendant for Defendant 1) as the remaining criteria of Art. 8 (1) BR are met.

### a) Anchor Defendant

52 According to Art. 8 (1) BR a person domiciled in a Member State may also be sued where he is one of a number of defendants, in the courts for the place where any one of them is domiciled, provided the claims are so closely connected that it is expedient to hear and determine them together to avoid the risk of irreconcilable judgments resulting from separate proceedings. Article 71b (2) BR extends this provision for the UPC to persons not domiciled in an EU Member State. In any case, Art. 8 (1) BR requires a close connection with a defendant who is domiciled in the UPCA area and who is, thus, subject to the UPC's universal jurisdiction (Art. 4 BR). It requires that the respective claims are so closely connected that it is expedient to hear and determine them together to avoid the risk of irreconcilable judgments resulting from separate proceedings (CoA, Order of 6 March 2025 – UPC\_CoA\_789/2025 and UPC\_CoA\_813/2025, GRUR-RS 2026, 3074 mn. 15 – Referral order Dyson/Dreame). The close connection is established in the present case regarding Spain as Defendant 3) acts as importer of the attacked embodiments to the European Union, including the Spanish market, and Defendant 1) is running the online shops for dreamtech.com also in Spain. Hence, both are jointly active in the distribution of the attacked embodiments in Spain. They belong to the same group (of legal entities)

and have related commercial activities aimed at the same purpose, which is the sale of the attacked embodiments all over the EU.

b) CoA referral

53 The fact, that the CoA referred questions to the CJEU with order of 6 March 2026 regarding the jurisdiction of the UPC under Art. 8 BR with respect to a defendant who is domiciled in a third country does not demand a similar decision of the Local Division in the present case.

aa) Intermediaries

54 The questions the CoA referred to the CJEU concern the interpretation of Art. 8 BR and the question whether an *intermediary* can function as an anchor defendant under Art. 8 BR. This is reflected in the first question of the CoA which addresses the question whether the jurisdiction of the UPC concerning the action brought against Dreame International relating to the territory of Spain may be derived from its jurisdiction concerning another defendant (there: Eurep), who is alleged to be an *intermediary* whose services are used by the first company to infringe in the EU Member State that is *not* party to the UPCA, in order to avoid “irreconcilable judgments” resulting from separate proceedings as referred to in Art. 8(1) BR.

bb) Importer

55 However, in the present case the anchor defendant – the Dutch Defendant 3) – is an alleged patent infringer itself as it is an importer of the attacked embodiments to Spain. Hence, the UPC can derive its jurisdiction regarding Defendant 1) from its universal jurisdiction against Defendant 3) on the basis of already established harmonized interpretation of the Brussels Regulation.

III. UK NATIONAL PART OF THE PATENT-IN-SUIT

56 With respect to Defendant 3) the UPC has also jurisdiction to decide upon the infringement as far as it relates to acts infringing the UK national part of the patent-in-suit, but not with respect to Defendant 5). Defendant 3) cannot serve as an anchor defendant for Defendant 5) with respect to the territory of the UK.

1. DEFENDANT 3)

57 International jurisdiction of the UPC regarding Defendant 3) and alleged acts infringing the UK national part of the patent-in-suit follows the UPC’s universal jurisdiction under Art. 4 BR in conjunction with Art. 71 b (1) BR. Whereas Defendant 3) is not the importer of the attacked embodiments to the UK, it serves although for Defendant 1) as the EU Representative for the attacked embodiments under the EU regulations 2023/988/EU on general product safety (GPSR) and 2019/1020/EU on market surveillance and compliance of products justifies the competence of the UPC. These regulations require that non-EU-based manufacturers provide for an authorized representative in the European Union.

58 It is undisputed that the GPSR is still applicable in Northern Ireland, which is a part of the United Kingdom, despite the fact that the UK is no longer a member of the EU. To facilitate

dual access to both the UK Internal Market and EU Single Market, Northern Ireland (NI) applies certain EU product safety regulations – including the EU General Product Safety Regulation (EU) 2023/988 (GPSR) (written expert testimony provided by the Applicant, exhibit A 17, mn. 26). The GPSR applies in Northern Ireland (only) as a result of the special provisions of the Withdrawal Agreement set out in the Protocol on Ireland/Northern Ireland and by virtue of the UK-EU Windsor Framework agreement. The Protocol allows for the continued application in Northern Ireland of certain EU legislation (written expert testimony provided by the Defendants, exhibit HL 37, mn. 11 and 13).

- 59 This legal framework requires a responsible economic operator based in Northern Ireland or the EU to carry out certain compliance acts, which is in the present case Defendant 3). This is regardless of the fact that the mandate given by Defendant 1) does not explicitly cover Northern Ireland. As the instalment of an EU authorized representative is mandatory for any placing on the Northern Irish market of products covered by the GPSR, like the electronics in the present case, this position is a prerequisite for the marketing of the attacked embodiments in Northern Ireland as a part of the United Kingdom. It is undisputed that Defendant 3) functions as a “contact for consumers”.
- 60 Hence, the UPC is entitled to hear the case whether Defendant 3) can in fact be subject to an injunction also under the laws of the United Kingdom. As far as the Defendants argue that specifically, the GPSR is not applicable in the *majority* of the United Kingdom (with reference to the opposing party’s Affidavit of Mr. Carter, Exhibit A 17, margin no. 24), application in Northern Ireland is conceded. Whether or not Defendant 3) can and/or should be subject to an injunction for acts in Northern Ireland and UK analogue Art. 9 of the Enforcement Directive is a question for the subject-matter (**see below in section E. III**).

## 2. DEFENDANT 5)

- 61 Despite the fact, that the UPC has jurisdiction over Defendant 3) based on its domicile in the UPCA countries, and could in principle be held liable as an intermediary under British law, the necessary close connection required by Art. 8 BR to subject also the British Defendant 5) to the UPC’s jurisdiction is not established. The situation is different from the previous dispute between the parties in the case UPC\_CFI\_387/2025, where the panel found that the installation of an authorized representative in a certain Member State of the European Union (which is a member to the UPCA), who can be held liable as an intermediary, can subjugate also a non-EU manufacturer under the jurisdiction of the UPC in that Member State, including with respect to the national parts of the patent in suit in non-UPCA or third countries (LD Hamburg, Order of 14 August 2025, UPC\_CFI\_387/2025, GRUR-RS 2025, 25175 mn. 63 – Dyson/Dreame I). That is because, the aforementioned legal requirements of the GPSR only serves the unlimited export from Northern Ireland to the Republic of Ireland, which is a member of the EU, and to avoid a hard border.
- 62 As these legal requirements are not designed to ensure a certain level of protection within the UK or at least Northern Ireland as a part of the UK, but to protect from an abstract risk in case the goods end up in the EU, they are not a reasonably foreseeable basis to open jurisdiction based on the principle of co-defendants. The CJEU ruled in the “Panier” decision that the fact that actions brought against several defendants are based on

different legal grounds does not preclude the application of Article 6(1) of Regulation No 44/2001 – which equals Art. 8 (1) BR – provided that it was foreseeable for the defendants that they could be sued in the Member State in which at least one of them was domiciled (CJEU, decision of 01. December 2011 – C-145/10, EuZW 2012, 182 mn. 81 - Painer/Standard VerlagsGmbH). Hence, foreseeability is an unwritten prerequisite when applying Art. 8 (1) BR which is an exception to the general rule of jurisdiction based on domicile of the defendant. The panel considers it not being foreseeable for the parties that this limited legal obligation to ensure the free trade of goods between Northern Ireland and the Republic of Ireland could lead to the importer to mainland UK to be subject to the UPC's jurisdiction as a co-defendant with the GPSR required economic operator based in the EU. Furthermore, the CoA already questioned whether the case-law of the CJEU on the concept of "intermediary", which to-date concerned services (either online or in the physical world), which enable the alleged infringing act of a third party in fact, not in law, allows to be extended to a provider of services which merely ensures compliance with certain laws, and which is not, in practice, capable of controlling the allegedly infringing act by the third party (comp. CoA, Order of 6 March 2025 – UPC\_CoA\_789/2025 and UPC\_CoA\_813/2025 – Referral order Dyson/Dreame, mn. 32).

- 63 No different result can be taken from Art. 35 BR. The CJEU limited the competence under Art. 35 BR likewise, in particular requiring that there be a real connection between the subject matter of the measures sought and the territorial jurisdiction of the Contracting State of the court seized (ECJ, decision of 17 November 1998 - Rs. C-391/95, EuZW 1999, 413, mn. 40 - Van Uden Maritime BV/Kommanditgesellschaft in Firma Deco-Line, regarding the old version in Art. 24). This mirrors the requirements set out by Art. 8 (1) BR and thus cannot lead to a different result.

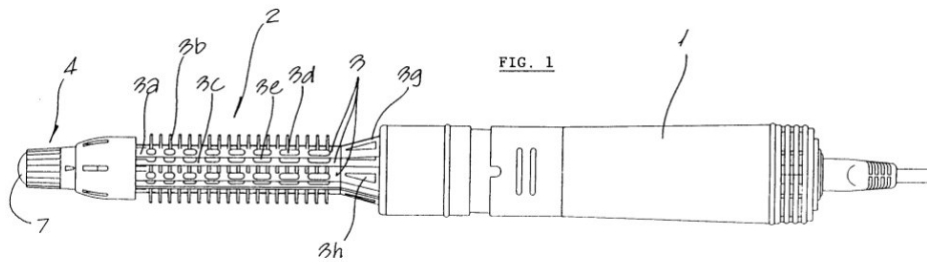
#### IV. COMPETENCE

- 64 Insofar as the UPC has international jurisdiction over the dispute, the Local Division Hamburg has competence according to Article 33 (1) (a) and (b) UPCA.

### **C. THE PATENT**

#### **I. BACKGROUND**

- 65 The patent in suit relates to an attachment for a hand held device, in particular a hair care appliance such as a hot styling brush (para. [0001]).
- 66 In a conventional hot 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.
- 67 The patent refers to EP 0 482 906 (document D3 in the granting procedure) as an example of the related art that describes an electrically powered hand held hair curling appliance (para. [0002]). Its figure 1 is reproduced below:



- 68 The patent in suit does not expressly mention an object of the invention. However, in view of the background and the underlying prior art, also taking into account the claim wording, the patent in suit has the objective function of providing an attachment and an appliance that facilitates styling of hair.
- 69 In order to solve this problem, the patent discloses an attachment in claim 1 and a hand held appliance in claim 11.
- 70 Claim 1 can be broken down into the following features:
- 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 extending along the wall
  - 1.6 the slot is formed by an overlap of a first end of the wall and a second end of the wall
  - 1.7 the attachment is tubular
  - 1.8 the slot 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
- 71 Claim 11 can be broken down into the following features:
- 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

## II. CLAIM CONSTRUCTION OF CLAIM 1

### 1. PRINCIPLES OF CLAIM CONSTRUCTION

72 The principles applicable to claim construction have already been defined by the CoA. According to Art. 69 EPC in conjunction with Art. 1 of the Protocol on its interpretation, the patent claim is not only the starting point, but the definitive basis for determining the protective scope of a European patent. The interpretation of a patent claim does not depend solely on its exact wording in the linguistic sense. Rather, the description and the drawings must always be taken into account as explanatory aids for the interpretation of the patent claim and not only be used to clarify any ambiguities in the patent claim. However, this does not mean that the patent claim serves only as a guideline and that its scope may extend to what, from a consideration of the description and drawings, the patent proprietor has contemplated. The patent claim is always to be interpreted from the point of view of a person skilled in the art (Court of Appeal, UPC\_CoA\_1/2024, Order of 13 May 2024, App\_8/2024 – VusionGroup SA v Hanshow Technology Co. Ltd et al.; UPC\_CoA\_335/2023, Order of 26 February 2024, App\_576355/2023 - 10X Genomics and Harvard/Nanostring case; Order of 11 March 2024, GRUR-RS 2024, 2829, headnote 2. and para. 73 - 77 - Nachweisverfahren; LD Düsseldorf, UPC\_CFI\_452/2023, Order of 9 April 2024, p. 13, GRUR-RS 2024, 7207, para. 49). Additionally, the skilled person is taking the purpose of every patent claim into account, to provide the average person skilled in the art with a technical teaching which, when reworked, leads to the intended success of the invention.

### 2. PERSON SKILLED IN THE ART

73 The person skilled in the art is a mechanical engineer having multiple years of experience in the development of hair care appliances and respective knowledge in fluid dynamics.

### 3. FEATURES 1.1, 1.2 AND 1.7

*1.1 An attachment (30) for a hand held appliance*

*1.2 comprising a body having a wall*

*1.7 the attachment is tubular*

74 Feature 1.1 describes the purpose of the claimed product, which is to be used as an attachment for a hand held appliance. According to feature 1.7, the attachment is tubular, i.e. it has a cylindrical or oval shape (see para. [0064]). According to feature 1.2, the attachment has a body having a wall, which refers to the outer surface of the attachment. The term “wall” therefore refers to the outer surface of the attachment.

75 It is rightfully undisputed amongst the parties that the (tubular) wall according to feature 1.2 can comprise different “plates” (see below).

### 4. FEATURE 1.3

*1.3 a fluid inlet at one end of the wall*

76 According to feature 1.3, the body has an inlet at one end of the wall. This feature refers to the one (lower) end of the wall which is arranged to be connected to the hand held appliance to provide an inlet for the fluid flow generated by the hand held appliance.

#### 5. FEATURES 1.4, 1.5, 1.6 AND 1.8

*1.4 a fluid outlet through the wall*

*1.5 wherein the fluid outlet comprises a slot extending along the wall*

*1.6 the slot is formed by an overlap of a first end of the wall and a second end of the wall*

*1.8 the slot extends longitudinally along the tubular attachment (30)*

##### a) Feature 1.4

77 According to feature 1.4, the fluid outlet is arranged “*through the wall*”, which means that a fluid can leave the attachment through the tubular outer surface of the attachment.

78 This fluid outlet is further characterized in features 1.5 to 1.7, specifying that the fluid outlet must comprise a slot. Feature 1.5 requires that the fluid outlet comprises a slot extending along the wall. The wording “comprises” indicates that the fluid outlet is not limited to one slot, but that the fluid outlet may also comprise additional openings. In fact, all embodiments shown in the specification have a plurality of slots (cf. e.g. fig. 3a, see above). The slot can comprise spacers, see para. [0008].

##### b) Feature 1.5

*1.5 wherein the fluid outlet comprises a slot extending along the wall*

79 A “slot” can be defined as “long, narrow opening”. This general definition in dictionaries (see Exhibit HL 19) is also applicable in the patent where the term “slot” is consistently used to designate a long, narrow opening.

80 Contrary to the Defendants’ position, the fact that the figures in the patent show slots as an opening which extend substantially along the entire length of the attachment does not lead to a limitation of the broader wording of feature 1.5 in the sense of requiring throughgoing slots along the entire length of the attachment. The use of the indefinite article “a” leaves it open for it to comprise more than one slot, as feature 1.5 uses the indefinite article “a” (slot) instead of the numeral “one” (slot). When feature 1.6 refers to “the” slot, it refers to how such a slot mentioned in feature 1.5 needs to be defined. It does not contain any limitation with respect to the number of slots, and all figures of the patent show an attachment with multiple slots.

##### c) Feature 1.6

*1.6 the slot is formed by an overlap of a first end of the wall and a second end of the wall*

##### aa) Interpretation of the slot in the Dyson/Dreame I decision

81 The panel further held that the formation of a slot requires overlapping wall ends being arranged at a distance so that a slot is formed between them, and not simply being an

aperture in a through-going wall (LD Hamburg, Order of 14 August 2025, UPC\_CFI\_387/2025, GRUR-RS 2025, 25175 mn. 100 – Dyson/Dreame I). As a wall can have a plurality of ends and according to para. [0004] a wall can consist of a plurality of plates, every end of a plate can be seen as an end of the wall, thus the wall, which is the outer surface of the tubular appliance, can have a plurality of ends. The skilled person takes this from the fact that the attachment is tubular, which is circular and thus normally does not have an end. But the claim cannot be constructed in a way, that simple apertures in the wall, which are not formed by the two ends of the wall (or its plates), fulfil the feature of “a slot” formed by the end of a wall.

bb) Modified interpretation of the slot

82 The panel has reconsidered its previous position in UPC\_CFI\_387/2025 and now sides with the Applicant that the formation of the slot is not limited to overlapping ends of plates, which build the wall, but could be formed by edged and thus overlapping apertures in the tubular wall.

(1)

83 It is every Court’s panel’s duty when faced again with the task of interpreting a patented claim to reconsider its previous position based on the arguments provided by the parties. This requires, however, that the panel is transparent about the possibility of a deviating interpretation in the oral hearing. Thus, in the introduction to the case (R. 112.4 RoP) the panel indicated that it might reconsider the interpretation of the feature “overlap”, especially that and why a broader functional approach could be justified taking all granted claims, the description and the literal meaning of the feature into account.

(2)

84 In deviation from its previous interpretation, the panel now sides with the Applicant that the formation of the slot is not limited to overlapping ends of *plates*, which build the wall, but could be formed by edged and thus overlapping apertures in the tubular wall. That is because, the wording of the asserted claim 1 is broader and not limited to plate ends but requires overlapping boundaries of the wall. As the ordinary meaning of the term “end”, refers to a boundary of the wall, there is no indication that the term has a different meaning within the context of the patent.

85 This is further supported by the fact that having a number of plates higher than one is the subject of dependant claims 2 to 7. Hence, when para. [0004] discloses that the plates are a part of the wall and that preferably the wall is formed from at least two plates, this only relates to preferred embodiments and does not limit the generic solution of the patent. The same applies when looking at para. [0029] which refers to slots formed by an overlap formed “between adjacent plates”. This section of the description deals with preferred embodiments, again, as this wording refers to plates and thus deviates from the claim language of claim 1 as the latter does not refer to plates, but to “an overlap of a first end of the wall and a second end of the wall”, which is overlapping boundaries of the wall.

86 Functionally, the slot designed by an overlap is intended to direct the fluid. Para [0006] of the patent describes how the surfaces of the (possible plurality of) function in the direction of the fluid flow:

*[0006] The radially inner surface of the slot becomes the external surface of the attachment when a downstream end of the overlap between a first end of the wall and a second end of the wall is reached. The fluid flows around the attachment combining with fluid that exits from any further slots which form a part of the fluid outlet.*

87 Para. [0029] of the patent – regardless of mentioning plates – explains the principle of the invention in guiding the fluid flow:

*[0029] The fluid outlet 100 is formed from a number of parallel slots 102 which extend along the length of the head 30 from the first end 32 to the second end 36. The slots 102 are formed from an overlap 120 (Figure 5b) formed between adjacent plates 110 which results in fluid being directed 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. The fluid 122 flowing out of the slot 102 is tangential 130 to the outer surface 112 of the plate 110a and joins with the fluid flowing out of the other slots of the fluid outlet 100 forming a fluid flow around the circumference of the head 30. Thus, the fluid 122 is blown out along the external surface of the head and this encourages hair to wrap around the head 30 automatically.*

88 The skilled person takes from this description that it is the overlap who is guiding the direction of the fluid flow out of the attachment and, in combination with the other end of the wall (with which together it establishes the slot) guiding the fluid along the radially inner surface of the slot and to closely follow the external surface (112) of the wall of the attachment. This is intended to facilitating the usage of the “Coandă” effect for the purposes of curling hair automatically.

89 In light of the other features of claim 1 it is shown that the external surface (112) of the wall is relevant for the continuous directing of the airflow as provided by feature 1.11:

*1.11 fluid emitted from the fluid outlet flows around the external surface (112) of the wall*

90 That illustrates, however, that the use of the “wall ends” is to be understood as mainly important for the guidance of the airflow once it has passed the slot. In that sense, the wall end is important as it discloses that the overlap shall direct the fluid flow along the external surface (112) of the wall and not along any other element, like a bristle or a separate component.

91 As the Applicant rightfully claims, this technical effect is achieved regardless of whether the slot is formed by overlapping plate ends or by other ends within the wall components. The function of the “end of the wall” is in that respect only to limit the slot. Since the attachment is tubular (claim element 1.7), the person skilled in the art understands that the wall would not have any boundaries in the lateral surface, if the wall does not have any openings in this surface. Against that background, the person skilled in the art

understands 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 (CoA, Order of 6 March 2025 – UPC\_CoA\_789/2025 and UPC\_CoA\_813/2025, GRUR-RS 2026, 3160 mn. 40 – Injunction order Dyson/Dreame). Hence, any section in a wall delimiting the slot is to be considered by the person skilled in the art as an “end of the wall”, whereas the end of a plate together with a number of plates being at least two is not the subject of claim 1, but of claims 2 and following.

- 92 Furthermore, it has to be acknowledged that the patent is silent which advantage is connected to plates forming slots (claims 2 to 7) compared to a one-piece wall with slots build by overlapping boundaries. Also, there was no indication in the prior art that a one-piece wall might be disadvantageous, either. Only para [0006] gives a hint that the fluid flows around the attachment are combining each other *with fluid that exits from any further slots which form a part of the fluid outlet*. This advantage is neither functionally nor systematically linked or dependent on the end of a wall being the end of a plate and thus not dependent on the slot being built by the end of a plate, either. The skilled person understands that it is only the *surfaces of the wall* that are relevant for the continuous directing of the airflow as provided by feature 1.11. This establishes a differentiation from the prior art, as the overlap shall direct the fluid flow along the *external surface (112) of the wall* and not along any other element, like a bristle or a separate component. The Defendants did not counter this assessment as they claim that the end of the wall in feature 1.6 would not relate to *any* function at all, but to a physical spatial arrangement, only.
- 93 Still, as stated in the previous decision 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, that is as long as their edges do not overlap (CoA, Order of 6 March 2025 – UPC\_CoA\_789/2025 and UPC\_CoA\_813/2025, GRUR-RS 2026, 3160 mn. 43 – Injunction order Dyson/Dreame).
- 94 The Defendants’ argument, that using the “ends of a wall” or a plate would give the implementer a very robust construction with certain thickness, and arranging six plates in a circle would easily lead to overlapping slots which covers the entire length of the tubular device, is not supported by the patent description or the claim wording. The manufacturing process is neither addressed by claim 1, nor is claim 1 limited by fabrication considerations.

(3)

- 95 The panel no longer maintains the position that the examination procedure supports the Defendants’ understanding that the ends of a wall have to correspond to the ends of a plates. It is already established case-law of the UPC that the granting procedure is not by itself relevant for the interpretation of the claim, but the patent claim must be interpreted from the perspective of the person skilled in the art. And the patentee’s assertions during the grant proceedings, and in particular the TBA’s endorsement thereof, can be seen as an indication of the view of the person skilled in the art at the filing date (CoA, decision of 20.12.2024 – UPC\_CoA\_402/2024, GRUR 2025, 396 Rn. 43 – Alexion/Samsung).

96 The EPO found that the pieces of prior art (D1 to D3) did not show any slot defined by an overlap, be it by the end of walls or the end plates forming a wall, but simple apertures in an otherwise solid attachment. This distinction was applied by the EPO examining division with respect to all other prior art documents that were examined by the EPO examining division, i.e. JP 62-41606 (cited as “D1”, Exhibit HL 15), US 2004/0129289 A1 (cited as “D2”, Exhibit HL 12) and to EP 0 482 906 A1 (cited as “D3”, Exhibit HL 17). Hence, the EPO examining division appeared to have identified both elements – the overlap and the wall ends – as distinguishing features. However, following the functional approach with respect to the interpretation of feature 1.6 it is doubtful whether the EPO indeed meant the end of a plate as a necessary distinction, as suggested in the previous decision of the panel. This is because, despite the fact that the EPO examining division mentioned both elements, the view of the person skilled in the art at the filing date in the light of the description and drawings the pieces of prior art did not show any overlap in the *shape* of the slot. Also, the EPO did not refer in its examination to plates. Again, as the patent application and the patentee during the grant proceedings did not discuss what advantage could be connected with plates forming slots compared to a one-piece wall with slots build by an overlap. It is sufficiently clear, that only the *surfaces of the wall* were relevant for the teaching of the patent.

cc) Interpretation of the viewpoint to determine the overlap

97 In the previous case based on the patent in suit (LD Hamburg, Order of 14 August 2025, UPC\_CFI\_387/2025, GRUR-RS 2025, 25175 mn. 97 – Dyson/Dreame I) the panel held that the term “overlap” defines a physical-spatial arrangement of how the “slot” is formed, namely by an “overlap” of two wall elements which form a passageway in the region of the overlap. As the patent does not teach anything from which angle to assess whether the wall ends are *overlapping*, the patent is not limited to a physical overlap in the radial direction seen from the centre of the tube. The patent only requires a configuration that directs the airflow and which is not a planar slot, but a fluid directing “overlap” somewhat perpendicular to the flow of air without the one extending over the other in the radial direction.

(1)

98 With respect to the Defendants’ argument, that the overlap has to be determined from a radial position with respect to the centre of the tube, the panel maintains its position as laid out in the previous decision (mn. 97/98) that the patent does not teach such a determination point. That is because, neither the wording of the claim nor the description of the patent makes any reference whatsoever how to construct, estimate or measure the actual overlap. The Applicant rightfully argues that even the margin indicated by number 120 (highlighted in red below, by Applicant) in figure 5b is not radial to the tubular attachment:

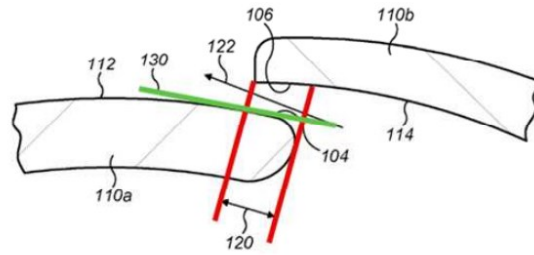
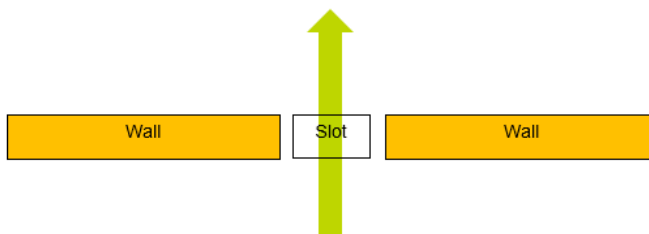


FIG. 5b

99 The patent requires a configuration that directs the airflow and which is not a planar slot, but a fluid directing “overlap” somewhat perpendicular to the flow of air without the one extending over the other in the radial direction. Hence, the example built by the Defendants would indeed not be covered by claim 1:



(2)

100 The panel, however, clarifies that the relevant viewpoint to determine the overlap of the wall ends has to 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. Based on the physical and spatial configuration of the elements as taught by the patent, the panel agrees with the CoA, that 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 (CoA, Order of 6 March 2025 – UPC\_CoA\_789/2025 and UPC\_CoA\_813/2025, GRUR-RS 2026, 3160 mn. 35 – Injunction order Dyson/Dreame).

d) Feature 1.8

101 According to feature 1.8, the slot extends longitudinally along the wall of the tubular attachment. The term “longitudinally” characterizes the direction in which the slot shall extend. The wording of the asserted claim 1 does not contain any limitation with respect to the length of the slot. While the embodiments show slots that extend along the entire length of the attachment, this is only an optional embodiment (“extends longitudinally”) of the slot. Even if the skilled person understands that in order to make the invention work, a substantial length of the slot(s) might be required, claim 1 neither refers to the length nor is limited to any certain (which?) length.

5. FEATURES 1.9-1.11

*11.9 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*



106 When the attachment is attached to the handle, feature 11.5 requires a fluid flow between the fluid inlet and the fluid outlet.

#### **D. INFRINGEMENT**

107 Based on the modified understanding of the features of the patented claims stated above, the “Dreame Dazzle” does make literal use of the technical teaching of claim 1 and 11 of the patent in suit.

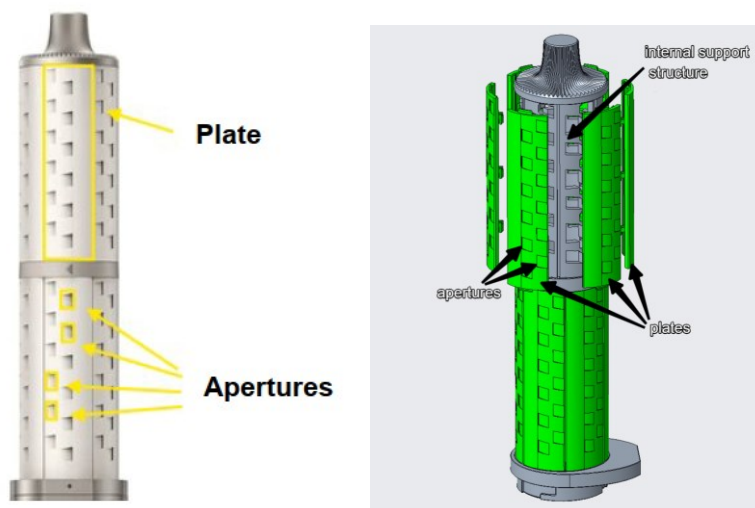
##### **I. DIRECT INFRINGEMENT OF CLAIM 1**

108 The Defendants rightly did not dispute that the features 1.1 – 1.5 and 1.7 – 1.11 of claim 1 are implemented, so that no further explanation is necessary in this respect. The Defendants only object the fulfilment of feature 1.6, hence, only this is discussed in detail below.

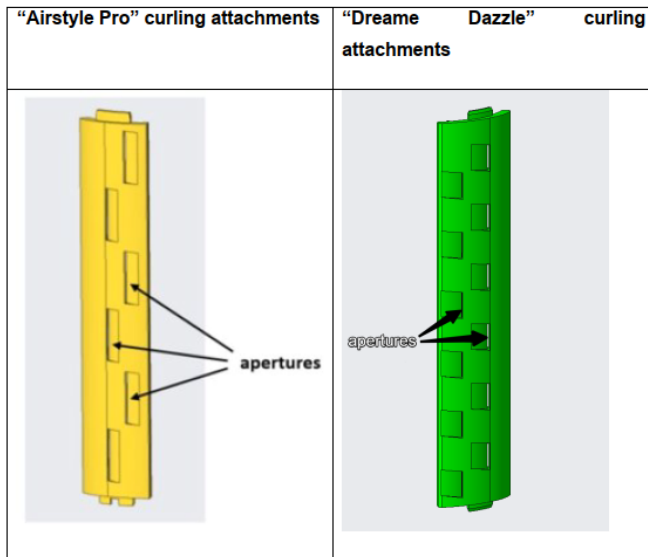
109 “Dreame Dazzle” does make literal use of feature 1.6:

*the slot is formed by an overlap of a first end of the wall and a second end of the wall*

110 In the curling attachments of the “Dreame Dazzle” the outer wall of the tubular attachment is formed by two circles of six identical plates, which are attached to an internal support structure. The two circles of plates are separated by a spacer ring between them. The arrangement of the two circles of six plates can be illustrated as follows (comp. Objection, mn. 177):

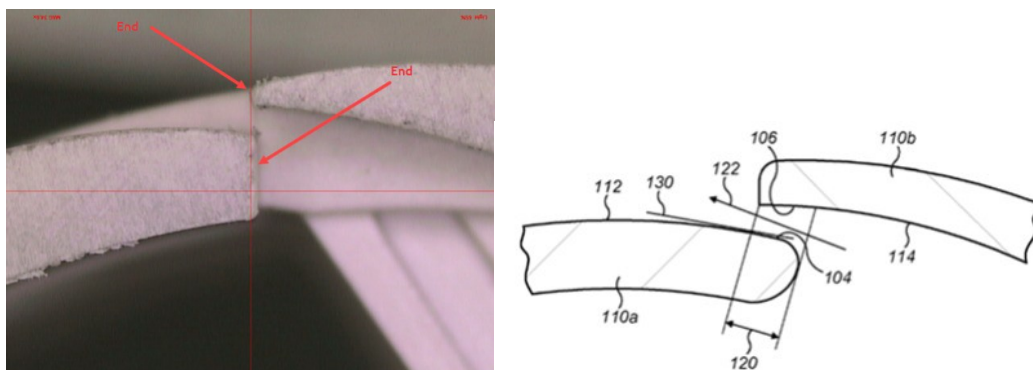


111 Just as the newer curling attachments of the “Airstyle Pro” in the previous PI proceedings, the “Dreame Dazzle” does feature angled apertures in the wall which function as fluid outlets:

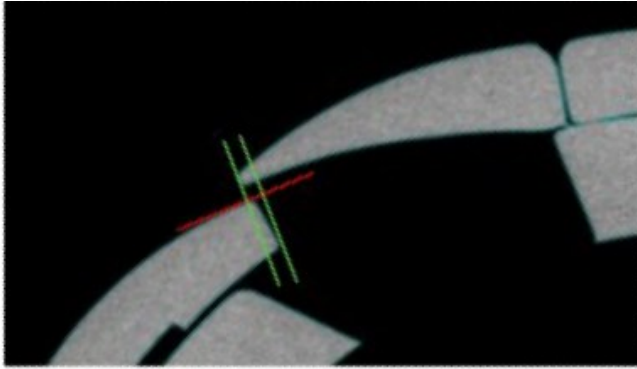


112 As the formation of the slot is not limited to overlapping ends of *plates* but could be formed by edged and thus overlapping apertures in the tubular wall, the apertures provided in the plates of the tubular attachment qualify as slots within the meaning of feature 1.6 of claim 1. That is because, as laid out above, the wording of the asserted claim 1 is broader and is not limited to plate ends, but requires overlapping boundaries of the wall.

113 These boundaries of the wall, creating a fluid outlet, are angled and create overlaps of a first end of the wall and a second end of the wall as visible in an enlarged picture of a cross section (on the left, Application mn. 97), which matches figure 5b (one the right):



114 Based on the physical and spatial configuration of the elements as taught by the patent the relevant viewpoint for assessing the overlap is in relation to the outer surface of the first end of the wall. This is demonstrated by the Applicant with the following enlarged picture of a cross section of the "Dreame Dazzle", where the direction of the slot and the fluid flow is highlighted by the tangential (red) line 130 and the corresponding overlap by the (green) lines 120, and shows an overlap in the direction perpendicular to the outer surface of the inner wall:



115 As it is irrelevant that those boundaries are different from the end of a plate, it is within the scope of feature 1.6 it is equally irrelevant that there are a number of slots in a row instead of a continuous slot extending along the entire length from the lateral to the top end of the attachment.

## II. CLAIM 11

116 The same applies for an infringement of claim 11. The products “Dreame Dazzle” make literal use of the technical teaching of claim 11 of the patent in suit, that protects the complete hand held appliance with an attachment according to claim 1. In order to avoid repetition reference is made to the assessment above.

## III. INFRINGEMENT BY EQUIVALENCE

117 The question of infringement under the doctrine of equivalence can remain unanswered as the procedural condition for this auxiliary request is not met.

## E. LIABILITY OF THE DEFENDANTS

### I. UPCA COUNTRIES

118 Defendants 1), 2), 3) and 4) are liable for the patent infringement within the territory of the UPCA countries, Art. 62 UPCA. These Defendants are all involved in the offering and selling of the attacked embodiments, Art 25 lit. a) UPCA. Defendant 1) is the website operator of most of the other relevant country specific websites. Defendant 2) is responsible for the operation of the Dreame Store in Sweden. Defendant 3) serves as the importer of Record for all shipments into the European Union. As such, they are liable as a direct infringer of the patent in suit as according to Art. 25 (a) UPCA.

119 Defendant 4) is the “Official Distributor of Dreame” for Germany. Despite the fact, that Defendant 4) is currently not selling the attacked embodiment, infringement is imminent. Pursuant to Art. 62 (1) and (4) UPCA, insofar as relevant, the Court may, by way of order, grant injunctions against an alleged infringer, intended to prevent any imminent infringement. A situation of imminent infringement may be characterised by certain circumstances which suggest that the infringement has not yet occurred, but that the potential infringer has already set the stage for it to occur. The infringement is only a matter of starting the action. The preparations for it have been fully completed. These

circumstances must be assessed on a case-by-case basis (CoA, Order of 13. August 2025, UPC\_CoA\_446/2025, GRUR 2025, 1661 mn. 46 – Boehringer/Zentiva; LD Hamburg, Order of 21. October 2025 – UPC\_CFI\_553/2025, GRUR-RS 2025, 28566 mn. 39 – Occlutech/Lepu).

120 The Applicant has provided reasonable evidence that Defendant 4) is prepared to start selling the attacked embodiment. On the occasion of a test purchase attempt in the Dreame Store in Frankfurt Zeil, a staff member explained that the Dazzle will be available in the store within two or three months (see affidavit of Ina Gramkow as Exhibit A 3). This provides the Court with a sufficient degree of certainty that an infringement of the Applicant's right is imminent and that Defendant 4) can thus held liable.

121 The territorial scope of the injunction is according to Art. 34 UPCA covering all UPCA countries in which the patent in suit has effect, which is, as the patent in suit is a unitary patent the territory of all Contracting Member States of the Agreement on a Unified Patent Court (UPCA), as requested.

## II. SPANISH NATIONAL PART OF THE PATENT

122 The Applicant can also successfully claim that Defendants 1) and 3) are liable for the infringement of the Spanish national part of the patent in suit. Defendant 1) is liable for the patent infringement in Spain as it is the website operator in European countries, including Spain, and thereby inter alia offering the products under Art. 59 of Spanish Patent Act (Law 24/2015). The same applies for Defendant 3) who is the importer for Spain, as well. It is undisputed that the import of an infringing good constitutes direct patent infringement in Spain.

## III. UK NATIONAL PART OF THE PATENT

123 As far as the application is admissible – which it is only with respect to Defendant 3) – the application is not successful. The panel does not consider it more likely than not, that Defendant 3) can be subject to an injunction under British law. Despite the fact, that it is undisputed that Defendant 3) is the Authorized Representative for Defendant 1) in Northern Ireland, this is – as far as the evidence shows – not a sufficient basis for qualifying Defendant 3) as a joint tortfeasor or an intermediary in the meaning of the English law (cf. Art. 62 and 63 (1) UPCA).

### a) EU Law

124 Regarding the Law of the European Union, the CoA referred the question, whether the providing of services which merely ensures compliance with certain laws, and which is not, in practice, capable of controlling the allegedly infringing act by the third party, is sufficient to establish liability as an intermediary within the meaning of Article 9 of Directive 2004/48 (CoA, Order of 6 March 2025 – UPC\_CoA\_789/2025 and UPC\_CoA\_813/2025 – Referral order Dyson/Dreame, mn. 31/32). The LD Hamburg had answered this question in the affirmative in its previous decision Dyson/Dreame I with regard to Spain, where Art. 9 of the Enforcement Directive is applicable.

## b) UK Law

125 The situation regarding British Law is even less clear. The Applicant bears the burden of proving to a sufficient degree of certainty that Defendant 3) has acted in a way that can result in an injunction under British Law, where Art. 9 of the Enforcement Directive is no longer applicable.

126 Defendant 3) is not the importer of the attacked embodiments to the UK, but serves as the EU Representative for the attacked embodiments under the EU regulations 2023/988/EU on general product safety (GPSR) and 2019/1020/EU on market surveillance and compliance of products, which are applicable only in Northern Ireland. As stated above (section B. III.) the purpose of the continuing application of some EU regulations is to facilitate dual access to both the UK Internal Market and EU Single Market. It does not aim at setting a certain product safety level for the UK mandatorily to be observed by all foreign manufacturers. As the instalment of an EU authorized representative is mandatory for any placing of goods covered by the GPSR like the electronics in the present case on the Northern Irish for the sole sake of securing dual access to both the UK Internal Market and EU Single Market, the situation of an authorized representative in the UK is different to one in the EU.

127 The Applicant relies on the UK Supreme Court's statement in *Cartier* that English law recognizes intermediary liability for IP rights other than copyright (Application for Provisional Measures; margin no. 191). Although that case concerned trade marks, the Applicant submits that it is clear that the Supreme Court was acknowledging that English law in principle recognizes that in principle that parties have a right to apply for injunctions against intermediaries in cases concerning intellectual property rights other than copyright and performers' rights (including patents). This, however, does not refer to the very special situation of an authorized representative for the sake of securing dual access and avoiding a hard border. The Applicant has not provided sufficient evidence that British Courts, academics or practitioners would likely consider a GPSR authorized representative an intermediary or a joint tortfeasor, who could be subject to an injunction under British patent law.

## **F. WEIGHING OF INTERESTS**

128 To the extent liability is given with regard to an infringement of claim 1 and claim 11, the interests of the Applicant outweigh those of the Defendants. The panel considers the validity of the patent in suit is sufficiently secured. It is therefore justified to grant a preliminary injunction in the case at hand.

## **I. URGENCY**

129 The Applicant did not wait for an unreasonably long time. The Applicant filed the application almost immediately after the publication of the new products and had the attacked embodiment examined. The Applicant has credibly stated that it first became aware of sales in Germany on 27 November 2025, which were not even offers by the defendants. It is not to the Applicant's detriment that third parties might have already sold the attacked embodiment prior to this date. On the contrary, it is made credible that

on 15 December 2025 a staff member in Defendant 4)'s Dreame Store in Frankfurt Zeil informed the test buyer that the Dazzle will be available in the store within two or three months (affidavit in Exhibit A 3). Filing the claim on 29 December 2025 is thus within reasonable time after the Applicant gained first knowledge of the attacked embodiment.

## II. VALIDITY

130 Validity of the patent in suit is sufficiently secured. The Defendant's arguments do not call into question the sufficient disclosure of the invention. None of the prior art documents cited by the Defendants discloses features 1.9 to 1.11.

### 1. SUFFICIENT DISCLOSURE

131 In order to comply with Art. 83 EPC, the claimed invention must be sufficiently disclosed, based on the patent specification as a whole, including examples, and taking into account the common general knowledge of the person skilled in the art. Even if the invention must be disclosed in the patent specification in a manner that is capable of being carried out, general technical knowledge must also be taken into account when assessing whether the disclosure is sufficient (LD Düsseldorf, UPC\_CFI\_355/2023, Decision of 28 January 2025; UPC\_CFI\_11/2024, Decision of 8 May 2025). On this basis, the evidence presented in the case make it more likely than not that the claimed invention is sufficiently disclosed.

a)

132 The Panel does not follow the Defendants' complaint that the patent does not sufficiently disclose by which technical measures it can be achieved that (a) hair is wrapped around the attachment and (b) fluid emitted from the fluid outlet flows around the external surface (112) of the wall. Based on the patent specification as a whole, the examples presented, and the common general knowledge of the person skilled in the art, he/she understands that the patent is open to several slots by multiple wall ends. This makes it clear that the implementer can choose from different variants how to best achieve the desired effect. The technical measures to achieve the strongest effect of a 360° wrapping of the hair is described in para [0029] disclosing that by configuring multiple slots the fluid flowing out of the slot 102 can *join with the fluid flowing out of the other slots of the fluid outlet 100 forming a fluid flow around the circumference of the head 30*. It is made clear that the fluid blown out along the external surface of the head *encourages hair to wrap around the head 30 automatically*.

133 At the same time, the patent itself does not demand a circumferential 360° *airflow*. While feature 1.11 defines that the *hair* needs to flow around the external surface, this might not even require a complete 360° airflow given that feature 1.11 doesn't have any limitation to the extent that the air needs to flow "fully" around the external surface. Rather, feature 1.11 needs to be construed in the context of features 1.10 and 1.9 and therefore an airflow is required that is able to wrap the hair around the attachment automatically, i.e. by virtue of the air flow:

*11.9 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*

134 These features describe the implementation of the “Coandă effect” for hair styling. Due to the fluid flow around the external surface of the wall, hair is automatically wrapped around the attachment in the direction of the fluid flow, para. [0029, 0030]. This however doesn’t require that also the airflow itself fulfils a complete 360° degree around the barrel.

135 Contrary to the Defendants, it is not necessary that the patent provides any details as to the width and the geometric dimensions of the jet outlet or slot respectively, the velocity of the jet as it exits the outlet or the distance between the jet outlet and the wall surface is not specified. The patent leaves this open to the general knowledge of the person skilled in the art as the invention is open to any kind of arrangement with any kind of strength of the Coandă effect.

b)

136 Sufficiency of disclosure is not placed into question based on the Defendants assertion to comply with Art. 83 EPC the invention must be disclosed in a manner to allow the invention to be performed in the whole range claimed. In order to meet the requirements set out in Art. 83 EPC, the subject-matter of a patent must be sufficiently disclosed on the basis of the patent specification as a whole, including the examples, taking into account the general knowledge of a person skilled in the art. Although the invention must be disclosed in the patent specification in a manner that enables its implementation, general technical knowledge must also be taken into account when assessing whether the disclosure is sufficient (LD Hamburg, Order of 5 November 2025 – UPC\_CFI\_461/2024, GRUR-RS 2025, 30311 mn. 107; LD Düsseldorf, Order of 28 January 2025 – UPC\_CFI\_355/2023; Order of 8 May 2025 – UPC\_CFI\_11/2024). When the patent, including the description, discloses at least one way to carry out the invention, it is for the defendant to demonstrate that it cannot be carried out over the entire breadth of the claim (RD Nordic-Baltic, Decision of 21 July 2025 – UPC\_CFI\_380/2023, mn. 166 - Edwards/Meril).

137 The Defendants have not sufficiently proven that the patent in suit is not feasible over the whole range of possible embodiments.

138 While the Defendants claim that in a configuration with one slot the hair would not wrap around the barrel and assert that their examples showed a 180° airflow at best, as seen in exhibit HL 57, the Applicant has shown in its Reply (mn. 130) that also a configuration with a single-slot device is generally suitable to achieve the effect that hair is wrapped around the attachment. While it is true, that in the Applicant’s examples the slot is following a spiral line around the attachment, this is based on a disclosure in para [0036]. Contrary to the Defendants’ position such a configuration is in line with claim 1 of the patent as the slot is *extending longitudinally along the tubular attachment* according to feature 1.8. The term “longitudinally”, as stated above, characterizes only the direction in which the slot shall extend. The panel agrees with the Applicant that the person skilled in the art is aware that a single-slot device might need another design, i.e. that has to be

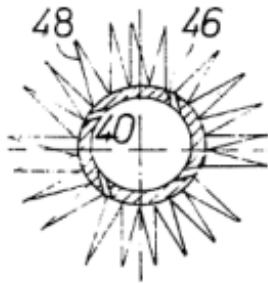


146 Contrary to the Defendants, O1 does not address the wrapping of hair without a mechanical or automated rotation of the barrel, which is the substance of the invention of the patent in suit. Nothing else follows from page 9 in the original (= p.10 in the translation) of O1, which states:

*The intended effect of the device in shaping a hairstyle can be further enhanced by directing the warm air tangentially in the direction of rotation from the tool. Figure 3 shows a radial section through the brush 40. A rotation direction is indicated by an arrow. The openings 46 are channels that essentially open tangentially at the outer periphery of the shaft of brush 40 and support the brushing work through the airflow.*

147 This passage shows that warm air might support the manual work with the brush - but does not replace it. A tangential airflow applied – once the hair has already been wrapped around the barrel – does neither give an indication that the airflow would follow the outer shape of the barrel, nor does it give an indication that the airflow could be used to wrap hair around the barrel without any rotation of the device. In addition, as the Applicant convincingly pointed out, not every tangential air flow does lead to a Coandă effect along the outer surface. In that respect, O1 indicates that the tangential warm air just touches the external surface and then goes straight up without following the outer surface. The lines in figure 3 of O1 indicate that the air is going away from the surface and not around the tubular outer shape:

Fig. 3



## 2. INVENTIVENESS OVER O1

148 The patent in suit is also more likely than not inventive over document O1.

149 Based on the discussion above, it is not obvious to the skilled person that the invention disclosed in O1 uses the Coandă effect to “support the brushing work through the airflow” (as cited above O1, p. 9 in the original, p.10 in the translation). The skilled person has no reason to determine that, since the hot airflow exits tangentially and the outer surface of brush 40 is curved, the hot airflow discharged from one opening 46 might combine with the airflow from other openings and adhere to the outer surface of the brush 40 due to the Coandă effect, forming a circumferential airflow. Nothing in O1 is giving an indication in that direction. O1 is based on the known prior art of bristled brushes and uses warm air only as an addition, not a possible replacement for the traditional rotation of a bristled brush. Hence, the clear use-case of O1 does not motivate the skilled person to use other

“hair treatment tools” without bristles and to use airflow to wrap hair around the barrel without any rotation of the device.

150 Also, claim 11 of O1, which reads:

*“11. Device according to Claims 9 – 10, characterized in that the outlet openings for the warm air in the shaft are designed as tangential channels.”*

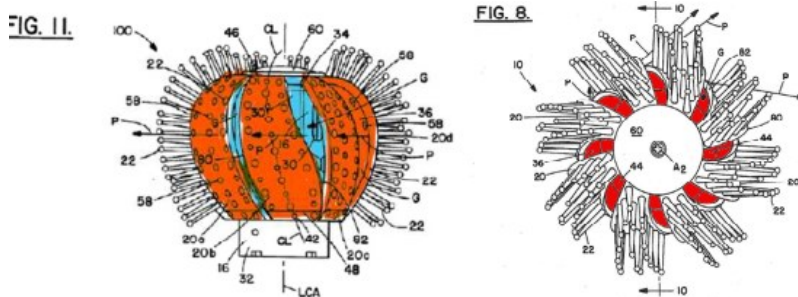
151 cannot be taken as an incentive for the skilled person to abandon the rotation of a bristled brush, abandon the bristles altogether and use an airflow that follows the tubular outer shape of the barrel to have the hair wrapped.

### 3. NOVELTY OVER US 5,868,148 “O2” (LINDSEY)

152 The patent is more likely than not novel over prior art document O2.

153 O2 was published on 09 February 1999 (Exhibit HL 47). It concerns a “hair styler” to control the airflow of a “hair dryer”:

*„A hair styler for controlling the flow of air emitted from a hair blower, which comprises a coupler for attachment to the hair blower having an internal chamber with a central axis and a plurality of vents, the hair styler having deflectors in the form of a plurality of canted vents disposed in a turbinate arrangement exterior of the vents and about the central axis of the internal chamber, for deflecting air that exits the vents into plural flow paths which are approximately transverse to and about the central axis of the central chamber and which manifest different angular direction [sic] about the central axis.” (O2, Abstract):*



154 It is disputed between the parties whether O2 discloses features 1.6, 1.7 as well as 1.9 to 1.11.

#### a) Feature 1.6

155 O2 might indeed disclose feature 1.6 and overlapping wall ends that form a slot.

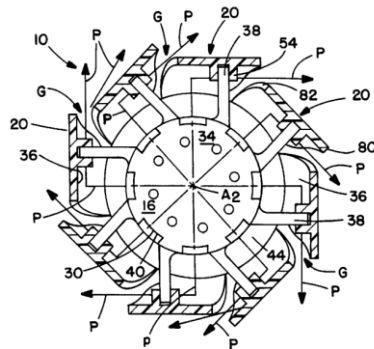
156 In the description of O2 it is taught to use “vanes”, like blades or plates, spaced from one another and having gaps therebetween, which allow some of the air to exit the vents:

*FIGS. 1-3 and 8 and 9 show that vanes 20 are disposed in a turbinate arrangement about central axis CA of internal chamber 26, in the paths of the air exiting internal chamber 26, through vents 28, 30, in flow paths p which are approximately transverse or perpendicular to central axis CA of internal chamber 26. The air impinging on interior surfaces 36 of vanes 20 is deflected and directed to flow exterior of vanes 20 in plural flow paths which are approximately transverse or perpendicular to, and manifest different angular or tangential directions about*

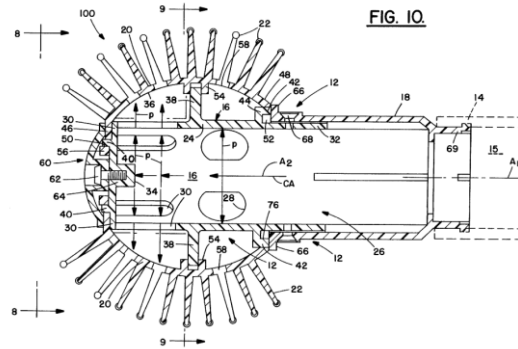
central axis CA of internal chamber 26. Vanes 20 are spaced from one another and have gaps G therebetween, which allow some of the air exiting vents 28, 30 to be discharged through spaces or gaps G.” (O2, column 5, lines 55 to 67)

157 This passage shows that the wall ends are used to direct the air flow and that the airflow exits the vanes in flow paths approximately transverse or perpendicular to the central axis. This is confirmed in fig. 9, which is a vertical sectional view through the hair styler of FIG. 8, and as would be seen along line 9—9 of FIG. 10.:

**FIG. 9.**



**FIG. 10.**

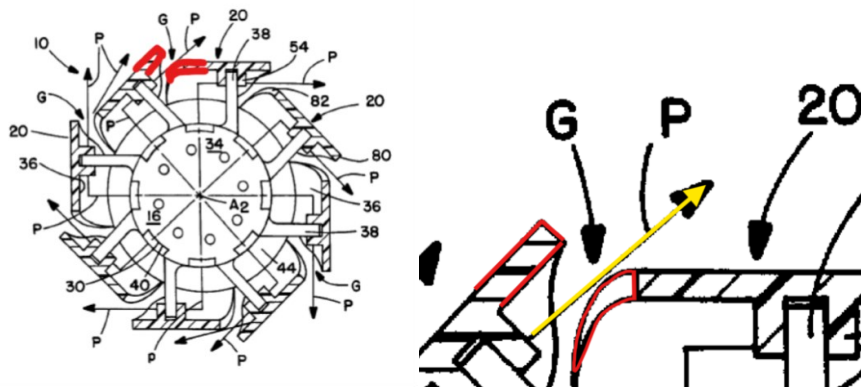


158 These figures are, again, described in col. 8, third para, as follows:

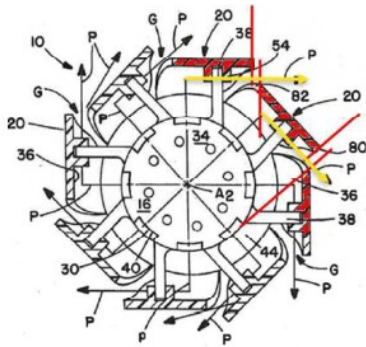
*FIGS. 8-10 show that instead of styling plate 70 which was employed with hair styler 10, hair styler 100 employs three more vanes 20, such that vanes 20 are spatially disposed about the entirety of core 16, and that plural flow paths P which are approximately transverse or perpendicular to central axis CA of core internal chamber 26, manifest in different angular directions entirely about central axis CA. As shown in FIGS. 9 and 10, the three additional vanes are disposed about, mounted onto and retained on core 16 and function in the same manner as previously explained with respect to the other vanes 20 of preferred hair styler 10.*

159 From this passage the person skilled in the art takes that the gap G is formed between two ends of adjacent vanes 20 and that Figure 9 of O2 discloses an overlap in terms of Figure 5b of the Patent in Suit. When measured approximately perpendicular to the direction of the fluid flow P, the two ends of the adjacent vanes clearly overlay each other. The overlap disclosed in Figure 9 of O2 also allows directing the airflow in a tangential direction, i.e. a direction that is approximately perpendicular (colouring by Defendants):

**FIG. 9.**



160 The deviating colouring of figure 9 by the Applicant is not convincing,



161 as it ignores the small sharklets of the vanes, which the O2 calls “edges” (col. 6, lines 63ff):

*that vanes 20 have side edges 80, 82 which are curved and generally correspond to the curved configuration of center line CL. Side edges 80, 82 are elsewhere herein respectively referred to as leading side edge 80 and trailing side edge 82.*

162 Hence, this figure discloses an overlap of the vanes creating a slot for the air to be emitted.

b) Feature 1.9 – 1.11

163 O2 does, however, not disclose features 1.9 to 1.11. The invention of O2 is described as to deflect the air from the interior of the device into several paths to its exterior with different angular directions, see col. 3 lines 14ff:

*The above and other objects and advantages are provided by the hair styler of this invention, which is for controlling a flow of air emitted from a hair blower, and which comprises: coupler means for attachment to the hair blower and which, when so attached, is aligned to receive air emitted along an axis of flow of the hair blower, and deflector means associated with the coupler means for deflecting the air that flows through the coupler means into plural flow paths exterior of the hair styler, the plural flow paths being approximately transverse or perpendicular to and about the axis of flow, and manifesting different angular directions about the axis of flow. The exterior plural flow paths are approximately perpendicular to the central axis of the internal chamber, and manifest different angular directions about the central axis of the internal chamber. The different angular directions can be approximately tangential to the hair styler.*

164 The method of distributing the air flow is further described in col. 4 lines 24ff and discloses that the emitted air is directed to flow in plural flow paths exterior of the vanes which are substantially transverse to, and angular about the central axis of the internal chamber:

*The hair styler has an internal chamber having a central axis for receiving in a path along the central axis, air emitted from the hair blower; means disposed in the internal chamber for changing the path of the air received along the central axis and causing the air to flow in paths which are substantially transverse to the central axis of the internal chamber; and an array of vanes which are disposed in a turbinate arrangement about the central axis of the internal chamber, the vanes being disposed at a non-perpendicular angle to and in the paths of the air traveling in the substantially transverse flow paths, such that the air which impinges on the vanes is directed to flow in plural flow paths exterior of the vanes which are*

substantially transverse to, and angular about the central axis of the internal chamber.

165 Hence, O2 teaches that – unlike the patent in suit – the air is not directed to follow the outer tubular shape of the appliance (in fact, the appliance of O2 is not even tubular), but is distributed into several paths transversal (crossing) to the central axis. The Defendants argument cannot be followed alleging that since the hot airflow exits tangentially and the outer surface of the attachment disclosed in O2 is curved, the hot airflow discharged from one gap G will combine with the airflow from other gaps to inevitably adhere to the outer surface of the attachment due to the Coandă effect. On the contrary, a transversal path of the air does not indicate that the air would follow the tubular shape of the exterior (with all the bristles). In fact, nothing in O2 leads the skilled person to such an assumption. There is no indication in the description that due to a (coherent) fluid flow around the external surface of the wall, hair is automatically wrapped around the attachment in the direction of the fluid flow. In addition, as the Applicant laid out, each of the vanes have holes (58) through which air exits radially (col. 6, l. 54-56) and that further, air is deflected by the bristles (col. 5, l. 40-41). This all together, leads to a turbulent airflow directed away from the external surface but does not allow that any of the airflow is attracted to the surface and follows around the circumference (features 1.10 and 1.11).

4. INVENTIVENESS OF CLAIM 11 OVER US 5,868,148 “O2” (LINDSEY)

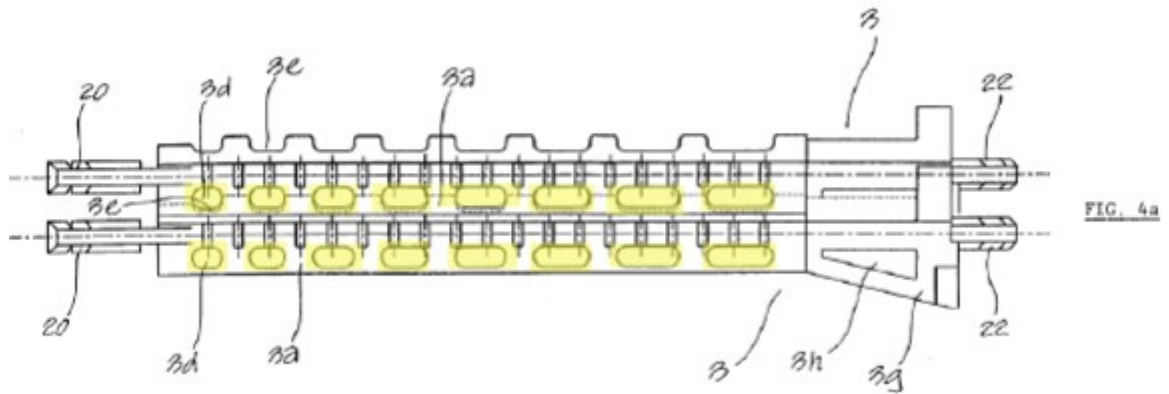
166 Also, inventiveness is not called into question based on document O2. As features 1.9 – 1.11 are not disclosed in O2, the Defendants argument that claim 11 is not inventive as that the skilled person would inevitably arrive at claim 11 of the Patent in Suit when combining O2 with the hand held appliance disclosed in O1 or O3, is not convincing, either. As laid out above, O2 does not offer any indication that due to a (coherent) fluid flow around the external surface of the wall, hair might be automatically wrapped around the attachment in the direction of the fluid flow. The same applies to O1. Reference can be made to the explanations above.

5. NOVELTY OVER US 5,212,366 (“O3”)

167 Prior art document O3, which was subject of the patent examination as document D5, is not likely to be novelty destroying, either.

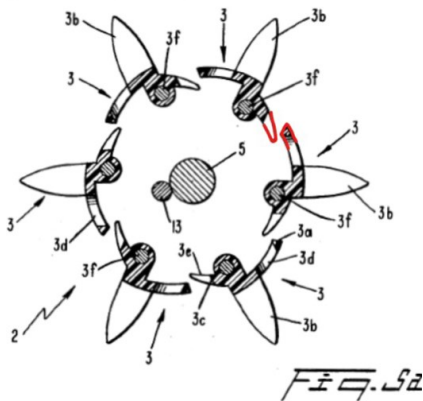
168 O3 was published on 18 May 1993 (Exhibit HL 18). It relates to electrically powered hand held hair curling appliances of the type comprising a handle by means of which the appliance is held; a barrel extending from the handle on which the hair to be curled is wound externally, the barrel being hollow to allow fluid flow along the barrel, the barrel being provided with apertures to allow the fluid to flow outwardly to the hair, and the barrel being of adjustable 15 diameter between a fully expanded and a fully contracted state to allow curls of different diameter to be formed (col. 1, lines 8 ff). As in O2, also in O3 hair is manually winded.

169 As far as O3 makes use of apertures as illustrated in Figure 4a of O3:



170 these slots 3d are not comprising an overlap, but are plain apertures in the outer surface, as stated by the EPO. Reference can be made to the discussion regarding claim construction (see above in sect. C. II. c) bb) [4]).

171 Nothing else follows from figure 5a, reproduced below:



172 As it is expressly stated in O3 (col. 2, lines 58 ff – col. 3 lines 8), the gaps shown in figure 5a are to be closed in order to have air exit only through the apertures 3d, hence they are not part of the fluid outlet:

*The barrel 2 consists of six elongate barrel elements 3 arranged in mutually parallel radial relationship to form a generally cylindrical barrel. Each barrel element 3 consists of a base 3a, a row of projecting brush teeth 3b, a lateral projection 3c at one side of the base for underlying the base 3a of the adjacent element, a row of apertures 3d in the base 3a and a row of indentations 3e in the lateral projection 3c. Each barrel element 3 is integrally formed of plastic material but includes a metal stiffening rod 3/ FIG. 5b shows the barrel 2 in the fully contracted state with the bases 3a abutting one another FIG. 5a shows the barrel 2 in the fully expanded state with gaps between the bases 3a, these gaps being closed by the lateral projections 3c. Closure of the gaps ensures that the barrel 2 is substantially closed so that the warm air flowing down the barrel escapes only through the apertures 3d. The external diameter of the barrel 2 is 14 mm in the fully contracted state and 21 mm in the fully expanded state.*

173 The same follows from the disclosed indentations (“hollows” or “dents”), see col. 3 lines 13 ff.:

*When the barrel 2 is in the fully expanded state as shown in FIG.4a, air emerges through the apertures 3d and also 15 through the indentations 3e. When the barrel 2 is in the fully contracted state as shown in FIG. 4b, the indentations 3e move into register with the apertures 3d, so that the apertures remain unobstructed.*

174 As far as the Defendants claim that the invention of O3 would also be working in the contracted state, still in that case the openings remain in the plain of the outer surface, not disclosing any overlap which could direct the airflow.

175 In addition, O3 does not disclose features 1.9 to 1.11. Given that the only openings through which air can exit are the slots 3d which don't have any overlap but are plain apertures in the wall, air exits radially and is thus blown away from the attachment. Nothing in O3 indicates that the air is attracted to the surface and follows around the circumference of that surface (features 1.10 and 1.11). As the Applicant rightly argued, there is not any statement in O3 which would allow the conclusion that the air flow is as claimed in feature 1.10 and 1.11 which is why also feature 1.9 is not disclosed.

### **III. NECESSITY OF AN INJUNCTION**

176 Pursuant to Art. 62(2) UPCA and Rule 211.3 RoP, the Court weighs the interests of the parties against each other at its discretion, taking into account in particular the possible damage that could arise for one of the parties from the issuance of the Provisional measures or the dismissal of the request (see also UPC Appeal Court, Order of 25 September 2024, UPC\_CFI\_182/2024 – Ortovox Sportartikel v Mammot Sports Group; LD Munich, Order of 27 August 2024, UPC\_CFI\_74/2024 = ACT\_9216/2024 – Hand Held Products v. Scandit; LD Düsseldorf, Order of 31 October 2024, UPC\_CFI\_347/2024 = ACT\_37931/2024 – Valeo Electrification v. Magna PT; LD Hamburg, Order of 16 June 2025, UPC\_CFI\_281/2025 = ACT\_14764/2025). However, the aspects mentioned are not an exclusive list of the circumstances to be taken into account when weighing up interests (see ‘in particular’ in Art. 62(2) UPCA and Rule 211.3 RoP). Rather, all relevant circumstances must be taken into account in the balancing of interests (LD Munich, Order of 27 August 2024, UPC\_CFI\_74/2024 = ACT\_9216/2024 – Hand Held Products v. Scandit). Above all, the balance of interests must take into account the probability of an erroneous decision and also the objective urgency in terms of the necessity of provisional measures with regard to equally possible proceedings on the merits. All aspects are to be weighed against each other in relation to each other.

177 In the present case special circumstances are present justifying an injunction. The Applicant is being deprived of market shares through the distribution of the attacked embodiments, and this situation is being perpetuated. The necessity of provisional measures may also follow from the fact that there is direct competition between the attacked embodiment and the product of the patent holder (see UPC Court of Appeal, order of 24 February 2025, UPC\_CoA\_540/2024, APL\_52692/2024, Biolitec v Light Guide et al, para. 26). The parties are competitors in the field of hair treatment devices, and the distribution of the infringing devices is very likely to directly affect the Applicant's own

sales opportunities, even though there are other competitors on the market. The panel agrees with the Applicant that the patented invention belongs to the main selling factors as the invention directly relates to the hair treatment itself, which provides a significant improvement over other products, in which curling the hair must be achieved by manually wrapping it around the attachment. Moreover, the attacked embodiments are offered at a significantly lower price point, which is a strong indicator for the risk of loss of market shares and price erosion. That the panel excluded a similar solution to the attacked embodiments from a patent infringement (UPC\_CFI\_387/2025) does not counter the necessity of an injunction in this case.

178 For the same reasons these measures are proportionate with regard to Defendant 3) concerning the Spanish national part of the patent in suit, Art. 71 (2) Spanish Patent Law.

## **VI. CONCLUSIONS**

### **1. PRELIMINARY INJUNCTION**

179 As a result, the Court finds that it is more likely than not that the patent-in-suit is infringed by Defendants 1) to 3) by their offer and distribution of the attacked “Dreame Dazzle” products. The same applies to Defendant 4) where imminent infringement is credible.

180 Since the granting of provisional measures is also necessary in terms of time and substance, and since the weighing of interests is also in favour of the Applicant, the Court, exercises its discretion (R. 209.2 RoP) to grant the requested provisional measures, Art. 62 (1), 25 (a) UPCA. Only a preliminary injunction takes into account the Applicant’s interest in the effective enforcement of the patent-in-suit. As a rule, injunctions will cover the territory of those CMS for which the patent has effect, unless certain circumstances justify an exception (Art. 34 UPCA, UPC Court of Appeal, 30.04.2025 - UPC\_CoA\_768/2024, APL\_64374/2024 – Insulet ./ EOfFlow). In addition, an injunction is to be granted for the Spanish national part of the patent in suit, as well, with respect to Defendants 1) and 3).

181 As a consequence, the Defendants request for an interim award of costs is unfounded.

### **2. PENALTY PAYMENTS**

182 The threat of penalty payments in the event of non-compliance is based on R. 354.3 RoP. The setting of an overall limit gives the Panel the necessary flexibility to also take into account the Defendant’s behaviour in the event of an infringement and, on that basis, to determine an appropriate penalty payment in accordance with R. 354.4 RoP.

### **3. SECURITY**

183 Where appropriate, the enforcement of a decision may, pursuant to Art. 82(2) UPCA, be subject to the provision of security or an equivalent assurance to ensure compensation for any damage suffered, in particular in the case of injunctions. For provisional measures, this is reflected in R. 211.5 RoP, first sentence, which states that the Court may order the applicant to provide adequate security for appropriate compensation for any injury likely to be caused to the defendant, which the applicant may be liable to bear in the event that

the Court revokes the order for provisional measures. Furthermore, according to R. 352.1 RoP, decisions and orders may be subject to the rendering of a security (whether by deposit or bank guarantee or otherwise) by a party to the other party for legal costs and other expenses and compensation for any damage incurred or likely to be incurred by the other party if the decisions and orders are enforced and subsequently revoked.

184 However, the panel does not see the necessity to order an enforcement security. There are no signs that the Applicant, who is a well-known manufacturer, would not be able to reimburse any damages in case the provisional measures are lifted. The Defendants did not request a security, either.

#### 4. COSTS

185 A cost decision should be issued in inter partes proceedings for provisional measures, since it concludes the action (LD Hamburg, Order of 21 February 2025, ORD\_68880/2024, UPC\_CFI\_701/2024; Order of 26 June 2024, ORD\_38032/2024, UPC\_CFI\_124/2024; CoA, Order of 3 March 2025, UPC\_CoA\_523/2024 – Sumi Agro v. Syngenta; Order of 6 August 2024, UPC\_CoA\_335/2024, 10x Genomics et al v. NanoString). Pursuant to Art. 69(1) UPCA, reasonable and proportionate legal costs and other expenses incurred by the successful party shall, as a general rule, be borne by the unsuccessful party, unless equity requires otherwise. Pursuant to Art. 69(2) UPCA, where a party succeeds only in part or in exceptional circumstances, the Court may order that the costs be apportioned equitably or that the parties bear their own costs (CoA, Order of 30 April 2025 – UPC\_CoA\_768/2024, Insulet/EOFlow, mn 135).

186 As the Applicant succeeds with respect to Defendants 1) to 4) and the territory of the UPCA countries, which is the majority of the territorial request, and with respect to Defendants 1) and 3) with respect to the territory of Spain, but loses with respect to the territory of the UK and in its entirety with respect to Defendant 5), the cost decision has to reflect this outcome. However, as pursuant to Art. 1 (2) and (3) of these Guidelines, the ceilings on recoverable costs apply to the costs of representation at each instance of the proceedings, irrespective of the number of parties. It follows that, regardless to the number of parties, only one ceiling is to be set, which is to be calculated on the basis of the value in dispute (LD Düsseldorf, Order of 14 April 2025 - UPC\_CFI\_336/2024 and UPC\_CFI\_605/2024, mn. 17; Nordic-Baltic RD, Order of 17 February 2024 - UPC\_CFI\_527/2024). Therefore, the guidelines suggest to have the costs split proportionally, not per party. The dismissal of the claim against Defendant 5) is to be weighed at 20% The dismissal of any claim with respect to the territory of the UK is to be weighed at additional 10%.

#### 5. VALUE

187 The value of the case is set to € 1 million, as indicated by the panel in the oral hearing.

## ORDER

- I. Defendants 1), 2), 3), and 4) are ordered, by way of preliminary injunction,
  - a. Defendants 1) and 3) to refrain from making, offering, placing on the market, using, importing or storing for the aforementioned purposes within the territory of the Contracting Member States of the Agreement on a Unified Patent Court (UPCA) and the territory of the Kingdom of Spain,
  - b. Defendants 2) and 4) to refrain from making, offering, placing on the market, using, importing or storing for the aforementioned purposes within the territory of the Contracting Member States of the Agreement on a Unified Patent Court (UPCA),

an attachment for a hand held appliance comprising a body having a wall, a fluid inlet at one end of the wall and a fluid outlet through the wall,

wherein:

the fluid outlet comprises a slot extending along the wall, the slot is formed by an overlap of a first end of the wall and a second end of the wall, the attachment is tubular, the slot extends longitudinally along the tubular attachment, hair is wrapped around the attachment in the direction of fluid flow, the fluid emitted from the fluid outlet is attracted to an external surface of the wall, and fluid emitted from the fluid outlet flows around the external surface of the wall.

(Direct infringement of EP 3 119 235, Claim 1)

a hand held appliance comprising a handle having a fluid flow path from a fluid inlet to a fluid outlet and a fan unit for drawing fluid into the fluid inlet and an attachment as claimed in claim 1 for attaching to the handle, wherein the fluid inlet of the attachment, when the attachment is attached to the handle, is in fluid communication with the fluid outlet of the handle.

(Direct infringement of EP 3 119 235, Claim 11)

- II. For the remaining parts the application for provisional measures is dismissed.
- III. For each individual case of non-compliance with the order under I., Defendants 1), 2), 3), and 4) must pay a recurring penalty payment of up to EUR 250,000 to the Court (repeatedly if necessary). These penalties will be determined by the Local Division in Hamburg upon request by the Applicant (Art. 63(2) UPCA; R. 354).
- IV. The Claimant has to bear 30% of the Court fees and of the reasonable and proportionate legal costs and other expenses incurred by the Defendants, whereas Defendants 1), 2), 3), and 4) have to bear 70% of the Court fees and of the reasonable and proportionate legal costs and other expenses incurred by the Claimant.
- V. The orders are immediately effective and enforceable.
- VI. The date on which the period according to R. 213 RoP begins is the day following the day of the upload of the order into the CMS.

INFORMATION ON THE APPEAL

Both parties may appeal against this order within 15 days of its notification, Art. 73 (2) lit. a), Art. 62 UPCA, R. 220.1(c), 224.2(b) RoP.

INFORMATION ON THE ENFORCEMENT

A certified copy of the enforceable decision or order is issued by the Deputy Registrar at the request of the enforcing party, R. 69 RoP.

SIGNATURES

Presiding judge Sabine Klepsch

Judge rapporteur Dr. Stefan Schilling

Legally qualified judge Stefan Johansson

For the sub-registry