



UPC_CFI_ 1594/2025
Decision of the Court of First Instance of the Unified Patent Court
issued on 10/04/2026
(R. 206 RoP application for provisional measures)

HEADNOTES

The lack of novelty may stem from what is explicitly clearly, immediately and unambiguously disclosed, in the opposed prior art-document. But it also may be implicit when a person skilled in the art would objectively consider as necessarily implied in the explicit content of a prior-art document or would arrive, inevitably and without any reasonable doubt, at the result falling within the scope of the Claim by applying the teaching of the prior-art document.

KEYWORDS

Novelty - Implicit disclosure

APPLICANT

SharkNinja Operating LLC
89A Street, Suite 100,
MA 02494, Needham, United States

Represented by Paul Bettridge and Agathe
Michel-de Cazotte

DEFENDANTS

Groupe SEB France,
112, Chemin du Moulin Carron
69130, Écully, France

S.A.S. SEB
Rue de la Patenee
21260, Selongey, France

SEB International Service (SIS)
10 Rue des Chars,
70310, Faucogney et La Mer, France

Groupe SEB WMF Consumer GmbH,
WMF Platz 1,
73312 Geislingen an der Steige, Germany

Represented by Thomas Bouvet, Colin
Devinant and Célia Benmesbah

PATENTS AT ISSUE

Patents no.

Proprietor

EP3689198

SharkNinja Operating LLC

EP3689201

DECIDING JUDGES:

Presiding judge

Camille Lignieres

Judge-rapporteur

Carine Gillet

Legally qualified judge

Marjolein Visser

Technically qualified judge

Giorgio Checcacci

LANGUAGE OF PROCEEDINGS: English

ORDER

THE PARTIES

1. The Applicant (hereinafter "SHARKNINJA"), founded in 1994 and headquartered in the USA, introduces itself as a pioneer in the development and distribution of small household appliances, offering its products under the 'Shark' and 'Ninja' brands. It sells under the 'Ninja' brand, a range of kitchen appliances, such as air fryers, multi-cookers, grills, coffee systems and ice cream makers. It indicates that it is the proprietor of more than 6700 patents, thanks to investments in Research & Development.
2. The Defendants (hereinafter "SEB") are part of the SEB group, a French company, which parent company is SEB SA, offering small household appliances, including deep fryers, rice cookers, coffee makers and kettles.
3. Groupe SEB France (Defendant 1), a subsidiary of SEB SA, is registered in France and is responsible for sales and marketing. S.A.S. SEB (Defendant 2) registered in France, is a wholly-owned subsidiary of SEB SA and is responsible for "manufacturing, sales and marketing" of small domestic appliances. SEB International Service (SIS) (Defendant 3), registered in France, is responsible for "purchase, sale of small domestic appliances, spare parts, after-sales service, marketing of electrical household accessories, manufacture, purchase, sale, trade in food, consumables, food additives, digital items and content, cosmetics, natural or chemical raw materials". Groupe SEB WMF Consumer GmbH (Defendant 4), registered in Germany, is in charge of "sales and marketing".
4. SEB and SHARKNINJA are direct competitors in the field of small kitchen appliances.

PROCEEDINGS

5. After becoming aware of the launch by SEB, on 10 October 2025, on the French market, of the new range of cooking devices, named “Cookeo Infinity”, which includes four different models with several multiple cooking modes, including an air frying mode, SHARKNINJA, proprietor of the patents EP 3 689 198 (hereinafter “EP 198”) and EP 3 689 201 (hereinafter “EP 201”), filed on 14 November 2025, before the Paris Local Division, against the Defendants, an application for provisional measures for infringement of its two patents (pursuant to Art. 62 UPCA and R. 206 RoP).
6. SHARKNINJA argues that the new addition to the SEB’s Cookeo Infinity range, with a special feature, imitates the innovative functionality first brought to the market and protected by its patents, which is implemented in SHARKNINJA’s “Foodi” Range.
7. No protective letter has been filed by SEB, before the introduction of the Application.
8. According to a timetable set by the judge-rapporteur by procedural order of 9 December 2025, SEB filed its objection on 15 January 2026. SHARKNINJA submitted its reply to the objection on 29 January 2026 and SEB lodged its Rejoinder on 12 February 2026. On 17 February 2026, SHARKNINJA has withdrawn its request for provisional measures on the basis of EP 201.
9. A technically qualified judge has been allocated to the panel upon the judge rapporteur's request at the earliest stage of the proceedings.
10. Prior to this action, on 5 September 2025, SEB group entities brought an infringement action before the same Local Division, against several entities of the SHARKNINJA group, for offering and selling in several UPC member states, a ‘Ninja CRISPi’ air-fryer (UPC_CFI_840/2025). This action, based on SEB’s patent EP 3 991 615, entitled “Removable heating lid”, is still pending and is expected to be heard on 25 September 2026.

PARTIES’ REQUESTS

11. The Applicant filed its last submission on 29 January 2026. On 17 February 2026, SHARKNINJA withdrew its request for provisional measures in its entirety with regard to EP 201.
12. The Applicant requests the Court to order the Defendants, in the territories of France and Germany with regard to EP 3 689 198, only (after the withdrawal of the requests regarding EP 201) :

A- To cease and desist from making, offering, placing on the market or using, or importing or storing for those purposes:

1. a cooking system (20) for cooking food, the cooking system (20) being functional in a plurality of cooking modes, the cooking system (20)

comprising:

a housing (22) defining a hollow chamber (30) configured to receive a food container (24), said housing (22) having an upper portion (34) defining an opening to said hollow chamber (30);

a first lid (32) adapted to cover said opening to said hollow chamber (30), the cooking system (20) configured to operate in an air frying mode when said first lid (32) covers said opening;

and a first heating element (82) associated with said housing (22) and a second heating element (84) associated with said first lid (32);

characterised by

a second lid (37) configured to couple to at least one of said housing (22) and said food container (24) to cover said opening to said hollow chamber (30) when the cooking system (20) operates in a conductive cooking mode. (Direct infringement of Claim 1 of EP 198)

2. in particular if the cooking system includes a housing bayonet for coupling the second lid (37) to the housing (22); (Direct infringement of Claim 2 of EP 198)

3. and in particular if said first lid (32) is moveably attached to said housing (22) and is moveable between a first position that covers said opening to said hollow chamber (30) and a second position where said first lid (32) does not cover said opening to said hollow chamber (30); (Direct infringement of Claim 4 of EP 198)

4. and in particular if the cooking system further comprises an air movement device (86) coupled to at least one of said housing (22) and said first lid (32) to circulate air through said hollow chamber (30); (Direct infringement of Claim 5 of EP 198)

5. and in particular if the air movement device (86) is operable to draw air through said second heating element (84); (Direct infringement of Claim 6 of EP 198)

6. and in particular if said housing bayonet is engageable to couple said second lid (37) to said housing (22) when said conductive cooking mode is a pressure cooking mode; (Direct infringement of Claim 7 of EP 198)

7. and in particular if said second lid (37) is a pressure cooking lid; (Direct infringement of Claim 8 of EP 198)

which includes at least the following products:

- Cookeo Infinity, 20 modes de cuisson, Ref: CE9828F0
- Cookeo Infinity, 19 modes de cuisson, Ref: CE9821F0
- Cookeo Infinity, 17 modes de cuisson, Ref: CE97GUF0
- Cookeo Infinity, 16 modes de cuisson, Ref: CE9721F0

B. For each individual infringement of the orders under A., the respective Defendant shall pay to the Court a (possibly repeated) penalty payment of up to EUR 1,000 per infringing product and/or, in the case of continuous infringement, of up to EUR 100,000 per day.

C. The Defendants are ordered to provisionally reimburse the Applicant for costs in the amount of EUR 600,000.00.

D. The Defendants have to pay the costs of the proceedings.

E. The above orders are immediately enforceable.

13. SHARKNINJA requests the Court in its reply to the objection dated 29 January 2026, alternatively to consider a combination of Claims 1 and 8 of EP 198 to fall back on, should the Court consider Claim 1 of the patent to be more likely than not invalid (LD Düsseldorf, 10 January 2026, UPC_CFI_723/ 2025).

14. In the Objection to the application for provisional measures dated 15 January 2026, SEB requests the Court to (requests relating to EP 201 are crossed out by the Court):

Having regard to Articles 62 and 69 of the Agreement on a Unified Patent Court and Rules 205 et seq. of the Rules of Procedure of the Unified Patent Court:

DENIAL OF THE APPLICATION FOR PROVISIONAL MEASURES

- DISMISS the request by SHARKNINJA Operating LLC that Groupe SEB France, SEB S.A., SEB INTERNATIONAL SERVICE (SIS) and Groupe SEB WMF Consumer GmbH cease and desist from manufacturing, offering, marketing, using, importing or storing for this purpose the products “Cookeo Infinity”, 20 cooking modes, Ref: CE9828F0; 19 cooking modes, Ref: CE9821 F0; 17 cooking modes, Ref: CE97GUF0; 16 cooking modes, Ref: CE9721 F0, and all other provisional measures due to:

- the lack of infringement of claims 1, 2, 4, 5, 6, 7 and 8 of European patent EP 3 689 198 in France and Germany, by the “Cookeo Infinity, 20 cooking modes, Ref. CE9828F0”, “Cookeo Infinity, 19 cooking modes, Ref: CE9821 F0”, “Cookeo Infinity, 17 cooking modes, Ref: CE97GUF0” and “Cookeo Infinity, 16 cooking modes, Ref: CE9721 F0”;

~~[- the lack of infringement of claims 1, 2, 4, 5, 6, 7, 8, 11, 12 and 13 of European patent EP 3 689 201 in France and Germany, by the “Cookeo Infinity, 20 cooking modes, Ref: CE9828F0”, “Cookeo Infinity, 19 cooking modes, Ref: CE9821 F0”, “Cookeo Infinity, 17 cooking modes, Ref: CE97GUF0” and “Cookeo Infinity, 16 cooking modes, Ref: CE9721 F0”];~~

- the invalidity of claims 1, 2, 4, 5, 6, 7 and 8 of European patent EP 3 689 198 for lack of novelty or inventive step in view of patent application WO2015062197A1 and/or utility certificate CN202312830U;

~~[- the invalidity of claims 1, 2, 4, 5, 6, 7, 8, 11, 12 and 13 of European patent EP 3 689 201 for the territories of Germany and France, on the grounds of lack of novelty or inventive step in view of patent application WO2015062197A1 and/or utility certificate CN202312830U];~~

- the absence of need of provisional measure and the harm that such measure could cause to the defendants.

DENIAL OF FINANCIAL CLAIMS

-DISMISS the request by SHARKNINJA Operating LLC to order Groupe SEB France, SEB S.A., SEB INTERNATIONAL SERVICE (SIS) and Groupe SEB WMF Consumer GmbH to pay the Court a penalty for each individual (and possibly repeated) infringement of the injunctions referred to in point A of the operative part of SHARKNINJA Operating LLC’s application, up to a maximum of EUR 1,000 per infringing product and/or, in the event of a continuing infringement, up to EUR 100,000 per day.

-DISMISS SHARKNINJA Operating LLC’s request for provisional reimbursement of costs in the amount of EUR 600,000.

-DISMISS SHARKNINJA Operating LLC’s claim for Groupe SEB France, SEB S.A., SEB INTERNATIONAL SERVICE (SIS) and Groupe SEB WMF Consumer GmbH to pay the costs.

-DISMISS all of SHARKNINJA Operating LLC’s claims, requests and demands.

PROVISIONAL ENFORCEMENT

In the event that the requests for provisional measures sought by SHARKNINJA Operating LLC are granted,

-DISMISS SHARKNINJA Operating LLC’s request for provisional enforcement pending an appeal.

-ORDER SHARKNINJA Operating LLC to reimburse Groupe SEB France, SEB S.A., SEB INTERNATIONAL SERVICE (SIS) and Groupe SEB WMF Consumer GmbH for their legal and procedural costs, in accordance with the maximum recoverable costs applicable given the value of the dispute.

-ORDER SHARKNINJA Operating LLC to pay the costs.

15. In its last submission (Rejoinder dated on 12 February 2026), SEB requests the Court that its initial claims be upheld, adding that the request to amend the patent is inadmissible, and is in any case unfounded.

16. Additionally, after the withdrawal, SEB requests the Court, on 20 February 2026, to:

-ORDER that SHARKNINJA be considered as the unsuccessful party in respect of the PI request related to EP'201;

-ORDER SHARKNINJA to bear the costs of these proceedings related to EP'201, under Art. 69 (1) and (3) UPCA, which represents half of the legal costs incurred in relation to the present PI proceedings;

-ORDER SHARKNINJA to provisionally reimburse the Defendants for costs related to EP'201 in the amount of €200.000.

Without prejudice to the requests of page 90 sqq of the Objection.

GROUNDS FOR THE ORDER

Legal framework for provisional measures

17. The Court may, in the context of a summary proceedings comprising a written phase and an oral phase, order provisional measures, before or after the action has been brought, *ex parte* or after hearing the defendant. The measures may relate to injunctions against the defendant, seizure or delivery up of the goods to prevent their entry on the market, a precautionary seizure if the recovery of damages is likely to be compromised, and a provision for costs (R. 211 RoP).

18. The applicant must provide reasonable evidence to establish with sufficient certainty that it is entitled to commence proceedings, that the patent is valid and that there is an infringement or imminent infringement of its rights (R. 211.2 RoP). The Court shall take into account the interests of the parties, the potential harm for either of the parties resulting from the granting or the refusal of the injunction. The Court shall also take into consideration any unreasonable delay in seeking provisional measures. The Court has the power to order appropriate security (R. 211.3 to 211.5 RoP).

19. Therefore, “the ordering of provisional measures can only be considered if the legal validity of the patent in dispute is sufficiently secured, Art. 62 (4) UPCA in conjunction with R. 211.2 RoP” (LD Düsseldorf, UPC_CFI_452/2023, 11 December 2023) and provisional measures can be granted if the court considers it on the balance of probabilities at least more likely than not that the applicant is entitled to initiate proceedings and that the patent is infringed. A sufficient degree of certainty is lacking if the court considers it on the balance of probabilities to be more likely than not that the patent is not valid (CoA, UPC_CoA_335/2023, 26 February 2024, *NanoString v. 10x Genomics, Inc*).
20. In the case at hand, the international jurisdiction of the UPC and the internal competence of the Paris Local Division are not challenged by the Defendants. As three of the Defendants are domiciled in France, the Court has international jurisdiction pursuant to Art. 31 of the UPCA and Art. 4(1) and 8(1) in conjunction with Art. 71b(1) of the Brussels I recast Regulation and the Paris Local Division has competence to hear the dispute, pursuant to Art. 32.1(c) and 33.1 (b) of the UPCA.
21. Pursuant to R. 263.3 RoP, “leave to limit a claim in an action unconditionally shall always be granted”. Following the withdrawal of the request relating to EP 201, the Court is therefore not seized anymore with regard to EP 201.
22. Finally, it is not disputed that the request for provisional measures has been filed without unreasonable delay, but SEB contests both the validity of the patent and the infringement.

I. Scope of the patent in suit

A- Legal framework

23. The patent claim is not only the starting point but the decisive basis for determining the protective scope of a European patent under Art. 69 EPC in conjunction with the Protocol on the Interpretation of Art. 69 EPC. The interpretation of a patent claim does not depend solely on the strict, literal meaning of the wording used. Rather the description and the drawings must always be used as explanatory aids for the interpretation of the patent claim and not only to resolve any ambiguities in the patent claim. However, this does not mean that the patent claim merely serves as a guideline and that its subject matter extends to what, after examination of the description and drawings, appears to be the subject-matter for which the patent proprietor seeks protection. The patent claim is to be interpreted from the point of view of a person skilled in the art. In applying these principles, the aim is to combine adequate protection for the patent proprietor with sufficient legal certainty for third parties. These principles for the interpretation of a patent claim apply equally to the assessment of the infringement and the validity of a European patent (CoA, UPC_CoA_335/2023, 26 February 2024, *10x Genomics v. Nanostring*; CoA, UPC_CoA_1/2024, 13 May 2024, *VusionGroup v. Hanshow*; CoA, UPC_CoA_182/2024, 25 September 2024, *Mammut v. Ortovox*). Claim features must always be interpreted in the light of the claim as a whole (CoA, UPC_CoA_528/2024, 25 November 2025, *Amgen v. Sanofi*).

B- Patent in suit

24. The patent EP 3 689 198, entitled "Cooking Device and Components Thereof", filed on 9 August 2018 under a 2017 US Patent priority and granted on 4 January 2023, is in force in Germany and France. The opt-out filed on 28 May 2023 has been withdrawn on 17 October 2025. It relates to a multi-functional cooking device, able to combine and to perform the functions of multiple cooking devices in only one device and able to operate in a plurality of cooking modes, including a "conductive" or wet cooking mode (like pressure cooking, steam cooking and slow cooking) ([0029] lines 35-46); [0030]) and a "convective" or a dry cooking mode (like air frying, broiling, baking/roasting and dehydrating) ([0029] lines 48-57; [0032]; [0043]).
25. According to the patent, in the prior art, the cooking devices were designed to and could be operated only in a single cooking mode. The patent refers, as the closest prior art, to a steaming device (a stir-frying apparatus ([0003])).
26. The purpose of the patent is to offer a single user-friendly cooking device able to perform the operation of a plurality of distinct cooking devices, in order to avoid the multiplication of cooking apparatus and the inherent issues concerning the costs of these devices and the storage space ([0002]). The patent discloses a cooking system for cooking food, in several different cooking modes, including an air fryer mode.
27. The device disclosed in the patent has a housing with a hollow interior, a food container, a primary lid movable between an open and a closed position, affixed in both positions to the housing and a secondary lid, connectable to the housing. The first lid can be used in a closed position, or in an open one and has a heating element to facilitate air-frying. The second lid is used to perform in a conductive cooking mode, like pressure cooking. The device has also at least one heating element and possibly two distinct heating elements, with thermal cut off, independent or not, disposed within one of the housing and the first lid, and a rotational air movement device, operable in a plurality of speeds, coupled with one of the housing and the lid. ([0005] to [0012]).

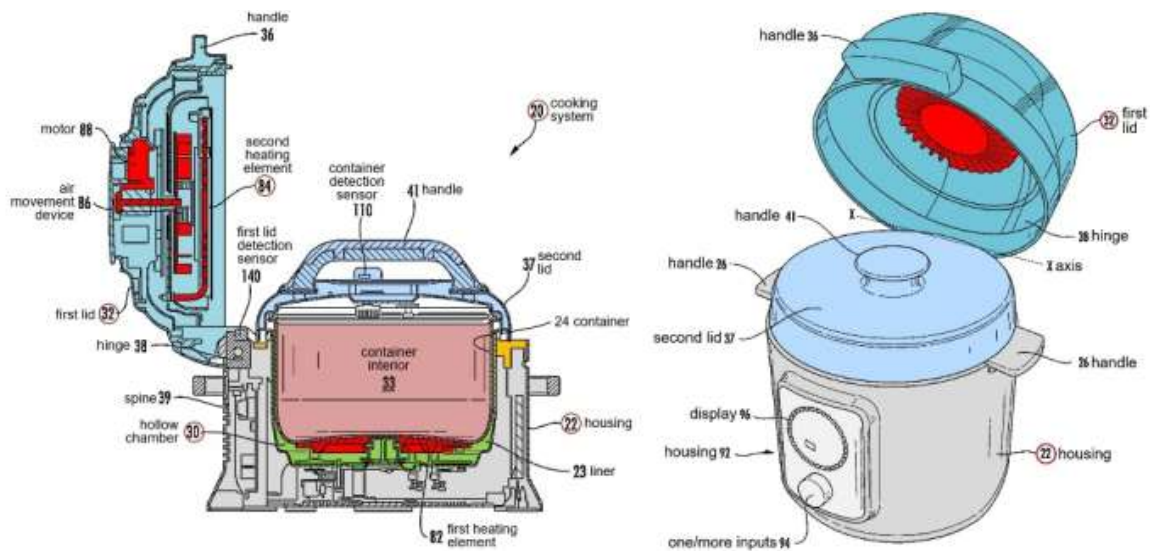


Figure 3: Figures 3A and 4 of EP'198 and EP'201 cross-sectional and perspective view of the cooking system with a second lid

28. The patent EP 198 has 8 claims, Claim 1 independent and Claims 2 to 8 dependent, 22 figures, a detailed description ([0015] to [0069]) and eight examples ([0070] to [0154]).

29. The Claims 1, 2 and 4 to 8 of EP 198 can be read as follows, using the same breakdown of the claims as adopted by both parties:

Claim 1

1. A cooking system (20) for cooking food, the cooking system (20) being functional in a plurality of cooking modes, the cooking system (20) comprising:
 - 1.1 a housing (22) defining a hollow chamber (30) configured to receive a food container (24), said housing (22) having an upper portion (34) defining an opening to said hollow chamber (30);
 - 1.2 a first lid (32) adapted to cover said opening to said hollow chamber (30), the cooking system (20) configured to operate in an air frying mode when said first lid (32) covers said opening; and
 - 1.3 a first heating element (82) associated with said housing (22) and a second heating element (84) associated with said first lid (32);
 - 1.4 characterised by** a second lid (37) configured to couple to at least one of said housing (22) and said food container (24) to cover said opening to said hollow chamber (30) when the cooking system (20) operates in a conductive cooking mode.

Claim 2

The cooking system of Claim 1, including a housing bayonet for coupling the second lid (37) to the housing (22).

Claim 4

The cooking system of Claim 1, wherein said first lid (32) is moveably attached to said housing (22) and is moveable between a first position that covers said opening to said hollow chamber (30) and a second position where said first lid (32) does not cover said opening to said hollow chamber (30).

Claim 5

The cooking system of Claim 1, further comprising an air movement device (86) coupled to at least one of said housing (22) and said first lid (32) to circulate air through said hollow chamber (30).

Claim 6

The cooking system of Claim 5, wherein said air movement device (86) is operable to draw air through said second heating element (84).

Claim 7

The cooking system of Claim 2, wherein said housing bayonet is engageable to couple said second lid (37) to said housing (22) when said conductive cooking mode is a pressure cooking mode.

Claim 8

The cooking system of Claim 1, wherein said second lid (37) is a pressure cooking lid.

30. The parties agree to consider that the person skilled in the art is an engineer with experience in developing and designing cooking systems, such as air fryers, pressure cookers, pressure cooking appliances or appliances using other cooking modes (SHARKNINJA Application, p.14-point 3.3 and SEB Objection 15.01.26 p.51).

31. On the other hand, the parties disagree on the interpretation of several features, which need further explanation, as follows:

-“air-frying“ mode (feature 1.2)

32. According to feature 1.2, the cooking system (is) configured to operate in an air-frying mode, when (the) first lid covers (the) opening (of the hollow chamber).

33. The cooking system is able to perform in a plurality of cooking modes and the patent distinguishes on the one hand, the conductive mode of cooking or "wet cooking" such as but not limited to pressure cooking, steam cooking, slow cooking, searing and sauteing, where moisture is released from the food or created by adding water and retained within the food container ([0029] lines 35-46), and on the other hand, the convective mode or "dry cooking", such as but not limited to air-frying, broiling, baking/roasting and dehydrating, where heated air and moisture are actively exhausted or vented from the cooking enclosure to outside the cooking system ([0029], lines 46-57).
34. The patent provides that, in an exemplary, non-limiting embodiment, air-frying involves different components such as a fan, a basket and a diffuser ([0032] col. 12 lines 1-4). It is further stated that in the convective cooking mode functions (particularly air frying modes), the second heating element is configured to heat air as it passes there through via an air movement device, such as a fan ([0043] col. 14 lines 46-50), in an embodiment operable at a plurality of rotational speeds ([0049] lines 39-40) and that the air movement device in embodiments is driven by a motor ([0043] col. 15 lines 4-6). It is also described that the second heating element and the air movement device circulate (hot) air (see for example [0009], [0043], [0044]).
35. Thus, the skilled person, using their common general knowledge, would understand from the patent description that an air frying mode involves circulating heated air. Although only described as an embodiment, it would also be understood that a heating element and a rotating fan, driven by a motor, are required to circulate this hot air in the device. This is not disputed by the parties. There are no other particular or limiting requirements in the patent for the function of the fan, such as the size or the speed of the fan or the level of air movement or temperature.

-To "couple"

36. The second lid is said to couple with the housing or its upper surface, or the food container. (features 1.4, Claims 2, 3, 5 and 7).
37. SHARKNINJA argues (Application for provisional measures 14 November 2025, p. 21-31) that the specification of the patent EP 198 does not require a second lid to be coupled directly to the housing or food container but also indirectly, via an intermediate component. For example, the first lid 32 can be coupled via a hinge ([0019]) or press-fit onto an upper surface or directly to the container ([0020]), or by means of a housing bayonet (Claims 2 and 7).
38. The Applicant adds (Reply to objection 29 January 2026, p. 3) that the second lid is configured to enable additional conductive modes, for example pressure cooking, in a sealed container ([0019] column 7 lines 11-14). The Defendants are wrong to consider that the literal interpretation is limited to direct coupling only, when nothing justifies limiting the scope of protection, to less than the literal meaning, according to the Applicant.

39. SEB responds (Objection 15 January 2026 p.24-27) that the verb “to couple” used in different claims and features (features 1.4, 2.2 and 7.2) in relation to the second lid 37, substantiates the fact that this lid requires to be only directly attached to the housing or the container, by its own and specific means of interaction, what is confirmed by the description and by Figures 3A,3B, 4 and 5. The patent never suggests that the second lid could be coupled to the housing or the container, indirectly via another element such as the first lid, which must always be in an open position [(0021), column 8, lines 1 to 3) in order to couple the secondary lid 37 to the housing 22. Finally, even if the first lid can “nest” or “receive” the second lid after it has been coupled to the housing ([0021] column 8, lines 3 to 20), it does not mean that the first lid could be the means to couple the second lid. SEB concludes that the patent provides for an independent fastening mechanism for each of the two lids.
40. In response to SHARKNINJA’s arguments, SEB points out that the scope of protection conferred by the patent is defined by the terms of the claims, interpreted in the light of the drawings and the description and that the scope of protection cannot be extended beyond what is neither described nor illustrated by the figures. The wording “to be coupled” refers to a direct interaction between the second lid and either the container or the food container, without any indirect attachment of the second lid via the first lid, that means that the second lid must have its own means of fixing which interact with other complementary means of fixing provided on the housing or the container. The broad interpretation suggested by SHARKNINJA encompassing indirect coupling via an intermediate component, is not in line with the literal language of the claims and is also in contradiction with the argumentation developed by the patentee, before the European Patent Office, to obtain the grant of EP 198. The use of the term “direct” in [0020] is not in opposition to the term “indirect”.
41. The Court notes that both parties consider that the wording “configured to couple” refers to an interaction, between two components of the cooking device, in the sense that the components operate in close contact with one another. However, neither the claims, nor the description of the patent disclose a particular attachment of the second lid. Hence, there is no need to make a distinction where the patent does not.
42. Moreover, the specification of the patent does not use the adjectives “direct” or “indirect” to describe the coupling and contrary to the defendant’s contention, the drawings do not support the view that the second lid is coupled solely by its own means of attachment, or in direct connection. Actually, the patent gives several examples of both direct or indirect coupling.
43. Indeed, according to the patent claims, the second lid 37 is configured to be coupled to the housing or food container (Feature 1.4) in order to cover the opening, but in some other specific embodiments, the lid can be coupled by means of a housing bayonet (Claim 2), by means of threads (Claim 3) or to enable pressure cooking mode (Claims 7 and 8).

44. In the same way, according to the patent specification, the first lid 32 can be coupled to the housing via a hinge ([0019] line 51) and the second lid 37 is “press-fit onto an upper surface” or is configured to “threadably couple” to an upper surface, or via a “pressure-tight mechanism”. ([0019] col. 7, lines 16, 18 and 23) or “affixed to the container or housing to form pressure-tight, sealed enclosure with the container” ([0030] lines 4-6).
45. In consequence, the coupling can be either direct or indirect via components external to the lid itself, such as a bayonet, threads or a hinge. This interpretation is not in contradiction with the amendments made by the patent holder during the grant procedure, regarding the “second lid lockable to the housing”, for conductive cooking modes (such as pressure cooking), which does not preclude direct or indirect means of coupling.

-To “cover”

46. According to SHARKNINJA, the second lid 37 having a diameter greater than that of the hollow chamber and at least partially greater than that of the upper surface of housing, covers the hollow chamber, by extending over the opening of the hollow chamber, at least in the spatial sense, to seal the hollow chamber. Actually, in conductive cooking modes, there is no need to heat the part of the hollow chamber that extends beyond the interior of the container.
47. According to SEB, the verb “to cover” in feature 1.4 must not be interpreted too strictly and means that the opening of the food container is necessarily covered, either partially or completely, depending on the cooking method. This verb is used to mean “to seal the hollow interior 30”(as expressly explained in the sentence of [0019] quoted by SHARKNINJA to identify the functional requirement). By excluding any need of contact between the second lid and the hollow chamber, the Applicant deprives this feature of any technical effect.
48. The Court considers that “the lid ... to cover “ in Claim 1 (features .1.2 and 1.4) and in Claim 4 (related to the first lid) means that the lid is placed over the opening of hollow chamber and does not imply airtight closure, corresponding to the common, literal meaning of “to cover” and “lid”.
49. Indeed, the wording “to cover” is only used in the specification of the patent in conjunction with the first lid (32, feature 1.2), where it is stated that the lid is used to “close off entry to the hollow interior of the container” ([0019] col. 6 line 40), and that “the diameter of the first lid 32 is generally complementary to a diameter of the housing, such that the lid covers not only the container, but also the upper surface of the housing” ([0019] col. 6 lines 42-45).
50. Notably, the wording “to seal”, that is to be found in the patent description with regard to an embodiment of a secondary lid, by means of for example press-fitting, thread-ably coupling or a pressure tight mechanism ([0019, col. 7, lines 10-24), is not part of (any

feature of) Claim 1. The skilled person would therefore understand that the claim is not limited to this embodiment(s).

II. Validity of EP 198

51. Defendants challenge the validity of the patent-in-suit in its entirety, stating that it is more likely than not that the patent is not valid, by relying on lack of novelty (all the claims opposed) and inventive step (dependent Claims 2, 4 & 7).

52. The admissibility of the alternative combination of Claims 1 and 8 is also disputed.

A- Novelty

Legal framework

53. Pursuant to Art. 54 and Art. 138 (1) (a) EPC, a European patent may be revoked if it lacks novelty. An invention is considered as new, if it does not form part of the state of the art. The assessment of novelty within the meaning of Art. 54(1) EPC requires an examination of the entire content of the prior publication. The decisive factor is whether the subject-matter of the patent at issue, with all its features, is directly and unambiguously disclosed in the prior art (CoA, UPC_CoA_182/2024, 25 September 2024, *Mammut v. Ortovox*, para. 123). In this regard, the Court must proceed on the basis of the same interpretation of the scope of protection, regardless of whether an infringement of the patent at issue occurs or its validity is being examined (CoA, UPC_CoA_335/2023, 26 February 2024, *10x Genomics v. Nanostring*, Headnote 2 and p. 26 et seq.).

54. The lack of novelty may stem from what is explicitly clearly, immediately and unambiguously disclosed, in the opposed prior art-document. But it also may be implicit when a person skilled in the art would objectively consider as necessarily implied in the explicit content of a prior-art document or would arrive, inevitably and without any reasonable doubt, at the result falling within the scope of the Claim by applying the teaching of the prior-art document. (LD Düsseldorf, UPC_CFI_355/2023, 28 January 2025, *FujiFilm v. Kodak*).

Claim 1

55. The Defendants contest the validity of Claim 1 of the patent EP 198, using patent application WO 197 (Liantek) and a utility model CN 830 (Tredy). The Defendants argue that WO 197 discloses all features of Claim 1, including a first lid which enables an air fryer function and a second lid that can be attached to the inner lid of the first lid, enabling conventional cooking modules, such as steam cooking. Defendants further contend that CN 830 discloses all features of Claim 1, including two interchangeable lids, teaching pressure cooking using a first lid and an air-fryer or grill cooking mode using a second lid, with all the specific elements (fan motor, motor and motor shaft) required in an air-frying

system, adding that a lightwave oven radiates and heats air and is used still today in many air-fryers.

56. In response, SHARKNINJA states that the patent is valid, it argues as follows:

- WO 197 Liantek does not disclose feature 1.4 EP 198, “a second lid” within the meaning of Claim 1. The protective screen in Liantek does not seal the container, does not touch the container and is not configured to couple to the container. Conductive cooking modes are not possible. The cleaning cover has a smaller diameter than the inner pot. It does not cover the hollow chamber.

- CN 830 Tredy does not disclose an air-fryer cooking appliance. There is no air movement device to achieve air frying, it describes only grilling using a “lightwave oven” [0007], which is not close to an air-fryer mode. Furthermore, there is no description of its internal components. The motor/ fan is not implicitly given because the device is a lightwave oven. The second lid is a lightwave oven and not an air fryer. An air fryer cooking device uses heated air, directed onto the food with a fan. Microwave ovens (using microwaves) and lightwave ovens (using infrared or visible light) do not cook by heating air or vapour, and do not incorporate the fans necessary to direct air onto food (Reply 29 January 2025, p. 9)

- CN 830 Tredy (SEB Exhibits n°7.1 and 7.1 bis)

57. Utility Model CN202312830 entitled “Electric pressure cooker with grilling function” published on 11 July 2012, before the priority date of EP 198 (9 August 2017), discloses a cooking device, which comprises an electric pressure cooker, combining a conventional pressure cooker and a rice cooker, and a burner of a lightwave oven.

58. The utility model states that the prior art electric pressure cookers can perform cooking operations such as steaming, boiling, stewing and braising, but that none of them has a grilling function. To solve this problem of the prior art, the utility model provides an electric pressure cooker, having a grilling function ([0002] and [0003]).

59. As described in the specification of the utility model, “As shown in Fig. 1, the structure of the present utility model when used as an electric pressure cooker has a basic structure the same as that of a conventional electric pressure cooker, except that a coupler base 3 is provided on an outer housing of the pot body, and the coupler base 3 does not function in this state” ([0011]).

60. Hence, the cooking device has an outer housing and a pot body ([0006]; [0011], (corresponding to a housing defining a hollow chamber and a food container within the meaning of EP 198). It has a pot cover to cover the pot body ([0007] line 4), for an electric pressure cooker (such as the secondary lid, in the sense of the patent in suit), which is removable and replaceable by the burner (which corresponds to the primary lid in EP 198 - see Fig. 2 below).

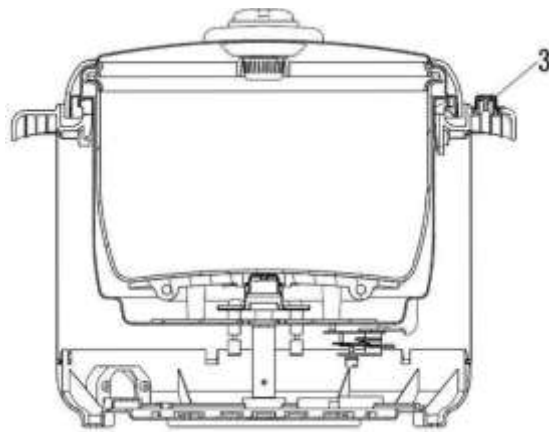


Fig 1 CN 830

61. Besides the pressure cooking mode, the CN 830 cooking device allows a grill cooking mode, described as follows: “As shown in Fig. 2, when a user needs to perform grilling, it is only necessary to remove the pot cover of the electric pressure cooker and replace it with a burner 1, and cause a coupler 2 on the burner 1 to be docked and communicated with the coupler base 3 on the pot body, thereby controlling, via the control circuit on the electric pressure cooker, the burner 1 and the electric pressure cooker to heat simultaneously so as to realize three-dimensional grilling or other cooking functions “([0011]. Figure 2 of CN 830 is depicted below, next to an annotated figure based on this by the Defendants.

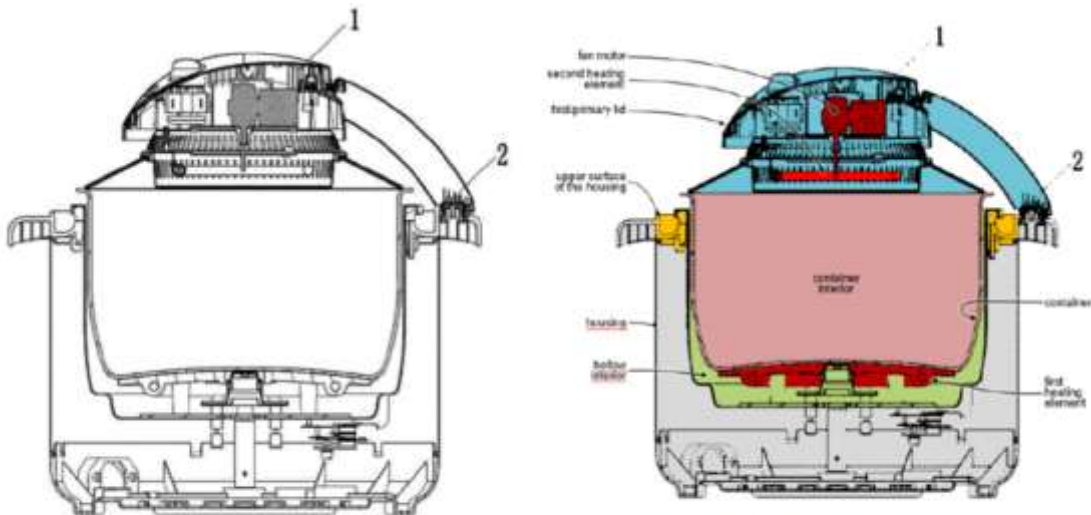


Figure 34 : Figure 2 of utility model CN'830

Figure 6 (Original Figure 2 of Tredy, left, Defendants' annotated Figure 2 of Tredy, right)

62. The parties disagree regarding CN 830's disclosure of the 'air-fryer' function.

63. The description of CN 830 describes a burner (1) of a lightwave oven to perform grilling.

64. However, bearing in mind the broad definition of an air-frying mode mentioned above in the context of the interpretation of the patent, the Court considers that the skilled person would understand that the “three-dimensional grilling mode” function of CN 830 is indeed an air fryer function, even if not described with these words.
65. In fact, CN 830, not only discloses all other features of Claim 1, but also the essential elements required for the air-fryer mode, namely a motor, a fan besides the heater, typically necessary for this kind of cooking, in order to create a dry cooking environment where air and moisture are actively exhausted or vented from the cooking enclosure to outside the cooking system 20, thereby maintaining a minimum level of moisture within the container 24.
66. Most of these features are clearly shown in Fig. 2 of CN 830 and are thus explicitly disclosed by CN 830 even if not mentioned in words in the description. In particular, the skilled person would understand that a heating element of a lightwave oven is capable of heating air and would recognise this element in Fig. 2 of CN 830 in the element indicated by the Defendants as the “second heating element” in the annotated figure depicted above. This is supported by the expert testimony (Exhibit 7.6). Only the fan is not shown/visible in Fig. 2; however, the clear presence of an electric motor with its axis pointing downwards would be understood by the skilled person in no other way than that there is a fan mounted on said axis, as the only possible reason to have such motor and axis in the shown position is to rotate a fan.
67. The suggestion made by the Applicant during the oral hearing that the fan could also have the function of a cooling fan, as shown in some other prior art documents that the Defendants have submitted, is not convincing. Such a cooling fan can have no other reasonable function than to work in combination with another fan (for circulating hot air) for which a motor (that produces heat) is necessary. Implementing a motor driving only a cooling fan to cool the heat produced by that motor, makes no technical sense. Also, the arguments of the Applicant regarding the space for or size of the fan and/or the required speed of the hot air circulation, cannot succeed, since such requirements are not part of the patent in suit. It follows from the foregoing that also the fan must be taken as disclosed by CN 830, even if implicitly.
68. Furthermore, this interpretation is completely in line with the testimony of two experts (SEB Exhibits 7.6 and 7.7), confirming that CN 830 shows a simplified representation of a single-piece electric motor which is generally used in small domestic appliances. Figure 2 of the document clearly shows an enclosure consisting of grilles with vertical slits, which allow for air circulation. The upper part communicates with the outside and the lower part communicates with the cooking pot (SEB Exhibit 7.7).
69. The second expert considers that Figure 2 depicts the various components of an air fryer, with the exception of the fan and its blades, which are omitted from the drawing (SEB Exhibit 7.6 page 3).

70. It follows that CN 830 discloses all the features of Claim 1, including feature 1.2 (air frying mode). Regarding in particular the air-frying mode, even if it is not explicitly described as such in words, the person skilled in the art would understand, without any reasonable doubt, that the burner in CN 830 provides an air-frying mode, due to the presence of all the needed elements for this kind of cooking. Feature 1.2 is thus directly and unambiguously disclosed.

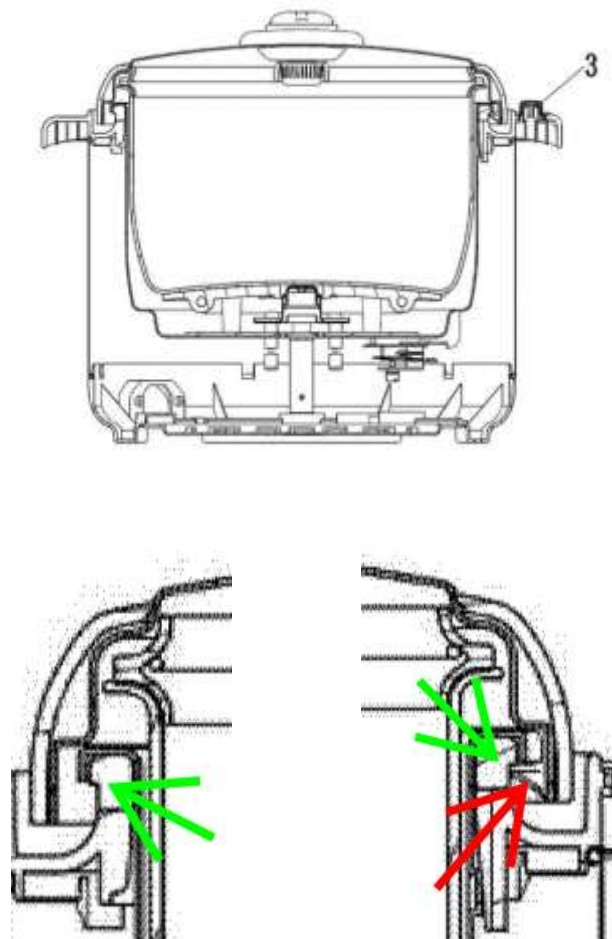
71. On the balance of probabilities, it is therefore more likely than not that Claim 1 is invalid for lack of novelty.

Dependant Claims

Claim 2

72. SEB contests novelty of Claim 2 over CN 830 and inventive step over WO 197. SHARKNINJA argues that Claim 2 is novel over Tredy (CN 830) and does not contest lack of inventive step over Liantek (WO 197).

73. Bayonet coupling is shown in the figures of CN 830, although not described in words, it would be deduced by the skilled person from the side portions of the cooking device depicted in Fig. 1:



74. At the right, a tooth of the cover (red arrow, added by the Court) engages a step in the housing (green arrow, added by the Court); at the left, only the step is visible.

75. This means that there are an odd number of teeth on the cover, that would be interpreted by the skilled person as part of a bayonet coupling. This is confirmed by the experts' affidavits (SEB Exhibits 7.3 and 7.3bis, 7.4 and 7.4bis, 7.5 and 7.5bis).

76. Claim 2 is therefore more likely than not invalid due to lack of novelty over CN 830.

Claim 4

77. SEB invokes lack of novelty of Claim 4 over WO 197, and lack of inventive step over CN 830.

78. SHARKNINJA does not put forward any arguments, to contest the invalidity of Claim 4. Therefore, Claim 4 is considered to be more likely than not invalid.

Claims 5 and 6

79. SEB states that the dependent Claims 5 and 6 are invalid due to lack of novelty over WO 197 and CN 830.

80. SHARKNINJA contends that Claims 5 and 6 are novel over CN 830, since CN 830 does not disclose a fan motor and a fan.

81. As described above, Fig. 2 of CN 830 discloses an electric motor with an axis to rotate a fan and circulate air. An air movement device coupled to the first lid (Claim 5) is therefore clearly disclosed in CN 830.

82. Given the position of the motor, fan and second heating element in Fig. 2 of CN 830, the air movement device is to be considered operable to draw air through the second heating element (Claim 6) and therefore inherently present when the burner is used in CN 830.

83. Therefore, these claims are more likely than not invalid for lack of novelty over CN 830.

Claim 7

84. According to SEB, Claim 7 is neither novel over CN 830, nor inventive over WO 197.

85. SHARKNINA argues that Claim 7 is novel over Tredy (CN 830).

86. The feature that the bayonet (in the cooking system in Claim 2) is engageable to couple the second lid to the housing is inherently present when the system is in a pressure cooking

mode, as in CN 830. The utility model of CN 830 can be used as an electric pressure cooker, as is disclosed in for example [0003], [0008] and Fig. 1. As described above with regard to Claim 2, Fig. 1 of CN 830 discloses a bayonet coupling. Therefore Claim 7 is considered to be more likely than not invalid for lack of novelty over CN 830.

Claim 8

87. SEB states that Claim 8 lacks novelty, over both CN 830 and WO 197.
88. SHARKNINJA states that this claim is valid in view of Liantek (WO 197) and does not contest the lack of novelty invoked by the Defendants, based on CN 830.
89. As CN 830 clearly discloses a pressure cooker and a pot cover with a bayonet coupling (see e.g. [0007] and Fig. 1), it discloses a pressure lid.
90. Claim 8 is therefore considered to be more likely than not invalid, for lack of novelty.

Validity of Combination of Claims 1 and 8

91. In its last written pleadings (of 29 February 2026), SHARKNINJA requests the Court, if Claim 1 would be considered more likely invalid than valid, to consider in the alternative, the combination of Claims 1 and 8, as a fallback option.
92. SEB raises the inadmissibility of the request, arguing that a patent holder cannot request in provisional measures proceedings the amendment of the patent, which is in any case, late filed and unfounded, as the validity of this combination is not substantiated. Moreover, the combination of Claims 1 and 8 lacks novelty, over Liantek (WO 197) and over Tredy (CN 830), according to SEB.
93. According to the Court of Appeal, the assertion of a patent in a version of the claims that has not been granted is not automatically excluded, even in proceedings for provisional measures. Rather, admissibility depends on the specific circumstances of the individual case, taking into account the summary nature of the proceedings (CoA, 27 March 2026, UPC_CoA_898/2025, *Onward v. Niche*).
94. In any event, following the explanations given at the oral hearing, it appears that the request described as a “combination” does not constitute an amendment to the claimant’s patent as granted, but simply an alternative of basing the Applicant’s requests on Claim 8 (which is dependent on Claim 1 and necessarily includes the independent main Claim 1). As previously ruled above, Claim 1 and Claim 8 are more likely to be invalid than valid. The “combination” in this regard is therefore irrelevant.

III. Infringement and provisional measures

95. As it is considered more likely than not that Claims 1, 2 and 4 to 8 of EP 198 are not valid, these requests have to be dismissed.

IV. COSTS

96. SHARKNINJA requests an interim award of cost of EUR 600.000.

97. In its authorised pleadings on costs filed on 10 March 2026, after the hearing, SHARKNINJA states that its costs already incurred are in fact █████ █████ █████ █████ even if the time spent solely on EP 201 was deducted from the amount. It contends that the oral phase is relevant to 50 % of the costs and EP 201 has been withdrawn before the oral phase started. Of the 50% attributable to the written phase, 40% of the total cost would have been incurred even if EP 201 had been absent due to the essentially identical patent descriptions, prior art, and issues of necessity, and high degree of common claim features, so only 10 % of time should have been dedicated to EP 201.

98. SEB asks for a reimbursement of the “maximum recoverable costs applicable given the value of the dispute and SHARKNINJA to pay the costs “(Objection 15.01.2026 p. 87).

99. In its Response to the withdrawal of the application for provisional measures with regard to EP 201 of 20 February 2026, SEB requests the Court to additionally order that SHARKNINJA be considered the unsuccessful party in respect of the preliminary injunction request related to EP 201, to order that SHARKNINJA bears the costs of these proceedings related to EP 201, which represents half of the legal costs incurred in relation to the present proceedings and to order SHARKNINJA to provisionally reimburse the Defendants for costs related to EP 201 in the amount of EUR 200.000.

100. SEB argues that it is entitled to claim reimbursement of all legal costs incurred as a result of SHARKNINJA’s unfounded action, in accordance with Art. 69 UPCA, including legal fees up to the ceiling of recoverable costs and all other costs incurred in connection with this claim. In this respect, SEB states that it will request a separate procedure to determine the amount of the recoverable legal costs, pursuant to Art. 69 UPCA and R. 150 et seq. RoP. It does not dispute the value attributed to the dispute by SHARKNINJA, namely EUR 7.5 million (Objection 15.01.2026, p. 85).

101. In support of this request, on 10 March 2026, SEB has provided a statement of the office administrator of the law firm (Exhibit SEB 16.1) certifying the amount of fees recorded from 12 November 2025 up to 9 March 2026, indicating notably the portion of time recorded before 17 February 2026 (the date of the withdrawal), namely 84%, the costs of three expert opinions and other costs. SEB further argues that the time entries do not enable to distinguish the time spent on EP 198 or EP 201, but that, based on the number of pages in the Objection of 15 January 2026 specific to nullity and infringement

of EP 198 and of EP 201 and the pages common to both patents, at least 25% of the work was specific to EP 201.

102. Pursuant to R. 211.1 RoP “The Court may in particular order the following provisional measures: (d) an interim award of costs”. The value of the case, set at Euros 7,5 million, is not contested. In light of the administrative Committee’s decision of 24 April 2023, the maximum recoverable amount of costs is set at EUR 600.000, for the entire case, that means including both patents.
103. With regard to both EP 198, for which its requests have to be dismissed and EP 201, for which the application has been withdrawn, SHARKNINJA is the unsuccessful party and must bear the costs incurred by SEB.
104. “As a general rule, Art. 69(1) UPCA and R. 150(2) RoP do not entitle the successful party to an interim reimbursement of representation costs of more than 50% of the ceiling of recoverable costs as adopted by the Administrative Committee under R. 152.2 RoP” (CoA 25 November 2025, *Meril v. Edwards*). An interim award in the present case can therefore be no more than (50% of EUR 600.000) EUR 300.000 for both patents and for an entire proceeding, including an oral hearing. The Court will consider 50% of this amount to be attributable to the proceedings regarding the (withdrawn) request based on EP 201, therefore EUR 150.000. Since in these proceedings, no oral hearing was held, the Court will set the interim reimbursement for the costs related to EP 201 at (80% of 150.000) EUR 120.000.
105. Regarding the costs relating to EP 198, SEB requests a separate proceedings for cost decision and does not ask for a provisional payment.

ORDER

Having heard the parties, the Court:

- Notes the withdrawal of the Application for Provisional Measures on the basis of EP 3 689 201,
- Dismisses the Application for Provisional measures, on the basis of EP 3 689 198,
- Orders SHARKNINJA to bear the legal costs incurred by SEB in the proceedings in relation to EP 3 689 201 and EP 3 689 198,


- Orders SHARKNINJA to pay to SEB by way of an interim award of costs the sum of EUR 120.000 (R. 211.1(d) RoP) within a time-period of two months, corresponding to the recoverable costs for EP 3 689 201.

Issued in Paris, on 10 April 2026

Camille Lignières, Presiding judge


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Carine Gillet, Judge-rapporteur


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Marjolein Visser, Legally Qualified Judge

Marjolein
 Jeanette
 Johanna Visser
 
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Giorgio Checcacci, Technically Qualified Judge


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Marielle Brasseur, Clerk

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Information about appeal

An appeal to this order may be brought in accordance with Art. 73 (2) (a) UPCA and R. 220.1 (c) and 224.1(b) RoP within 15 calendar days of the service of this order.

Information on enforcement (Art. 82 UPCA, Art. 37(2) Statute, 158.2, 354, 355.4 RoP)

An authentic copy of the enforceable order will be issued by the Deputy Registrar upon request of the enforcing party (R. 69 Rules governing the Registry of the Unified Patent Court).

ORDER DETAILS

Case number: UPC_CFI_1594/2025

Action type: Application for provisional measures

Date of issue: 10 April 2026