Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

Düsseldorf local division
UPC_CFI_779/2024

Judgment
of the Court of First Instance of the Unified Patent Court
issued on 16 April 2026
concerning EP 1 748 830 B1

HEADNOTES:

1. Where a patent claim protects a product consisting of two components, it is not a prerequisite for the objective elements of an indirect patent infringement through the offering and distribution of one of the components that the other component actually exists. The latter only becomes relevant in relation to the subjective elements of indirect patent infringement. The sole decisive factor for the objective elements is that the component in question is designed in such a way that it can interact with a second component designed in accordance with the invention in the manner envisaged by the invention.

2. The decisive point of reference for assessing exhaustion – and thus the question of whether the technical effects of the invention are reflected in a wear part in particular – is the claim asserted. Where a combination of a main claim with one or more dependent claims is asserted, the technical teaching of this combined claim must be taken as the basis and it must be examined whether the technical effect of the combined teaching is evident in the wear part. It is not, in principle, necessary for this to be the same technical effect that constitutes the invention according to the main claim.

KEYWORDS:

indirect patent infringement; objective suitability; objective facts; exhaustion; combination of claims

HEADNOTES:

1. If a patent claim protects a product consisting of two components, the existence of the other component is not a prerequisite for the objective elements of indirect infringement arising from the offering and distribution of one of the components. This only becomes relevant in relation to the subjective requirements for indirect infringement. For the objective elements, the sole decisive factor is whether the component in question is designed in such a way that it can interact with a second component designed in accordance with the invention, as intended by the patent.

2. The decisive point of reference for assessing exhaustion, and thus whether the technical effects of the invention are reflected in a wear part, is the asserted claim. If a combination of a main claim and one or more sub-claims is asserted, the technical teaching of the combined claims must be taken as the basis and examined to see if the technical effect of the combined teaching is present in the wear part. This does not have to be the same technical effect that constitutes the invention according to the main claim.

KEYWORDS:

indirect infringement; objective suitability; objective elements; exhaustion; combination of claims

Claimant:

Brita SE, legally represented by the Executive Board comprising Markus Hankammer, Stefan Rudolf Jonitz and Dr Rüdiger Kraege, Heinz-Hankammer-Straße 1, 65232 Taunusstein, Germany

represented by:	Patent Attorney Constantijn van Lookeren Campagne, Attorney-at-law Nils Schuh, Attorney-at-law, Andreas Kabisch, Patent Attorney, Dr Jasper Werhahn, and all patent attorneys and Attorney-at-laws registered with the Unified Patent Court of Meissner Bolte Patentanwälte Rechtsanwälte Partnerschaft mbB, Kaiserswerther Str. 183, 40474 Düsseldorf, Germany

Electronic address for service:mail@duesseldorf.mb.de

DEFENDANT:

Wessper Sp. z o.o., Przemysłowa 3, Rzezawa, Małopolskie 32-765, Poland

represented by:	Dr Karsten Königer, Attorney-at-law, Harmsen Utescher, Neuer Wall 80, 20354 Hamburg, Germany
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PATENT AT ISSUE:

European Patent No. EP 1 748 830 B1

JUDICIAL PANEL/CHAMBER: Panel 1 of the Düsseldorf local division

JUDGES:

This decision was delivered with the participation of Presiding Judge Thomas as Rapporteur, legally qualified judge Dr Schumacher and legally qualified judge Mlakar.

LANGUAGE OF THE PROCEEDINGS: German

SUBJECT MATTER: Action for infringement

ORAL HEARING: 27 March 2026

BRIEF SUMMARY OF THE FACTS:

1. The claimant brings proceedings against the defendant for infringement of European patent EP 1 748 830 B9 (submitted as Annex MB 4, hereinafter: the patent at issue).

2. The patent at issue was filed on 27 April 2005 in the German language of the proceedings. It

claims the priority of the German application DE 10 2004 026 167 dated 28 May 2004. The patent application was published on 7 February 2007. The notice of grant of the patent at issue was published on 25 July 2007.

3. A preliminary objection was filed with the European Patent Office (EPO) against the grant of the patent at issue, following which the patent at issue was maintained to the extent underlying the present action. The publication and announcement of the notice of the decision on the preliminary objection took place on 22 May 2013.

4. The patent at issue expired on 27 April 2025 due to the expiry of the term. Until its expiry, it was in force in Austria, Belgium, Germany, France, Italy, Liechtenstein and Lithuania.

5. The claimant is the sole registered owner of the patent at issue and has sole power of disposal over it. It is currently structured under company law as an SE (Societas Europaea) and operates under the name BRITA SE. BRITA SE was formed through a change of legal form, whilst retaining its legal status, from BRITA AG, which in turn was formed through a change of legal form, whilst retaining its legal status, from BRITA GmbH. For further details, reference is made to the extracts from the commercial register submitted as Annexes MB 1 to MB 3.

6. The patent at issue is entitled 'Device for the filtration of liquids'. Its patent claims 1, 13, 14 and 15 are worded as follows in the version upheld by the Opposition Division and forming the basis of the present action:

> Claim 1:
>
> "A device for filtering liquids, comprising a filter cartridge (100) having a cartridge upper part (101) with at least one inlet opening (102), a cartridge lower part (110) with at least one outlet opening (113) and a sealing rim (160),
>
> and comprising an inlet funnel (10) with a peripheral wall (11), a funnel base wall (12) and a receiving opening (13) arranged in the funnel base wall (12), into which the filter cartridge (100) can be inserted from above, wherein the sealing rim (160) of the filter cartridge (100) abuts against the rim of the receiving opening (13), wherein a receiving chamber (14) having a circumferential wall (15) and a base wall (16) and comprising at least one outlet opening (17) extends downwards from the receiving opening (13) extends downwards a receiving chamber (14) having a peripheral wall (15) and a base wall (16) **and** comprising at least one outlet opening (17)**, characterised in that** the inlet funnel (10) **comprises,** below the receiving opening (13)**,** at least a first fixing means (30),
>
> that the filter cartridge (100) comprises, below and spaced from the sealing rim (160), at least one second fixing means (130) which, when the filter cartridge (100) is inserted into the receiving opening (13), cooperates with the first fixing means (30) so that the fixing means (30, 130) define the position of the filter cartridge (100), and
>
> that at least the first fixing means (30) forms the throttling device (200, 200') to reduce the flow rate specified by the filter cartridge (100)."

Claim 13:

"A device according to any one of claims 1 to 12, **characterised in that** the base wall (16) of the receiving chamber (14) has at least one first indentation (31) and in that the base wall (112) of the filter cartridge (100) has at least one second indentation (131) which overlaps the first indentation (31)."

Claim 14:

"Device according to claim 13, **characterised in that** the first and second intakes (31, 131) are ordered at a distance from one another at least in partial areas."

Claim 15:

"Device according to claim 13 or 14, **characterised in that** the first invagination
(31) is an inward-facing cylindrical or truncated conical hollow body (32) moulded onto the base wall (16) of the receiving chamber (14), on the free edge (33) of whichat least one inward-facing, circular-arc-shaped first bead (34) is ordered, which leaves at least one outlet opening (17) free, and that an outward-facing mandrel (132) is ordered in the second intussusception (131), which, when the filter cartridge
(100) into the cylindrical or truncated conical hollow body (32)."

7. With regard to the wording of sub-claims 4 to 11 and 17 and 18, which the Claimant has asserted as 'in particular when' applications, reference is made to the specification of the contested patent.

8. Figure 3 of the specification of the contested patent, shown below, depicts a vertical section through an inlet funnel with a cartridge inserted in accordance with a preferred embodiment of the invention, wherein the filter cartridge is not yet in its final position.

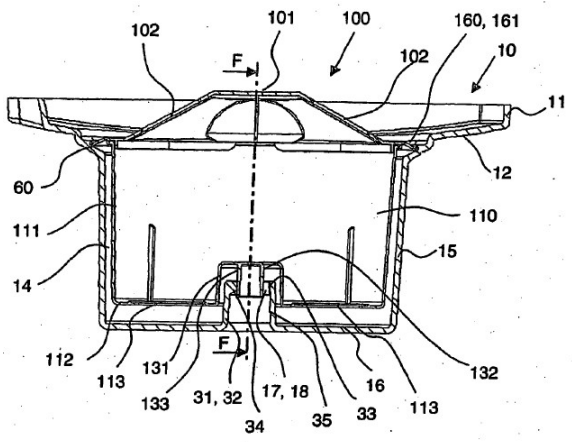


Fig. 3

9. In particular, a filter cartridge (100) is shown, comprising a cartridge upper section (101) and a cartridge lower section (110), which are inserted into a receiving chamber (14) of an inlet funnel
(10). The lower part (110) of the filter cartridge (100) has a peripheral wall (111) and a base wall (112) in which the outlet opening (113) is located.

10. Figures 5 and 6, which are shown below, are enlarged sectional views of the area of the two indentations, with the filter cartridge in Figure 6 already inserted and positioned.

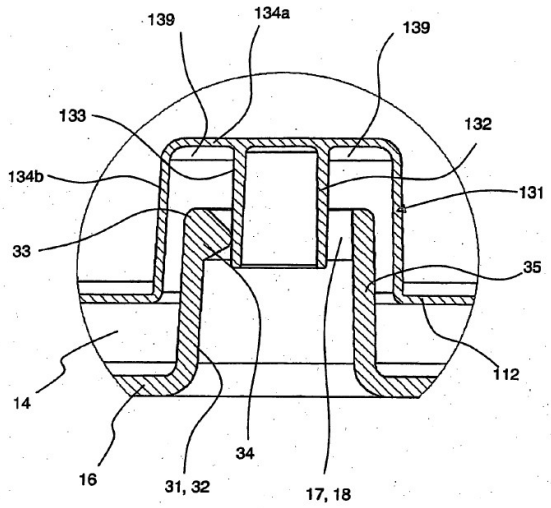


Fig. 5

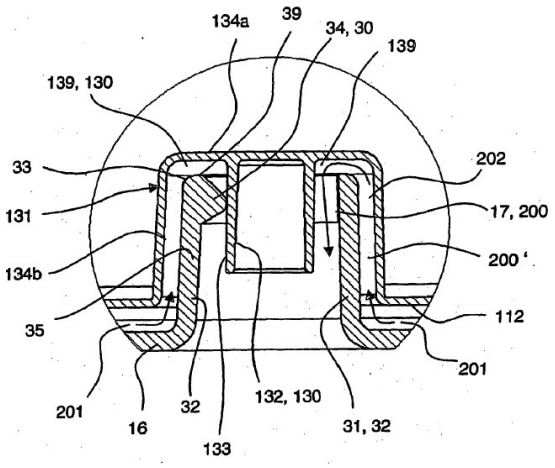


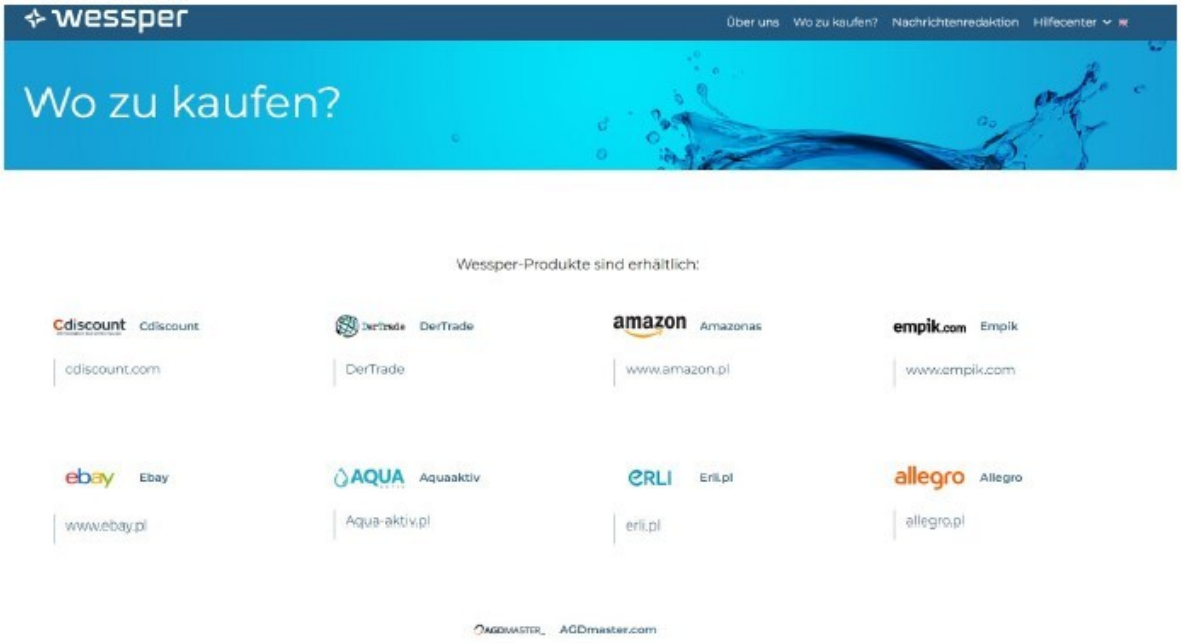
Fig. 6

11. The defendant is a manufacturer of filter cartridges for water jugs based in Poland. Among other things, it specialises in the sale of filter cartridges that are also compatible with third-party filter jugs, such as those of the Claimant.

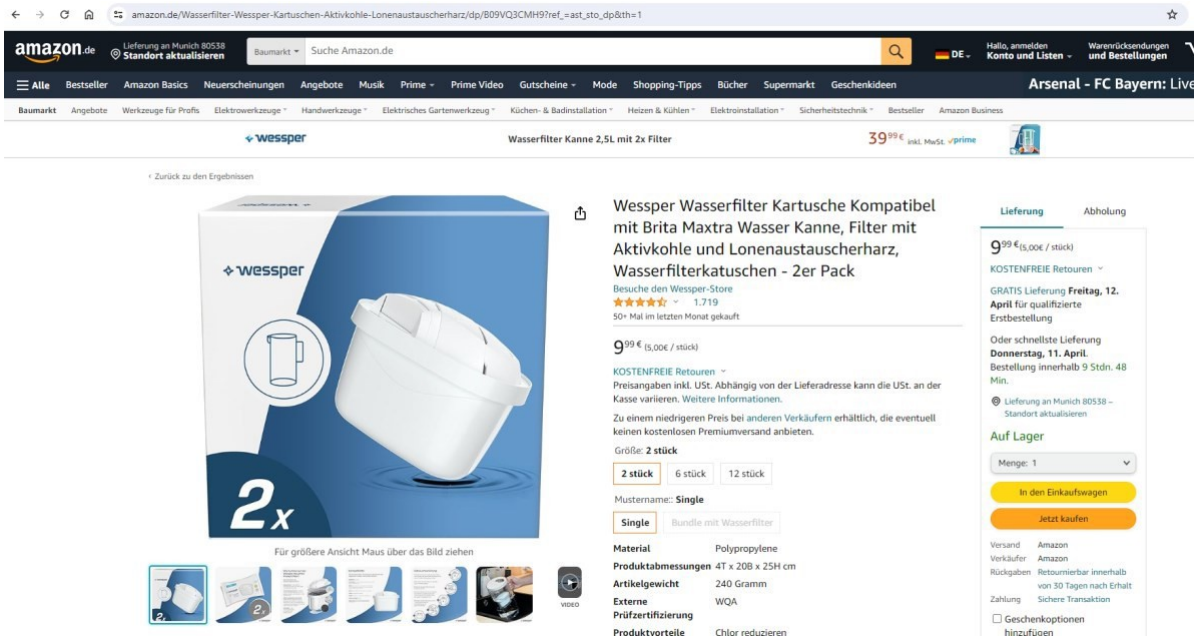
12. In its claim, the claimant challenges filter cartridges offered and sold under the name 'AquaMax' (hereinafter: the contested product). Shown below is an example of such a filter cartridge, which the claimant purchased as part of a test purchase:

13. The filter cartridges can be used in both the defendant's water jugs and the Claimant's water jugs.

14. The defendant's website contains the following information regarding possible sources of supply:



15. Furthermore, there is a 'Wessper' store on Amazon through which the contested product can be purchased:



17. The “AquaMax” series filter cartridges are also available in “Magnesium”, “Sport” and “Alkaline”.

18. Reference is also made to systems MB 9 to MB 11.

KEY PROCEDURAL STEPS:

19. In its claim, the claimant initially sought an injunction, an order requiring the defendant to provide information and disclose its books, as well as a declaration of indirect infringement of the patent at issue and liability for damages on the merits. Reference is made to the statement of claim regarding the details of the wording of the applications.

20. By a document dated 29 January 2025, the defendant lodged a preliminary objection pursuant to Rule 19 of the RoP, challenging the jurisdiction of the Unified Patent Court in relation to Liechtenstein pursuant to Rule 19.1(a) of the RoP. At the same time, the defendant moved to have the action dismissed as inadmissible. The claimant contested the preliminary objection in its reply of 10 February 2025. The Chamber did not rule on the preliminary objection at this stage, but deferred the decision thereon to the proceedings on the merits.

21. As the patent at issue had in the meantime lapsed due to the expiry of the term, the claimant declared its claim for an injunction to be of no further issue in its Reply of 4 June 2025 and requested that the costs be awarded against the claimant in this respect.

22. In the interim proceedings, the judge-rapporteur pointed out to the claimant, by order of 17 March 2026, that, in so far as the claimant seeks orders in respect of Liechtenstein, there is a lack of submissions on the part of the claimant that could support such a claim. The claimant subsequently applied at the oral hearing to withdraw the infringement claim in respect of Liechtenstein. The defendant consented to this partial withdrawal, subject to the allocation of costs.

THE PARTIES' APPLICATIONS:

23. The claimant finally requests:

I. The defendant is ordered, within a period of 30 days of service of the notice within the meaning of Rule 118(8) sentence 1 of the RoP and, where applicable, the certified translation,

1. to provide the Claimant, in a statement structured by calendar month and by patent-infringing products, from 10 December 2019 until 27 April 2025, with information regarding

the offering and/or delivery

into the territories of Austria (AT), Belgium (BE), Germany (DE), France (FR), Italy (IT) and Lithuania (LT)

of filter cartridges

which are suitable for use in a device for the filtration of liquids,

- with a filter cartridge

- with an inlet funnel having a peripheral wall, with a-bottom wall and a receiving opening arranged in the funnel bottom wall, into which the filter cartridge can be inserted from above, wherein the sealing rim of the filter cartridge abuts against the rim of the receiving opening and wherein a receiving chamber with a peripheral wall and a bottom wall, comprising at least one outlet opening, extends downwards from the receiving opening,

- the inlet funnel comprises at least a first fixing means below the receiving opening, wherein at least the first fixing means forms the throttling device to reduce the flow rate specified by the filter cartridge,

- the base wall of the receiving chamber has at least one first indentation, which is an inward-facing hollow body in the shape of a cylinder or truncated cone moulded onto the base wall of the receiving chamber, on the free edge of which there is ordered at least one inward-facing, circular-arc-shaped first bead leaving at least one outlet opening free,

wherein the filter cartridge

- comprises a cartridge upper part with at least one inlet opening, a cartridge lower part with at least one outlet opening and a sealing rim,

- below and spaced apart from the sealing rim, comprises at least one second fixing means which, when the filter cartridge is inserted into the receiving opening, interacts with the first fixing means, such that the fixing means define the position of the filter cartridge,

- the base wall of the filter cartridge comprises at least one second indentation extending over the first indentation, in which an outward-facing pin is arranged, which engages with the cylindrical or truncated conical hollow body when the filter cartridge is inserted,

- wherein the first and second indentations are ordered at a distance from one another at least in partial areas,

(indirect infringement of the combination of claims 1, 13, 14 and 15 of EP 1 748 830 B9)

whereby information is to be provided regarding:

a) the origin and distribution channels of the products;

b) the quantities delivered, received or ordered and the prices paid for the products;

c) the identity of all third parties involved in the manufacture or distribution of the products;

2. to provide the Claimant, as evidence of the information provided in accordance with No. I. 1, together with the information for each month of a calendar year from 10 December 2019 and for each patent-infringing product, in electronic form that can be analysed using a computer:

a) invoices – or, if these are not available, delivery notes – for the individual deliveries, breaking down the respective deliveries by quantities offered, times of offer, prices of the goods offered and type designations, as well as the names and addresses of the commercial recipients of the sales offers for all products sold or otherwise disposed of;

b) Evidence of the advertising carried out, including proof of these advertising activities, breaking down the advertising carried out by advertising medium, its circulation, the distribution period and the distribution area;

c) Evidence of costs, broken down by individual cost factors and the profits achieved;

d) Invoices – or, if these are not available, delivery notes – and corresponding statements of account for all costs incurred, which the defendants appeal to when calculating their profits.

II. In the event of any breach of the order pursuant to Section I, the defendant in breach shall pay a penalty of up to EUR 250,000 to the court.

III. The defendant is obliged to compensate the claimant for all damages incurred by the claimant as a result of the acts referred to in Section I between 10 December 2019 and
27 April 2025.

IV. It is hereby declared that the defendant has indirectly infringed European patent EP 1 748 830 B9 through the acts referred to in Section I until 27 April 2025.

V. The defendant shall bear the costs of the proceedings, including in respect of the original application I.

24. With regard to the wording of the Claimant's 'in particular where' applications, reference is made to the Claimant's document of 24 March 2026.

25. The defendant requests that

1. that the action be dismissed;

2. to order the Claimant to pay the costs of the proceedings;

3. to declare the judgment provisionally enforceable against security in the amount of the costs order.

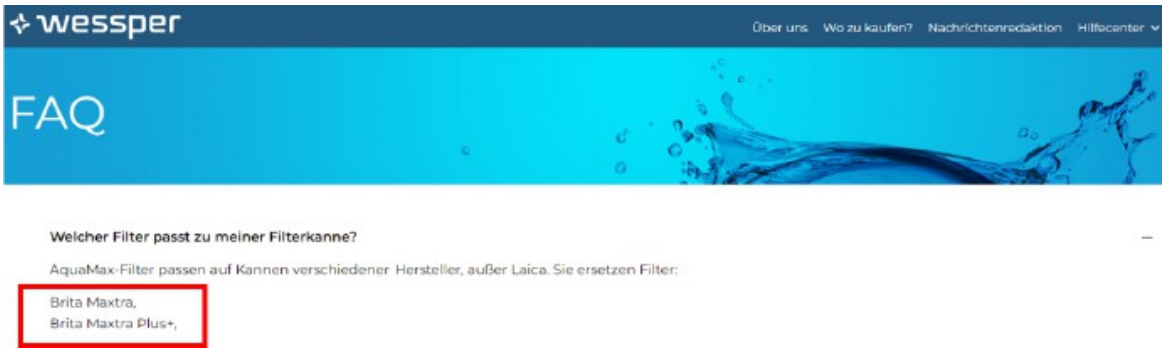
FACTUAL AND LEGAL ISSUES:

Scope of protection and infringement

26. In the claimant's view, the contested embodiment makes indirect use of the technical teaching of the patent at issue in accordance with its literal meaning.

27. The defendant states on its German-language website https://wessper.com/faq/# that

the defendant's filter cartridges could replace the Claimant's 'Maxtra' and 'Maxtra Plus+' filter cartridges:

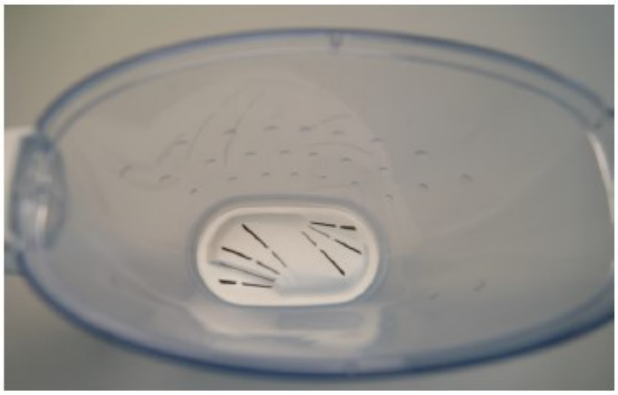


28. The Claimant's 'Maxtra' and 'Maxtra Plus+' products are filter cartridges that are compatible with the Claimant's water jugs, which are equipped with the so-called "PerfectFit" system. The "PerfectFit" system is a valve system fitted inside the water carafe, which ensures that water only passes through the water filter when the filter cartridge is inserted firmly and correctly, as shown in the illustrations below:

29. Since 2020, all water carafes sold by the Claimant have been fitted with this "PerfectFit" system.

30. In the context of its submissions, the Claimant has, with regard to the side views of the "PerfectFit" system, which features a viewing window on the side. With regard to the functioning of the lower funnel and the "PerfectFit" system, the Claimant's "Style" carafes are identical and interchangeable/comparable with "Marella" carafes. This applies to all intended for use with "Maxtra" and "MaxtraPlus+".

31. The filter cartridges in question are fully compatible for this purpose:



32. If the contested filter cartridges were inserted into the water carafes, the ‘PerfectFit’ mechanism, allowing water to flow through the jug.

33. An examination of the ‘Marella’ water carafe with the filter cartridges in question revealed that the transparent rim of the funnel, in conjunction with the spindle of the filter cartridge, significantly reduces the flow rate. This interaction results in a reduction in the flow rate that is greater than the reduction caused by the filter cartridge’s pin alone or the base of the funnel.

34. For details of the test report submitted by the Claimant from the Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e.V. (Fraunhofer) (hereinafter: Fraunhofer Report), reference is made to Annex MB 8.

35. On this basis, the claimant submits that the contested filter cartridges fulfil all the features of the combination of claims set out in claims 1 and 13 to 15 relating to the filter cartridge. The remaining features are realised through a combination of the filter cartridge with the claimant’s ‘Marella’ and ‘Style’ water jugs.

Funnel base wall

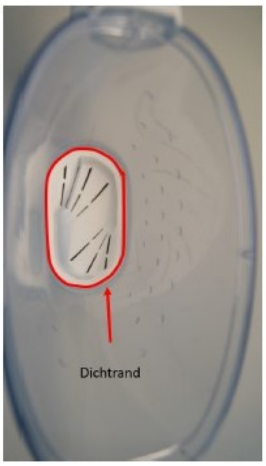
36. In particular, the inlet funnel has a funnel base wall. The term

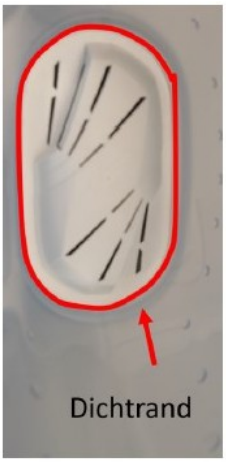
funnel base wall is not defined in the patent at issue. No mandatory spatial or physical specifications regarding the design of the funnel base wall can be inferred from the patent at issue. The funnel base wall forms a boundary of the inlet funnel 'downwards'. It serves to ensure that the liquid does not flow past the intake opening, but through the intake opening into the filter cartridge. To fulfil this function, it is not necessary for the funnel base wall to run horizontally.

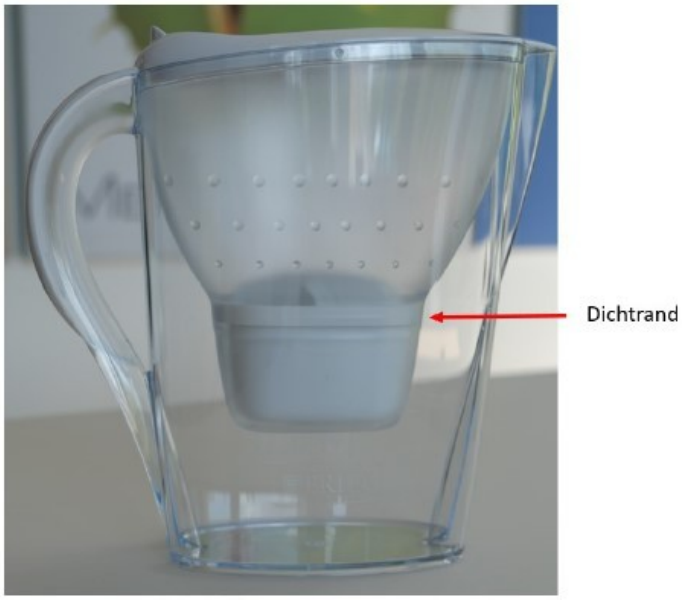
Contact between the sealing edge of the filter cartridge and the edge of the inlet opening

37. Furthermore, the filter cartridge in question has a sealing rim:

38. The filter cartridges are compatible with the Claimant's water jugs equipped with a 'PerfectFit' system and can be inserted into the water jugs in such a way that the sealing rim of the water jugs lies watertight against the inlet funnel:



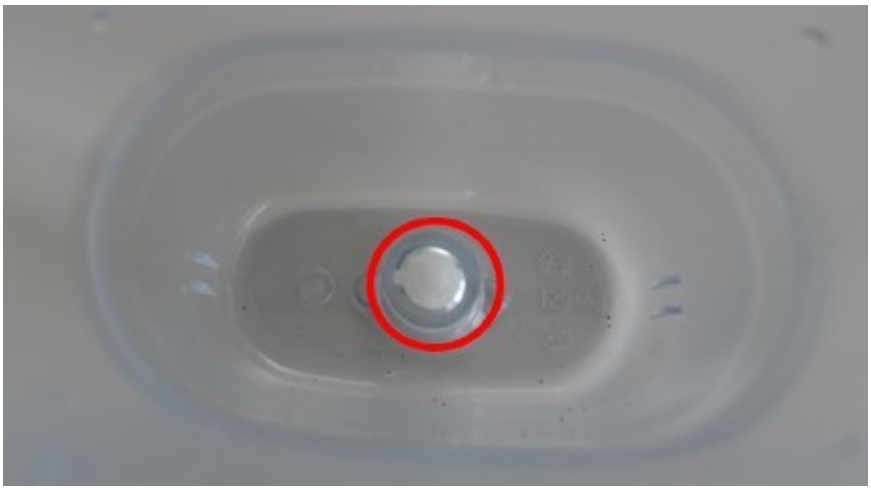




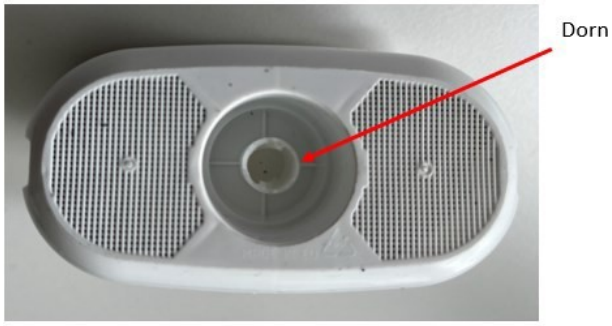
39. According to the invention, the sealing rim should rest against the edge of the receiving opening, not just anywhere within the receiving chamber. Therefore, the receiving opening can be regarded as an area which, as such, does not have a clearly defined boundary. However, it is also not sufficient to order the sealing rim at the upper (or even the middle) part of the receiving chamber.

Fixing means

40. Furthermore, the transparent rim of the 'PerfectFit' system, i.e. the circular-arc-shaped bead or the first indentation in the funnel, constitutes the first fixing means:



41. This transparent bead is designed to enable the cartridge to be guided in conjunction with the 'pin' in the form of a ring-shaped projection on the underside of the cartridge, which constitutes the second fixing means.



42. The second fixing means on the underside of the filter cartridges in question is guided onto the 'PerfectFit' mechanism of the Claimant's water jugs in such a way that the second fixing means and the 'PerfectFit' mechanism interlock when the filter cartridge is fully inserted. It is no longer possible for the filter cartridge to slip.

43. Neither claim 1 nor the description of the contested patent suggests that the position of the filter cartridge must be fixed absolutely and reproducibly by the fixing means. Rather, the patent at issue teaches that the fixing elements could also be designed as guide elements which guide the filter cartridge into the intended position upon insertion, whereby this predetermined position could also be a range.

Throttling device

44. As the Fraunhofer Test Institute had established, the combination of the transparent invagination of the funnel, i.e. the transparent bead and the white mandrel, is decisive for the flow rate. The first and second fixing means therefore act together. It is therefore established that at least the first fixing means forms a throttling device. According to the invention, the throttling device consists at least of the first fixing means, whereby it is sufficient that the first fixing means contributes to reducing the flow rate specified by the filter cartridge. These requirements are met when the contested embodiments are used in the Claimant's carafes mentioned.

Further requirements of Article 26 of the UPC Agreement

45. In the claimant's view, the requirements for indirect infringement within the meaning of Article 26 of the UPC Agreement are met.

46. In particular, the contested filter cartridges marketed by the defendant are, objectively speaking, of such a nature that they are suitable for use in connection with the invention. Indeed, the defendant even highlights their compatibility with the Claimant's water jugs in its advertising. The contested filter cartridges also constitute an essential element of the invention. The objective of the invention is to provide a filter cartridge and a device for filtering liquids, by means of which the flow rate provided by the filter cartridge can be easily reduced. Therefore, the filter cartridge is expressly mentioned as a means in the patent at issue. It is

not only defined in the patent claims in terms of several features, but also described in detail in the specification.

47. The defendant denies that there has been an indirect infringement of the patent at issue.

48. It submits that the combination of the contested filter cartridge with the Claimant's 'PerfectFit' water jug does not constitute use of the patented invention within the meaning of Article 26 of the UPC Agreement, as the combination does not fall within the scope of protection of the patent at issue. Several features of patent claim 1 are not realised either literally or by equivalent means.

No funnel-shaped bottom wall

49. For instance, the 'PerfectFit' water carafe does not feature a funnel base wall within the meaning of the contested patent. Patent claim 1 clearly distinguishes between the 'peripheral wall (11)' of the inlet funnel and the 'funnel base wall (12)'. As all the figures of the patent at issue show, the slope changes abruptly at the transition from the funnel base wall to the peripheral wall. In contrast, the Claimant's 'PerfectFit' inlet funnel has no kink where the peripheral wall of the inlet funnel transitions into a funnel base wall. As the illustration shown below makes clear, there is only the peripheral wall:

50. Accordingly, the flow conditions at the inlet opening of a cartridge upper part are also different from those of an inlet funnel in accordance with the contested patent.

No rim of the receiving opening

51. Furthermore, the 'PerfectFit' water carafe does not feature a 'rim of the receiving opening'. Patent claim 1 clearly distinguishes between the 'rim of the receiving opening' and the 'peripheral wall of the receiving chamber'. A person skilled in the art would infer from all the figures of the patent at issue that the rim of the receiving opening, against which the sealing rim of the filter

, is not merely an upper region of the peripheral wall of the receiving chamber, but a region which, viewed from the inside, is bent outwards or even offset outwards relative to the peripheral wall of the receiving chamber.

52. The receiving chamber of the 'PerfectFit' inlet funnel does not feature such an edge of a receiving opening against which the contested embodiment would rest. The contested filter cartridge rests against an upper portion of the peripheral wall of the receiving chamber, the inner surface of which is in no way bent outwards. Insofar as the visual impression arises that there is a defined area of the circumferential wall of the receiving chamber, this is attributable to the shape of the circumferential wall on its outer side. On the inner side, i.e. where the sealing rim rests, there is no bent-out area.

No interaction of the fixing means

53. Apart from that, there is also a lack of interaction between the retaining mechanisms, with the result that the retaining mechanisms do not define the position of the filter cartridge. As the Fraunhofer report explicitly describes, when inserting the filter cartridge, there is no perceptible resistance to signal to the user that the intended position of the filter cartridge has been reached. Consequently, the combination of the contested filter cartridge with the 'PerfectFit' inlet funnel, there is a lack of fixing means within the meaning of the patent at issue.

No throttling device within the meaning of the patent at issue

54. Even if one were to regard the fixing means in the Claimant's inlet funnel as such, the defendant contends that this does not constitute the throttling device designed to reduce the flow rate specified by the filter cartridge. The patent at issue had been amended to its current version following opposition proceedings, which had been concluded by a decision of the Technical Board of Appeal dated 4 December 2012 (Annex B 1). In the opinion of the Technical Board of Appeal, the claim was to be interpreted as meaning that the throttling device defined in the claim must be the one in the entire flow system that significantly reduces the liquid flow delivered by the filter cartridge,
i.e. that it constitutes the component limiting the flow rate. The Technical Board of Appeal further emphasised that the 'restriction means simultaneously constitute fixing means for the filter cartridge'.

55. With regard to the filter cartridges at issue, the Fraunhofer report shows that the combination of bead and mandrel – which the Claimant regards as retaining means within the meaning of the patent at issue – cannot, in fact, be the component that limits the flow rate and therefore does not constitute the throttling device within the meaning of the patent at issue. In the case of the 'PerfectFit' inlet funnel, only the valve ('DropStop') arranged below the bead can be regarded as a throttling device within the meaning of the patent at issue; however, this is not a fixing means for the filter cartridge at issue.

56. Even if the combination of the contested filter cartridge with the Claimant's 'PerfectFit' inlet funnel fell within the scope of protection of the patent at issue, in the defendant's view

the defendant, the requirements of Article 26 of the UPC Agreement are not met.

57. The cartridges in question did not constitute means relating to an essential element of the invention within the meaning of Article 26 of the UPC Agreement. According to the description of the contested patent, the invention is concerned with adjusting the flow rate for a given cartridge type by selecting an appropriate receiving chamber or inlet funnel. The function of the inlet funnel according to the invention is therefore to render a filter cartridge usable for the filtration of water. The fact that the asserted patent claims also encompass features of a cartridge does not alter this. The invention is always solely concerned with making a cartridge usable. The fact that the cartridge and the inlet funnel are also coordinated in detail for this purpose does not alter the fact that the invention lies in the inlet funnel.

58. Even if the reference to compatibility with the Claimant's water carafe constituted an offer by the defendant within the meaning of Section 26(1) of the UPC Agreement, there would be no offer to "persons other than those entitled to use the invention". The only persons who could possibly be regarded as such users are those in possession of a 'PerfectFit' funnel which was placed on the market together with the cartridge manufactured by the Claimant, with the Claimant's consent. Under Article 29 of the UPC Agreement, the rights conferred by the European patent could not extend to acts of these persons relating to their 'PerfectFit' funnels. The claimant's rights in the funnels it had itself placed on the market were exhausted.

59. Even if the rights were not already exhausted, the purchasers of the 'PerfectFit' funnel would be entitled to a free licence acquired upon the purchase of such a funnel. It should be obvious that the purchaser of a 'PerfectFit' funnel would not wish to be obliged to acquire a fee-based licence from the Claimant for every time a new cartridge is inserted.

60. Finally, the supply challenged in the action does not constitute such a supply by the defendant within the meaning of Article 26 of the UPC Agreement.

61. The claimant has contested the defendant's defence of exhaustion.

LEGAL ASSESSMENT:

A. Admissibility of the infringement action

62. The infringement action is admissible. In particular, the Unified Patent Court (UPC) has international jurisdiction.

63. The UPC is a common court within the meaning of Article 71a(1) of the Brussels Ia Regulation (Article 71a(2)(a) of the Brussels Ia Regulation). It therefore has jurisdiction where the courts of a Contracting Member State would have jurisdiction under the Brussels Ia Regulation for an action within the meaning of Article 32(1) of the UPC Agreement (Article 71b(1) of the Brussels Ia Regulation).

64. That is the case here.

65. At the oral hearing, the claimant requested the withdrawal of its claim in so far as it also covered Liechtenstein. The defendant consented to this partial withdrawal of the claim, which is why the Chamber has allowed this partial withdrawal (para. 265 of the RoP). The objection raised by the defendant has thus become moot.

66. International jurisdiction over the defendant arises under Article 7(2) of the Brussels Ia Regulation, as this provision, in conjunction with Article 71b(2) of the Brussels Ia Regulation, establishes international jurisdiction for all patent infringements (allegedly) committed in a Contracting Member State, irrespective of the defendant's place of business. However, the jurisdiction conferred by Article 7(2) of the Brussels Ia Regulation is not limited to that Member State (see also UPC_CoA_317/2025, Order of 28 November 2025 – Barco v. Yealink).

67. Since the defendant, in its preliminary objection, merely challenged the jurisdiction in relation to the orders sought by the Claimant for Liechtenstein, the jurisdiction of the UPC and that of the Düsseldorf local division are also deemed to be accepted, insofar as the sought orders do not relate to Liechtenstein, R. 19.7 RoP.

B. Expert

68. The claimant considers a plastics designer with experience in the development of, in particular, gravity-fed liquid treatment systems, such as tabletop water filter systems, to be a person skilled in the art. The defendant has not contested this. Nor does the court have any reservations regarding this definition of the person skilled in the art.

C. Scope of protection of the patent at issue

69. With regard to the scope of protection of the patent at issue, the following applies:

I. Subject-matter of the patent at issue

70. The patent at issue relates to a device for the filtration of liquids.

71. As the skilled person will gather from the introductory remarks in the specification of the contested patent, the term 'filter cartridge' encompasses not only cartridges with a sieve-like structure for mechanical filtration, but also those which, in addition to such a structure, contain at least one filter medium serving to chemically and/or mechanically remove and/or reduce organic and/or inorganic impurities. Filter cartridges equipped in this way thus enable non-mechanical filtration, which can be combined with mechanical filtration. These filter cartridges are used for the optimisation of water, whereby optimisation is understood to mean mechanical and/or non-mechanical filtration. According to the description of the patent at issue, this includes, for example, the softening and decalcification of drinking water (para. [0002]).

72. Devices for the filtration of liquids are known in a wide variety of designs. For example, there are filter devices with spherical filter cartridges which, as described in WO 2004/014519 A1, are screwed onto the inlet funnel from below by means of a bayonet lock (para. [0003] et seq.).

73. Furthermore, the specification of the contested patent cites DE 199 05 601 A1. This document discloses a device for treating liquids comprising an inlet funnel having an inlet opening with a sealing ring. The filter cartridge is also inserted into the receiving opening from below and pressed into the receiving opening by means of a separate retaining ring. For this purpose, the filter cartridge is provided with a groove below a sealing rim on the upper part of the cartridge, into which the lower section of the retaining ring engages. The upper section of the retaining ring is guided in a groove of a boss moulded onto the base of the funnel. The installation and removal of the filter cartridge is laborious and requires particular skill on the part of the operator (para. [0005]).

74. The description of the contested patent goes on to explain that other embodiments provide for the inlet funnel to have a receiving opening in its base wall, into which the filter cartridge is inserted from above. The filter cartridge usually has a conical sealing rim which rests against the edge of the receiving opening. However, according to the description of the contested patent, the filter cartridge may become misaligned during insertion, so that it does not assume the intended sealing position (para. [0006]).

75. As a further prior art reference, the specification of the contested patent discusses DE 199 158 29 A1, from which a filter cartridge and a device for treating liquids are known, in which the sealing rim comprises additional locking means that cooperate with corresponding locking means in the region of the opening in the base of the inlet funnel. The locking means are brought into engagement with one another by a rotational movement. In this embodiment, the filter cartridge is held only at the edge and is located in the filter chamber. In the case of a kettle, the filter cartridge is also located in the boiling chamber, so that during the heating of the filtered liquid, the filter cartridge may be subject to adverse effects. Against this background, the patent specification in dispute states that it is desirable for the filter cartridge to be ordered in a manner shielded from the filtrate chamber or boiling chamber (para. [0007] et seq.).

76. To remedy this, the description of the contested patent states that inlet funnels with a mounting device for the filter cartridge are used. In this design, too, the conical sealing rim of the filter cartridge rests against the edge of the mounting opening in the base wall of the inlet funnel. The peripheral and bottom walls of the filter cartridge are ordered at a distance from the peripheral and bottom walls of the receiving chamber, so that during filtration, filtered liquid can accumulate in this gap but is not restricted by the flow rate. An outlet opening, which is provided with a closure element, is located in the bottom wall of the receiving chamber (para. [0008]).

77. According to the description of the contested patent, such a water filtration device with a collection vessel and a heating element is known from DE 198 46 583 A1. The inlet funnel

has a housing chamber into which the filter cartridge is inserted from above. The housing chamber is formed by a filter insert, which may be permanently attached to the inlet funnel or inserted into the housing opening. The filter insert is adapted to the conical shape of the filter cartridge and acts as a guide for the filter cartridge. As the outer wall of the filter cartridge rests against the entire surface of the filter insert, it is difficult to separate the two components, particularly if the user pushes the filter cartridge deep into the filter insert. Due to the interlocking of two conical surfaces, it is not apparent to the user when they have reached the end position required for the filter cartridge to sit optimally and which defines the sealing position of the filter cartridge (para. [0011]).

78. As the specification of the contested patent further explains, in all known filter devices it is necessary to adjust the filter cartridge to the desired flow rate (para. [0012]).

79. Against this background, the patent at issue describes the objective of the invention as providing a filter cartridge and a device for filtering liquids, by means of which the flow rate provided by the filter cartridge can be easily reduced and adjusted.

80. To solve this problem, claims 1, 13, 14 and 15, in combination, claim protection for a device having the following features:

1. Apparatus for filtering liquids comprising

    1.1. a filter cartridge (100) and

    1.2. an inlet funnel (10).

2. The filter cartridge (100) comprises

    2.1. a cartridge upper part (101) with at least one inlet opening (102),

    2.2. a cartridge lower section (110) with at least one outlet opening (113) and

    2.3. a sealing rim (160).

3. The inlet funnel (10) has

    3.1. a peripheral wall (11),

    3.2. a funnel base wall (12) and

    3.3. a receiving opening (13) arranged in the funnel base wall (12), into which the filter cartridge (100) can be inserted from above.

4. The sealing rim (160) of the filter cartridge (100) rests against the rim of the receiving opening (13).

5. A receiving chamber (14) extends downwards from the receiving opening (13).

5.1. The receiving chamber (14)

5.1.1. has an outlet opening (17),

5.1.2. has a peripheral wall (15) and

5.1.3. a base wall (16).

6. The inlet funnel (10) comprises at least one first fixing means (30) below the receiving opening (13).

7. The filter cartridge (100) comprises at least one second fixing means (130) located below and spaced apart from the sealing rim (160).

7.1. The second fixing means (130)

7.1.1. acts in conjunction with the first fixing means (30) when the filter cartridge (100) is inserted into the receiving opening (13),

7.1.2. so that the retaining means (30, 130) define the position of the filter cartridge (100).

8. At least the first fixing means (30) forms the throttling device (200, 200') to reduce the flow rate specified by the filter cartridge (100).

9. The bottom wall (16) of the receiving chamber (14) has at least a first indentation (31).

9.1 The first indentation (31)

9.1.1. is an inward-facing cylindrical or truncated conical hollow body (32) moulded onto the bottom wall (16) of the receiving chamber (14),

9.1.2. on the free edge (33) of which at least one inward-facing, circular-arc-shaped first bead (34) is ordered, which leaves at least one outlet opening (17) free.

10. The bottom wall (112) of the filter cartridge (100) has at least a second intussusception (131).

10.1. The second invagination (131) overlaps the first invagination (31).

10.2. An outward-facing mandrel (132) is arranged in the second indentation (131).

10.2.1. The pin (132) engages with the cylindrical or truncated conical hollow body (32) when the filter cartridge (100) is inserted.

11. The first and second intussusceptions (31; 131) are ordered at a distance from one another, at least in certain areas.

II. Interpretation

81. Some features require further explanation:

1. Principles of interpretation

82. Pursuant to Article 69 EPC, read in conjunction with the Protocol on its interpretation, the patent claim is not merely the starting point but the decisive basis for determining the scope of protection 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 aids to the interpretation of the patent claim and should not be used merely to resolve any ambiguities in the patent claim. However, this does not mean that the patent claim serves merely as a guideline and that its subject-matter also extends to what, upon examination of the description and the drawings, appears to be the patent proprietor's claim for protection. In applying these principles, appropriate protection for the patent proprietor should be combined with sufficient legal certainty for third parties. The patent claim must be interpreted from the perspective of a person skilled in the art. These principles for the interpretation of a patent claim apply equally to the assessment of infringement and the validity of a European patent (UPC_CoA_335/2023, Order of 26 February 2024, Headnote 2 and p. 26)
f. – 10x Genomics v. NanoString; UPC_CoA_1/2024, Order of 13 May 2024, para. 26 – VusionGroup v. Hanshow; UPC_CoA_182/2024, Order of 25 September 2024, para. 82 – Mammut v. Ortovox).

2. Interpretation in individual cases

a) Claim structure

83. The combination of patent claims 1 and 13 to 15 protects a device for filtering liquids comprising a filter cartridge (100) and an inlet funnel (10).

84. Whilst features or feature groups 1, 4, 7, 10, 10.2 and 10.2.1 relate to the detailed technical design of the filter cartridge, feature groups 3, 5, 6, 8 and 9 describe the inlet funnel in more detail. Finally, features 10.1 and 11 relate to the interface between the two components of the device.

b) Design of the filter cartridge

85. According to the invention, the filter cartridge comprises a cartridge upper part (101) with at least one inlet opening (102) and a cartridge lower part (103) with at least one outlet opening (features 2.1. and 2.2.).

aa) Sealing rim

86. To ensure that the substrate to be filtered flows through the filter cartridge from top to bottom and is not diverted past the filter cartridge, the filter cartridge also features a sealing rim (160). With regard to its spatial order, the skilled person derives two points from the combination of claims at issue: Firstly, the sealing rim (160) of the filter cartridge (100) (when the cartridge is inserted) is intended to bear against the rim of the receiving opening of the inlet funnel (10) (feature 4). Since the receiving opening (13) is located in the base wall (12) of the inlet funnel and is to be inserted from above, it is clear that the sealing rim must be situated in the upper region of the filter cartridge. Furthermore, and in line with this realisation, the filter cartridge (100) is to have, *below* and spaced apart from the sealing edge, at least a second fixing means which, when the filter cartridge (100) is inserted into the receiving opening (13), interacts with the first fixing means (30), so that the fixing means define the position of the filter cartridge. On this basis, the sealing rim is therefore described solely in terms of its spatial order within the cartridge in relation to the second fixing means, as well as indirectly via the specification of its spatial order in the inlet funnel when the cartridge is inserted. Furthermore, its spatial and physical configuration is left to the discretion of the person skilled in the art. The configuration of the sealing rim as a snap-fit rim mentioned in the specification of the contested patent (see para. [0068]) is only the subject of sub-claim 21. This is a preferred configuration of the sealing rim. The sealing edge may therefore be designed as such a snap-fit edge; however, this is not a prerequisite for the technical teaching claimed by claims 1 and 13 to 15.

bb) Second inversion

87. Feature group 10 defines the second fixing means (130) in more detail in that the base wall (112) of the filter cartridge (100) comprises at least one (second) indentation which engages over the first indentation arranged in the base wall of the receiving chamber (14) (feature 10). An outward-facing pin is ordered in the second intubation (131), which engages with the first intubation when the filter cartridge (100) is inserted into the cylindrical or truncated conical hollow body (32) (features 9.1., 9.1.1., 10.2. and 10.2.1.). Furthermore, the spatial order of the second indentation is defined in more detail in that it is ordered at a distance from the first indentation, at least in certain areas.

c) Design of the inlet funnel

aa) Peripheral and funnel base wall

88. As the expert can see from feature group 3, the inlet funnel comprises a peripheral wall (11), a funnel base wall (12) and a receiving opening (13) arranged in the funnel base wall, into which the filter cartridge can be inserted from above. The skilled person will search in vain for further design specifications regarding the configuration of the peripheral wall and the funnel base wall in the combination of claims at issue.

89. According to the invention, the inlet funnel must therefore have two walls that form a chamber into which the substrate to be filtered can flow or be poured, and from which it enters the filter cartridge via the outlet opening. The lateral or radial boundary of the chamber is formed by the peripheral wall, as the terminology used already indicates. The lower boundary of the space is provided by the funnel base wall, as the skilled person will deduce from the term ‘base’ and from the interplay of features 3.3 and 4. A base is conventionally a surface which, in a space, adjoins the side/peripheral walls and bounds this space at the lower end. The lower end – viewed in the axial direction – of the space formed laterally by the perimeter wall is therefore bounded by the funnel base wall.

90. In so far as the defendant takes the view that, at the transition from the base wall of the funnel to the peripheral wall, the peripheral wall must rise abruptly in relation to the base wall of the funnel, this view cannot be accepted. Nor can such a requirement be inferred from patent claims 1 and 13 to 15 in combination, nor can any indications be found in the description of the contested patent which would make the requirement for such an abrupt rise of the peripheral wall from the funnel base wall appear necessary. The patent at issue does not deal with the degree of inclination of both walls. The fact that such an abrupt rise is shown in some of the figures does not, for that reason alone, justify a restrictive interpretation of the patent claims, as these are preferred embodiments to which the invention must not be reduced. This is all the more true given that, even within the context of the description of these embodiments, there is no reference to a specific angle of inclination of the peripheral and hopper base walls, nor to the structural design of the transition between the two walls. The defendant rightly does not claim that the abrupt rise of the peripheral wall relative to the hopper base wall, as claimed by the plaintiff, is technically indispensable for the inlet hopper to fulfil the technical function intended for it under the invention.

91. From features 2.1 and 3.3, the person skilled in the art will derive the further requirement that the filter cartridge, which has an inlet opening, is to be insertable into the receiving opening arranged in the base wall of the funnel, the receiving chamber itself comprising a peripheral wall and a base wall (15, 16) as well as an outlet opening (17). On this basis, the inlet funnel, according to the invention, serves the function of allowing the substrate to be filtered to enter and, by virtue of the funnel shape, to guide it to the bottom of the inlet funnel and to the filter cartridge located there in the receiving opening. The peripheral wall is responsible for guiding the filtrate to be filtered downwards whilst simultaneously preventing it from escaping sideways. The base wall of the funnel must then be designed in such a way that it forms the lower end of the inlet funnel and directs the substrate to the filter cartridge located in the receiving opening. Provided that the peripheral wall and the base wall of the funnel are provided with angles of inclination that ensure these functions, their relative angles of inclination are irrelevant.

92. A restrictive interpretation cannot be justified; without the abrupt rise demanded by the defendant, the peripheral and funnel-bottom walls

clearly distinguished from one another. Such a clear, distinct demarcation is not required. Rather, it is sufficient, and indeed necessary, that both a peripheral wall and a funnel base wall—that is, a base and a lateral boundary of the inlet funnel—are present and that the flow conditions explained above are accordingly ensured.

bb) First retaining means

93. As the skilled person will note from feature 6, the inlet funnel (10) comprises at least one first retaining means (30) below the receiving opening (13). The first retaining means is not explicitly described in detail in patent claims 1 and 13 to 15. Rather, it is sufficient that the first fixing means (30) cooperates with the second fixing means (130) when the filter cartridge (100) is inserted into the receiving opening (13), so that the fixing means (30, 130) define the position of the filter cartridge (100) (feature group 7). In addition, at least this first fixing means (30) forms the throttling device (200, 200') to reduce the flow rate specified by the filter cartridge (100) (feature 8.).

94. However, it will be apparent to the person skilled in the art that, according to feature group 9, the bottom wall (16) of the receiving chamber is to have a first indentation (31), which is a cylindrical or truncated conical hollow body moulded onto the bottom wall of the receiving chamber and facing inwards, into which the mandrel arranged in the (second) invagination of the filter cartridge (feature 10.2.1.). Even though the patent claims do not explicitly designate the first intussusception, including the hollow body, as a first fixing means, it is clear to the person skilled in the art, having regard to the description of the contested patent, that they perform this function in the combination of claims at issue (see para. [0046] in conjunction with [0027], para. [0082]).

d) Interaction of the components

aa) Contact between the sealing edge of the filter cartridge (100) and the edge of the receiving opening (feature 4)

95. Feature 4 requires that the sealing edge (160) of the filter cartridge (100) abuts against the edge of the receiving opening. As already explained, such abutment ensures that the receiving chamber or any remaining gap is sealed when the filter cartridge is inserted into the receiving chamber. This ensures that the substrate to be filtered passes through the filter and does not bypass the filter cartridge, potentially leaving the device without passing through the filter cartridge and thus unfiltered. Even though this technical function does not require the sealing edge to be placed in a precise order at the axially uppermost edge of the receiving opening and the sealing can also take place within an axially defined range, the requirement set out in feature 4 that the sealing edge of the filter cartridge is to be ordered *at the edge of the receiving opening*, which in turn is ordered in the funnel base wall (12) and from which the receiving chamber extends downwards (feature group 5), into which the filter cartridge is inserted.

96. Whether and to what extent the intake opening encompasses an area, and, if so, where its boundaries lie, does not require a definitive assessment in the present case, as it is not relevant to the decision.

97. In so far as the defendant appeals on the grounds that patent claim 1 clearly distinguishes between 'the edge of the receiving opening' and the 'peripheral wall of the receiving chamber', and therefore the rim of the receiving opening (against which the sealing rim of the filter cartridge rests) is not merely an upper region of the receiving chamber, but a region which, viewed from the inside, is bent outwards or even offset relative to the peripheral wall of the receiving chamber, there is no basis in the patent claim relevant for determining the scope of protection for such a claim. According to the wording of the claim, the receiving chamber extends downwards from the receiving opening, which in turn is ordered in the bottom wall of the inlet funnel. The person skilled in the art will search in vain for any requirement to the effect that the receiving opening and the downward-extending peripheral wall must have different cross-sections. The patent claim deals neither with the detailed spatial and physical configuration of the receiving opening nor with that of the peripheral wall. The receiving opening differs from the latter only in that it is ordered in the funnel base wall, whilst the peripheral wall of the receiving chamber, as a component thereof, extends downwards from the receiving opening. Applied to feature 4, it follows that the sealing edge must be located at the level of the funnel base wall (and thus in the region of the receiving opening) and must not be ordered anywhere in the region of the peripheral wall and thus the receiving chamber. Conversely, a design in which the rim of the receiving chamber and the peripheral wall of the receiving chamber have the same cross-section is not excluded. Even then, the sealing rim of the filter cartridge may abut against the rim of the receiving opening. The defendant's view, by contrast, would amount to an impermissible restriction of the scope of protection to the preferred embodiments shown in the figures, which feature the required outward bend.

bb) Interaction between the first and second fixing agents (features 7.1.1, 7.1.2, 10.1 and 10.2.1)

98. Features 7.1.1, 7.1.2, 10.1 and 10.2.1 deal with the interaction of the first and second fixing means. When the filter cartridge is inserted, the second protrusion of the cartridge engages with the first protrusion of the receiving opening (feature 10.1). When the filter cartridge is inserted, the outward-facing pin (132) located in the recess of the filter cartridge engages with the cylindrical or truncated conical hollow body (32) of the first recess.

99. Even though patent claim 1 does not in itself define the spatial-physical configuration of the first fixing means in detail, and although the combination of claims at issue requires a first recess arranged on the bottom wall of the receiving chamber but does not define this as the first fixing means, it is clear to the person skilled in the art from a consideration of feature groups 9 and 10 that, as already

explained, the first intussusception is the first fixing means and the second intussusception is the second fixing means. This is confirmed for the person skilled in the art by paragraph [0046] of the description of the contested patent, which states:

> "In this embodiment, the first guide element is formed by the at least one circular arc-shaped bead, which slides along the outer surface of the mandrel as the filter cartridge is inserted. The bead does not extend over the entire inner circumference of the hollow body, leaving a free space which, after insertion of the mandrel—which constitutes the second guide element—forms the outlet opening. Several circular arc-shaped beads or bead segments may be ordered at intervals around the circumference, thereby creating multiple outlet openings."
>
> (Emphasis added)

100. A similar statement is found in paragraph [0082], which reads:

> "The filter cartridge 100 also has an indentation 131 in its base wall 112, into which a mandrel 132 is moulded, extending vertically downwards. When the filter cartridge 100 is inserted into the receiving chamber 14, the pin 132 engages with the truncated conical hollow body 32, with the outer surface 133 of the pin 132 sliding along the bead 34. In this embodiment, the pin 132 and the bead 34 form first and second fixing means 30, 130, which serve as guide elements. The outlet opening 17 is formed between the outer surface 133 of the pin 132 and the wall 35 of the hollow body 32."
>
> (Emphasis added)

101. The configuration described above is mandatory under the technical teaching protected by a combination of claims 1 and 13 to 15, and is no longer merely a preferred embodiment, as described in paragraphs [0041] et seq. and paragraph [0082].

102. As the skilled person will further note from paragraph [0023], the retaining means are, according to the invention, ordered in such a way that, when acting together, they define the position of the filter cartridge. When the fixing means act together, the sealing edge of the filter cartridge rests in its intended position against the edge of the receiving opening. This ensures that the junction between the filter cartridge and the inlet funnel is sealed in such a way that the substrate to be filtered is guided completely through the filter cartridge and does not flow (partially) past it. Secondly, this—i.e. the interaction of the sealing means and consequently the securing of the filter cartridge in its designated position—determines the cross-section of the flow channel and thus the throttling device (see also para. [0052]). Insofar as the description of the contested patent, by contrast, contains an indication that the interaction of the fixing means when inserting the filter cartridge is associated with a perceptible resistance for the user, which signals to them that the intended position of the filter cartridge has been reached (see para. [0024]), this is just as irrelevant as the mention, to be found at the end of para. [0036] at the end, which refers to a sound associated with the locking or snapping into place that signals to the user that the filter cartridge has reached its intended position, has been reflected in the patent claim. Such acoustic or sensory feedback indicating that the intended position has been reached is therefore not a prerequisite for the realisation of the claimed technical teaching.

cc) Throttling device

103. In order to control the flow rate through the filter cartridge without requiring a different design of the filter cartridge for each desired flow rate, the invention further provides a throttling device (200, 200') (see para. [0015]).

104. Even though feature 8 provides that the throttling device is formed by at least the first fixing means in order to reduce the flow rate specified by the filter cartridge, the person skilled in the art must not lose sight of the configuration of the first and second fixing means as set out in feature groups 9 and 10. Accordingly, the first intubation is an inward-facing cylindrical or truncated conical hollow body moulded onto the base wall (16) of the receiving chamber (14)*, on the free edge (33) of which at least one inward-facing circular bead is ordered, leaving at least one outlet opening free* (feature group 9.1., emphasis added). At the same time, the mandrel arranged on the outside of the second intussusception engages with the hollow body when the filter cartridge is inserted (feature 10.2.1.). On this basis, the skilled person reads feature groups 8 to 10 together. They recognise that the first fixing means is formed by the entire first intubation and that the throttling device, for its part, is formed at least by the first fixing means. From paragraph [0087], the skilled person further learns that, according to the embodiment described there, the two fixing elements (30, 130) in the form of the annular bead (34) and the pin (132) form the throttling device when assembled. At the same time, however, it is not lost on the person skilled in the art when reading paragraph [0087] that this does not merely describe the bead generally as a throttling device, but that the throttling device (200') is thereby formed by the annular channel (202) when the outlet opening (17) has a significantly larger cross-section. However, the annular channel is not an essential component of the claimed device, which is why the invention cannot and must not be reduced to the specific configuration described in paragraph [0087]. Since the first invagination, which functions as the first fixing means, is designed as an inward-facing cylindrical or truncated conical hollow body moulded into the base wall of the receiving chamber (feature 9.1.1.) and the throttling device is to be formed at least by the first fixing means (feature 8.), it is clear that the desired throttling effect can be achieved through the interaction of the bead with the mandrel of the filter cartridge and will, as a rule, also be achieved. However, this is not a mandatory prerequisite for the realisation of the claimed technical teaching. Instead, it is sufficient, but also necessary, that at least the first fixing means and thus the first invagination as a whole form the throttling device in order to reduce the flow rate specified by the filter cartridge (feature 8).

D. Merits of the infringement claim

105. The infringement action is well founded. The offering and supply of the filters at issue constitute an indirect infringement of a combination of patent claims 1 and 13 to 15.

I. Principles

106. Under Article 26(1) of the UPC Agreement, the defendant may not, without the Claimant's consent, within the territory of the contracting member states in which the patent at issue is in force, offer or supply to persons other than those entitled to use the protected invention means relating to an essential element of the invention for the purpose of using the invention in that territory, if it knows or ought to have known that such means are suitable and intended for use in implementing the invention.

II. Assessment of infringement in individual cases

1. Objective requirements

107. The objective requirements for indirect patent infringement are met in the present case.

a) Objective suitability

aa) Principles

108. The contested embodiment is objectively suitable for use in implementing the invention as set out in patent claims 1, 13, 14 and 15. It is designed in such a way that the recipient can directly utilise the protected teaching with all its features.

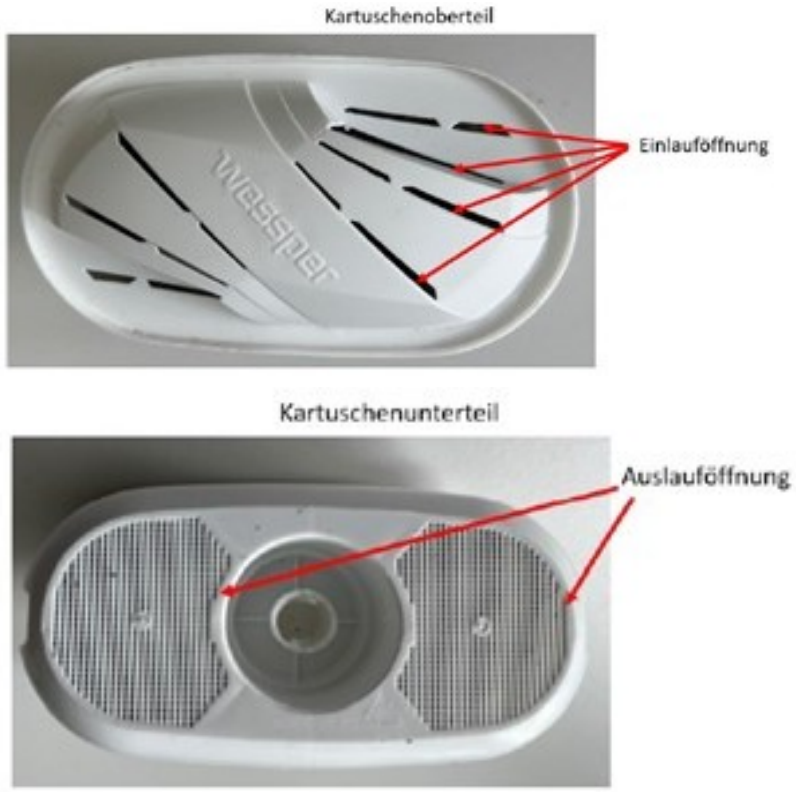
109. This follows simply from the fact that the contested embodiment incorporates all the features relating to the filter cartridge and that these can be inserted into a patent-compliant inlet funnel. For the objective elements of indirect patent infringement, it is not a prerequisite that such an inlet funnel actually exists or that the Claimant actually markets one. Both factors only become relevant in relation to the subjective requirements of indirect patent infringement.

bb) Implementation of the features of the filter cartridge

110. The defendant has not substantially disputed that the contested embodiment embodies all the features relating to the filter cartridge.

Feature group 2 – Cartridge upper part, cartridge lower part, sealing rim

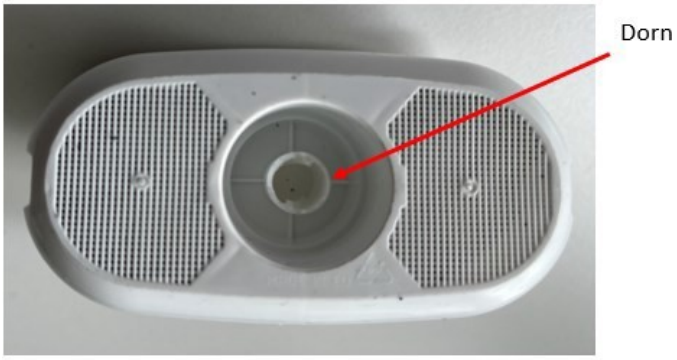
111. As the figures shown below illustrate, the filter cartridge comprises a cartridge upper part with at least one inlet opening and a cartridge lower part with at least one outlet opening within the meaning of features 2.1 and 2.2:



112. Furthermore, the filter cartridge also has a sealing rim in accordance with the invention:

Feature groups 7 and 10 – Second fixing means and second indentation

113. In addition, a second intaglio is located on the base wall of the filter cartridge, in which an outward-facing mandrel is ordered:



114. Based on the understanding of the scope of protection explained in detail above, this pin arranged in the second intagium constitutes a second fixing means within the meaning of the patent at issue (feature group 7).

cc) Combination of claims also realised

115. Even though, as explained, this is not in itself an objective requirement for the alleged patent infringement, the combination of claims at issue is in any event fulfilled when the contested filter cartridges are inserted into the Claimant's 'Marella' water carafe ('PerfectFit carafe').

Inlet funnel with a peripheral wall and a funnel base wall (feature group 3)

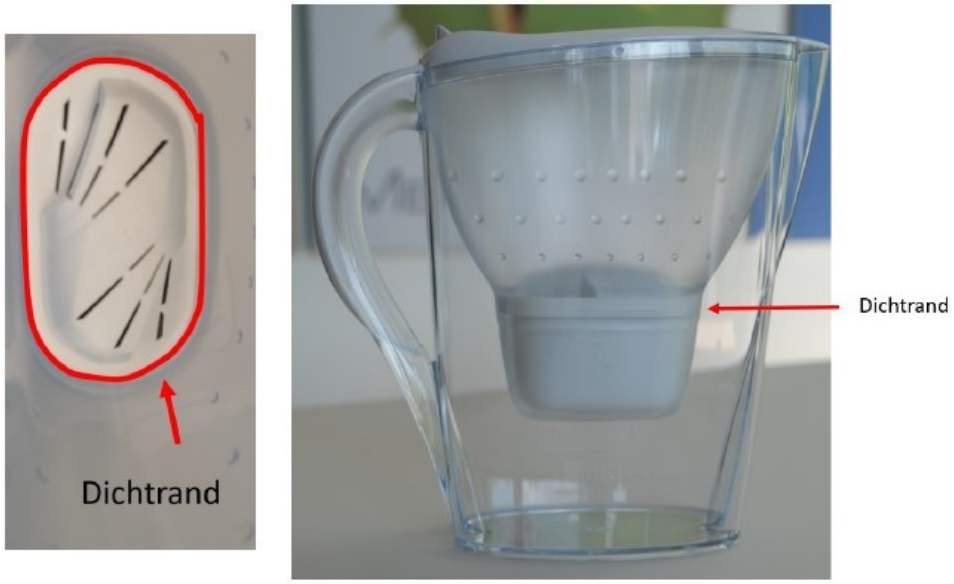
116. The fact that the inlet funnel has not only a peripheral wall but also a funnel base wall is illustrated by the figure of the inlet funnel with an inserted filter cartridge, shown below and marked by the Claimant.

117. As can be seen from the illustration shown above, the angle of inclination of the inlet funnel at the lower end differs from the angle of inclination at the upper end. A sudden rise in the circumferential wall relative to the funnel base wall is not required for the realisation of the claimed technical teaching. At the same time, the illustration also shows that the funnel base wall has a receiving opening into which the filter cartridge can be inserted (feature 3.3.).

118. If one were to take a different view and still regard the areas marked in red as part of the peripheral wall, the result would be no different. The skilled person derives no specifications regarding the extent of the funnel base wall from the combination of claims at issue. It may therefore also be of minimal size, provided it merely comprises a recess into which the filter cartridge can be inserted. In other words, the edge of the receiving opening may coincide with the funnel base wall. Viewed in this way, the edge of the receiving opening is then the funnel base wall with a receiving opening.

Contact between the sealing edge of the filter cartridge and the edge of the receiving opening (feature 4.)

119. Furthermore, based on the understanding of the scope of protection set out in detail above, the sealing edge of the damaged filter cartridges also abuts against the edge of the inlet funnel's opening:



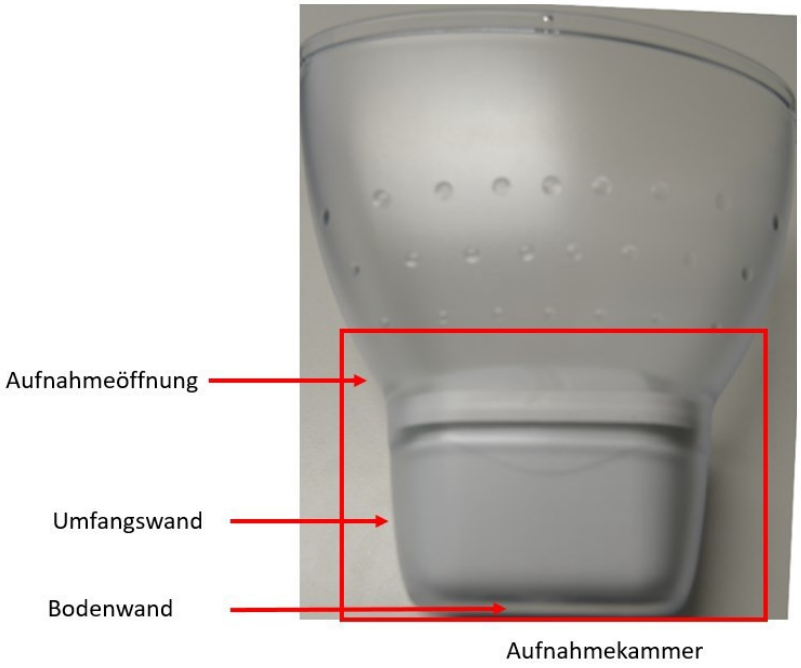
120. In so far as the defendant seeks to dispute the existence of this feature on the grounds that the receiving chamber of the inlet funnel does not have a rim of the receiving opening against which the filter cartridge in question would rest, but rather that the contested filter cartridge rests against an upper region of the peripheral wall of the receiving chamber, the inner surface of which is in no way bent outwards, this does not, for that reason alone, fall outside the scope of protection of the patent at issue, because, according to the invention, the rim of the receiving opening and the peripheral wall of the receiving chamber do not differ

must have the same diameter. In other words, the edge of the receiving opening and the circumferential wall of the receiving chamber can therefore merge seamlessly into one another.

121. There is no need for a more precise definition from a functional point of view either. As already explained, the sealing edge of the filter cartridge is intended to bear against the rim of the filter cartridge's receiving opening in order to seal the transition between the filter cartridge's inlet funnel and the receiving opening. However, it is clearly not essential for the receiving opening to have a larger diameter than the peripheral wall of the receiving opening, as shown by way of example in the figures of the patent at issue.

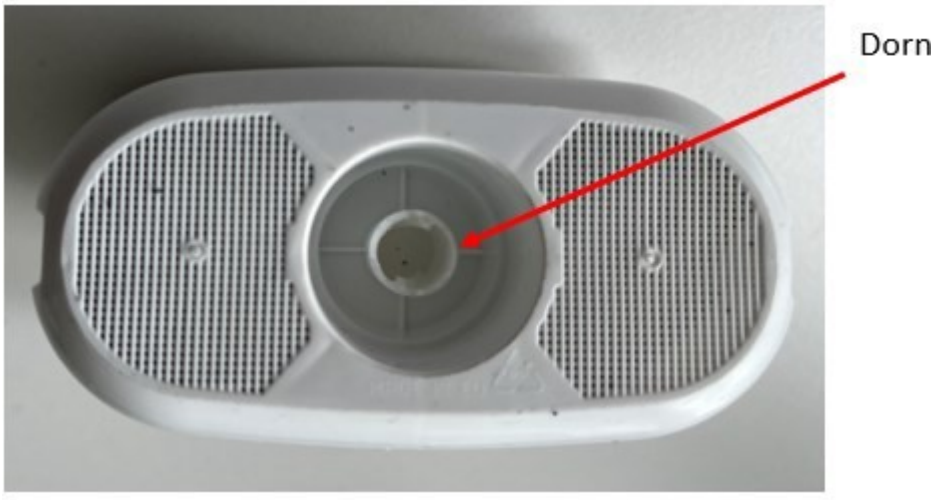
Reception chamber (feature group 5)

122. That the receiving chamber of the inlet funnel satisfies the requirements set out in feature group 5 can readily be seen from the figure shown below, which is taken from the specification and has been annotated and marked by the Claimant:

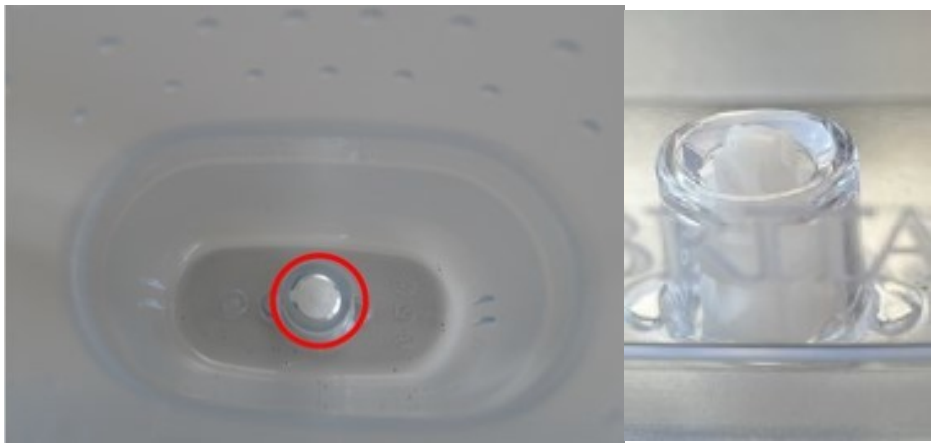


First and second fixing means (feature groups 7, 8, 9 and 11)

123. As already explained, the filter cartridge has an invagination and thus a mandrel.



124. When the filter cartridge is inserted into the ‘PerfectFit’ inlet funnel, it engages with a cylindrical hollow body located within the recess in the inlet funnel:



125. The hollow body arranged on the inlet funnel and the mandrel of the filter cartridge thus fulfil the requirements for a first and second fixing means within the meaning of the patent at issue. The hollow body guides the filter cartridge into a predefined position as it is inserted:

126. The first and second recesses, with their hollow body and mandrel, thus fulfil the requirements that the patent at issue imposes on a first and second fixing means. That this is the case is already made clear in paragraph [0082], according to which the mandrel engages with the conical hollow body upon insertion, with the outer surface of the mandrel sliding along the bead. According to the description of the contested patent, the mandrel and the bead constitute the first and second fixing means in such a configuration. By contrast, the existence of a fixing means requires neither a locking mechanism nor a signal indicating to the user that the filter cartridge has reached a predefined position upon insertion.

127. The fact that such a signal is not a prerequisite for the realisation of the technical teaching of the contested patent has already been set out in detail in the context of the interpretation. Even setting that aside, however, the hollow body and the mandrel fulfil the requirements of patent-compliant fixing means.

128. According to the invention, the fixing means may (preferably) be a spacer, and/or a guide, and/or a locking element (see paragraph [0064]), without the patent at issue specifying any one of these possibilities. In particular, the necessity of a locking element cannot be inferred solely from the fact that the description of the contested patent, in the context of explaining an embodiment with a snap-on rim, mentions that in such a design, fixing means in the form of guide elements are sufficient (see para. [0059]). If this is the case, it does not follow conversely that a more extensive fixing means is required in all other designs. Rather, the decisive factor is solely that the respective fixing means ensure that, after insertion, the filter cartridge is in its specified position, so that, on the one hand, the sealing rim of the filter cartridge rests in its specified position against the edge of the receiving opening and, on the other hand, the cross-section of the flow channel and thus the throttling device is defined.

129. The defendant has not substantially disputed that the first and second indentations, together with the hollow body and the mandrel, satisfy these requirements when the contested embodiment is inserted into the ‘PerfectFit’ filter cartridge. Insofar as the defendant refers in this context to the difference in press-in depth of 3 mm established by the Fraunhofer Institute (see Annex MB 8, p. 12), this is not equivalent to a corresponding difference in the cross-section of the channel. In any event, nothing of the sort can be inferred from the Fraunhofer report. Rather, the report merely describes the relationship between insertion depth and cross-section in general terms:

> **3.2.3 Positionierung der Kartusche**
>
> Wie bereits in der Ergebnisdarstellung beschrieben wirkt sich der Kanal zwischen Auslass der Kartusche und Trichterboden auf den Volumenstrom aus. Die Geometrie dieses Kanals ist von der genauen Einpresssituation der Kartusche abhängig, wird die Kartusche fest eingepresst, verringert sich der Querschnitt des Kanals, ein nur leichtes Einpressen führt dagegen zu einem größeren Querschnitt.

[…]

> Es zeigt sich zunächst, dass die Einpresstiefe mit wenigen Ausnahmen vollständig innerhalb eines engen Fensters von 123 – 126 mm liegt. Die drei Ausreißer mit Werten von 127,5 – 129,5 mm gehören zu den Versuchen ohne Dorn und ohne Einstülpung, in denen die Positionierung nicht durch das Ineinandergreifen von Einstülpung und Dorn unterstützt wird. Hier zeigt sich nochmals, dass diese Elemente zurecht als „Fixierelemente" bezeichnet werden.

130. Apart from that, the defendant has also failed to demonstrate that the difference in insertion depth referred to in the context of the Fraunhofer Institute's report has any practically relevant effects when inserting the filter cartridge.

131. The fact that the first and second intakes are spaced apart from one another, at least in certain areas (feature 11), is rightly not in dispute between the parties.

At least the first fixing means forms the throttling device for reducing the flow rate specified by the filter cartridge (feature 8)

132. Finally, the first fixing means also forms the throttling device for reducing the flow rate specified by the filter cartridge.

133. In so far as the defendant disputes the fulfilment of this feature on the grounds that, in a combination of the contested filter cartridge with the Claimant's 'PerfectFit' water carafe, the component limiting the flow rate is the valve ('DropStop') arranged in the indentation, whilst the bead does not in any way contribute to the formation of the point with the smallest flow cross-section, this argument does not take the invention out of the scope of protection of the patent at issue.

134. The patent claims at issue do not require that the bead (9.1.2.) arranged in the first indentation constitutes the throttling device. Nor does claim 1 require that the bead has a throttling effect, or that the throttling effect must necessarily be provided by a reduction in the cross-section between the bead and the mandrel.

135. Rather, it is sufficient, but also necessary, that at least the first fixing means forms the throttling device (feature 8.). This is, however, the case with the claimant's 'PerfectFit' water carafes. As the figure below, taken from the Fraunhofer Institute's test report, illustrates, an indentation is ordered at the base of the funnel, containing a rotatable slide block which is rotated by a spiral-shaped guide in the mandrel. In this rotated position, the 'DropStop' allows water to flow through; in the normal position, however, without a filter cartridge inserted, it does not.

136. The slide block, which is essential for providing the throttling effect, is ordered within the hollow body classified as the primary retaining element; it is therefore an integral part of the retaining element. The fact that the 'DropStop' leads to a reduction in flow rate and thus to throttling can be inferred from the Fraunhofer Institute's test report submitted as Annex MBP 8 and is not substantially disputed by the defendant.

137. The throttling device is thus formed, as required by feature 8, at least by the first fixing means.

138. The statement by the Technical Board of Appeal referred to by the defendant and set out below does not, regardless of the question of its admissibility, necessitate any other assessment:

Nach Auffassung der Kammer ist der Anspruch 1 des Streitpatents richtigerweise so auszulegen, dass die im Anspruch definierte Drosseleinrichtung diejenige im gesamten Strömungssystem sein muss, die die von der Filterkartusche gelieferte Flüssigkeitsströmung maßgeblich reduziert, d.h. das die Strömungsmenge limitierende Bauteil darstellt. Die Kammer schließt sich hier der Meinung der Beschwerdegegnerin an, wonach in einem Strömungssystem die einzelnen Einbauten nicht isoliert zu betrachten seien, sondern in Relation zu den anderen Einflussgrößen beurteilt werden müssen.

139. If the contested filter cartridge is inserted into the Claimant's 'PerfectFit' water filters, the throttling device, as explained above, is the component within the entire flow system that significantly reduces the flow of liquid delivered by the filter cartridge; in other words, it constitutes the component that reduces the flow rate. This is because the throttling device is the hollow body, including the inserted DropStop, which together form the first fixing device. The Technical Board of Appeal requires nothing more.

b) Essential element of the invention

140. The contested embodiment is a means relating to an essential element of the invention claimed.

aa) Principles

141. This is to be assumed if the means is capable of interacting functionally with one or more features of the patent claim in the implementation of the protected inventive concept. What constitutes the essential elements of the invention in this sense must be determined on the basis of the subject-matter of the invention. Since the patent claim is decisive in determining which subject-matter is protected by the patent, all features named in the patent claim are generally essential elements of the invention, irrespective of whether they appear in the general term or in the characterising part of the patent claim. In particular, it is irrelevant whether they relate to the 'core' of the invention or whether the essential element of the invention distinguishes the subject-matter of the patent claim from the prior art (UPC_CFI_248/2024 (LD Munich), decision of 22 August 2025, para. 228 – BRITA v. AQUASHIELD).

bb) Examination on a case-by-case basis

142. Based on these principles, the filter cartridges at issue relate to an essential element of the invention. The filter cartridge itself forms part of the subject-matter of the invention, which consists of the combination of an inlet funnel and a filter cartridge. The design of the filter cartridge is the subject of several features of the (combined) patent claim. It must therefore comply with certain design specifications (features or groups of features 1, 4, 7, 10, 10.2 and 10.2.1). The cartridge also functions in conjunction with the inlet funnel described in the asserted patent claims (features 4, 7.1 to 7.1.2, 10.1, 10.2.1 and 11), for which purpose, according to the asserted combination of claims, it comprises a special second fixing means (features 7 to 7.1.2 and 10.2.1). This fixing means – as described – cooperates in a particular manner with the first fixing means of the inlet funnel as a guide element (features 7.1. to 7.1.2. and 10.2.1.).

143. Furthermore, when the filter cartridge is in its end position, the second fixing means, in accordance with the teaching of the combination of claims 1, 13, 14 and 15, together with the first fixing means of the inlet funnel, forms the throttling device of the invention (features 8 and 10).

144. The fact that the patent at issue, in its description, identifies the advantage of a throttling device according to the invention as being that the flow rate can be adjusted by selecting a corresponding receiving chamber or a corresponding inlet funnel, which is why the consumable filter cartridge need only be manufactured and supplied in a single embodiment (see para. [0015] and [0019]), is relevant to the question of exhaustion still to be discussed, but does not alter the fact that the contested

filter cartridge is a means relating to an essential element of the invention.

c) Dual territorial reference

145. In any event, the defendant offers the contested embodiment in Germany and also supplies it into the territory of that Member State for the purpose of using the invention there. Even if, as the defendant claims, it does not itself supply end customers in Germany, its products are sold via Amazon in the 'Wessper Shop' in Germany. Direct distribution by the defendant to end customers is not a prerequisite for indirect patent infringement. The dual territorial link required by Article 26 of the UPC Agreement is therefore satisfied.

d) No offer to authorised persons

146. The defendant offers and supplies the contested embodiment even to persons who are not authorised to use the patented invention. Insofar as the recipients of the offer and purchasers of the contested embodiment are private end-users who, pursuant to Article 27(a) of the UPC Agreement, act in a privileged capacity and, by virtue of that privilege, cannot themselves be held liable for patent infringement, this does not preclude the claim. This privilege does not extend to third parties. According to the legal fiction of Article 26(3) of the UPC Agreement, private end-users are expressly not deemed to be authorised to use the invention within the meaning of paragraph 1 (UPC_CFI_248/2024 (LD Munich), decision of 22 August 2025, para. 230 – BRITA v. AQUASHIELD). There is no evidence to suggest that users of the water carafes, as argued by the defendant, would simultaneously (impliedly) be granted a licence to use these water carafes with third-party filter cartridges and thus also those of the defendant.

2. Subjective requirements

147. The subjective elements of indirect patent infringement are present.

148. In this case, both the intended use by the recipients of the offer or the customers at the time of the offer or delivery and the defendant's subjective knowledge are already evident from the fact that the defendant itself states on its website that its 'AquaMax' filters replace the 'Brita Maxtra' and 'Brita Maxtra Plus' filters. It is undisputed that the filters in question are those of the Claimant, which are compatible with water jugs equipped with the 'PerfectFit' system.

149. The defendant is therefore aware that the products it offers and supplies are suitable and intended for use of the invention in the relevant Member States. Nor has it disputed that the pin of the contested filter cartridge contains a spiral-shaped guide which is responsible for opening a 'DropStop' valve located in the recessed part of the 'PerfectFit' water carafe. It is also undisputed that the water carafes distributed by the defendant

do not feature such a valve. This makes it clear that the contested embodiments are marketed in a spatial and physical configuration which is specifically (also) intended for use in the Claimant's water carafes.

3. No exhaustion

150. The parties supplied by the defendant are not entitled to use the invention protected by a combination of claims 1, 13, 14 and 15. In this respect, in particular, no exhaustion within the meaning of Article 26 of the UPC Agreement has occurred.

a) Conditions for exhaustion

151. Under Article 29 of the UPC Agreement, the rights conferred by the European patent do not extend to acts relating to a product protected by the patent after that product has been placed on the market in the European Union by the patent proprietor or with his consent.

152. The right conferred on the patent proprietor by the patent is therefore limited throughout the Community where these conditions are met. The lawful acquirer of a product placed on the market by the patent proprietor or with his consent is entitled to use it for its intended purpose, to sell it to third parties or to offer it to third parties for one of these purposes.

153. The intended use of a patent-protected product also includes the normal maintenance and restoration of its fitness for purpose where the functionality or performance of the specific product is wholly or partially impaired or lost due to wear and tear, damage or other reasons. However, the intended use does not include any measures that amount to the manufacture of a new product in accordance with the patent. The patent proprietor's exclusive right to manufacture is not exhausted upon the first placing on the market of a copy of the patented product (UPC_CFI_248/2024 (LD Munich), judgment of 22 August 2025, para. 234 – BRITA v. AQUASHIELD; UPC_CFI_316/2024 (LD Düsseldorf), judgment of 10 December 2025, para. 280 – M-A-S v. Altech).

154. If a part of a patent-protected product is exchanged or replaced, it must therefore be examined whether this exchange or replacement constitutes permissible use in accordance with the intended purpose, or whether it amounts to an impermissible new manufacture of the patent-protected product. The decisive factor here is whether the exchange or replacement preserves the identity of the specific product already placed on the market, or whether a new product in accordance with the invention is thereby created. This is assessed by weighing up, in light of the specific nature of the patent-protected product, the patent holder's legitimate interests in the commercial exploitation of the invention on the one hand, and the purchaser's interest in the unhindered use of the specific product in accordance with the invention that has been placed on the market on the other (UPC_CFI_248/2024 (LD Munich), decision of 22 August 2025, para. 235 – BRITA v. AQUASHIELD; UPC_CFI_316/2024 (LD Düsseldorf), decision of 10 December 2025, para. 281 – M-A-S v.

Altech).

155. One factor to be considered in this assessment is whether the replacement or exchange of the part in question is typically to be expected during the product's service life and whether the public or purchasers consequently have a legitimate expectation that they will be able to continue using or reuse the purchased product with the replacement part. If this is the case, it is generally to be assumed that this constitutes a customary maintenance measure and thus a permissible use of the patented product placed on the market. The situation is different, exceptionally, where the technical effects of the invention are reflected precisely in the replaced part. In such cases, the replacement of the part re-realises the technical and economic advantages of the invention, and the identity of the product originally placed on the market is lost (UPC_CFI_248/2024 (LD Munich), decision of 22 August 2025, para. 236 – BRITA v. AQUASHIELD; UPC_CFI_316/2024 (LD Düsseldorf), decision of 10 December 2025, para. 282 – M-A-S v. Altech).

b) Examination on a case-by-case basis

156. On the basis of these principles, the defendant's customers are not entitled to use the invention protected by a combination of claims 1, 13, 14 and 15 of the patent at issue. The replacement of the used filter cartridge with a new cartridge of the defendant, which is the subject of the dispute, in a water carafe of the Claimant constitutes unauthorised use of the combination of claims at issue here. This is because, with the placing on the market of the water filter together with an associated cartridge, the Claimant's rights under the patent in suit are not exhausted to the extent of the aforementioned combination of claims in relation to this unit comprising the inlet funnel and filter cartridge. The replacement of used cartridges by the contested embodiment constitutes, under patent law, a 'new manufacture' of the device according to the invention for the filtration of liquids in accordance with the combination of claims asserted here.

157. The Higher Regional Court of Düsseldorf has already set out in detail in a previous German national patent infringement proceeding concerning the patent at issue that a filter cartridge is, in principle, a consumable part which is generally deemed to be subject to wear and tear (see Annex MB 13, para. 91 et seq.):

> "The filter cartridge of the filter device in question must be replaced regularly in accordance with its intended use. Replacing filter cartridges during the service life of a water filter placed on the market by the claimant is therefore considered standard practice in the relevant trade, and users naturally expect to be able to use the water filter with the new cartridge. The filter cartridge thus constitutes a consumable item, in contrast to the inlet funnel; consequently, the replacement of the filter cartridge in a patent-protected device for the filtration of liquids does not, in accordance with the legitimate expectations of purchasers, result in the absence of the used cartridge rendering the device no longer a marketable, i.e. valuable, economic asset. Rather, the assessment is that the inlet funnel retains its value even after the filter cartridge installed within it has been used up due to wear and tear."

> However, if, from the perspective of the relevant trade, the replacement of a used filter cartridge constitutes merely a routine maintenance measure for the filtration device, the identity of the overall device remains unaffected by the replacement of the part, so that it must generally be assumed that the subject-matter of the invention is merely being used. […]"

158. There is nothing further to add to this. If, from a practical standpoint, the replacement of a used filter cartridge constitutes merely a routine maintenance measure for the filtration device, and if the identity of the overall device remains unaffected by the replacement of the part, it must generally be assumed that this constitutes merely the use of the subject-matter of the invention. However, an exception applies where the technical effects of the invention are reflected precisely in the replaced part and, consequently, the technical or economic advantage of the invention is realised anew through the replacement of that part.

159. The decisive point of reference for assessing exhaustion and thus the question of whether the technical effects of the invention are reflected specifically in a wear part is the claim asserted. If, as in this case, a combination of a main claim with one or more dependent claims is asserted, the technical teaching of this combined claim must be taken as the basis and it must be examined whether the technical effect of the combined teaching is manifested in the wear part. It is not, in principle, necessary for this to be the same technical effect that constitutes the invention according to the main claim. By combining the main claim with one or more sub-claims, a specific embodiment of the invention of the parent claim is placed under protection, which must be assessed independently. The form in which a patent holder chooses to protect this is at their discretion and is irrelevant to the issue at hand. The invention protected by the combination can achieve technical effects which may be realised directly or even solely in the wear part.

160. On this basis, it is not decisive in the present case that the patent at issue, in paragraphs [0015] to [0019], identifies the essence of the invention as lying in the fact that the flow rate is to be adjusted via the inlet funnel, which is why the filter cartridge, as a consumable item, need only be manufactured and made available in a single version.

161. The subject-matter of the invention protected by the combination of patent claims 1, 13, 14 and 15 is not limited to this. Rather, the claimed combination of claims teaches – as explained – a specific configuration of both the first fixing means on the funnel side and the second fixing means on the cartridge side, which fixing means together act as guide elements to lead the filter cartridge (securely) into its intended (final) position, whereby they then simultaneously form the throttling device in this position. As regards the positioning process, it is clear to the skilled person that the specific configuration described in the features
9 and 10, which provides that the mandrel arranged in the second indentation engages with the cylindrical or truncated conical hollow body when the filter cartridge is inserted, prevents the filter cartridge from tilting or tipping

is prevented. The fact that this advantage is not expressly mentioned in the specification of the contested patent in connection with the subject-matter of claims 1, 13, 14 and 15 is irrelevant. The patent at issue also addresses the fact that the filter cartridge may become misaligned during insertion, so that the intended sealing position is not achieved (see paragraphs [0006], [0025]). From the perspective of a person skilled in the art, it is precisely this problem that is solved by the additional features of the combination of claims asserted here. The fact that, when the filter cartridge is inserted, the mandrel engages with the cylindrical or truncated conical hollow body and slides along the inward-facing bead arranged at its free edge clearly prevents the cartridge from tilting or tilting over, so that the cartridge is guided securely into its correct (final) position.

162. With regard to the positioning of the filter cartridge and the prevention of it becoming jammed or tilted when inserting the cartridge into the receiving opening, the technical effects of the invention are (also) evident in the cartridge. With its second indentation, which features a mandrel arranged within it, the filter cartridge embodies a significant part of the inventive concept, as it is, due to these specific characteristics, decisively responsible for the patent-claimed advantage of preventing the cartridge from becoming jammed or tilted. The solution contribution relevant to this is not provided solely by the inlet funnel of the filtration device itself, which is why the cartridge is not merely a passive object of the 'fixation' provided by the inlet funnel of the invention. Rather, the technical prerequisites for achieving this success according to the invention are defined by the specific design of the filter cartridge and not solely by the structural features of the inlet funnel.

163. The invention thus endows the filter cartridge with new properties and functionalities. Against this background, it cannot be said that the filter cartridge is merely the object of improved throttling and fixing, the physical embodiment of which is not found in the filter cartridge with the mandrel arranged in its second invagination. Rather, the filter cartridge is influenced by the invention in accordance with the combination of claims set out here in such a way that it itself embodies an essential element of the inventive concept, since, due to its inherent properties, it bears decisive joint responsibility for the solution contribution as defined by the patent. The decisive solution contribution is not provided solely by the inlet funnel itself. Rather, the technical prerequisites for achieving the success of the invention are also defined by the specific design of the cartridge.

164. Consequently, the replacement of the filter cartridge constitutes a new manufacture of the subject-matter protected by the invention in accordance with the combined patent claim. The indirect use of this protected teaching is therefore not justified on the grounds of exhaustion of the Claimant's patent rights in this respect. Rather, the remanufacture of the protected device effected by the installation of the contested, indirectly patent-infringing filter cartridges is covered by the exclusive right of the patent at issue in accordance with the combined patent claim.

F. Legal consequences

I. Provision of information

165. The claimant is entitled to information pursuant to Article 26 of the UPC Agreement in conjunction with Article 67 of the UPC Agreement. With regard to the manner in which the information is to be provided, there are no concerns on the basis of the most recently filed claim wording (see also, in this regard, UPC_CoA_845/2024, Order of 30 May 2025, Headnote 1 and para. 40 – Belkin v. Philips; UPC_CoA_534/2024, decision of 3 October 2025, Headnote 7 and para. 240 – Belkin v. Philips).

166. Since the present case also concerns the continued distribution of the contested embodiment, which began before 1 June 2023 and continued thereafter, the UPC Agreement applies in its entirety, and thus also to the period prior to 1 June 2023 (see UPC_CFI_162/2024 (LD Mannheim), judgment of 11 March 2025, headnote 4 and para. 105 et seq. – Hurom v NUC; UPC_CFI_50/2024 (LD Düsseldorf), judgment of 10 April 2025, para. 206 – Yellow Sphere v Knaus Tabbert). The possibility in such cases of appealing to provisions of national law relating to acts prior to 1 June 2023 which are more favourable to their position than the provisions of the UPC Agreement and the Rules of Procedure (UPC_CFI_162/2024 (Mannheim LD), judgment of 11 March 2025, Headnote 5 and para. 105
f. – Hurom v. NUC; (UPC_CFI_50/2024 (LD Düsseldorf), judgment of 10 April 2025, para. 206 – Yellow Sphere v. Knaus Tabbert), the defendant has not made use of this in the present case. The opt-out declared in relation to the patent at issue, but subsequently withdrawn, does not alter the applicability of the UPC Agreement. This concerns the jurisdiction of the Unified Patent Court, but not substantive law (UPC_CFI_50/2024 (LD), decision of 10 April 2025, para. 206 – Yellow Sphere v. Knaus Tabbert).

II. Determination of liability for damages on the merits

167. A finding on the merits regarding the award of damages is possible on the basis of Article 68(1) of the UPC Agreement. The defendant should in any event have known that its actions infringed the patent at issue.

III. Threat of a penalty payment

168. In the event of failure to comply with the obligation to provide information, the claimant seeks the imposition of a penalty payment of up to EUR 250,000.

169. This does not give rise to any concerns from the perspective of proportionality either. The requested threat of a penalty payment gives the Chamber the necessary flexibility to take into account, in the event of an infringement, the specific circumstances of the individual case, including the conduct of the infringer, and, on that basis, to be able to set an appropriate penalty payment in accordance with Section 82(4) sentence 2 of the UPC Agreement in conjunction with Rule 354(4) of the RoP. Consequently, the imposition of a fixed sum also appears inappropriate, and the chosen range raises no concerns regarding certainty.

G. Disposition

170. Pursuant to Rule 360 of the RoP, the Court may, at any time, upon application by a party or of its own motion, after having given the parties an opportunity to be heard, dismiss the action by order if it finds that the action has become devoid of purpose and that the main issue has been settled (see UPC_CoA_170/2025, Order of 18 June 2025 – ILME v. Phoenix).

171. This is the case with regard to the injunction initially sought by the Claimant, given that the patent at issue has since lapsed; consequently, in accordance with the German wording of the provision, the claim must be dismissed and only a decision on costs remains to be made (see UPC_CFI_58/2025 (LD Munich), Order of 19 May 2025, paras. 27–33 – Dolby v Roku).

172. With regard to the indirect infringement of the patent at issue, the Claimant's right to seek an injunction against the continuation of the infringement, which subsists until the expiry of the patent at issue, derives from Article 26(1) of the UPC Agreement in conjunction with Article 63(1) of the UPC Agreement. In view of the undisputed existence of alternative uses for the filter cartridges at issue, the claimant was right to seek only a limited injunction, which could have been granted without the expiry of the term of the patent at issue. The action would therefore also have been successful with regard to the claim for an injunction, which justifies ordering the defendant to bear the costs of the proceedings in this respect as well.

H. Partial withdrawal of the claim

173. The defendants have consented to the partial withdrawal of the claim sought by the Claimant in respect of Liechtenstein, subject to the costs, so that this could be permitted in accordance with Rule 265 of the Rules of Procedure. It is undisputed that, in comparison with the other states covered by the action, Liechtenstein is of no economic significance, which justifies imposing the costs of the proceedings in their entirety on the claimant despite the partial withdrawal of the claim.

I. Security

174. Pursuant to Art. 82(2) of the UPC Agreement, para. 118.8(2), para. 352.1 of the RoP, the Court may make any order or measure subject to the provision of security, the amount of which it is to determine. However, the defendants have not put forward any circumstances that might give rise to such a requirement. There is therefore no reason to order the provision of security.

DECISION:

I. The defendant is ordered, within a period of 30 days of service of the notice within the meaning of Rule 118.8(1) of the RoP and, where applicable, the certified translation,

1. to provide the claimant with information, in a breakdown structured by calendar month and by patent-infringing products, from 10 December 2019 to 27 April 2025, regarding

the offering and/or delivery

into the territories of Austria (AT), Belgium (BE), Germany (DE), France (FR), Italy (IT) and Lithuania (LT)

of filter cartridges,

which are suitable for use in a device for filtering liquids,

- comprising a filter cartridge

- comprising an inlet funnel with a peripheral wall, a-bottom wall and a receiving opening arranged in the funnel bottom wall, into which the filter cartridge can be inserted from above, wherein the sealing rim of the filter cartridge abuts against the rim of the receiving opening and wherein a receiving chamber with a peripheral wall and a bottom wall, comprising at least one outlet opening, extends downwards from the receiving opening,

- the inlet funnel comprises at least one first fixing means below the receiving opening, wherein at least the first fixing means forms the throttling device to reduce the flow rate specified by the filter cartridge,

- the base wall of the receiving chamber comprises at least one first indentation, which is an inward-facing cylindrical or truncated conical hollow body moulded onto the base wall of the receiving chamber, on the free edge of which at least one inward-facing, circular-arc-shaped first bead is ordered, leaving at least one outlet opening free,

wherein the filter cartridge

- comprises a cartridge upper part with at least one inlet opening, a cartridge lower part with at least one outlet opening and a sealing rim,

- below and spaced apart from the sealing rim, comprises at least one second fixing means which, when the filter cartridge is inserted into the receiving opening, interacts with the first fixing means, such that the fixing means define the position of the filter cartridge,

- the base wall of the filter cartridge comprises at least one second indentation extending over the first indentation, in which an outward-facing pin is arranged, which engages with the cylindrical or truncated conical hollow body when the filter cartridge is inserted,

- wherein the first and second invaginations are ordered at a distance from one another, at least in some areas,

(indirect infringement of the combination of claims 1, 13, 14 and 15 of EP 1 748 830 B9)

whereby information must be provided regarding

a) the origin and distribution channels of the products;

b) the quantities delivered, received or ordered and the prices paid for the products;

c) the identity of all third parties involved in the manufacture or distribution of the products;

2. to provide the Claimant, in support of the information provided in accordance with Section I.1, with the following information for each month of the calendar year from 10 December 2019 to 27 April 2025 and for each patent-infringing product, in electronic form suitable for computer analysis:

a) invoices – or, if these are not available, delivery notes – for the individual deliveries, breaking down the respective deliveries by quantities offered, times of offer, prices of the goods offered and type designations, as well as the names and addresses of the commercial recipients of the offers for all products sold or otherwise disposed of;

b) Evidence of the advertising carried out, including proof of these advertising activities, breaking down the advertising by advertising medium, its reach, the distribution period and the distribution area;

c) Evidence of the costs, broken down by individual cost factors and the profits generated;

d) Invoices – or, if these are not available, delivery notes – and corresponding statements of account for all costs incurred, to which the defendants make an appeal in calculating their profits;

II. In the event of any breach of the order pursuant to Section I, the defendant in breach shall pay a penalty of up to EUR 250,000 to the court.

III. The defendant is obliged to compensate the claimant for all damages incurred by the claimant as a result of the acts referred to in Section I between 10 December 2019 and
27 April 2025.

IV. It is hereby held that the defendant indirectly infringed European patent EP 1 748 830 B9 through the acts referred to in paragraph I until 27 April 2025.

V. The withdrawal of the claim is permitted insofar as the claim originally also covered Liechtenstein.

VI. In all other respects, the action is dismissed.

VII. The defendant shall bear the costs of the proceedings.

VIII. The value in dispute of the action is set at EUR 1,000,000.

IX. The upper limit of the recoverable legal costs for the action is set at EUR 112,000.

X. The orders under I.1. and I.2. shall only be enforceable once the Claimant has notified the court of which part of the orders it intends to enforce and, if necessary, has submitted a certified translation of the orders into the official language of the Member State in which enforcement is to take place, and once the defendant has been served with the notification and the (relevant) certified translation.

Düsseldorf, 16 April 2026 NAMES
AND SIGNATURES

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

INFORMATION ON APPEALS:

Any party whose applications have been rejected in whole or in part may appeal against this decision to the Court of Appeal within two months of the decision being served (Art. 73(1) UPC Agreement, R. 220.1(a), 224.1(a) RoP).

Information on enforcement (Art. 82 UPC Agreement, Art. 37(2) EPGS, R. 118.8, 158.2, 354, 355.4 RoP):

A certified copy of the enforceable decision shall be issued by the Deputy-Registrar on application by the enforcing party, Rule 69 of the Rules of Procedure.

This decision was pronounced in open court on 16 April 2026.