



**UNIFIED PATENT COURT COURT OF  
FIRST INSTANCE MILAN LOCAL DIVISION**

**UPC CFI No. 771/2024  
DECISION  
filed on 26 May 2026**

HEADNOTES

In the event of a challenge to the infringement of a method claim in a decision by default, the presumption under Article 55 UPCA, once the court has established that the contested products fully correspond in letter to the patent teachings, leads to the claim being upheld.

KEYWORDS: DECISION BY DEFAULT

PLAINTIFF

**PIRELLI TYRE S.P.A.**

Viale Piero e Alberto Pirelli 25, 20126, Milan - Italy represented  
and defended by

Solicitors Matteo Orsingher, Davide Graziano and Federica Franchetti, of *Orsingher Ortu  
Avvocati Associati*, via Fratelli Gabba 3, 20121 - Milan, Italy

DEFENDANT

**TIANJIN KINGTYRE GROUP CO., LTD**

with registered office at Gulin Industrial Park, Binhai New Area, Tianjin, China, in the person of its  
pro tempore legal representative, email address [REDACTED]

PATENT SUBJECT TO THE PROCEEDINGS

EP 2519412 owned by PIRELLI TYRE S.P.A

DECISION-MAKING BODY

This decision is adopted by the Panel composed as follows:

- Pierluigi PERROTTI Presiding judge
- Alima ZANA Rapporteur
- Marije KNIJFF Legally qualified judge

LANGUAGE OF THE PROCEEDINGS

Italian

SUBJECT MATTER OF THE PROCEEDINGS

Action for a declaration of patent infringement

**Summary of the facts**

1. Pirelli Tyre S.p.A. (hereinafter referred to as Pirelli) is a company belonging to the Pirelli Group, wholly owned by Pirelli & C. S.p.A. Pirelli—a world-renowned leader—has been operating for over 100 years in more than 160 countries worldwide, with over 19 production plants in 12 different countries, approximately 31,000 employees and a turnover exceeding €6.5 billion.
2. For the purposes of this case, Pirelli is the holder of patent EP 2519412 (hereinafter referred to as EP ‘412’), which claims priority from Italian patent No. IT2009RM00688, entitled “Motorcycle tyre and pair of motorcycle tyres”. The patent is valid in Germany, France and Italy. Pirelli has stated that the innovative technical solutions covered by EP ‘412’ are incorporated in the ‘ROADTECTM 02’ “SPORTECTM M5 INTERACTM” and “ROADTECTM Z8 INTERACTM”, produced and marketed by Pirelli under the historic “Metzeler” brand, of which Pirelli is the owner.
3. On 5 December 2024, Pirelli brought proceedings on the merits against Tianjin Kingtyre and Kingtyre Deutschland GmbH, in their respective capacities as manufacturer and distributor, for infringement of patent No. EP ‘412’.
4. The proceedings on the merits follow the granting by this Court of the *pre-trial* seizure order of 5 November 2024, executed by Pirelli against the defendants, through a bailiff, at the EICMA trade fair on 6 November 2024 (case no. 59764/2024)
5. Pending the outcome of the proceedings, Pirelli and Kingtyre DE entered into a settlement agreement, effective from 25 February 2025, confirmed by this Local Division by decision of 15 July 2025, pursuant to Rule 365 of the Rules of Procedure.
6. On 30 July 2025, the registry certified that the writ of summons had been served on Tianjin Kingtyre on 2 July 2025.

The three-month period from the date of service for filing a statement of defence and reply pursuant to Rule 23 of the Rules of Procedure has expired, and there is no record in the electronic file that Tianjin Kingtyre has entered an appearance.

7. Pirelli therefore requested that a default judgment be issued pursuant to Rule 355.1(a) and .3 and that all its claims against Tianjin Kingtyre Group Co., Ltd. set out in the writ of summons be upheld, namely a declaration of patent infringement, with the consequent injunction and all further ancillary measures.

The claimant stated that the fees accrued to date by the undersigned defence counsel for work relating to the proceedings against the present defendant amount to €43,805.00.

8. On 14 April 2026, the Judge Rapporteur issued an order directing that:

- Pirelli should file a statement indicating the average resale price of its tyres that implement the teachings of the patent in question;
- the promotional, advertising or informational material seized at EICMA and held by the custodian appointed during the pre-trial phase be filed by the latter with the Registry, in order to allow the claimant to examine it, with authorisation to file any submissions by 5 May 2026.

9. On that date, Pirelli filed its authorised note, specifying the retail price of its tyres that implement the patent teachings and confirming that an examination of the seized documentation – and in particular the brochures – leads to the conclusion that the defendant’s products are consistent with the previous promotion on its website, thereby confirming the existence of literal infringement of EP patent ‘412.

### **Claims of the claimant**

10. The claimant has requested this Local Division of the Unified Patent Court:

- 1. to issue a default judgment pursuant to RoP 355, §§ 1(a) and 3, on the grounds that the defendant Tianjin Kingtyre failed to meet the deadline for appearing in court as provided for under RoP 23, following service of the statement of claim on 2 July 2025;*
- 2. to uphold all the claims brought by Pirelli Tyre S.p.A. against Tianjin Kingtyre Group Co., Ltd. as set out in the statement of claim.*

*And in particular*

#### ***REQUESTS***

*that the Honourable Local Division, having rejected any contrary claim, application, argument or objection, rule as follows:*

***1) to ascertain and declare that the manufacture, offering for sale, marketing, use, importation, promotion, possession and storage, in any manner and form, by Tianjin Kingtyre Group Co., Ltd. and Kingtyre Deutschland GmbH of the products in question constitutes infringement of patent No. EP2519412 owned by Pirelli; and consequently,***

**2) to enjoin Tiajin Kingtyre Group Co., Ltd. and Kingtyre Deutschland GmbH from continuing the infringement of patent No. EP2519412, and in particular the manufacture, offering for sale, marketing, use, importation, possession and promotion of the Contested Products and of any other tyre, however named, whether front or rear, which has the same characteristics claimed in patent No. EP2519412, in all States party to the TUB Agreement in which the Patent is in force;**

**3) to set a penalty for each infringement or day's delay in the enforcement of the aforementioned order by Tiajin Kingtyre Group Co., Ltd. and Kingtyre Deutschland GmbH;**

**4) order the permanent exclusion from the market and the permanent withdrawal from trade of the products at issue and the related advertising, promotional and informational material, as well as any other tyre, whether front or rear, possessing the features claimed by Patent No. EP2519412, in all States party to the TUB Agreement in which the Patent is in force, at the expense of Tianjin Kingtyre Group Co., Ltd. and Kingtyre Deutschland GmbH;**

**5) order the destruction of the products in question, of any other tyre, whether front or rear, which possesses the features claimed in patent No. EP2519412, of the moulds used for their production, as well as of the related promotional, advertising or informational materials, in addition to the promotional material already seized at EICMA, at the expense of Tianjin Kingtyre Group Co., Ltd. and Kingtyre Deutschland GmbH;**

**6) order the publication of the operative part of the forthcoming judgment, at the expense of Tianjin Kingtyre Group Co., Ltd. and Kingtyre Deutschland GmbH, jointly and severally, and to be arranged by Pirelli Tyre S.p.A., in both Italian and English, in double the standard font size, in national newspapers and trade journals, as well as on the home pages of the websites of Tiajin Kingtyre Group Co., Ltd. and Kingtyre Deutschland GmbH, setting out the details of the dispute, the operative part and the main grounds of the judgment;**

**7) order Tianjin Kingtyre Group Co., Ltd. and Kingtyre Deutschland GmbH to pay damages to Pirelli Tyre S.p.A. and/or to forfeit profits, or to pay compensation, pursuant to Article 68 of the TUB Agreement, to be determined in separate proceedings pursuant to Rule 125 of the Rules of Procedure;**

**8) order Tianjin Kingtyre Group Co., Ltd. and Kingtyre Deutschland GmbH to pay, pursuant to Rule 119 of the Rules of Procedure, to Pirelli Tyre S.p.A., a sum by way of an interim award of damages of not less than €100,000.00;**

**9) order Tiajin Kingtyre Group Co., Ltd. and Kingtyre Deutschland GmbH to reimburse Pirelli Tyre S.p.A. for all costs and expenses incurred in connection with the present proceedings, the proceedings for pre-judgment attachment and the subsequent enforcement of the attachment order, as well as any further costs that will be incurred by Pirelli Tyre S.p.A. in the course of the proceedings.**

**As a preliminary measure,**

**10) order Tiajin Kingtyre Group Co., Ltd. and Kingtyre Deutschland GmbH to provide all information relating to (i) the origin and distribution channels of the products at issue; (ii) the quantities of the products at issue manufactured, supplied, received or ordered, as well as the price obtained for the products at issue; and (iii) the identity of any third parties involved in the production and distribution of the products in question;**

*11) to admit as evidence the promotional, advertising or informational material seized at EICMA and currently held at the engineer's office*

*and authorise the production of the same during any oral hearing to be held and/or in the*

*context of any preliminary investigations that this Honourable Court*

*may deem appropriate in the exercise of the powers referred to in Rule 101 RoP.*

*Pursuant to and for the purposes of the Decision of the Administrative Committee of the Unified Patent Court of 8 July 2022, it is hereby declared that the costs due in respect of these proceedings amount to €11,000.00.*

### **GROUNDS FOR THE DECISION**

#### **Prerequisites for a decision in default pursuant to Article 37 UPCS.**

11. As already noted in certain previous cases (see, for example, UPC CFI No. 802/2024, LD Milan, decision of 19 November 2025; UPC CFI No. 513/2024, CD Milan, decision of 8 July 2025), the Unified Patent Court may issue a default judgment at the request of one party where the other party, despite having been duly served with the writ of summons, fails to file a written defence or fails to appear at the hearing. Pursuant to Rule 355 RoP, a default judgment is possible only if the facts alleged by the claimant justify the measures sought and the defendant's conduct in the proceedings does not preclude it.

Finally, Rule 277 of the Rules of Procedure requires the Court to verify the regularity of the service of the statement of claim, in accordance with the prescribed procedures, or the actual receipt by the defendant. In the present case, three conditions must therefore be met in order to deliver a judgment in default:

- (i) proper service of the writ of summons;
- (ii) the defendant's failure to comply with a procedural time limit;
- (iii) the adequacy of the facts alleged by the claimant to justify the relief sought, without any obstacles arising from the defendant's conduct in the proceedings.

#### **Service of the writ of summons**

12. Service of the writ of summons was effected in accordance with Article 5(a) of the Hague Convention of 15 November 1965, to which the People's Republic of China is a party.

In particular, following an initial unsuccessful attempt at the defendant's address indicated in the statement of claim (namely Gulin Industrial Park, Binhai New Area, Tianjin, China), service was effected on 2 July 2025 at the second address provided by the claimant (namely Room 1502-2, # Building Wanghai International Square, Shizlin Street, Hebei District, Tianjin).

In particular, the Registry used the ILCC (<https://www.ilcc.online/>) online portal set up by the Chinese central authority – the International Legal Cooperation Centre (ILCC) of the Ministry of Justice of China – for the service of judicial documents. The writ of summons was uploaded in the original language of the proceedings (Italian) together with translations into both English and Chinese.

This Office received confirmation of successful service via the same online portal, together with the relevant certificate.

13. The Court therefore considers that service has been effected.

14. Finally, as already clarified in other similar proceedings, the failure to attach documents to the service of the writ of summons does not invalidate the service, pursuant to Rule 271 of the Rules of Procedure, provided that the content of the introductory document allows the defendant to fully understand the facts of the case and the *claim*, so as to be able to exercise the right of defence. The annexes serve only as evidence and do not constitute an essential part of the writ of summons. In this specific case, the Statement of Claim contained all the information necessary to ensure such understanding.

**Failure to meet the deadline for filing the Statement of Defence**

15. The defendant did not access the file through a representative, nor did it file a statement of defence (or other written defence) within the time limits laid down in the Rules of Procedure.

**The facts set out by the claimant justify the relief sought**

16. As is well known, in the event of the defendant's default, Rule 171.2 of the Rules of Procedure (RoP) on the principle of non-contestation of the facts does not apply: the burden of specific contestation rests solely on the party actively exercising the right of defence, not on the party absent from the proceedings. Default is therefore a neutral procedural circumstance and cannot bring the proceedings to a standstill nor prejudice the claimant's right to a hearing, provided that it is established that the defendant was duly notified of the proceedings.

Rule 355.2 RoP, read in conjunction with Article 54 UPCA, excludes any automatic acceptance of claims,

17. In conclusion, therefore, even in the event of default, the facts on which the claim is based must be adequately proven and sufficient to justify the measures sought. In the present case, the Court considers that this standard of proof has been met.

**The patent at issue**

18. That said, as mentioned, Pirelli is the proprietor of EP'412, entitled '*Motorcycle tyre and pair of motorcycle tyres*'. The patent originates from international application PCT/IB2010/003341, filed on 23 December 2010 and claiming priority from the Italian application IT 2009RM00688, filed on 29 December 2009, and the US application US 2010/0319284 P, filed on 31 March 2010.

The EPO granted the patent without amendments: it was published on 17 September 2024.

No oppositions were filed.

Following its grant, on 30 September 2014, patent EP'412 was validated, amongst other countries, in Italy pursuant to Article 56 of the Industrial Property Code under number 502014902297930, in France and in Germany.

19. EP '412 relates to a tyre for motorcycles, specifically intended for fitting on motorcycles in the 'Supersport' and/or 'Sport Touring' segments, with large engine capacity (e.g. 600 cm<sup>3</sup> or above) and/or high power (e.g. 170–180 horsepower or above), also used on the track.

The patent comprises 24 claims, including independent claim 1 (relating to a method for increasing the contact patch of a motorcycle tyre during substantially straight-line travel) and independent claim 3 (relating to a motorcycle tyre). EP' 412 also includes three claims—numbers 22–24—relating to pairs of tyres suitable for fitting as the rear and front tyres of a motorcycle.

20. Insofar as is relevant here, claims 1 and 3 provide as follows (with numbering added to facilitate the following examination):

*-(claim 1) A method for increasing the contact patch of a motor vehicle tyre (100) during substantially straight-line travel, said tyre comprising a tread band (8), said method comprising*

*1A. forming in a central portion (A) of said tread band a first plurality of grooves (20) extending in a substantially longitudinal direction and alternately arranged on opposite sides of an equatorial plane (X-X) of said tyre, wherein each groove of said first plurality of grooves has a substantially curvilinear profile so as to form a concavity,*

*1B. leaving a sub-portion of said central portion straddling an equatorial plane (X-X) of said tyre free of grooves.*

*-(claim 3) A motor vehicle tyre (100), having a tread band (8) comprising a central portion (A) and two shoulder portions (B) arranged on axially opposite sides with respect to the central portion (A), wherein:*

*3A. the central portion (A) comprises a first plurality of grooves (20) extending in a substantially longitudinal direction and alternately arranged on opposite sides of an equatorial plane (X-X) of said tyre, wherein each groove of said first plurality of grooves has a substantially curvilinear profile so as to form a concavity;*

*3B. the central portion comprises a sub-portion straddling an equatorial plane (X-X) of said tyre which is substantially free of grooves;*

*3C. each of said shoulder portions comprises a second plurality of grooves arranged obliquely with respect to the equatorial plane of said tyre”.*

21. As clarified in this Court's previous case law, in the case of a default judgment, it is not necessary to assess the invalidity of the patent, since the Court does not have the procedural power to raise that issue *of its own motion*, even in a default judgment.

This approach is, moreover, consistent with the positions also expressed by the Court of Justice, according to which *'European patents filed enjoy a presumption of validity from the date of publication of their grant'* (see C-44/21, Phoenix Contact GmbH & Co. KG, para. 41).

*Interpretation of the patent*

22. Turning to the interpretation of the patent, the description (cf. pages 1–2 of the patent text) clarifies that tyres fitted to the wheels of vehicles of similar engine capacity must possess excellent road-holding qualities, both when driving in a straight line and during acceleration out of bends, as well as ensuring effective braking performance (see Doc. 2 of the claimant).

Grip becomes essential when driving on a wet road surface: the tyres must ensure stable handling both when driving in a straight line and when cornering, and in particular under conditions of heavy acceleration/deceleration.

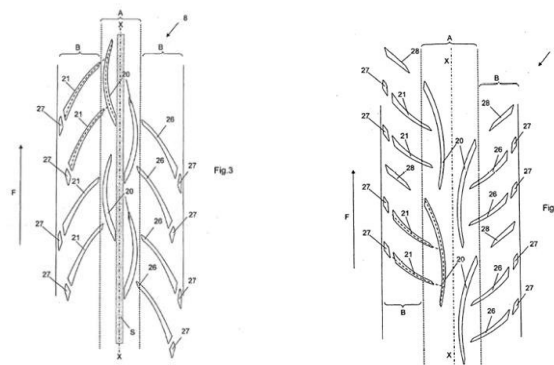
The prior art at the time of filing of EP'412 (see pp. 2–3 of the description, Doc. 2 of the claimant) consisted of:

- a tyre known from EP 1826 026, having a tread portion provided with at least one pair of circumferential grooves arranged opposite to the equatorial plane of the tyre, and a plurality of grooves inclined relative to the circumferential direction and extending from an outer side to an inner side in the widthwise direction across the tread, wherein at least half of the inclined grooves extend to cross the equatorial plane of the tyre; and
- the Sportec™ M3 front and rear tyres marketed by Metzeler™.

23. The solution of EP' 412 aims to teach an improvement to these known tyres, in particular the Sportec™ M3 tyres.

By arranging a series of substantially longitudinal grooves with a substantially curvilinear path in a central portion of the tread and leaving a small portion of the tread free of grooves at the equatorial plane, it is possible to increase the surface area of the tyre's contact patch. (see page 3 of the patent specification).

Figures 3 and 4 of EP'412 in fact show two tyres according to two embodiments of the invention of EP'412, specifically intended for fitting as the rear and front wheels, respectively, of a motor vehicle.



Figures 3 and 4 each show the tread band of a respective tyre (No. 8) comprising a central portion A and two shoulder portions B arranged on opposite sides

to the central portion A. The latter comprises a plurality of grooves 20 extending in a substantially longitudinal direction and arranged alternately on opposite sides of the tyre's equatorial plane X-X. Each groove 20 has a substantially curvilinear profile so as to form a concavity. In the embodiment shown in Figure 3, the concavity faces the equatorial plane X-X of the tyre, whilst in the embodiment shown in Figure 4 the concavity faces away from the equatorial plane X-X.

The central portion A also comprises a sub-portion S situated straddling the equatorial plane X-X and free of grooves.

Each shoulder portion B of the tread band 8 also comprises a plurality of grooves 21, 26 arranged obliquely with respect to the equatorial plane X-X of the tyre.

24. The description (see pages 3 and 4, paragraph 3 et seq. of the description in the Italian translation) specifies that *“the increase in the contact patch area is due to the fact that the longitudinal and curvilinear grooves 20 create a sort of ‘double hinge’, which allows the crown portion of the tyre to move radially in an area distant from the equatorial plane X-X, thereby increasing its flexibility.*

*Furthermore, the curvilinear arrangement of these longitudinal grooves 20 allows the flexibility of the crown area to be increased in a controlled and non-excessive manner, so as to cause neither fatigue failure of the tread band 8 at the grooves 20 themselves, nor excessive contact of the tyre on the contact patch.*

*Thanks to the increase in the contact patch area, the tyre's handling stability is therefore enhanced, particularly when the motorcycle is travelling in a substantially straight line, without adversely affecting the progressive response and/or ease of cornering and/or handling on mixed terrain.*

*In particular, the increase in the contact patch area is advantageously achieved by increasing its width, and not by increasing its length”.*

25. Furthermore, as specified in the description (see 4, point 4 of the description in the Italian translation, *“an excessive length of the contact patch is in fact to be avoided, as it can cause localised reductions in contact pressure and/or irregular wear, introduced by an excessive and non-linear pulling action of the belt on the tread band in the exit portion of the contact patch during driving at small yaw angles”.*

26. The combination of these technical features therefore allows for a significant improvement in the tyre's performance compared to known solutions. The improved performance of the tyre on dry surfaces is in fact achieved thanks to the presence of the central tread band without grooves, which ensures increased rubber contact due to the increased width of the tyre's contact patch. On the other hand, the absence of curved grooves running longitudinally, with alternating frequency on opposite sides of the equatorial plane, allows for a controlled increase in the flexibility

of the relevant area and to reduce the tyre's contact pressure in the contact patch, whilst also ensuring the same performance in terms of water drainage.

### The defendant's tyres

27. Pirelli has provided adequate evidence of the actual promotion of the defendant's tyres which reproduce the characteristics of claims 1 and 3 of EP '412.

The claimant has, in particular, attached to the file a detailed report (see doc. 27), which documents how the tyres advertised and promoted by the defendant reproduce the characteristics of EP '412 as examined above.

This report confirms that the RADIAL TYRE HIGH SPEED K902 model tyres (hereinafter simply K902 (advertised at the link: <https://it.kingtyre.com/sport/kingtyre-radial-tires-high-speed-k902.html>, **doc. 10**) and "Motorcycle radial tyre-slick racing grade W" (hereinafter "GRADE W tyre", see doc. 11) advertised by Tianjin Kingtyre Group Co., Ltd. are literal infringements of EP' 412, as they possess all the features of its independent claims 1 and 3.

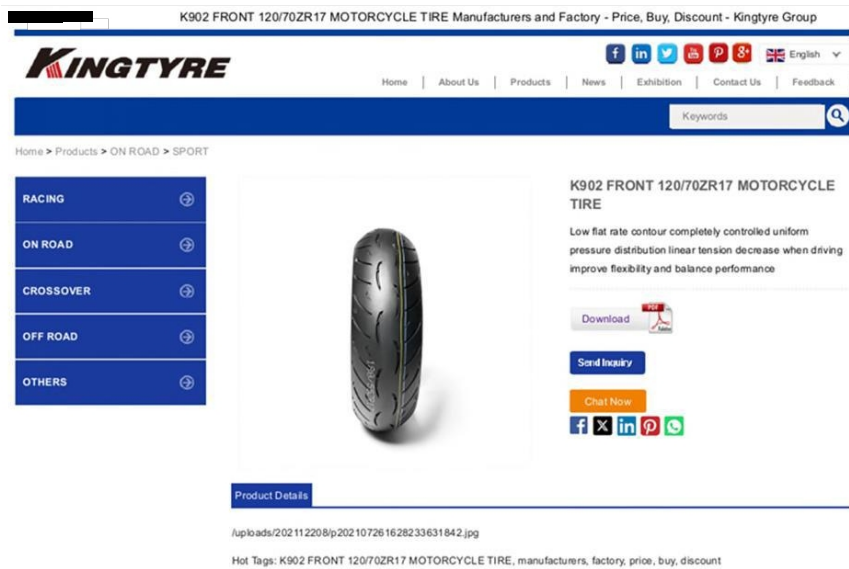
28. Furthermore, thanks to the documentation seized at the trade fair following an order *issued ex parte* by the Court prior to the commencement of proceedings (in particular, 220 copies of a first brochure entitled "Motorcycle Radial Tyre Contents" and two copies of a second brochure entitled "Reifen Portfolio"), it has also emerged that all the dimensions of the K902 tyre illustrated in the seized brochures are fully consistent with what had previously emerged from the examination of the material published by the defendant on its website.

The material subject to seizure fully confirms the existence of literal infringement of Pirelli's EP 412 by all sizes of the K902 tyre.

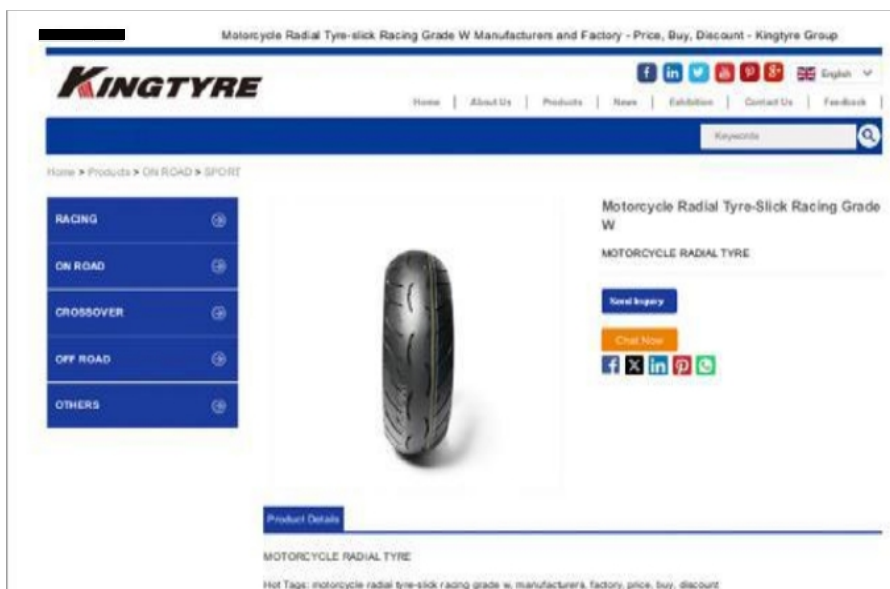
29. In particular, the K902 and GRADE W tyres were the subject of an advertisement published on 9 October 2024 on the Tianjin Kingtyre website at the link <https://www.king-tyres.com/news/eicma-81376185.html>, reproduced below.

The screenshot displays the Kingtyre website's interface for the EICMA 2024 event. On the left, a blue navigation menu lists categories: RACING, ON ROAD, CROSSOVER, OFF ROAD, and OTHERS. The main content area features a header for EICMA 2024 with a welcome message and social media icons. Below this, there are sections for 'Related News' and 'Related Products'. The 'Related Products' section shows four tyre models: 'Motorcycle Radial Tyre-slick Racing Grade W', 'K902 FRONT 120/70ZR17 MOTORCYCLE TIRE', 'Motocross Off Road Radial Tire', and 'MOTORCYCLE CITY REAR TIRE 80/90R17'. The first two products are enclosed in a red rectangular box, indicating they are the focus of the document.

This page provides access to two pages, each dedicated to a respective model (see Annexes 11 and 12) reproduced below.



K902 tyre screenshot



GRADE W tyre screenshot

30. The products in dispute are advertised as belonging to the 'On road - Sport' range, and therefore for road use on high-capacity motorcycles.

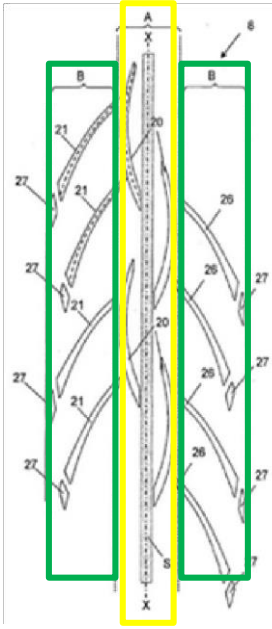

These tyres are available in sizes 120/70ZR17 and 180/55ZR17, with load and speed indices of 58W and 73W, exactly like Pirelli’s “ROADTECT™ 02” tyres “SPOR-TEC™ M5 INTERACT™” in the sizes “Front 17”” and “Rear 17”” and “ROADTECT™ Z8 INTERACT™” in the size “Front 17””.

**Infringement of independent claim 3 (product)**

31. For the sake of clarity, the infringement of claim No. 3 (product) is examined first, followed by claim No. 1 (method).

The K902 and GRADE W tyres are in literal infringement of independent claim 3, as they reproduce all its features.

32. Starting with the K902 product, a comparison is provided below between claim 3 (with particular reference to Figure 3) and the K902 tyre (with colour highlighting to aid understanding).

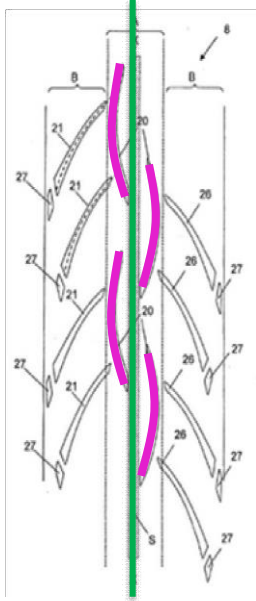

Claim 3 EP'412	Fig. 3 EP'412	K902 tyre
<p><i>Motor vehicle tyre (100), having a tread band (8) comprising a central portion (A) and two shoulder portions (B) dis</i></p> <p><i>from parts axially opposite the central portion (A), wherein</i></p>		

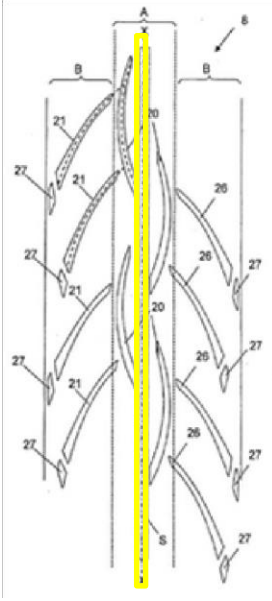

<p>the central portion (A) comprises a first plurality of grooves (20) extending in a substantially longitudinal direction and alternately arranged on opposite sides of an equatorial plane (X-X) of said tyre, wherein each groove of said first plurality of grooves has a substantially curvilinear profile so as to form a concavity</p>		
<p><b>Claim 3 EP'412</b></p>	<p><b>Fig. 3 EP'412</b></p>	<p><b>tyre K902</b></p>
<p>the central portion comprises a sub-portion situated straddling a plane (X-X) of said tyre substantially free of grooves</p>		

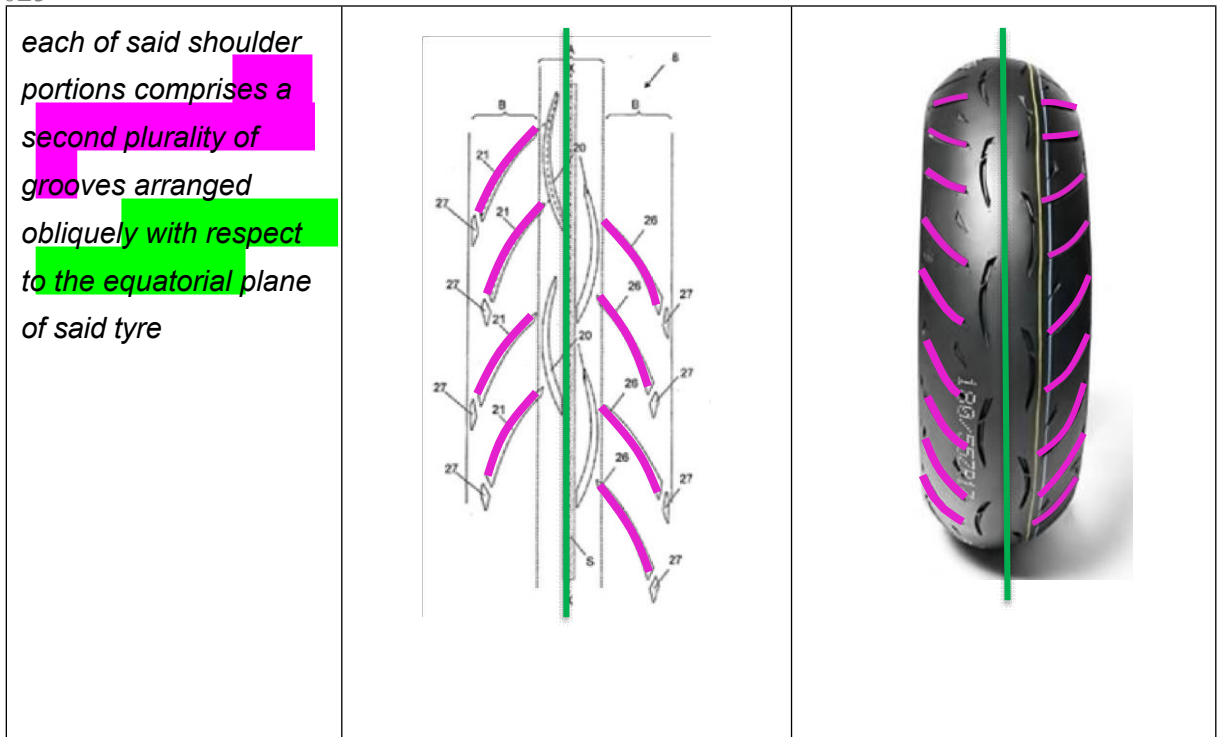
<p>each of said shoulder portions includes a second plurality of grooves arranged obliquely with respect to the equatorial plane of said tyre</p>		
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33. With reference, on the other hand, to the GRADE W tyre, a comparison between claim 3 (with the aid also of Figure 3 of EP'412) and the GRADE W tyre is set out below.

<p><b>Claim 3</b> <b>EP'412</b></p>	<p><b>Fig. 3 EP'412</b></p>	<p><b>GRADE W tyre</b></p>
<p>Motor vehicle tyre (100) having a tread band (8) comprising a central portion (A) and two shoulder portions (B) set from axially opposite sides with respect to the central portion (A), wherein</p>		

<p>the central portion (A) comprises a first plurality of grooves (20) extending in a substantially longitudinal direction and alternately arranged on opposite sides of an equatorial plane (X-X) of said tyre, wherein each groove of said first plurality of grooves has a substantially curvilinear profile so as to form a concavity</p>		
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<p><b>Claim 3</b> EP'412</p>	<p><b>Fig. 3 EP'412</b></p>	<p><b>GRADE W tyre</b></p>
<p>the central portion comprises a sub-portion situated on either side of a plane equidistant (X-X) of said tyre, substantially free from grooves</p>		



#### **Infringement of independent claim 1 (method)**

34. Turning now to independent claim 1 (method), as mentioned, it comprises features 1A and 1B corresponding to features 3A and 3B of product claim No. 3.

Features 1A and 1B are therefore undoubtedly reproduced by the K902 tyre and the GRADE W tyre.

As for the fact that, as provided for in claim 1, a ‘method for increasing the contact patch of a motor vehicle tyre (100) whilst travelling substantially in a straight line’ is implemented on the K902 tyre and the GRADE W tyre, this derives:



- (i) the fact that these tyre models have exactly the same features 1A and 1B;
- (ii) the application of the presumption of infringement under Article 55(2) of the UPCA, which applies where there is a substantial likelihood that the patented process has been used to produce an identical product and the patent proprietor has been unable, despite reasonable efforts, to determine which process was actually used for that identical product.




In the present case, the defendant’s failure to appear in court gives rise to a presumption in favour of the patent holder.



The K902 and GRADE W tyres therefore also infringe claim 1 of EP’412.

#### **Infringement of the other claims of EP’412**

35. The K902 tyre and the GRADE W tyre also infringe the following dependent claims:

<p>Claim 6</p> <p><i>A tyre according to claim 5, wherein a first end portion of said first groove and a second end portion of said second groove are arranged in the same <b>transverse portion</b> of said tread band.</i></p>	
<p>Claim 7</p> <p><i>A tyre according to claim 6, wherein said transverse portion extends longitudinally along said tread band <b>for at most half</b> the longitudinal length of said first or said second groove.</i></p>	

<p>Claim 6</p> <p><i>A tyre according to claim 5, wherein a first end portion of said first groove and a second end portion of said second groove are arranged in the same <b>transverse portion</b> of said tread band.</i></p>	
<p>Claim 7</p> <p><i>A tyre according to claim 6, wherein said transverse portion extends longitudinally along said tread band <b>for at most half</b> the longitudinal extent of said first or said second groove.</i></p>	
<p>Claim 14</p> <p><i>A tyre according to any of claims 3 to 13, wherein said second plurality of grooves comprises a series of pairs of grooves, and wherein <b>at least one extension of each pair of grooves of said second plurality of grooves intersects a groove of said first plurality of grooves.</b></i></p>	

<p>Claim 15</p> <p><i>A tyre according to any of claims 3 to 14, wherein the grooves of said <b>second plurality of grooves</b> have a substantially curved profile so as to form a concavity.</i></p>	
<p>Claim 20</p> <p><i>A tyre according to any of claims 3 to 19, wherein the concavity of the grooves of said first plurality of grooves faces the <b>equatorial plane of said tyre.</b></i></p>	

### **The defendant's promotional conduct**

36. The claimant has provided full proof of the defendant's actual direct infringement of patent EP'412, pursuant to Article 25(1)(a) of the UPCA. There is, in fact, ample documentary evidence:

(i) of the promotion on the website of the products in question (see doc. 11).

As already mentioned, the online promotion of the infringing tyres is proven ([/www.king-tyres.com/on-road/sport-s/motorcycle-radial-sports-tyre-speed-270.html](http://www.king-tyres.com/on-road/sport-s/motorcycle-radial-sports-tyre-speed-270.html) , doc. 11).

This promotion was also visible in December 2024, in Italian (see the claimant's document 40).

(ii) at the EICMA international trade fair held in Milan (Rho) in early November 2024, the defendant also promoted and advertised the same tyres, in infringement of Pirelli's patent, as reproduced in the seized brochures.

37. These methods of promotion and commercial offer are undoubtedly attributable to the defendant for the reasons set out above.

**Finding of patent infringement and consequent rulings.**

38. In light of all the foregoing considerations, the application for a declaration that the defendant has infringed patent EP'412 must be granted, in accordance with the provisions of Article 64(2)(a) of the UPCA.

The seriousness of the infringement – taking into account the particularly intrusive nature of the conduct, via the internet and through exhibition at the sector's most important international trade fair – justifies the issuance of an injunction against the defendant aimed at prohibiting the continuation of the unlawful conduct, pursuant to the combined provisions of Articles 25 and 63 of the UPCA.

It is plausible that the infringing products do not represent the only alternative available in a market where several competitors operate, but this circumstance is nonetheless sufficient to expose Pirelli to the objective risk of a direct, immediate and difficult-to-reverse erosion of its market share to its detriment, such as to justify the adoption of the injunction as requested.

The injunction must be granted with effect extending to the territories of the Member States in which the patent is currently valid and effective, including Italy, France and Germany.

39. However, in the present case, there is no concrete evidence of the actual sale on the market—either to intermediaries or to end customers—of the tyres at issue.

For this reason – and having therefore reaffirmed the assessment of the objective seriousness of the infringement found – the Court does not consider the adoption of an order for the withdrawal of the infringing products from the commercial channels and their subsequent destruction to be proportionate or justified.

40. For the same reasons, Pirelli's request, made pursuant to the combined provisions of Article 67 of the UPCA and Rule 191 of the RoP, to obtain information regarding the origin and distribution channels of the counterfeit products; the quantities of products marketed, as well as the price obtained from their sale and the identity of any third parties involved in the infringement.

41. Finally, the Court orders that this decision be published in accordance with Article 80 of the UPCA, by Pirelli and at the defendant's expense, in the manner set out in the operative part, in addition to the usual publication of decisions of the Unified Patent Court in a dedicated section of the institutional website. The need to promote the dissemination of the contents of this judgment is linked to the repeatedly highlighted seriousness of the infringement of the patent holder's exclusive rights.

42. As is well known, pursuant to the combined provisions of Article 83(4) of the UPCA and Rule 354(3) of the Rules of Procedure (RoP), the Court's decisions may provide for the payment of a financial penalty, payable to the Court itself, in the event that a party fails to comply with the requirements set out

in the decision. The amount of such a penalty is determined taking into account the significance of the requirement adopted in the decision.

In this regard, the principle of proportionality, which, according to the case law of the Court of Justice, must also govern sanctions, requires that such a measure be quantified taking into account:

- a) its nature;
- b) the principle of proportionality.

This assessment must be based on all the evidence gathered in the specific case (see UPC CFI No 230/2023, LD Paris, order of 30 January 2024; see also UPC CFI No 241/2023, LD Milan, decision of 4 November 2024).

In the present case, as stated by the claimant in its authorised statement of 5 May 2026, the average market value of Pirelli tyres (in relation to its three products ‘ROADTEC™ 02’, ‘SPORTEC™ M5 INTERACT™’ and ‘ROADTEC™ Z8 INTERACT™’, marketed under the historic ‘Metzeler’ brand owned by Pirelli, and falling within the scope of protection of patent EP 2519412, see para., Statement of claim) amounts to €206.50, having increased from €201.40 (November 2024) to €212.10.

Taking this unit value into account, the Court considers it appropriate to impose a penalty of €400 on the defendant for each individual product offered, placed on the market or used in breach of the injunction.

The Court further orders the defendant to pay a further separate financial penalty of €5,000 for each day of delay in complying with the obligations imposed by this decision.

43. This decision is immediately enforceable in all Member States where EP ‘412 is in force, pursuant to Article 82(1) of the UPCA and Rule 355.4 of the RoP, without further conditions, from the date of its notification. In particular, it is not considered necessary to order a stay of enforcement, nor to make enforceability conditional upon the prior payment of a security deposit by the claimants. In any event, the claimants may proceed with the necessary enforcement measures in due compliance with the conditions laid down in Rule 118.8 RoP.

44. The defendant is liable to pay compensation for the damages caused to Pirelli, as the patent holder, in accordance with the provisions of Article 68 of the UPCA. The precise quantification of these damages is left to a possible subsequent judgment on the merits, pursuant to Rules 125 et seq. of the RoP.

In the exercise of its discretionary power and in the absence, at this stage, of conclusive evidence of the damage suffered – which may, however, be considered in the separate proceedings on the merits for the assessment of damages – the Court considers that the application made by the claimant pursuant to

Rule 119 of the Rules of Procedure does not merit acceptance.

#### **Value of the claim and costs**

45. Pirelli has declared the value of the dispute to be €500,000. There is no factual evidence in the record to cast doubt on or otherwise alter this quantification, which is therefore accepted by the Court, including for the purposes of quantifying the recoverable legal costs.

Pursuant to Article 69.1 of the UPCA, the defendant, as the entirely unsuccessful party, is liable for the legal costs incurred by the claimant, up to a maximum limit determined in accordance with the Rules of Procedure.

In accordance with *the Scale of ceilings for recoverable costs* adopted by the Administrative Committee on 24 April 2023, implementing Rule 152.2 of the Rules of Procedure, a maximum limit of 56,000 euros applies to cases with a value of up to 500,000 euros.

Therefore, in the present case, the maximum limit on recoverable litigation costs for the patent infringement action is set at a total of €56,000.

The successful party is entitled to reimbursement of legal costs in accordance with Rules 150 et seq. of the Rules of Procedure.

### **Disposition of the seized material**

46. Finally, it is ordered that the brochures subject to seizure be handed over to the claimant once this judgment has become final.

This disposition is justified by the purely evidential purpose for which the seizure was ordered, also taking into account the lack of any real economic value of the items.

Should an appeal be lodged against this decision, any final determination regarding the disposition of the seized assets is hereby referred to the Court of Appeal.

### **DECISION**





The Unified Patent Court, Court of First Instance, Milan Local Division:

- 1) **declares** that Tiajin Kingtyre Group Co., Ltd. has infringed patent No. EP 2 519 412 owned by Pirelli Tyre s.p.a. by offering, placing on the market and using tyres bearing the trade names K902 and Grade W, as they bear all the features claimed by EP 2 519 412, the offering, placing on the market and use having been carried out through the display and presentation to the public of the tyres at the EICMA (International Cycle, Motorcycle and Accessories Exhibition) trade fair, held in Rho - Milan (Italy) from 5 to 10 November 2024, and through the presentation of the tyres on the website kingtyres.com;
- 2) orders Tiajin Kingtyre Group Co., Ltd to cease the offer and placing on the market of the tyres referred to in point 2) – or of tyres, however named, exhibiting the features claimed in patent EP 2 519 412 - in the territories of all Contracting Member States of the UPCA in which the EP patent is in force;
- 3) **sets** a financial penalty of €400.00 to be paid to the Unified Patent Court for each individual tyre offered, placed on the market or used by the defendant in breach of the injunction referred to in point 2), and a financial penalty of EUR 5,000.00 to be paid to the Unified Patent Court for each day of delay in the defendant's compliance with the publication obligation imposed by this decision in point 4);
- 4) orders Tiajin Kingtyre Group Co., Ltd. to include the following text on the homepage of its website within thirty days of service of an enforceable copy of this decision, subject to compliance with all the conditions laid down in Rule 118.8 of the Rules of Procedure, for a continuous period of two months, without any additional or alternative text and with a direct link

to the full text of the decision, in an easily legible and immediately visible box, positioned at the top of the homepage immediately below the browser’s address bar, and covering at least 10% of the homepage’s surface area: *“By decision of 26 May 2026, as the final outcome of proceedings UPC CFI No. 771/2024, the Unified Patent Court, Court of First Instance, Milan Local Division, ruled that Tianjin Kingtyre Group Co., Ltd. has infringed patent No. EP 2519412 owned by the Italian company Pirelli Tyre S.p.A. by offering on the market, including via this website, in all the Contracting Member States in which the patent is in force, and in particular in Italy, France and Germany, two tyre models named K902 and GRADE W. Tiajin Kingtyre Group Co., Ltd. has been ordered to refrain from all such unlawful conduct and will therefore no longer market these products.”*;

- 5) orders Tiajin Kingtyre Group Co., Ltd. to reimburse Pirelli Tyre S.p.A. for all costs and expenses incurred in the present proceedings as well as in the pre-trial proceedings, to be settled in separate proceedings pursuant to Rule 150 et seq. of the Rules of Procedure;
- 6) **declares** that the value of the claim amounts to €500,000.00;
- 7) **orders**, having regard to the evidential purpose of the seizure, that the registrars at the Sub-Registry shall proceed to hand over the seized assets on 5 November 2024 to the claimant’s representatives, provided that this decision has become final; in the event of an appeal being lodged, defers any final determination on the disposition of the seized assets to the Court of Appeal.

Milan, 26 May 2026

<p>Pierluigi Perrotti, Presiding Judge</p>	<p><b>Pierluigi Perrotti</b>  Digitally signed by Pierluigi Perrotti Date: 21 May 2026 13:45:49 +02:00</p>
<p>Alima Zana judge rapporteur</p>	<p><b>ZANA ALIMA</b>  Digitally signed by ZANA ALIMA Date: 20 May 2026 19:52:28 +02:00</p>
<p>Marije Knijff legally qualified judge</p>	<p><b>Marije Knijff</b>  Digitally signed by Marije Knijff Date: 21 May 2026 11:03:55 +02:00</p>
<p>for the Deputy Registrar</p>	<p> Digitally signed 22 May 2026 15:22:58 +0200 Unified Patent Court Einheitliches Patentgericht Jurisdiction unifiée du brevet</p>

INFORMATION ON ENFORCEMENT

A certified copy of the enforceable decision shall be issued by the Deputy Registrar at the request of the party seeking enforcement (Art. 82 UPCA, Art. 37.2 UPCS, R. 118.8, 354, 355.4 RoP, R. 69 RegR).