



UPC_CFI_130/2025
Decision on the merits
of the Court of First Instance of the Unified Patent Court,
delivered on 29/05/2026

HEADING

1. With regard to the challenge to the regularity of the enforcement measures for the seizure and the probative value of the report by the expert responsible for the seizure, it is for the panel, in the context of the decision on the merits, to rule on the matter, and not for the judge hearing the application to set aside the seizure measures. The latter assesses the validity of the order authorising the seizure.
2. It is important to adopt a consistent approach between the assessment of the patent's validity and that of the alleged infringement. Where a patent holder, in defence of the validity of their patent, argues that a claimed feature cannot be presumed to be present in the prior art without a clear and unambiguous disclosure thereof, that patent holder, as the claimant in the infringement action, has the obligation to demonstrate that the same claimed feature is present in the product or process alleged to infringe in a clear and unambiguous manner.
3. Article 32.1(a) of the UPCA on the jurisdiction of the UPC provides that the Court has exclusive jurisdiction over defences relating to infringement actions (including certain counterclaims, the example given being a counterclaim concerning a licence). In the present case, abuse of rights is a defence relating to the infringement action before this Tribunal, in that it is intrinsically linked to the action, which serves as its basis.

KEYWORDS

- 1- validity of enforcement measures relating to the seizure – issue of substance – jurisdiction of the panel
- 2- consistent interpretation of the scope of protection – validity and infringement
- 3- Art. 32.1(a) UPCA – abuse of the right to bring proceedings – jurisdiction of the UPC

PLAINTIFF

TIRU
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Represented by Cyrille AMAR and other representatives of the firm
Amar Goussu Staub
and Anne SEIBEL and other representatives of the firm Regimbeau

DEFENDANTS

VALINEA ENERGIE
Rue du Champ du Cerf
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MAGUIN SAS
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Represented by Gaston VEDEL and other representatives of the firm
Beau de Loménie
Represented by Olivier DELPRAT and other representatives of the
firm CASALONGA and the firm BOSCO Avocats

PATENT IN DISPUTE

Patent number Proprietor(s)

EP3178578

TIRU

COMPOSITION OF THE CHAMBER — CHAMBER SITTING IN PLENARY SESSION

President and Reporting Judge
Camille Lignieres
Legally qualified judge
Carine Gillet
Legally qualified judge
Rute Lopes
Technically qualified judge
Renaud Fulconis

LANGUAGE OF THE PROCEEDINGS: French

DECISION

THE PARTIES

1. TIRU is the claimant in the infringement proceedings. It is a French company specialising in waste-to-energy recovery, established in 1922 on the initiative of the City of Paris. It designs, builds and operates waste treatment and recovery facilities. Since 2021, TIRU has been a subsidiary of the PAPREC Group, a French group specialising in waste management and recovery. TIRU is the holder of European patent EP 3 178 578 B1, granted on 1 August 2018 (hereinafter 'EP'578').
2. The company VALINEA ENERGIE (hereinafter 'VALINEA'), the defendant, is a French company

- which belongs to the VEOLIA Group, a competitor of PAPREC. Its main activity is the treatment and disposal of non-hazardous waste. In 2022, it was awarded a concession contract with works by the Pays de Montbéliard Agglomération for the treatment of household waste. VALINEA is the operator of the furnace alleged to be involved in infringement.
3. MAGUIN, also a defendant, is a French company which develops and manufactures, inter alia, rotary kilns suitable for various applications, including the incineration of industrial waste. MAGUIN is the manufacturer of the combustion chamber of the kiln in question.

FACTS AND PROCEEDINGS

4. On 17 December 2024, TIRU filed, in parallel, two applications with the Paris Local Division of the UPC for the preservation of evidence and an on-site inspection based on its patent EP'578, one against VALINEA and the other against MAGUIN, prior to any proceedings on the merits.
5. On 23 December 2024, two ex parte orders were issued, authorising the requested measures for the preservation of evidence, but limiting the scope of the measures sought to the investigation of the nature of the infringement.
6. The seizure measures were carried out on 14 January 2025 simultaneously at the premises of MAGUIN, the manufacturer of the combustion cell of the furnace alleged to be involved in infringement, and at the premises of VALINEA, the operator of that furnace.
7. The written reports of the experts appointed for each seizure were filed on 20 and 21 January 2025. The confidentiality of the seized documents and information was protected by the establishment of a confidentiality circle restricted solely to the representatives of each party.
8. These seized documents were then sorted under the supervision of an expert appointed by the Court. Documents and information deemed confidential within the meaning of Art. 58 UPCA and R. 262A RoP are currently accessible only to members of an extended confidentiality circle comprising two individuals for each of the companies designated by order of 6 March 2025.
9. These measures of inquiry were the subject of an application for review and subsequently an appeal before the UPC Court of Appeal and were upheld (CoA, UPC CoA 327/2025, 15 July 2025).
10. On 18 February 2025, TIRU brought an action on the merits for infringement against VALINEA and a further action for infringement against MAGUIN before the Paris Local Division, based on patent EP'578.
11. That same patent was the subject of revocation proceedings before the Central Division of Paris following an application filed by VEOLIA PROPLETE on 13 May 2025.
12. VALINEA and MAGUIN filed, in the context of the infringement action on the merits before this Division, counterclaims for revocation of the patent on which the infringement action is based, dated 4 June 2025.
13. Upon application by TIRU, a bifurcation was ordered to the Central Division of Paris by

- Order of 22 July 2025 issued by this panel concerning the counterclaims for the invalidity of patent EP'578 raised by the defendants, dismissing TIRU's application for a stay pending the decision of the Paris Central Division on the validity of the patent, and a joinder of the TIRU-VALINEA and TIRU-MAGUIN infringement cases under the same case number CFI 130/2025.
14. In the context of the infringement proceedings, the parties exchanged their written submissions and the Paris Central Division delivered its final decision on the validity of patent EP'578 on 18 March 2026 (hereinafter 'the CD's Decision'), rejecting the applications for revocation of the said patent, and deciding to maintain the patent in amended form in accordance with auxiliary request 2.0, in its corrected version.
15. Following the pre-trial conference on 26 March 2026, by order pursuant to Rule 105.5 of the RoP, the Reporting Judge set the value of the dispute relating to the infringement action at €2 million and, in light of the Central Division's decision on the validity of the patent in question, requested a final set of submissions (limited to 10,000 words, Calibri font and within a tight timeframe) from all parties. TIRU filed them on 2 April 2026 and the defendants on 7 April 2026, in accordance with the schedule.

THE PARTIES' CLAIMS

16. In its final submission (summary submissions of 2 April 2026, including an updated claim for legal costs at the hearing amounting to €200,000), TIRU requests the Court to:

DISMISS all the claims of VALINEA ENERGIE and MAGUIN,
RULING that the furnace of the Pays de Montbéliard Energy Recovery Unit infringes claims 1 to 11 and 13 of patent EP 3 178 578 as amended in auxiliary claim 2.0 and upheld by the decision of 18 March 2026 of the Paris Central Division of the Unified Patent Court (UPC_CFI_417/2025, UPC_CFI_509/2025 and UPC_CFI_528/2025);

Consequently,

RULES that, by manufacturing, offering for sale, importing, transshipping and marketing in France, Poland and the United Kingdom the furnace of the Pays de Montbéliard Energy Recovery Unit or any other furnace reproducing claims 1 to 11 and 13 of European patent EP 3 178 578 as maintained, the company MAGUIN has committed acts of infringement of the French, Polish and British parts of European patent EP 3 178 578 as maintained;

RULES that by using and possessing in France, Poland and the United Kingdom the furnace of the Pays de Montbéliard Energy Recovery Unit or any other furnace reproducing claims 1 to 11 and 13 of European patent EP 3 178 578 as maintained, the company VALINEA ENERGIE has committed acts of infringement of the French, Polish and British parts of European patent EP 3 178 578 as maintained;

PROHIBIT the company MAGUIN from continuing the manufacture, offering for sale, placing on the market, use, import, export, tranship or hold any oven reproducing claims 1 to 11 and 13 of European patent EP 3 178 578 as maintained, upon the expiry of a period of 30 days from the service of the judgment to be delivered, subject to a definitive penalty of 50,000 euros per day of delay;

ORDER MAGUIN to pay TIRU, by way of provisional damages in compensation for the commercial loss it has suffered, and subject to adjustment, the sum of €480,000;

PROHIBIT VALINEA ENERGIE from continuing to operate and possess any furnace reproducing claims 1 to 11 and 13 of European patent EP 3 178 578 as maintained, upon the expiry of a period of 30 days from the service of the judgment to be rendered, subject to a definitive penalty payment of €50,000 per day of delay;

ORDER VALINEA ENERGIE to destroy, at its own expense, the furnace supplied by MAGUIN;

ORDER VALINEA ENERGIE to pay TIRU, by way of provisional damages in compensation for the commercial loss it has suffered, and subject to adjustment, the sum of €156,000;

ORDER MAGUIN and VALINEA ENERGIE each to pay TIRU, by way of provisional damages in compensation for the non-pecuniary loss it has suffered, and subject to adjustment, the sum of €20,000;

ORDER the publication of the judgment in full;

RULES that the Local Division reserves the right to determine the amount of the periodic penalty payments it has set;

ORDERS MAGUIN and VALINEA to pay TIRU the sum of €200,000 in respect of legal costs;

ORDERS the provisional enforcement of the financial penalties set out in the judgment to be delivered.

17. VALINEA, the defendant in the main proceedings, made the following submissions in its latest statement of defence dated 7 April 2026 (summary submissions):

DECLARE and RULED that the report by Mr Jérôme SARTORIUS dated 21 January 2025 is null and void or, at the very least, devoid of any probative value;

DECLARE and RULED that the furnace operated by VALINEA ENERGIE does not reproduce, literally or by equivalence, the claims of Patent EP 3 178 578 cited by TIRU in Subsidiary Claim 2.0, previously held to be valid by the Central Division of the UPC;

Consequently, DISMISS all of TIRU's claims in the present proceedings against VALINEA ENERGIE.

DECLARE and RULED that TIRU's infringement action is abusive.

Consequently:

ORDER TIRU to pay VALINEA ENERGIE the sum of €50,000 (fifty thousand euros) by way of compensation for the damage suffered as a result of the abusive nature of the action brought by TIRU against VALINEA ENERGIE.

In the alternative:

FIND that the injunctions, orders for destruction and publication sought by TIRU against VALINEA ENERGIE are disproportionate and dismiss TIRU's claims in this regard;

DISMISS TIRU's claims for provisional damages or, at the very least, reduce the amount of damages sought on a provisional basis to a fair level;

In the further alternative:

If injunctions, orders for destruction and/or publication were nevertheless ordered, (i) DECLARE and RULING that such measures would not be subject to provisional enforcement and could only be enforced once the final judgment on the merits has been delivered, or (ii) at the very least, MAKE their provisional enforcement conditional upon the provision of a security of €55,000,000 (fifty-five million euros) by TIRU, intended to compensate VALINEA ENERGIE in the event that the decision on the merits is overturned.

In any event:

ORDER TIRU to pay VALINEA ENERGIE the sum of €200,000 (two hundred thousand euros) by way of reimbursement of the costs incurred in connection with this infringement action, and, in the alternative, order TIRU to pay VALINEA ENERGIE the provisional sum of €100,000 (one hundred thousand euros).

18.

MAGUIN, also a defendant in the main proceedings, made the following submissions in its latest statement of defence dated 7 April 2026 (summary submissions):

RULED that the MAGUIN Furnace does not infringe claims 1 to 13 of patent EP 3 178 578 B1 in its amended form in accordance with auxiliary claim 2.0, as amended, and has therefore committed no act of infringement of the French, Polish and British parts of patent EP 3 178 578.

DISMISS all claims made by TIRU;

ORDER, in the alternative, that TIRU provide security in the amount of the total provision that MAGUIN might be ordered to pay;

ORDER TIRU to bear all costs relating to the present infringement proceedings (UPC_CFI_132/2025, No. ACT_7999/2025).

ORDER TIRU to pay MAGUIN the sum of €200,000 (two hundred thousand euros) as reimbursement for the costs incurred in connection with this infringement action.

GROUNDINGS FOR THE DECISION

I. Jurisdiction

19. In this dispute, the jurisdiction of this court has not been contested. This is an infringement action based on a European patent against two companies located in France, over which the UPC, Paris Local Division, has jurisdiction to hear, as the defendants are domiciled in France and the place of the alleged infringement is situated on French territory (Art. 32.1 (a) and Art. 33.1 (b) UPCA).

II. Overview of the patent in question

20. Patent EP'578 (TIRU's Exhibit 1), owned by TIRU, arose from an application filed on 8 December 2016 in French and was granted on 1 August 2018. It is entitled 'Waste incineration plant and associated method'.
21. This patent is in force at the date of TIRU's infringement claim in the following countries: France, the United Kingdom and Poland (TIRU's Exhibits 19, 20, 21).
22. Patent EP'578 relates to a technology implemented in a waste incineration furnace. It protects both a waste incineration plant and an associated process.
23. With regard to the technical field relating to waste incineration plants, the descriptive part of the patent explains that waste which cannot be recycled is either sent to landfill or destroyed by incineration, that is to say by combustion that is as complete as possible, the energy released being recoverable (paragraph [0002]).
24. In the prior art, the use of oscillating furnaces to ensure the combustion of solid waste is known (paragraph [0003]). The furnace generally comprises a cell constituting a combustion chamber, typically of a cylindrical-truncated-conical shape extending along a longitudinal axis. The waste is introduced into the chamber via the highest end of the cylinder, then is pushed into the chamber, thanks to the inclination of the axis and the oscillating movement, until it exits, after being burnt, in the form of residues via the opposite end, which is the lowest (paragraph [0004]).
25. In its descriptive section, the patent mentions that it would be desirable to improve the thermal efficiency of prior art incineration plants, to optimise flexibility by widening the range of acceptable lower calorific values (LCV), and to do so without increasing the complexity of the plant or its cost (paragraph [0007]).
26. Patent EP'578 proposes an invention capable of bringing about improvements in this context.
27. The patent in question, in its amended form in accordance with the Central Division's decision, comprises two independent claims: claim 1 relating to a product and claim 13 relating to a process.
28. Claim 1, as amended in accordance with the Central Division's decision, reads as follows:

A waste incineration plant (1), comprising:

- a combustion chamber (10) extending along a longitudinal axis between an inlet face (2a) and an outlet face (2b) and having a side wall (11), said longitudinal axis being inclined such that the inlet face (2a) is at a higher elevation than the outlet face (2b), the chamber (10) being adapted to oscillate about said longitudinal axis;
- means (4, 5) for introducing waste into the cell (10) via the inlet face (2a);
- means (3a, 3b) for supplying combustion and/or cooling air to the cell (10);
- a flue (6) for discharging flue gases through an opening in a side wall (11) of the chamber (10);

characterised in that it further comprises a hollow casing (12a, 12b) arranged around the side wall (11) so as to cover at least 50% of its surface, the combustion and/or cooling air circulating within said hollow casing (12a, 12b) before being introduced into the cell (10), the hollow casing having a primary section (12a) and a secondary section (12b) arranged downstream of the primary section (12a), said primary and secondary sections (12a, 12b) being fluidically separate, the combustion air circulating within said primary section (12a) of the hollow casing, and the cooling air circulating within said secondary section (12b) of the hollow casing, the hollow casing (12a, 12b) comprising supply channels (120a, 120b) and return channels (121a, 121b), arranged such that the air circulating within said hollow casing (12a, 12b) passes through the supply channels (120a, 120b) and then the return channels (121a, 121b) before being introduced into the cell (10), each return channel (121a, 121b) being arranged between two supply channels (120a, 120b).

29. Claim 13 as amended in accordance with the Board of Appeal's decision is as follows:

A method for incinerating waste, characterised in that it comprises the steps of:

- introducing waste into a combustion chamber (10) via an inlet face (2a), the chamber (10) extending along a longitudinal axis between the inlet face (2a) and an outlet face (2b) and having a side wall (11), said longitudinal axis being inclined such that the inlet face (2a) is at a higher elevation than the outlet face (2b), the chamber (10) being adapted to oscillate about said longitudinal axis;
- circulation of combustion and cooling air within a hollow casing (12a, 12b) arranged around the side wall (11), the hollow casing comprising a primary section (12a) and a secondary section (12b) arranged downstream of the primary section (12a), said primary and secondary parts (12a, 12b) being fluidically separate, the combustion air circulating in said primary part (12a) of the hollow casing, and the cooling air circulating in said secondary part (12b) of the hollow casing, the hollow casing (12a, 12b) having supply channels (120a, 120b) and return channels (121a, 121b), arranged such that the combustion air circulating in said

- a hollow envelope (12a, 12b) travels through the forward channels (120a, 120b) and then the return channels (121a, 121b) before being introduced into the cell (10), each return channel (121a, 121b) being arranged between two supply channels (120a, 120b); then
- injection of said combustion and cooling air into the cell (10) from the hollow casing (12, 12b) via orifices (14a, 14b);
- combustion of the waste in the cell (10) in the presence of said combustion air.¹

30. For the analysis of the features of claim 1 as amended, the Court adopts the breakdown used in the Board of Appeal's decision, and taken up by the parties in their summary submissions (which has the advantage of incorporating the features of the former claims 10 and 12 without changing their numbers), as follows:

1.1	Waste incineration plant (1), comprising:
1.2	- a combustion chamber (10) extending along a longitudinal axis between an inlet face (2a) and an outlet face (2b) and having a side wall (11),
1.3	said longitudinal axis being inclined such that the inlet face (2a) is at a higher elevation than the outlet face (2b),
1.4	the cell (10) being adapted to oscillate about said longitudinal axis;
1.5	- Means (4, 5) for introducing waste into the cell (10) via the inlet face (2a);
1.6	- Means (3a, 3b) for supplying combustion and/or cooling air to the cell (10);
1.7	- A flue (6) for discharging flue gases through an opening in a side wall (11) of the chamber (10);
1.8	characterised in that it further comprises a hollow casing (12a, 12b) arranged around the side wall (11) so as to cover at least 50% of its surface, the combustion and/or cooling air circulating within said hollow casing (12a, 12b) before being introduced into the cell (10),
10	the hollow casing having a primary section (12a) and a secondary section (12b) arranged downstream of the primary section (12a), said primary and secondary sections (12a, 12b) being fluidically separate,
12	the combustion air circulating within said primary section (12a) of the hollow casing, and the cooling air circulating within said secondary section (12b) of the hollow casing,
1.9	the hollow casing (12a, 12b) having supply channels (120a, 120b) and return channels (121a, 121b), arranged such that the air circulating within said hollow casing (12a, 12b) travels through the supply channels (120a, 120b)
1.10	then the return channels (121a, 121b) before being introduced into the cell (10),
1.11	each return channel (121a, 121b) being arranged between two supply channels (120a, 120b).

III. Interpretation of the terms of the contested claims

The person skilled in the art

31. The features of the claims must be interpreted from the perspective of a person skilled in the art. In the present case, the Court adopts the definition of a person skilled in the art given in the Board of Appeal's decision (§51): an engineer specialising in industrial techniques relating to waste facilities.

The principles of interpretation

The text in bold has been added by the Court for the sake of clarity and corresponds to the main features discussed below.

32. In accordance with Article 69 of the European Patent Convention (EPC) and its Interpretative Protocol, this Court adopts the standard for the interpretation of patents established by the UPC Court of Appeal in two orders (UPC_CoA_335/2023 and UPC CoA 1/2024):

- 1) The patent claim is not merely the starting point, but the basis for determining the scope of protection of the European patent.
- 2) The interpretation of a patent claim does not depend solely on the strict and literal meaning of the terms used. On the contrary, the description and drawings must always be used to aid the interpretation of the patent claim and not merely to resolve ambiguities in the patent claim.
- 3) However, this does not mean that the patent claim serves merely as a guideline and that its scope may extend to what the patent proprietor had envisaged, taking into account the description and drawings.
- 4) The patent claim must be interpreted from the perspective of a person skilled in the art.
- 5) In applying these principles, the aim is to combine adequate protection for the patent holder with sufficient legal certainty for third parties.

33. In the present case, the following terms were discussed:

'combustion air' and 'cooling air' (features 1.6 and 1.8)

34. This Division endorses the interpretation of these terms on which the Paris Central Division has already ruled, as follows (§59 and 60 and §140 of the CD Decision):

- 'Combustion air and cooling air are defined in terms of their respective functions. Combustion air is air which acts as an oxidising agent for the combustion of waste. Cooling air is air which serves to cool the combustion products [...] by bringing the cooling air into direct contact with the combustion products within the cell'. These combustion products are the solid residues and not the flue gases.

- The expression 'combustion and cooling air' is a shorthand term referring to combustion air on the one hand and cooling air on the other. Thus, claim 13, like claim 1, requires the injection and circulation of both combustion air and cooling air.

"the air circulating within said hollow casing passes through the supply channels and then the return channels before being introduced into the cell" (claim 1, feature 1.9) or "the combustion air circulating within said hollow casing passes through the supply channels and then the return channels" (claim 13)

35. This Division also endorses the interpretation of these terms on which the Paris Central Division has already ruled, as follows (§64–76 and §123–124 of the CD Decision):

The feature "the air circulating within said hollow casing passes through the supply channels

then the return channels before being introduced into the cell” in claim 1 applies to the air referred to earlier in that claim, that is to say, in this instance, to both the combustion air and the cooling air. Both types of air must therefore circulate through the supply and return channels.

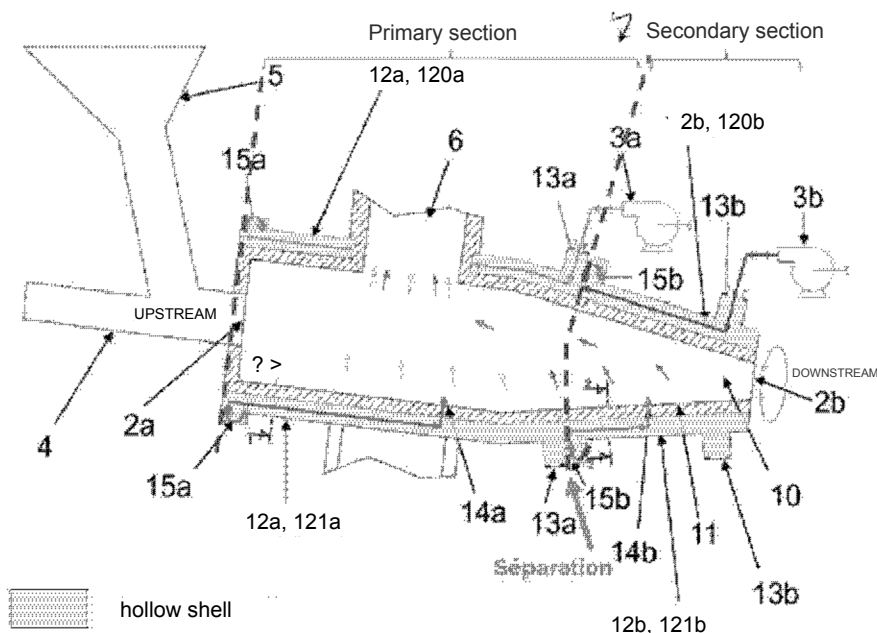
By contrast, in claim 13, it is only the combustion air that must flow through the supply and return channels; there is no specific requirement regarding the path of the cooling air.

The scope of claim 13 is therefore broader on this point than the scope of claim 1.

**‘a primary section and a secondary section arranged downstream of the primary section’
(feature 10)**

36. The interpretation of these terms was not settled by the Board of Appeal’s decision. It is still being debated by the parties in the context of the present infringement proceedings.
37. According to TIRU, a broad interpretation of the feature should be adopted, whereby the fact that the secondary part is arranged downstream of the primary part does not preclude the primary part from overlapping the secondary part in whole or in part (summary submissions, pp. 4–6). The claimant argues that feature 10 does not preclude an overlap between the parts, since whilst it does not explicitly state that such an overlap is possible, neither does it preclude it. According to TIRU, this is in line with the case law of the UPC, according to which ‘the patent claims are not only the starting point, but also the decisive basis for determining the scope of the protection conferred’. Furthermore, TIRU notes that, where the patent illustrates an embodiment in which the primary part is arranged entirely upstream of the secondary part, this is merely one embodiment, and the description requires only that the primary part be arranged upstream of the cell and the secondary part downstream of the cell (paragraph [0032]). According to TIRU, the patent description “never states that the secondary part must be arranged downstream of the primary part, nor even their relative arrangement or their disjunction”.
38. According to VALINEA (statement of defence, §2.3.4, pp. 90–92; summary submissions, pp. 4–6), feature 10 excludes any overlap between the primary and secondary parts. The defendant argues that the term ‘arranged’ implies a strict order, without overlap, both in its literal meaning (the Le Robert dictionary defines the term ‘disposer’ as follows: ‘To arrange, to place in a certain order’) and in its usage in relation to other elements in the patent description (by analogy, paragraph [0044] of the patent states: ‘each return channel 121a, 121b is arranged between two forward channels 120a, 120b.’)
39. VALINEA also notes that the feature contains no expression such as ‘at least partially’, which would suggest an overlap.
40. Finally, VALINEA relies on the description and drawings of the patent, which, in its view, confirm the strict interpretation to be given to the terms ‘upstream’ and ‘downstream’, as there is a correspondence between the primary and secondary parts and the successive and distinct functional zones defined within the combustion cell (paragraphs

[0023]–[0024], [0032]). By way of illustration, Figure 1a of the patent, annotated by VALINEA (summary submissions, p. 5), is reproduced below:



41. VALINEA also notes that the Central Division maintained the patent in a more limited form, involving a relative positioning of the secondary part 'downstream of the primary part'. VALINEA also notes that TIRU uses a misleading presentation in its summary statement by referring to the upstream side of the cell, whereas the patent was maintained in a more limited form involving a relative positioning of the secondary part downstream of the primary part.
42. According to MAGUIN, the patent teaches that the downstream zone does not overlap, either partially or completely, with the upstream zone (paragraph [0032]). MAGUIN specifies that the term 'downstream' used in claim 10 is a relative term in relation to an upstream zone. The term 'downstream' must be interpreted in the same way throughout the patent. Therefore, in claim 10, the expression 'arranged downstream' is to be understood as in the installation shown in the embodiment in paragraph [0032] (summary brief, pp. 12–14).

Opinion of the Court

43. In the amended version of the patent, claim 10 has been incorporated into the main claim, specifying that the secondary part is arranged downstream of the primary part.
44. This clarification is due to the fact that the primary part of the casing (through which the combustion air circulates) must be arranged upstream of the cell, that is to say, at the point where the waste is to be burned, and that the secondary part thereof (through which the cooling air circulates) must be arranged downstream of the cell, where the waste residues are to be cooled.
45. The Court notes that a person skilled in the art, in the absence of any other indication in the patent, would interpret the term 'disposer' in its usual sense, that is to say, 'to arrange, to place

- in a certain order' (dictionary definition proposed by VALINEA, paragraph 2.3.4 of its defence brief: <https://dictionnaire.lerobert.com/definition/disposer>). They would also interpret the term 'downstream' in accordance with its usual meaning, denoting a relative position with respect to a reference direction (in this case, the direction of travel of the waste, according to paragraph [0015] of the patent). Consequently, 'a primary part and a secondary part disposed downstream of the primary part', in claim 1, implies that the secondary part is (in its entirety) situated after the primary part, along the reference direction. This understanding, based on the usual meaning of the words used, does not need to be altered upon reading the description and the drawings. In particular, it is consistent with the teaching of paragraph [0032], which states: "the first part is a primary part 12a disposed upstream of the cell 10, and the second is a secondary part downstream of the cell". Furthermore, Figure 1a of the patent shows that, in this embodiment, the two parts do not overlap along the longitudinal axis of the cell. TIRU rightly points out that the presence of a particular embodiment in the description is not sufficient to limit the scope of protection covered by the claim. Nevertheless, this embodiment is consistent with the understanding based on the ordinary meaning of the words used, as set out above. The rest of the description is also silent as to the possibility of the primary and secondary parts overlapping, so that a person skilled in the art would not question their understanding based on the text of the claims. In summary, the term 'arranged downstream' in feature 10 therefore denotes a relative positioning between the two parts, the two parts being placed successively one after the other. A person skilled in the art would understand that the primary and secondary parts do not overlap, but are arranged one after the other.

IV. On the invalidity of the expert's report (measurements taken at the VALINEA site)

46. VALINEA requests the Court to declare the report of the expert, Mr SARTORIUS, dated 21 January 2025 (Exhibit 17 of TIRU), submitted to the Reporting Judge following the seizure and inspection of the site operated by VALINEA, to be null and void or, at the very least, devoid of any probative value.
47. In support of its application, VALINEA argues (statement of defence, §2.1.2) that, whilst Mr SARTORIUS's expert report is not refuted and there is no reason to doubt his independence, the specific circumstances surrounding the preparation of the evidence preservation measures and the site inspection cast doubt on his impartiality. The defendant criticises the expert for having held a preparatory meeting regarding the evidence preservation operations and the site inspection with the representative of TIRU, without VALINEA being present, even though the seizure order had not provided for this and there was no justification for such a preparatory meeting. VALINEA adds that the expert appears to have been influenced by his preliminary discussions with TIRU in carrying out the seizure measures and in drafting his report, particularly in his preliminary report (Exhibit BDL No. 3.14, p. 4), even though the final report was amended following VALINEA's comments on that preliminary report. VALINEA notes that it is particularly surprising that the expert uses the term 'similarity'.

48. VALINEA concludes that, due to doubts regarding the impartiality (both objective and subjective) of the expert who conducted the evidence-preservation measures during the site visit, in breach of the provisions of the order of 23 December 2024, the report in question must be declared null and void and excluded from the proceedings.
49. In the alternative, VALINEA seeks a partial annulment of the said report concerning the statements made by , allegedly made spontaneously during the evidence preservation measures and the on-site inspection. According to VALINEA, it seems highly unlikely that these statements were made spontaneously, and it is particularly surprising that the expert did not ask a single question during the evidence preservation measures and the on-site inspection. Furthermore, the expert is criticised for failing to distinguish the author of each statement and the context in which they were made, and for failing to transcribe their exact wording.
50. TIRU counters that this criticism is belated and should have been raised before the Reporting Judge who issued the order for the preservation of evidence. TIRU adds, on the merits, that the rules of professional conduct were observed during the preparatory meeting which enabled the practical arrangements for the measures to be organised. According to TIRU, the expert merely recorded the facts; he does not rule on legal issues and his opinion may, in any event, be subject to criticism. TIRU points out that a distinction must be drawn between the expert's report and a statement of findings drawn up by a judicial officer, which carries irrefutable probative force.

Opinion of the Court

On the admissibility of the application:

51. As regards the challenge to the regularity of the enforcement measures for the seizure and the probative value of the expert's report, it is for the panel, in the context of the decision on the merits, to rule on the matter, and not for the judge hearing the application to set aside the seizure measures. The latter is responsible for reviewing the validity of the order authorising the seizure.
52. VALINEA cannot therefore legitimately be criticised for having raised the application for annulment late, given that it did so in its first statement of defence on the merits (statement of defence of 10 June 2025, section 2, p. 80). The application for annulment of the report is therefore admissible and must not be dismissed as out of time.

On the merits of the application:

53. In the Court's view, the expert appointed to carry out a seizure, in accordance with Rules 195.4 and 195.5 of the RoP, is responsible for conducting evidence preservation operations impartially and effectively. For these measures to be effective, it is essential that they be prepared in advance. It is therefore necessary for the expert appointed to carry out seizure operations to familiarise themselves with the content of the application for seizure and the documents in the file in order to understand the scope of the dispute, and to make contact with the claimant's representatives (the only party represented in proceedings ex

- party) prior to the day of the seizure to organise the practical arrangements for these measures on site, and with the judicial officer appointed to assist him in his duties. This is self-evident and does not call into question the subjective or objective impartiality of Mr SARTORIUS, who is, moreover, bound by this requirement, on the one hand by the code of ethics for industrial property attorneys, and on the other hand, by his status as an expert registered on the list of the Paris Court of Appeal and appointed to carry out a seizure by order of the Reporting Judge of this division.
54. Consequently, the holding of a preparatory meeting with the applicant's representatives, which is necessary for the effectiveness of the measures ordered, does not call into question the impartiality of the expert, who would in any event have become acquainted with the applicant's arguments upon reading the application for the seizure order and the attached documents.
55. Regarding the criticism of the content of the expert's preliminary report ('summary note', document BDL 3.14), it is logical that, after subjecting his preliminary report to cross-examination, the expert in charge of the seizure should revise its wording if he deems it necessary, in light of the observations made by the representative of the party against whom the seizure is directed. Such an approach, in the context of proceedings that have become adversarial, merely demonstrates the impartiality of the expert appointed for the seizure. More specifically, the expert is criticised for using the term 'similarities' in his preliminary report (p. 4 of the preliminary report: 'Without this opinion being regarded as an assessment of the existence of an infringement, the secondary circuit exhibits similarities with these claims'). However, the Court notes that the term 'similarities' is a particularly cautious choice of words on the part of the expert, describing mere factual observations and carrying no legal consequences. This in no way demonstrates any lack of impartiality.
56. For these reasons, VALINEA's application seeking a declaration of nullity of the report of the expert appointed by the court will be dismissed.

On the alternative claim for partial nullity:

57. According to VALINEA, the 'statements' of and were not accurately transcribed in the report of the expert appointed to examine the seized documents, and this justifies a partial annulment, that is to say, the exclusion from the proceedings of the parties' arguments relating to the 'statements' of and
58. However, the Court notes that this application for partial annulment is based solely on unsubstantiated allegations.
59. The bailiff's report appended to the contested report details the circumstances of the statements made by the persons on site:
- "is present, at the request of the latter. They tell us that the furnace has been installed but has not yet been accepted. (...) Mr then outlines the history of the plant, the collaboration with as well as the technology employed and developed within the plant."
60. The Court notes that, in the absence of any contrary evidence from and which could have been produced during the proceedings by VALINEA, it has not been shown that the expert distorted their statements. There is no evidence that leading questions were

been asked and that the statements [REDACTED] and [REDACTED] were misrepresented.

61. For these reasons, the application for the partial annulment of the expert's report will also be dismissed.

V. On the substance of the infringement

A- On direct infringement (Article 25 UPCA), as the main claim

The reproduction of claim 1

62. TIRU contends that the oven in question reproduces all the features of claim 1, either literally or by equivalence.

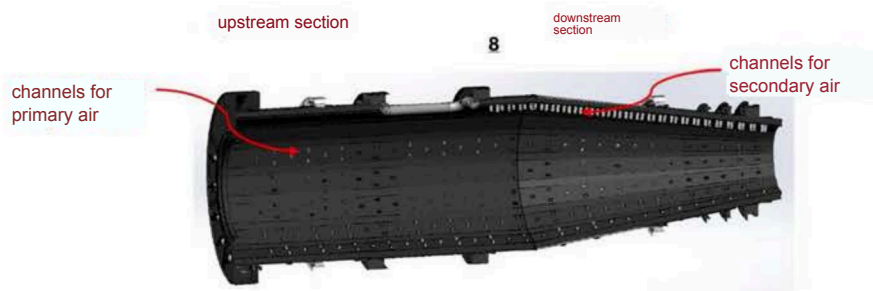
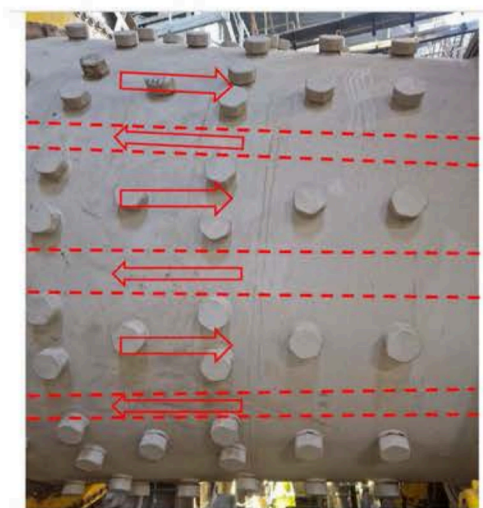
63. VALINEA and MAGUIN essentially contest:

- the fact that 'cooling air' as disclosed in features 1.6, 1.8 and 12 of claim 1 of the patent is present in the oven alleged to be involved in infringement;
- the fact that feature 10, stating that 'the secondary part (12a) is arranged downstream of the primary part (12a)', is reproduced in the alleged infringing furnace;
- the fact that features 1.9 to 1.11 are reproduced, as the alleged cooling air does not pass through supply and return channels, unlike the combustion air.

Features 1.6, 1.8 and 12 of claim 1: 'the cooling air'

64. Features 1.6, 1.8 and 12 of claim 1, read in combination, require the presence of means for supplying cooling air to the cell, as well as the circulation of this cooling air within the hollow casing (and more specifically within the secondary part thereof) prior to its introduction into the cell. This cooling air is distinct from the combustion air.

65. TIRU, relying in particular on the reports of the court-appointed experts Messrs SARTORIUS and TRANVOUEZ (Exhibits 17 and 17bis of TIRU), states, without being contested on this point by the defendants, that the furnace in question is equipped with two air supply systems for primary and secondary air, via respective air boxes, with two separate air circuits within the hollow casing, and injection nozzles in the cell. The ducts and nozzles of these two circuits are shown schematically below (images taken from TIRU's statement of claim against VALINEA, p. 31, extracted from the SARTORIUS report, p. 5; and from TIRU's statement of claim against MAGUIN, p. 45, taken from Annex 6 of the TRANVOUEZ report):



66. TIRU considers that secondary air is cooling air.
67. VALINEA and MAGUIN dispute this, relying principally on the following arguments (VALINEA's summary submission, §1.1.1, pp. 2–3; MAGUIN's summary submission, pp. 8–11 and 19–20):
- In the furnace in question, the function of the secondary air is to treat carbon monoxide (according to the statements transcribed in the SARTORIUS and TRANVOUEZ reports) and not to cool the combustion products.
 - The treatment of carbon monoxide by secondary air is an exothermic reaction that releases energy in the form of heat.
 - Because the secondary air is injected into the roof of the chamber, and not beneath the bed containing the combustion products, this secondary air cannot serve to cool the combustion products. Indeed, the patent teaches that the cooling air must be injected at the lower part; furthermore, the secondary air injected at the upper part, at a distance from the bed containing the combustion products, does not reach the combustion products due to the barrier formed by the primary air (combustion air) injected beneath the bed, and due to the general upward movement of the flue gases within the furnace.
 - Even assuming that the secondary air reaches the combustion products, it would do so only on their surface, in the form of a mixture of this secondary air with the flue gases, and at a temperature that would not allow the combustion products to be cooled.

- Nor does the furnace in question allow for the recovery and utilisation of heat from the combustion products via secondary air.
- In the furnace in question, the cooling of the combustion products takes place after they leave the furnace, when the combustion products fall into the water of a slag extractor.

68. TIRU relies primarily on the following arguments:

- The patent does not require a specific position for the injection of cooling air into the cell. Injection at the lower part is merely presented as preferable in specific embodiments, and Figure 2 of the patent illustrates injection via the roof, in addition to injection at the lower part.
- Air can have two different functions: the function of treating carbon monoxide therefore does not preclude a function of cooling the combustion products.
- The secondary air injection nozzles are positioned in the downstream part of the cell, i.e. on the side of the cell where the combustion products are present.
- Secondary air is necessarily cooler than the flue gases. Its injection into the cell creates a convection effect, with turbulence, allowing this secondary air to come into contact with the combustion products. This contact is further facilitated by the oscillation of the furnace: depending on the angular position of the furnace, the secondary air injection nozzles may find themselves close to the bed containing the combustion products.

Opinion of the Court

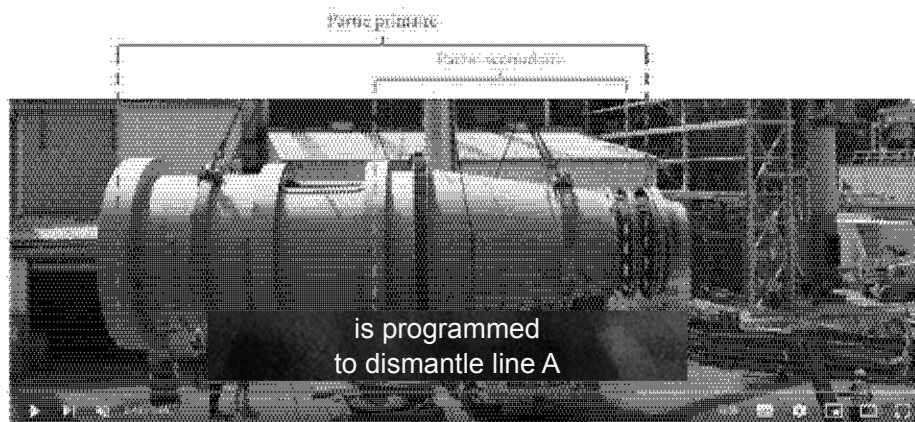
69. It should be recalled that, in accordance with the interpretation adopted in the Central Division's decision (§59 and 63 of the CD Decision), cooling air is defined by its function of cooling the combustion products (and thus of recovering thermal energy from those combustion products). Furthermore, the cooling air must come into direct contact with the combustion products within the cell (in other words, cooling does not take place exclusively through the wall of the hollow casing through which the air circulates before being introduced into the cell).
70. Given that cooling air is defined by its function, it must be concluded that the patent does not necessarily require the cooling air to be injected beneath the bed containing the combustion products. This injection through the lower part of the cell is presented in the patent solely as a specific embodiment and not as a necessary condition for injected air to be considered cooling air.
71. On the other hand, the secondary air in the furnace at issue, according to the defendants—who have not been effectively contradicted on this point by TIRU—serves the function of treating carbon monoxide. It cannot be ruled out a priori that this secondary air may also have an additional function of cooling the combustion products. However, it is for TIRU, the claimant in the infringement action, to prove this. The parties put forward opposing theories regarding the path of the secondary air within the cell and its possible effect on the combustion products: TIRU argues that it is introduced

- contact between the secondary air and the combustion products resulting from turbulent flow and the oscillation of the furnace, whilst VALINEA and MAGUIN argue that the secondary air is entrained by the flue gases and that the primary air acts as a barrier. Neither of these theories has been convincingly demonstrated. Nevertheless, it is TIRU, as the claimant in the main proceedings, which bears the burden of proof.
72. In this context, it is particularly important to adopt a consistent approach between the assessment of the patent's validity and that of the alleged infringement.
73. However, the Central Division's decision, in its discussion of the so-called 'Grannec' prior art (§156–172 of the CD Decision), adopted the argument put forward by TIRU concerning the absence of a clear and unambiguous disclosure in the 'Grannec' prior art document of the cooling function of the air (presented as combustion air in that document) which is injected beneath the waste bed, including in the downstream part of the cell. Consequently, the mere fact that the secondary air of the furnace in question is injected into the downstream part of the cell cannot be regarded as necessarily implying that this secondary air has a cooling function — all the more so as the secondary air is injected from the top of the vault, contrary to the teaching of 'Grannec', but also contrary to the preferred embodiment of the cooling air injection illustrated in the patent in question.
74. Similarly, the Board of Appeal's decision, in its discussion of the so-called 'Heliox' prior art' (§178–189), adopted the argument put forward by TIRU that, although the document teaches the supply of different gases to distinct parts of the hollow cell envelope, including a gas other than a combustion gas, this does not imply the presence of cooling air within the meaning of the patent. Consequently, the secondary air of the furnace in question, described as having a function of treating carbon monoxide, cannot a priori be regarded as cooling air in the absence of further information to that effect.
75. Finally, the Board of Appeal's decision, in its discussion of the prior art 'Vanderpol' (§190-195), adopted the argument put forward by TIRU that a separate air stream, injected specifically into the downstream part of the cell, has, in the context of that document, an oxidation function which tends to lead to a rise in temperature rather than to cooling. Again, bearing this in mind, the secondary air in the furnace in question cannot be presumed to have a cooling function in the absence of concrete evidence from which this can be inferred.
76. In conclusion to the foregoing, it has not been established that the furnace in question literally employs cooling air as mentioned in features 1.6, 1.8 and 12 of claim 1.
77. Furthermore, TIRU does not allege the existence of infringement by equivalence in relation to the features concerning the cooling air.

Feature 10

78. The parties agree that, in the oven alleged to be involved in infringement, the primary section completely overlaps the secondary section, as illustrated in the following photograph, which is taken from a YouTube video of the Pays

de Montbéliard (paragraph 181 of TIRU's statement of claim against VALINEA), the photograph having been annotated by TIRU itself:



79. However, it follows from the Court's interpretation of feature 10, according to which 'the secondary part (12a) is arranged downstream of the primary part (12a)', that patent EP'578 requires that the primary and secondary parts do not overlap but are arranged one after the other.
80. Consequently, in view of the findings not disputed by the parties that, in the oven in question, the primary part completely overlaps the secondary part, the latter is therefore not arranged downstream of the former, as taught in the patent in question, so that feature 10 is clearly not reproduced literally by the oven alleged to be involved in infringement.

Regarding TIRU's claims of infringement by equivalence:

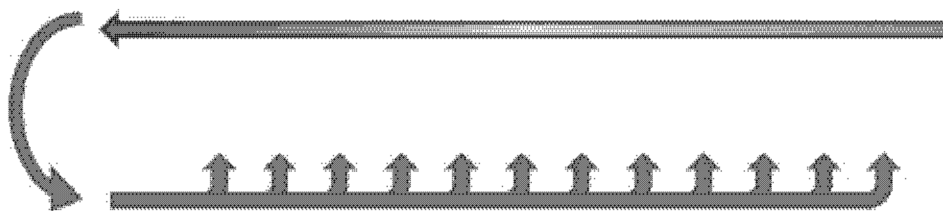
81. In addition to its argument regarding the literal reproduction of feature 10, TIRU also puts forward an argument regarding the reproduction of that feature by equivalence.
82. The parties have agreed on the test to be followed for the examination of infringement by equivalence as proposed by the claimant, and the Court adopts this test to rule on equivalence, as has already been accepted by divisions of the UPC (The Hague Local Division, UPC_CFI_239/2023, 22 November 2024).
83. The test on which the parties agree comprises, in summary, the following steps:
- 1) Technical equivalence.
 - 2) Fair protection for the proprietor.
 - 3) Reasonable legal certainty for third parties.
 - 4) Novelty and inventive step of the product alleged to constitute infringement in relation to the prior art.
84. The first criterion of the adopted test is that of technical equivalence. It is stated as follows: does the alleged variant (essentially) solve the same problem as the patented invention and does it (essentially) perform the same function in that context? It should be noted in this regard that the reproduction of the function of the patented means must be regarded as a minimum necessary condition for concluding that there is reproduction by equivalence of that means, in all the legal doctrines applied within the Member States.

85. Thus, technical equivalence corresponds to the lowest common denominator of all the tests adopted in the national laws of the Contracting States to the UPC concerning infringement by equivalence (Paris Local Division, UPC_CFI_363/2024, 1 August 2025 and UPC_CFI_612/2024, 24 October 2025, as well as Mannheim Local Division, UPC CFI 471/2023, 6 June 2025).
86. In the present case, TIRU considers that the variant in which the primary part is arranged along the entire length of the cell solves the same problem as the patented invention and essentially performs the same function, 'which is to distribute combustion air and cooling air to the various zones of the furnace' (reply, §215). However, in accordance with the arguments put forward by VALINEA and MAGUIN, and as explained in detail above, it has not been established that cooling air is in fact distributed to any zone of the furnace. Consequently, it has not been established that the contested variant solves the same problem and performs the same function as the patented invention. In other words, the technical equivalence claimed by TIRU has not been established.
87. For this reason alone, it must be concluded that the reproduction by equivalence of feature 10 has not been established, without it being necessary to examine the other criteria of the equivalence test adopted in the context of this dispute.

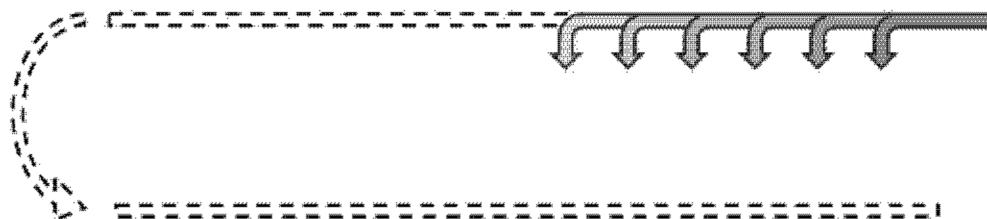
Claims 1.9 to 1.11: the circulation of air in the supply and return ducts

88. It is not disputed by VALINEA and MAGUIN that the primary combustion air travels through supply and return ducts within the casing before being introduced into the cell. Conversely, it is not disputed by TIRU that the secondary air follows a different path, since it circulates solely through supply ducts within the casing.
89. Thus, having regard to the interpretation of feature 1.9 set out above (i.e. both combustion air and cooling air must pass through supply and return ducts within the casing), TIRU, in its summary conclusions of 2 April 2026, admits that features 1.9 to 1.11 are not reproduced verbatim by the furnace in question, but claims that they are reproduced by equivalence – a claim contested by VALINEA and MAGUIN. Once again, all the parties refer to the criteria for the test of infringement by equivalence as set out above and adopted for the present case.
90. With regard to the first criterion discussed, namely that of technical equivalence, TIRU essentially argues that the circulation of air in return ducts, in addition to the supply ducts, further improves energy efficiency by increasing the surface area of exchange with the combustion products. TIRU considers that the considerable length of the supply ducts through which secondary air circulates in the furnace in question enables the same energy efficiency improvement to be achieved as the claimed solution (which consists of combining return ducts with supply ducts).
91. However, as VALINEA rightly points out in its summary submissions of 7 April 2026, since it has not been established that the secondary air is cooling air, the role of this secondary air—and more specifically the configuration of its circulation within the casing—in the energy efficiency of the installation has likewise not been established. Furthermore, TIRU has not demonstrated that the secondary air ducts in the furnace in question have a specific length that would make this configuration analogous to the claimed configuration.

- On the contrary, the claimed configuration ensures that all of the cooling air travels a certain distance within the casing, namely that of the supply ducts, with the air being introduced into the cell solely via the return ducts; whereas, in the furnace in question, the secondary air begins to be introduced into the cell as it travels through the supply ducts and therefore from the very start of its circulation within the casing, as illustrated below by diagrams taken from VALINEA's summary submissions:



Schematic diagram of the heating of air in the supply duct, without a nozzle (top), prior to its injection via the return duct nozzles (bottom).



Schematic diagram of the principle of air injection directly through the nozzles of the supply duct.

92. Thus, once again, the technical equivalence claimed by TIRU has not been established.
93. For this reason alone, it must be concluded that the reproduction by equivalence of features 1.9 to 1.11 has not been established, without it being necessary to examine the other criteria of the test for infringement by equivalence adopted in the present case.

The reproduction of the claims dependent on claim 1 cited by TIRU (Nos. 2 to 12)

94. Claims 2 to 12 are dependent claims of claim 1 and therefore include the same limitations in that they require, in particular, 'cooling air' and 'a secondary part arranged downstream of the primary part'. It follows that, for the same reasons as those set out in concluding that claim 1 is not reproduced, there is no infringement of the dependent claims 2 to 12.

The reproduction of claim 13 (independent process claim)

95. With regard to claim 13 (independent process claim), the reproduction of the features relating to 'cooling air' (features 15.5, 12 and 15.7 according to the original numbering) and that relating to 'the secondary part 12b arranged downstream of the primary part 12a' (according to auxiliary request 2.0 adopted by the Board of Appeal's decision) are discussed between the parties with the same arguments as those set out

- for installation claim 1.

96. Therefore, for the same reasons as those set out regarding the materiality of the infringement of claim 1 (with the exception of the discussion concerning features 1.9 to 1.11), it must be concluded that the use of the alleged infringing oven does not infringe claim 13 of the process as amended by the decision of the Paris Central Division of 18 March 2026.

97. Consequently, TIRU fails to demonstrate that the oven in question infringes the patent on the basis of Article 25 UPCA and will be dismissed in respect of all its subsequent claims.

- Conclusion

98. As claim 1 and claim 13 are not reproduced in their entirety, TIRU fails to demonstrate the alleged infringement against VALINEA and MAGUIN.

- B- On infringement by supply of means

99. As TIRU has failed to demonstrate that the furnace for which MAGUIN supplied the combustion cell infringes the main claims of its patent, it is not necessary for the Court to examine MAGUIN's arguments challenging the allegation of infringement by supply of means, on the basis of Article 26.1 of the UPCA, as put forward by TIRU.

C- Regarding VALINEA's claim for damages for abusive proceedings

100. VALINEA, in its summary statement of 7 April 2026, maintains its principal claim for compensation for the loss it has suffered as a result of the abusive nature of the action brought against it by TIRU. In support of this, it argues that TIRU acted with reprehensible recklessness by seeking an ex parte injunction without having sent a prior warning letter, and despite the fact that TIRU had refused to participate in the appeal procedure relating to the furnace in question (VALINEA's defence statement, section 4).

101. TIRU raises the issue of the lack of a legal basis for this type of application before the UPC and asserts that its infringement action was not abusive.

- The Court's Opinion

102. Article 32.1(a) of the UPC, concerning the jurisdiction of the UPC, provides that the Court has exclusive jurisdiction over defences relating to infringement actions (including certain counterclaims, the example given being a counterclaim concerning a licence).

In the present case, abuse of rights is a defence relating to TIRU's infringement action before this Tribunal, in that it is intrinsically linked to that action, which forms its basis.

103. However, in the present case, no abuse of rights has been demonstrated in the bringing of the infringement action. On the contrary, the seizure was upheld both on review on the basis of Rule 333 of the RoP and by the Court of Appeal of Luxembourg. The patent on which the action was based was validated in amended form by the Central Division of the UPC, and the

- reproduction of the claims was seriously argued by the main claimant, who merely exercised the rights he holds, even though he failed to prove the existence of the alleged infringement.

104. Consequently, the claim on this point is unfounded and will be dismissed.

- D- On legal costs (Art. 69 UPCA)

105. In accordance with Rule 118.5 of the RoP, the Court rules in principle that TIRU, the unsuccessful party in the infringement proceedings, is liable to bear the costs of the proceedings in accordance with Article 69 of the UPCA.
106. The value of the claim was assessed by the Reporting Judge at €2 million in the order issued following the pre-trial conference (Rule 105.5 RoP). In this case, the ceiling is set at €200,000 in accordance with the scale established by the Administrative Committee's Decision of 24 April 2023 on the ceilings for recoverable costs.
107. VALINEA and MAGUIN, in their summary submissions, each sought reimbursement from TIRU for costs incurred in the infringement proceedings amounting to €200,000 each. VALINEA states that it is seeking, in the alternative, an advance of €100,000.
108. TIRU acknowledged that the legal costs incurred in the claim which were recoverable in this case amounted to a total of €200,000, as this is the sum it sought at the hearing to be reimbursed for its costs by the defendants. The defendants produced certificates dated 7 April 2026 substantiating that they had incurred at least the sum of €200,000 in legal costs in the infringement proceedings.
109. In view of these facts and Article 1(3) of the Administrative Committee's Decision of 24 April 2023 on the limits of recoverable costs in cases involving multiple defendants, the Court will grant the respective claims of VALINEA and MAGUIN for reimbursement of costs incurred up to €100,000 each (i.e. a total of €200,000 for the entire case). No exception will be made in the present case to the ceiling of a total amount of €200,000 for the entire case, regardless of the number of co-defendants, given that the defendants' arguments were very similar, with the sole exception of the arguments regarding the provision of evidence for MAGUIN (Nordic and Baltic Regional Division, UPC_CFI_527/2024, 17 February 2024, Headnote: Reasonable and proportionate legal costs and other expenses incurred by the successful party shall, as a general rule, be borne by the unsuccessful party, unless equity requires otherwise, up to the ceiling set by the Administrative Committee (Article 69 UPCA and Rule 152.2 RoP). According to the decision of the Administrative Committee on the Scale of Ceilings for Recoverable Costs, the ceiling applies to legal representation costs and the amount is set in relation to the value of the proceedings. This value of the proceedings is determined in relation to the proceedings as a whole, not in relation to each defendant. Furthermore, the decision of the Administrative Committee clearly states that the ceilings shall apply "regardless of the number of parties". Therefore, the Court concludes that when an application against several defendants is dismissed, the ceiling serves as a joint ceiling for all defendants' representation costs."

E- On the claim for indemnity

110. The Court adds that it is not necessary to rule on the defendants' claim for indemnity, which was raised as a very subsidiary claim, given that all of TIRU's claims have been dismissed.

FOR THESE REASONS,

The Court of First Instance of the UPC:

- (1) Declares admissible the application concerning the validity of the expert's report relating to VALINEA ENERGIE, declares the said report valid and dismisses the application for its exclusion from the proceedings,
- (2) Dismisses all of TIRU's claims against VALINEA ENERGIE and MAGUIN for infringement, whether literal or by equivalence, based on European patent EP 3 178 578 B1, as well as all subsequent claims.
- (3) Dismisses VALINEA ENERGIE's counterclaim for abusive proceedings,
- (4) Orders TIRU to bear the full costs of the present proceedings, and orders TIRU to pay VALINEA ENERGIE and MAGUIN the sum of 100,000 euros each by way of reimbursement of legal costs relating to the present infringement action, within two months of the date of this judgment.

Delivered in Paris, 29 May 2026.

C. LIGNIERES, Presiding Judge and Reporting Judge,

Date:
Carnille Lignières 29 May 2026
09:10:04 +02'00'

C. GILLET, Legally Qualified Judge,

Carine Gillet 28 May 2026
09:28:58
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R. LOPES, Legally qualified judge,

RUTE
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by RUTE
ALEXANDRA DA
SILVA SABINO LOPES
Date: 28 May 2026

R. FULCONIS, Technically qualified judge,

Renaud, Patrick, Raymond
Fulconis
27 May 2026 22:06:04 +02:00

The Registry,

Carol
BEURTHERET

Digital signature of
Carol BEURTHERET
Date: 29 May 2026
10:59:30 +02'00'

Information on the appeal (Art. 73(1) UPCA, R. 220.1(a), 224.1(a) RoP)

An appeal against this decision may be lodged with the Court of Appeal by any party whose claims have been rejected in whole or in part, within two months of the date of notification of the decision.

Information regarding enforcement (Art. 82 UPCA, Art. 37(2) Statutes, R. 118.8, 158.2, 354, 355.4

RoP)

A certified copy of the judgment or enforceable order shall be issued by the Deputy Registrar at the request of the party seeking enforcement, R. 69.

DETAILS OF THE DECISION

UPC No.: **UPC_CFI_130/2025**

Type of action: Infringement action

Date of decision: ; 29 May 2026