



**Preliminary Procedural Order and Procedural Order**  
**of the Court of First Instance of the Unified Patent Court**  
**issued on 3 July 2026**  
**concerning EP 3 808 512 B1**

HEADNOTES:

1. In the absence of any specific fact that is contested at the time of submitting the request, it is not in line with the outlined principles relevant for assessing a R. 190 RoP Request to conditionally ask for an overall documentation. R. 190 RoP is not for investigation of unknown facts but to produce evidence for substantiated, relevant and contested facts.
2. Although neither the Enforcement Directive nor the UPCA nor the RoP set out a timeframe for submitting a R. 190 RoP Request that would make it (in)admissible, and there is also no procedural framework indicating that such request can only be introduced once all parties' arguments have been finalised, it is clear that a R. 190 RoP Request could be dismissed if the Court deems it to be too early in the proceedings, based on the circumstances of the case.

KEYWORDS:

APPLICATION TO PRODUCE EVIDENCE (R. 190 RoP)

CONFIDENTIALITY REQUEST (R. 262A RoP)

EXTENSION OF TIME LIMITS (R. 9.3 RoP)

**CLAIMANT INFRINGEMENT ACTION / DEFENDANT COUNTERCLAIM FOR REVOCATION**

APPLICANT REQUEST FOR PRODUCTION OF DOCUMENTS

RESPONDENT CONFIDENTIALITY REQUEST

APPLICANT REQUEST FOR EXTENSION OF TIME LIMITS

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**DEFENDANT INFRINGEMENT ACTION / CLAIMANT COUNTERCLAIM FOR REVOCATION**

RESPONDENT REQUEST FOR PRODUCTION OF DOCUMENTS

APPLICANT CONFIDENTIALITY REQUESTS

RESPONDENT REQUEST FOR EXTENSION OF TIME LIMITS

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PATENT IN SUIT: European Patent No. EP 3 808 512 B1

PANEL/DIVISION: Panel 2 of the Local Division in Düsseldorf

DECIDING JUDGES:

This order was issued by the Presiding Judge Dr Thom, legally qualified Judge Dr Rincken and legally qualified Judge Knijff as Judge-Rapporteur.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT MATTER: Request for production of documents (**R. 190 RoP**)  
Expert evidence (**R. 181 RoP**)  
Confidentiality Request (**R. 262A RoP / R. 262.2 RoP**)  
Extension of time limits (**R. 9.3 RoP**)

## **I. PROCEDURAL BACKGROUND AND REQUESTS**

1. Claimant lodged a Statement of Claim (Infringement Action) against Roborock Germany GmbH on 13 February 2026. As Exhibit JD 11 Claimant submitted a report of [REDACTED] dated 2 September 2025, which, according to Claimant, further addresses the performance of one of the attacked robots of Defendants (“Roborock Saros 10”) to the extent relevant to these proceedings. Claimant also submitted, as Exhibit JD 11-I, an ‘expert report of [REDACTED], professor at the Institute of Mobile Autonomie Systeme und Kognitive Robotik (MASKOR) of the FH Aachen, dated 12 February 2026, to

whom – according to his report – the question has been put as to whether the Robots of the types Roborock Saros 10 (“Saros 10”), Roborock S8 MaxV Ultra (“S8”), Roborock Qrevo CurvX (“CurvX”), Roborock QV 35A (“QV 35A”) and Roborock Saros Z70 (“Saros Z70”) implement the features of claims 1 to 17 of the Patent in suit.

2. The Statement of Claim (Infringement Action) contains the following requests of Claimant:

“In the event that Defendant disputes the presence of the claimed features, and only insofar as such features are disputed, pursuant to Article 59 UPCA and Rule 190 RoP, read in conjunction with Article 53 UPCA, that the Court orders Defendant to:

I. Production of limited source code or pseudo code extracts implementing the functions that:

a. acquire environment information from the robot's sensors (including the LiDAR, camera, structured light, and other optical systems) and generate or update the internal environment map used for localization and navigation;

b. compare acquired environment information with the stored environment map to produce a comparison result, including the algorithmic criteria, matching rate thresholds, and confidence parameters used to determine whether the comparison result meets the set comparison requirement;

c. identify and determine passable boundaries around the robot's current position based on the environment information, including the criteria used to distinguish passable boundaries from obstacle boundaries (such as wall detection, door detection, wall continuity analysis, open-space identification, connectivity analysis, obstacle analysis, and dimensional parameters or thresholds);

d. detect, monitor the state of, optimize, and/or select a target boundary from the identified passable boundaries and determine a second position according to the target boundary, including any algorithmic criteria, optimization, weighting, or prioritization parameters applied;

e. link target boundary detection, monitoring, optimization, and/or selection to the localization process and/or route planning, including in response to state changes to the boundary (including the interface functions, data structures passed between functions or modules, and any priority or weighting parameters used);

f. control the robot's movement from its current position to the second position during the localizing process, including the path planning algorithms, navigation path computation, and any interface functions linking boundary selection outputs to movement control; and

- g. acquire environment information during the robot's movement to the second position and compare that information with the stored environment map to identify the pose (position and orientation) of the robot.
- II. Production of any developer-facing documentation, design specifications, technical reference materials, or code comments that describe the localization process after displacement or hijacking, including the algorithms for boundary detection, monitoring, optimization, and/or selection of a target boundary, movement to a second position, pose identification, and how these functions interfere or influence the localization process.
  - III. A declaration from a knowledgeable engineer at Roborock authenticating the produced extracts, identifying the firmware and application versions for each accused product model, and explaining, at a high level, how the produced functions interoperate to implement the localization method, including the acquisition of environment information, map comparison, passable boundary determination, target boundary detection, monitoring, optimization and selection, movement to the second position, and pose identification.
  - IV. Production shall occur within twenty-one (21) days of the Court's order, in read only text or PDF format preserving line numbers and comments, together with repository paths, commit identifiers, and cryptographic hash values to ensure authenticity and completeness.
  - V. The produced materials shall be subject to confidentiality protections pursuant to Article 58 UPCA and Rule 262A RoP, with access limited to two (2) designated outside counsel per side, two (2) independent technical experts (including [REDACTED]), and necessary Court personnel. All produced materials shall be used solely in these proceedings and returned or destroyed upon conclusion. “
3. On 19 December 2025 the Düsseldorf Local Division, on the ground of a breach of R. 192.3 RoP, set aside an inspection and preservation order, issued on 4 September 2025, in which it had ordered, on an Application filed by Claimant against Roborock (HK) Limited, the inspection of robotic vacuum cleaners at issue at the International Consumer Electronics Fair (IFA) in Berlin (UPC\_CFI\_834/2025). The Court of Appeal has rejected the appeal against this by order of 16 March 2026 (UPC\_CoA\_3/2026).
  4. On 12 June 2026, Defendant submitted its ‘Statement of Defense and Counterclaim for Revocation’ in which the Defendant contests that the embodiments challenged by Claimant infringe the Patent in suit, specifically arguing that the attacked cleaning robots are able to localize their position without using the specific steps for localization as claimed in the Patent in suit, with reference to (amongst other exhibits) Exhibits VB02 and VB03, according to the

List of Exhibits a written witness statement of ██████████ (VB02) and schematic illustrations of the localization functionality of the attacked embodiments (VB03).

5. Defendant submitted its written pleading of 12 June 2026 in an unredacted version and in a redacted version (served on 18 June 2026). In the redacted version paragraphs and passages have been rendered unreadable which, according to Defendant, contain information relating to the functionality and operation of the attacked embodiments and localization steps they carry out, which constitutes a trade secret, and should therefore be regarded as Confidential Information. Those paragraphs and passages are highlighted in grey in the unredacted version of the ‘Statement of Defense and Counterclaim for Revocation’.
6. On the same day Defendant filed an ‘Application for Confidentiality (functionality and operation of attacked robots)’ pursuant to R. 262A and 262.2 RoP. In that Application Defendant requests that the Court orders that:
  - I. the following information (hereinafter: “**Confidential Information**”) shall be classified as confidential pursuant to Art. 58 UPCA and Rules 262A, 262.2 RoP:
    - a) the **passages highlighted** in grey in the Statement of Defense describing the functionality and operation of the attacked embodiments; and
    - b) **Exhibits VB02 and VB03**, namely a written witness statement as well as schematic drawings corroborating the aforementioned functionality and operation of the attacked embodiments as well as the localization steps they carry out.
  - II. Pursuant to Rule 262A.1 RoP, access to the Confidential Information shall be **restricted exclusively to the following persons**:
    - a) Claimant’s authorized UPC representatives, including their internal assistants and employees;
    - b) if applicable, Claimant’s expressly named external experts who are (i) not employees of Claimant or any entity that is a competitor of Claimant or Defendant and (ii) have a legitimate need to receive the Confidential Information;
    - c) an appropriate number of employees of Claimant, whereby no more than three employees of Claimant, to be expressly named by Claimant, are proposed. Defendant reserves the right to raise objections against specific individuals, particularly if, due to their position, role, or involvement in decisions related to sales, pricing, procurement, licensing, product strategy, or other competition-related matters, there is a particular risk that the confidential information will be misused.

- III. The Confidential Information shall be **treated as strictly confidential by all persons** granted access pursuant to item II (hereinafter: "Persons"). These Persons may not use or disclose the Confidential Information outside of the present court proceedings unless they have received knowledge of the classified information outside of the proceedings, provided that the receiving party has obtained it on a non-confidential basis from a source other than Defendant or its affiliates, provided that such source is not bound by a confidentiality agreement with or other obligation of secrecy with Defendants or their affiliates. Furthermore, they may only use the Confidential Information for the purpose of pursuing the present court proceedings. The obligation of **confidentiality shall continue** to apply after the termination of these proceedings.
  - IV. In the event of a **culpable breach** of this order, the Court shall impose a periodic **penalty payment** for each violation, the amount of which shall be determined by the Court having regard to the circumstances of the individual breach, whereby a penalty payment of at least EUR 100,000 for each violation is respectfully suggested.
  - V. Prior to the publication of the **reasons for the judgment** or other announcements, any information contained therein related to the Confidential Information shall be redacted.
  - VI. The Confidential Information shall be excluded from file inspection by third parties (Art. 58 UPCA in conjunction with Rules 262.1(b), 262.2 RoP).
  - VII. The public and any persons not having lawful access to the Confidential Information shall be excluded from the interim conference and the oral hearing pursuant to Art. 45 UPCA in conjunction with Rule 115 RoP insofar as Confidential Information is discussed directly or indirectly.
7. In the 'Statement of Defense and Counterclaim for Revocation' Defendant also requests (as far as relevant here) to:
- **Dismiss [REDACTED] expert opinion** filed as Exhibit JD 11-I (together with the video reports attached), so that it is not part of these proceedings, or in the alternative, consider the lack of the statement required by Rule 181.1 in conjunction with Rule 175.2 RoP when evaluating the expert report by [REDACTED]; and
  - **Dismiss [REDACTED] expert opinion** filed as Exhibit JD 11, so that it is not part of these proceedings, or in the alternative, consider the lack of the statement required by Rule 181.1 in conjunction with Rule 175.2 RoP when evaluating the expert report by [REDACTED] and [REDACTED] and
  - **Dismiss Claimant's request for production of documents** (Art. 59 UPCA, R. 190 RoP), or in the alternative, should the Court order the production of documents, to order that all documents disclosed by Defendant pursuant to such order be classified as confidential

information within the meaning of Art. 58 UPCA in conjunction with Rules 190.1 and 262A RoP, along with a few related requests (attorneys-eyes-only, penalty e.a.).

8. On 25 June 2026 Claimant filed an Application to grant an **extension of time limits** for filing the Reply to the Statement of Defence as well as the Defence to the Counterclaim (R. 29(a) RoP) including an Application to amend the patent (R. 30.1 RoP) for the number of days between the service of the redacted version of the 'Statement of Defense and Counterclaim for Revocation' on 18 June 2026 and the service of an unredacted version, in the alternative, to grant an extension of time limits of one week until 25 [originally: July, but corrected in a communication of 26 June 2026 to:] August 2026, for filing the Reply to the Statement of Defence as well as the Defence to the Counterclaim (R. 29(a) RoP) including an Application to amend the patent (R. 30.1 RoP), because, since the unredacted version of Defendant's written pleading is not available to Claimant, it is not yet possible for Claimant to engage any meaningful review of Defendant's non-infringement position at this point of time.
9. In a communication of 26 June 2026 Claimant asked the Court to lodge a preliminary confidentiality order that includes [REDACTED] as an external expert of the Claimant as requested by Defendant in the Application for Confidentiality II(b), as well as three employees of (and named by) the Claimant as requested by Defendant in the Application for Confidentiality II(c).
10. In a reaction to Claimant's Application to grant an extension of time limits of 30 June 2026, Defendant has explained why, in its view, that Application does not meet the relevant conditions, but has also indicated that it does not object to Claimant's request in the interest of orderly conduct of the proceedings, provided that Defendant is granted a corresponding extension for filing its Rejoinder to the Reply in the infringement proceedings and its Reply to the Defence to the Counterclaim as well as potentially their Defence to the Application to Amend.
11. In that same reaction of 30 June 2026, Defendant responds to the wish of Claimant to lodge a preliminary confidentiality order. According to Defendant, Claimant's request must be rejected in its presented form, providing access to not only Claimant's representatives, but also to an external (technical) expert and three named employees, since it conflates the purpose of a preliminary confidentiality order with the Court's final determination under R. 262A RoP. Defendant does not object to Claimant's authorized UPC representatives being granted (preliminarily) access to the confidential information, to ensure that the confidential information may be disclosed to this limited circle of persons before the Court has finally determined the appropriate scope of access under Rule 262A RoP, and to enable Claimant to make informed submissions on the confidentiality application.
12. On 2 July 2026 Claimant submitted a pleading in which it brings forward, insofar as relevant, that:

- when it comes to the conditional objection of Defendant against the Request to grant an extension of time limits, that it wishes to abstain from making procedural arrangements for the future, and
- since Claimant still has no access to an unredacted version of the Statement of Defence, that Claimant requests the Court to grant an extension of time limits for filing the Reply to the Statement of Defence as well as the Defence to the Counterclaim (R. 29(a) RoP) including an Application to amend the patent (R. 30.1 RoP) for the number of days between the service of the redacted version on 18 June 2026 and the service of an unredacted version, and, in the alternative, to grant an extension of time limits until 2 September 2026, for filing the Reply to the Statement of Defence in the joined proceedings as well as the Defence to the Counterclaim (R. 29(a) RoP) including an Application to amend the patent (R. 30.1 RoP).

**II. GROUNDS**

II.A. Expert evidence

13. In the as Exhibit JD 11 submitted report of [REDACTED], dated 2 September 2025, [REDACTED] has set out his observations regarding the behavior of a ‘Roborock Saros S10’ robot vacuum cleaner, model: S90V, during tests. [REDACTED] states in his report under ‘Qualifications’:

[REDACTED]

[REDACTED]

14. In the as Exhibit JD 11-I submitted report (together with video files) of [REDACTED], dated 12 February 2026, [REDACTED], has described his observations of the behaviour of the Roborock robots he tested (of the types Roborock Saros 10 (“Saros 10”), Roborock S8 MaxV Ultra (“S8”), Roborock Qrevo CurvX (“CurvX”), Roborock QV 35A (“QV 35A”) and Roborock Saros Z70 (“Saros Z70’). Based on his findings he answered the question as to whether the Robots of these types in his eyes implement the features of claims 1 to 17 of the Patent in suit. [REDACTED] attached curriculum vitae and list of publications and states in his report under ‘Professional Experience’:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15. Given that Defendant’s objections against these reports (namely that these reports are not impartial, independent or objective, as required by R. 181.1 RoP in conjunction with R. 175.2 RoP, nor are presenting any facts) boil down to the question what weight can be attached to the findings in these exhibits, these objections are not merely procedural in nature but require a substantive assessment of the reports and the findings therein. Therefore, the Court sees no reason to dismiss these reports, in the sense that the reports will not be part of the proceedings. The Court will – if necessary – consider the objections of Defendant when evaluating the case, including the reports, on the merits.

II.B. Protection of Confidential Information (R. 262A RoP) - Preliminary

16. The Court notes that parties do agree on a preliminary confidentiality order, providing Claimant’s legal representatives access to the information designated as confidential by Defendant, i.e. a) the passages highlighted in grey in the Statement of Defence describing the functionality and operation of the attacked embodiments; and b) Exhibits VB02 and VB03, namely a written witness statement as well as schematic drawings corroborating the aforementioned functionality and operation of the attacked embodiments as well as the localization steps they carry out.
17. Therefore, the Court will order as such, under the (standard) conditions as set out below.
18. The Court hereby urges the parties to reach an agreement on the R. 262A RoP requests and to inform the Court of the outcome as soon as possible, but no later than one week after this order. If (or insofar as) no settlement can be reached, Claimant will be given the opportunity to respond to Defendant’s R. 262A-Application and to the comments of Defendant as set out in its submissions of 30 June 2026 by one week after this order.

19. The Court reserves all further decisions on the requests set out in the ‘Application for Confidentiality (functionality and operation of attacked robots)’ pursuant to R. 262A and 262.2 RoP.

#### II.C. Request to produce documents

20. Defendant argues that Claimant’s request for the production of documents is legally flawed, disproportionate and constitutes an abuse of law, and (thus) fails to meet the strict requirements established under the UPCA and the RoP. In the eyes of Defendant, even assuming that intra-procedural conditions are admissible under the UPCA and the RoP, Claimant failed to identify which facts it seeks to prove, did not identify by which means of evidence and did not explain for what purpose, i.e. the necessity of such evidence. Since Defendant in its ‘Statement of Defense and Counterclaim for Revocation’ has already provided substantiated defence arguments against Claimant’s infringement allegations, supported by specific and factual information on the method for localization used by the attacked embodiments as well as by evidence in form of a written statement corroborating these facts, according to Defendant there is no evidentiary gap that would or could justify an order under R. 190 RoP.
21. In addition to the general principles set out in Art. 41(3) and 42 UPCA, the legal framework relevant for assessing a R. 190 RoP Request is laid down in Art. 59 UPCA, Rule 172 and 190 ROP implementing Article 6 of the Enforcement Directive.
22. In assessing the R. 190 RoP Request and based on above legal framework, the following cumulative conditions need to be considered by the Court, further developed by case-law (cf. CoA 24 September 2024, UPC\_CoA\_298,299,300/2024 (Oppo et.l. v Panasonic) (headnote 3); LD The Hague Order of 14 October 2024 (Winnov v Orbisk), § 8; LD Munich (Panel 2), Order of 2 April 2025 (Promosome v. BioNTech SE et al.)):
1. There is a fact that is relevant to the substantiation of the claim and the fact requires proof/evidence by the requesting party.
  2. The requesting party must have presented evidence “*reasonably available*” in support of its claims;
  3. The evidence to which access is requested must be “*specified*” and lie in control of the other party;
  4. The other party’s confidential information must be protected;
  5. Any order to produce evidence must satisfy the requirements of proportionality, equity, and fairness. One of the elements to be taken into consideration when assessing “*proportionality*” is the stage of the proceedings when the request to produce evidence is introduced.
23. These conditions are not met in the case at hand.

24. Claimant has not indicated what fact(s) it intends to prove by relying on the requested evidence. In the Statement of Claim, Claimant demonstrates the infringement of the claim by concluding from the robot's behaviour to the implementation of the patented method. In the absence of any specific fact that is contested at the time of submitting the request, it is not in line with the outlined principles to conditionally ask for an overall documentation of parts of the source code. R. 190 RoP is not for investigation of unknown facts but to produce evidence for substantiated, relevant and contested facts.
25. Although neither the Enforcement Directive nor the UPCA nor the RoP set out a timeframe for submitting a R. 190 RoP Request that would make it (in)admissible, and there is also no procedural framework indicating that such request can only be introduced once all parties' arguments have been finalised, it is clear that a R. 190 RoP Request could be dismissed if the Court deems it to be too early in the proceedings, based on the circumstances of the case. That is also the case here.
26. In the Court's view and based on the current circumstances of the case, Claimant's request for the production of evidence needs to be refused, since Defendant in its 'Statement of Defense and Counterclaim for Revocation' indeed has now provided substantiated defence arguments against Claimant's infringement allegations, with reference to exhibits containing information on the method for localization used by the attacked embodiments, to what method the R. 190 RoP-request of Claimant refers. For this reason and at this moment it is therefore unclear whether and to what extent Claimant would (and could) dispute these defence arguments and which facts (and with what evidence) still need to be proven.

#### II.D. Extension of time limits

27. As it took some time to give Claimant's legal representatives access to the unredacted version of Defendant's written pleading, the Court sees reason to grant the request of Claimant for an extension of the time limit for filing the Reply to the Statement of Defence as well as the Defence to the Counterclaim (R. 29(a) RoP) including an Application to amend the patent (R. 30.1 RoP) until 2 September 2026, for the number of days between the service of the redacted version of the 'Statement of Defense and Counterclaim for Revocation' and this order, as Claimant requested in the alternative. The Court will not grant a further extension now, since most (namely: the unredacted parts and all the other exhibits than VB02 and VB03) of Defendant's written pleading is available to Claimant, in respect of which it is yet possible for Claimant to engage a meaningful review of Defendant's position.
28. Defendant does not object to Claimant's request in the interest of orderly conduct of the proceedings, provided that Defendant is granted a corresponding extension for filing its Rejoinder to the Reply in the infringement proceedings and its Reply to the Defence to the Counterclaim as well as potentially their Defence to the Application to Amend. In line with

R. 29(d) RoP Defendant has to lodge a Reply to the Defence to the Counterclaim together with a Rejoinder to the Reply to the Statement of Defence and any Defence to an Application to amend the Patent in suit within two months of service of the Defence to the Counterclaim. Insofar as the Defendant is already requesting an extension, there are no grounds for this.

### **III. ORDER**

#### **The Court:**

##### III.A. Expert evidence

- Rejects the request of Defendant to dismiss [REDACTED] report filed as Exhibit JD 11-I (together with the video reports attached);
- Rejects the request of Defendant to dismiss [REDACTED] report filed as Exhibit JD 11.

##### III.B. Protection of Confidential Information (R. 262A RoP) - Preliminary

- Orders that access to the unredacted versions of the ‘Statement of Defense and Counterclaim for Revocation’ and of exhibits VB02 and VB03 is restricted, on the part of the Claimant, to Claimant’s legal representatives, insofar as they are authorized to represent the Claimant before the UPC in the present litigation, and their internal assistants, whereby only those professionals authorized to represent the Claimant before the UPC in the present litigation and their assistants from the law firm of Claimant’s legal representatives have access to the confidential information required for cooperation in the present litigation.
- Orders that information identified as confidential by Defendant ((a) the passages highlighted in grey in the Statement of Defense; and b) Exhibits VB02 and VB03)) shall be treated as such by Claimant’s representatives as defined above, until further notice and shall not be used or disclosed outside of these court proceedings, except to the extent that it has come to the knowledge of the receiving party outside of these proceedings, provided that the receiving party has obtained it on a non-confidential basis from a source other than Defendant or its affiliates, provided that such source is not bound by a confidentiality agreement or other obligation of secrecy with Defendant or its affiliates.
- Orders that, in the event of a culpable breach of this Order, the Court may impose a penalty payment for each breach, to be determined having regard to the circumstances of each case.
- Will give parties the opportunity to inform the Court of an outcome of a settlement on the R. 262A RoP requests of Defendant no later than one (1) week after this order, i.e. no later than 10 July 2026, or if or insofar as no agreement can be reached, will give

Claimant’s representatives the opportunity to respond to Defendant’s R. 262A-Application by **10 July 2026**.

- Reserves all further decisions on the requests set out in the ‘Application for Confidentiality (functionality and operation of attacked robots)’ pursuant to R. 262A and 262.2 RoP.

III.C. Request to produce documents

- Dismisses the R. 190 RoP-requests of Claimant.

III.D. Extension of time limits

- Extends the time periods for filing the Reply to the Statement of Defence as well as the Defence to the Counterclaim (R. 29(a) RoP) including an Application to amend the patent (R. 30.1 RoP) by ten (10) days, so that the date for filing is set on **2 September 2026**.
- Orders that Defendants, in line with R. 29(d) RoP, have to lodge a Reply to the Defence to the Counterclaim together with a Rejoinder to the Reply to the Statement of Defence and any Defence to an Application to amend the Patent in suit within two months of service of the Defence to the Counterclaim.

Issued in Düsseldorf on 3 July 2026

Bérénice Thom	
Presiding Judge:	
Ingo Rinken	
Legally Qualified Judge	
Marije Knijff	
Legally Qualified Judge / Judge-Rapporteur	

**Information on Appeal**

An appeal may be lodged in accordance with Art. 73(2)(a) UPCA and R. 220.1(c) RoP.