



Reference numbers:  
UPC-CoA-29/2026  
UPC-CoA-30/2026

**DECISION**  
**of the Court of Appeal of the Unified Patent Court**  
**issued on 6 July 2026**  
**regarding an application to withdraw (R. 265 RoP) and**  
**reimbursement of Court fees (R. 370.9 RoP)**

APPELLANTS (DEFENDANTS AND COUNTERCLAIMANTS BEFORE THE COURT OF FIRST INSTANCE)

1. **Bekaert Combustion Technology B.V.**, J.C. van Markenstraat 22, 9403 AS, Assen, The Netherlands
2. **NV Bekaert SA**, Bekaertstraat 2, 8550 Zwevegem, Belgium

(hereinafter together: “**Bekaert**”)

All represented by: Dr. Matthias Meyer, Bird & Bird LLP, Düsseldorf, Germany

RESPONDENT (CLAIMANT AND COUNTERDEFENDANT BEFORE THE COURT OF FIRST INSTANCE)

**Polidoro S.p.a.**, Via Lago di Misurina 76, 36015 Schio (Vicenza), Italy

(hereinafter: “**Polidoro**”)

Represented by: Prof. Dr. Tilman Müller-Stoy, Bardehle Pagenberg Partnerschaft mbB Patentanwälte Rechtsanwälte, Munich, Germany

PATENT IN SUIT:

EP 2 037 175

PANEL AND DECIDING JUDGES

Panel 3

Ulrike Voß, presiding judge and legally qualified judge

Bart van den Broek, legally qualified judge

Nathalie Sabotier, legally qualified judge and judge-rapporteur

Michel Abello, technically qualified judge

Uwe Ausfelder, technically qualified judge

IMPUGNED DECISION OF THE COURT OF FIRST INSTANCE

- Decision of 18 December 2025 issued by the Local Division Mannheim
- Reference numbers:
  - UPC\_CFI\_716/2024 (Infringement)
  - UPC\_CFI\_205/2025 (Counterclaim for Revocation)

## LANGUAGE OF THE PROCEEDINGS

English

## SUMMARY OF FACTS

1. On 21 November 2024, Polidoro lodged an infringement action based on the patent in suit against Bekaert before the Local Division Mannheim. On 7 March 2025, Bekaert lodged its Statement of defence and, separately, on 8 March 2025 filed a Counterclaim for revocation of the patent in suit.
2. In the impugned decision of 18 December 2025, the Local Division Mannheim dismissed the Counterclaim for revocation and held that the infringement action was partially successful, namely with respect to direct infringement of claim 1.
3. On 18 February 2025, Bekaert appealed the impugned decision and requested the Court of Appeal to set aside the decision insofar as it found the patent at issue to be valid and infringed.
4. On 11 June 2026, both parties filed applications for withdrawal.
5. Bekaert requests the Court of Appeal to permit the withdrawal of its Counterclaim for revocation (UPC\_CFI\_205/2025) and to declare the proceedings closed. Bekaert further requests reimbursement of 50% of the Court fees paid in appeals UPC\_CoA\_29/2026 and UPC\_CoA\_30/2026. In addition, Bekaert states that it consents to Polidoro's withdrawal of the infringement action and confirms that the cost order issued by the Court of first instance should remain unaffected by the withdrawal. Accordingly, no decision on costs is sought from the Court of Appeal.
6. In its application for withdrawal, Polidoro requests the Court of Appeal to permit the withdrawal of its infringement action (UPC\_CFI\_716/2024) and to declare the proceedings closed. Polidoro further confirms that it consents to Bekaert's withdrawal of the Counterclaim for revocation. In addition, Polidoro states that no decision on costs is required.

## REASONS FOR THE ORDER

### *Conditions for permitting withdrawal*

7. As long as there is no final decision in an action, a claimant may, pursuant to R. 265.1 RoP, apply to withdraw his action. This provision equally applies to withdrawals of appeals (CoA, 5 July 2024, UPC\_CoA\_234/2024, *10x Genomics vs Curio Bioscience*, para 9; 23 December 2025, UPC\_CoA\_691/2025, *Lindal Dispenser vs Rocep*, para 5; 10 February 2026, UPC\_CoA\_913/2025, UPC\_CoA\_914/2025, *Organon Heist B.V, NV Organon, vs Genentech Inc., F. Hoffmann-La Roche AG*, para 9).
8. The application to withdraw the appeal is admissible since there is no final decision in the action in view of the pending appeal, and the Court of Appeal is responsible for deciding on the permissibility of the application for withdrawal (CoA, 15 January 2025, UPC\_CoA\_637/2024, *Avago vs Tesla*).
9. The Court of Appeal permits the withdrawal of the appeal, given the parties' consent to the withdrawals of both actions for infringement and revocation.

Costs

10. R. 265.2 (c) RoP provides that the Court shall issue a cost decision in accordance with Part 1, Chapter 5.

11. Since both parties agree, there is no need for a cost decision.

#### *Reimbursement of Court fees*

12. In the present case, the application to withdraw the appeal was filed before the lodging of the Statement of response and, therefore, before the closure of the written procedure. Reimbursement of the Court fees by 50% is to be ordered in accordance with R. 370.9(b) RoP as it reads since 1 January 2026, given that the application to withdraw and for reimbursement was filed after 1 January 2026 (CoA Order of 6 March 2026, UPC\_CoA\_895/2026, Black sheep v. HL Display; CoA Decision of 26 May 2026, UPC\_CoA\_916/2025).

#### DECISION

The Court of Appeal:

- permits the withdrawal of the appeals UPC\_CoA\_29/2026, and UPC\_CoA\_30/2026 and declares these proceedings closed;
- orders that this decision shall be entered on the Register;
- orders that 50% of the appeal Court fees in the appeal cases UPC\_CoA\_29/2026 and UPC\_CoA\_30/2026 be reimbursed to Bekaert.

This decision was issued on 6 July 2026.

Ulrike Voß, presiding judge and legally qualified judge

Bart van den Broek, legally qualified judge

Nathalie Sabotier, legally qualified judge and judge-rapporteur

Michel Abello, technically qualified judge

Uwe Ausfelder, technically qualified judge