



Case numbers:
PR-UPC-CoA-79/2026
PR-UPC-CoA-80/2026
PR-UPC-CoA-81/2026

DECISION
of the Court of Appeal of the Unified Patent Court
concerning an application for withdrawal (Rule 265 of the RoP)
and an application for reimbursement of procedural costs (Rule 370.9 of the RoP)
issued on 13 July 2026

APPELLANT (DEFENDANT IN THE INVALIDITY PROCEEDINGS AND IN THE COUNTERCLAIMS FOR INVALIDITY BEFORE THE COURT OF FIRST INSTANCE)

TIRU, 7 RUE DU DOCTEUR LANCEREAUX, 75008 PARIS, FRANCE

hereinafter referred to as '**the Appellant**' or '**TIRU**'

represented by Cyrille AMAR, Barrister at the Paris Bar, acting before the UPC, together with other representatives of the law firm Amar Goussu Staub, and Anne SEIBEL and Géraldine CALVET, European patent attorneys and representatives before the UPC, of the law firm Regimbeau

RESPONDENT (PR-UPC-CoA-79/2026), APPLICANT IN THE UPC INVALIDITY PROCEEDINGS UPC CFI 417/2025 BEFORE THE COURT OF FIRST INSTANCE

VEOLIA PROPRETE, 21 RUE DE LA BOETIE, 75008 PARIS, FRANCE

hereinafter referred to as '**Veolia**'

represented by Mr Gaston VEDEL, Barrister at the Paris Bar, acting before the UPC, BDL-IP LEGAL, together with other representatives from the law firm Beau de Loménie

RESPONDENT (PR-UPC-CoA-80/2026), CLAIMANT IN THE COUNTERCLAIM FOR INVALIDITY UPC CFI 528/2025 BEFORE THE COURT OF FIRST INSTANCE

MAGUIN SAS, 2 RUE PIERRE SEMART – 02800 CHARMES, FRANCE

hereinafter referred to as '**MAGUIN**'

represented by Mr Olivier DELPRAT, European patent attorney and representative before the UPC, as well as other representatives of the firm Casalonga, and Mr Patrick MARES, a lawyer at the Paris Bar and representative before the UPC, as well as other representatives of the firm BOSCO Avocats

RESPONDENT (PR-UPC-CoA-81/2026), CLAIMANT IN THE COUNTERCLAIM FOR INVALIDITY UPC_CFI_509/2025
BEFORE THE COURT OF FIRST INSTANCE

VALINEA ENERGIE,

hereinafter referred to as 'VALINEA'

represented by Mr Gaston VEDEL, a member of the Paris Bar, acting before the UPC, of the law firm BDL-IP LEGAL,
as well as other representatives of the law firm Beau de Loménie

PATENT IN DISPUTE

EP 3 178 578

COMPOSITION OF THE CHAMBER

First Chamber, composed as follows:

Klaus Grabinski, President of the Court of Appeal,
Emmanuel Gougé, legally qualified judge and judge-rapporteur,
Ingeborg Simonsson, legally qualified judge

LANGUAGE OF THE PROCEEDINGS

French

IMPUGNED DECISION OF THE COURT OF FIRST INSTANCE

- Decision of the Central Division (Paris Section) of 18 March 2026, UPC_CFI_417/2025,
UPC_CFI_509/2025, UPC_CFI_528/2025

SUMMARY OF THE FACTS AND PROCEEDINGS

1. On 17 February 2025, TIRU brought two infringement actions relating to the patent in dispute against VALINEA and MAGUIN, respectively, before the Paris Local Division of the Unified Patent Court (the 'Paris Local Division').
2. On 13 May 2025, VEOLIA filed an application for the invalidity of all the claims of the patent in dispute before the Paris section of the Central Division (the 'CD Paris') (proceedings UPC_CFI_417/2025).
3. On 10 and 13 June 2025, VALINEA and MAGUIN each filed, as part of the infringement proceedings before the DL Paris, a statement of defence seeking, as a counterclaim, the invalidity of the disputed patent (proceedings UPC_CFI_509/2025 and, respectively, UPC_CFI_528/2025).
4. The Paris District Court ordered that the counterclaims seeking the invalidity of the disputed patent be referred to the Paris Court of Appeal, in accordance with Article 33-3 of the UPCA (Order of 22 July 2025).
5. By a decision of 18 March 2026, the Paris DC ruled on the validity of the patent at issue and, in particular, upheld the said patent in an amended form.

6. On 18 May 2026, TIRU lodged an appeal against the impugned decision (appeal proceedings PR-UPC-CoA-79/2026, PR-UPC-CoA-80/2026 and PR-UPC-CoA-81/2026).
7. As part of the formal examination in accordance with the provisions of Rule 229 of the RoP, the Court Registry invited the appellant to remedy certain deficiencies relating to the payment of procedural costs.
8. On 6 July 2026, TIRU requested that its appeals be withdrawn, in accordance with the provisions of Rule 265 of the RoP. TIRU requests the Court to (i) record the withdrawal of the appeal in the proceedings registered under the numbers referred to at the head of this decision and (ii) order the reimbursement to TIRU, as a primary claim, of the full amount of the procedural costs paid and, as an alternative claim, of 60 per cent of that sum.

REASONS FOR THE DECISION

9. Under R. 265.1 RoP, so long as no final decision has been made, a claimant may apply to withdraw their claim. The Court shall rule on the application for withdrawal after hearing the other party. The application for withdrawal shall not be granted if the other party has a legitimate interest in the case being decided by the Court. This provision applies *mutatis mutandis* to an appellant seeking to withdraw their appeal (Court of Appeal, 5 July 2024, UPC_CoA_234/2024 APL_27805/2024 App_38102/2024, 10x - Curio).

Admissibility of the application and decision on withdrawal

10. In the present case, the application is admissible as no final decision has yet been made.
11. Given that, on the date the application for withdrawal was filed, the notice of appeal was still undergoing formal examination in accordance with the provisions of Rule 229 of the RoP and had not yet been served on the respondents, the latter have no legitimate interest in the case being heard by the Court; consequently, it is not necessary to hear them on the application for withdrawal.
12. It follows that the Court grants the withdrawal.

Decision on costs

13. Rule 265.2(c) of the RoP provides that a decision on costs must be made in accordance with Part 1, Chapter 5 of the RoP. However, in the absence of any application by TIRU and given that the respondents have not incurred any costs in connection with these appeal proceedings – as the notice of appeal has not yet been served on TIRU – there is no need here to make a decision on costs.

Reimbursement of procedural costs

14. In accordance with the provisions of Rule 370.9 of the RoP relating to the reimbursement of fixed fees and fees based on the value of the claim, in the version in force since 1^{er} January 2026 and applicable to applications for withdrawal (Rule 265 of the RoP) filed since that date, in the event of the withdrawal of a claim [Rule 265], the party liable for the costs of the proceedings shall be reimbursed 50 per cent of such costs if the claim is withdrawn before the close of the written proceedings (Rule 370.9 (b) RoP).
15. In the present case, the appeal proceedings against the decision of the Paris Central Division were initiated by the filing of three notices of appeal, and the application for withdrawal was filed before the close of the written proceedings; consequently, the application by TIRU seeking reimbursement of the full amount of the procedural costs actually paid is unfounded and must be dismissed. The fact that the proceedings before the Court of Appeal were pending for only a few days prior to the withdrawal of the appeal and that the respondents had not yet appointed a representative is irrelevant to the application of the aforementioned rule.

16. Given that the application to withdraw the appeals was filed after the amendment to Rule 370.9(b) came into force, the reimbursement of costs must be determined in accordance with those provisions and not, as TIRU requests in its alternative claim, in accordance with the provisions in force prior to¹January 2026.
17. It follows that an order must be made for the reimbursement to TIRU of 50 per cent of the procedural costs paid by the latter, amounting to €29,200, i.e. the sum of €14,600.

DECISION

The Court of Appeal:

- I. accepts the withdrawal of appeals PR-UPC-CoA-79/2026, PR-UPC-CoA-80/2026 and PR-UPC-CoA-81/2026 and declares the proceedings closed;
- II. orders that this decision be entered in the register;
- III. declares that there is no need to make a decision on costs;
- IV. orders the reimbursement of 50 per cent of the costs incurred by the Appellant before the Court of Appeal;
- V. instructs the Registry to reimburse the sum of €14,600 to the Appellant;
- VI. dismisses the Appellant's claims in all other respects.

Delivered in Luxembourg, 13 July 2026.

KLAUS STEFAN
MARTIN
Grabinski

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Klaus Grabinski, President of the Court of Appeal,

Emmanuel Gougé

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Emmanuel Gougé, legally qualified judge and judge-rapporteur,

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Ingeborg Simonsson, legally qualified judge