



Düsseldorf local division
UPC_CFI_580/2025

Decision
of the Court of First Instance of the Unified Patent Court,
issued on 14 July 2026
concerning EP 2 011 218 B1

Claimant:

Tridonic GmbH & Co KG, represented by its managing directors Hugo Rohner, Alexander Stieger and Alexander Jankovsky, Färbergasse 15, 6851 Dornbirn, Austria

represented by: Dr Clemens Tobias Steins, Attorney-at-law, Patent Attorney and European Patent Attorney Dr Markus G. Müller, Hoffmann Eitle Patent and Attorney-at-law Partnership mbB, Arabellastraße 30, 81925 Munich, Germany

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defendant:

Inventronics GmbH, represented by the managing directors Dr Gernot Steinlesberger, Sabine Niggel and Fanning Marshall Miles, Parkring 31–33, 85748 Garching near Munich, Germany

represented by: Dr Dirk Jestaedt, Attorney-at-law, Krieger Mes Partnerschaft mbB, Bennigsen-Platz 1, 40474 Düsseldorf, Germany

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PATENT AT ISSUE:

European Patent No. 2 011 218 B1

Panel/CHAMBER:

Düsseldorf local division

JUDGES:

This order was issued by the presiding judge, Dr Thom, the legally qualified judge, Dr Rinken, and the legally qualified judge, Agergaard.

LANGUAGE OF THE PROCEEDINGS: German

SUBJECT: Rule 265 of the RoP – Withdrawal of the action

BRIEF SUMMARY OF THE FACTS:

1. The claimant brought a patent infringement action against the defendants. Following out-of-court settlement discussions, the Düsseldorf local division stayed the infringement proceedings by order of 21 August 2025.
2. Even before the conclusion of the written procedure, the claimant declared the withdrawal of the claim by a document dated 14 April 2026. By a document dated 22 April 2026, the defendants consented to the withdrawal of the claim.
3. Both parties submit that, in view of the defendants' acts of infringement at issue, the originally estimated value in dispute of EUR 1,000,000.00 has proved to be inaccurate and should instead be set at a significantly lower figure. In the absence of any other information from the parties, the court has no indication, despite enquiries, that the parties have also reached an agreement on the allocation of costs.
4. The claimant requests
 - I. the withdrawal of the claim,
 - II. the reimbursement of court fees already paid in the amount of EUR 10,600.00.

REASONS FOR THE DECISION:

5. The decision follows the parties' jointly expressed intention.
6. In so far as Rule 265.2(c) of the RoP requires a decision on costs in accordance with Part 1, Chapter 5 of the RoP, this decision takes account of the Claimant's withdrawal of the claim.
7. The order for the pro rata reimbursement of court costs is based on Rule 370.11 of the RoP in conjunction with Rule 370.9(b)(i) of the RoP. Pursuant to Rule 370.9(b) of the RoP, in the version applicable until 31 December 2025, the party liable for court fees shall, in the event of the withdrawal of a claim (Rule 265 RoP), receive a refund of 60 per cent if the claim is withdrawn before the conclusion of the written procedure. This provision was amended as part of the changes to Rule 370.9 of the RoP, which came into force on 1 January 2026. The amendments apply to claims and applications filed after 31 December 2025 (see page 4 of the Administrative Committee's decision of 4 November 2025 on the amendment of the table of court fees and related amendments to the Rules of Procedure and the Guidelines).
8. If the application for withdrawal and a refund is made after 1 January 2026, the refund must therefore be ordered in accordance with the new provision (see Court of Appeal, order of 9 January 2026, CoA_257/2025, VMR Products LLC v NJOY Netherlands BV; UPC-CoA_916/2025, decision of 26 May 2026, Hurom v NUC Electronics). Under the amendments to Rule 370.9(b) of the RoP, in the event of the withdrawal of a claim (Rule 265 of the RoP), the party liable for the court fees shall be reimbursed 50 per cent if the claim is withdrawn before the conclusion of the written procedure.

9. In the present case, the application to withdraw the infringement action was filed before the conclusion of the written procedure, but after 1 January 2026. Therefore, in accordance with the provision of Rule 370.9 of the RoP applicable from 1 January 2026, an order for a refund of 50 per cent (and not 60 per cent) must be made. As the court, on the basis of the undisputed submissions regarding the value of the claim, reduces this to EUR 300,000.00, the court fees are also reduced. Court fees amounting to EUR 11,000.00 are to be levied. The claimant has paid EUR 15,000.00 and is therefore rightly seeking a refund of the EUR 4,000 now overpaid. However, in view of the case law of the Court of Appeal, only 50 per cent of the court fees, i.e. EUR 5,500.00, are to be refunded. The claimant is therefore to be reimbursed a total of EUR 9,500.00. No further reimbursement shall be made.

DECISION AND ORDER:

1. Panel 2 has taken over the proceedings with effect from 1 March 2026.
2. The court's procedural order of 21 August 2025 is set aside for the purpose of allowing the withdrawal of the claim and the reimbursement of court fees.
3. The withdrawal of the claim is authorised on the claimant's application and with the defendant's consent.
4. The proceedings are hereby declared closed.
5. This decision is to be entered in the register.
6. The claimant is to bear the costs of the infringement proceedings.
7. The Registrar is instructed to reimburse the Claimant, as soon as possible, 50 per cent of the court fees paid by her in these proceedings in respect of the claim, as well as the excess portion of the court fees paid in excess of the value of the claim as now determined, amounting in total to EUR 9,500.00.
8. The value in dispute for the claim is set at EUR 300,000.00.

Issued in Düsseldorf on 14 July 2026 NAMES
AND SIGNATURES

Presiding Judge Dr Thom	
Legally qualified judge Dr Rinken	
On behalf of Legally qualified judge Agergaard (currently unable to sign due to technical difficulties)	
On behalf of the Assistant Registrar	