



Paris Local Division

UPC_CFI_1963/2025
& UPC_CFI_1247/2026

**Procedural Order
of the Court of First Instance of the Unified Patent Court,
issued on 15 July 2026
(Rule 263 and Rule 265 of the Rules of Procedure)**

APPLICANT

VALEO WIPER SYSTEMS
8 rue Louis Lormand,
78320 La Verrière, France

Represented by Lionel MARTIN
and other representatives
of AUGUST DEBOUZY

DEFENDANTS

1-ROBERT BOSCH DOO, Belgrade
90E/IV Omladinskih brigade
11070, Belgrade, Serbia

Represented by Johannes HESELBERGER
and other representatives
of BARDEHLE PADENBERG

2-ROBERT BOSCH FRANCE S.A.S.
32 Avenue Michelet
93400, Saint-Ouen-sur-Seine, France

3-ROBERT BOSCH GmbH
1 Robert-Bosch-Platz
70839, Gerlingen, Germany

4-ROBERT BOSCH S.A.
1 rue Henri-Joseph Genesse
1070, Anderlecht, Belgium

5-ROBERT BOSCH PRODUKTIE S.A.
Hamelendreef 80
3300, Tienen, Belgium

**6-BOSCH AUTOMOTIVE PRODUCTS
(CHANGSHA) CO., LTD.**
No. 26, Lixiangzhong Road,
Changsha County Economic and Technical
Development Zone, Hunan Province
410100, Changsha, People's Republic of
China

PATENT IN DISPUTE

Patent No. *Patentee*

EP4144599 Valeo Wiper Systems

PRESIDING JUDGE:

Judge rapporteur Carine Gillet

LANGUAGE OF THE PROCEEDINGS: French

ORDER

On 12 December 2025, the company VALEO SYSTEMES d'ESSUYAGE (hereinafter 'VALEO') brought proceedings before this Local Division for infringement of its patent against six entities of the BOSCH group, alleging acts of infringement committed in France, Belgium and Germany.

The BOSCH companies filed their defence and counterclaim seeking revocation of the patent on 13 April 2026, relying in particular on prior private use in France, Belgium and Germany.

By application dated 15 June 2026, VALEO requests the reporting judge to: Pursuant to Rule R263 of the Rules of Procedure:

- Authorise VALEO to limit its claims unconditionally, by withdrawing those relating to the products listed as APX16, APX17, APX19, APX20, APX24, APX26 and APX28
- Authorise VALEO to limit its claims unconditionally by withdrawing those relating to the territory of Belgium;
- To authorise VALEO to limit its claims unconditionally by withdrawing those against Defendants 1 to 5 in respect of acts of infringement committed in Germany,

Pursuant to Rule 265 of the Rules of Procedure:

- To authorise the withdrawal of all claims against Defendant 5 (BOSCH PRODUKTIE).

On 30 June 2026, as requested by the reporting judge in a communication via CMS on 16 June 2026, the BOSCH companies made the following submissions:

On behalf of Defendants 1) to 6)

- I. To accept the limitation of the claims by excluding the products referenced as APX16, APX17, APX19, APX20, APX24, APX26 and APX28
- II. To dismiss all other claims made by the claimant
- III. In any event, order that, notwithstanding any withdrawals, amendments or limitations to the claims, the claimant remains bound in respect of Defendants 1) to 6) by all its obligations arising from the order of the reporting judge made on 30 April 2026 and amended on 5 May 2026, pursuant to Rules 262 RdP and 262A RdP.
- IV. In any event, order that the claimant bear all the costs of the proceedings in so far as its claim has now been withdrawn, amended or limited, as well as all costs relating to the withdrawal, amendment or limitation.

By a statement of¹July 2026, VALEO makes the following summary submissions in relation to its application of 15 June 2026:

- To dismiss BOSCH's opposition to VALEO's application of 15 June

2026, pursuant to Rule 263 of the Rules of Procedure:

- To authorise VALEO to limit its infringement claims unconditionally against Defendant 1 (BOSCH Serbia), Defendant 2 (BOSCH France), Defendant 3 (BOSCH GmbH) and Defendant 4 (BOSCH Belgium), by excluding the products designated APX16, APX 17, APX 19, APX 20, APX 24, APX 26 and APX 28

- To authorise VALEO to unconditionally limit the territorial scope of its claims by excluding Belgian territory;

- To authorise VALEO to limit its infringement claims unconditionally against Defendant 1 (BOSCH Serbia), Defendant 2 (BOSCH France), Defendant 3 (BOSCH GmbH) and Defendant 4 (BOSCH Belgium), respectively, by excluding German territory;

Pursuant to Rule 265 of the Rules of Procedure:

- Authorise the withdrawal of all claims against Defendant 5 (BOSCH PRODUKTIE).

Consequently

- To note that VALEO's claims for infringement against Defendant 1 (BOSCH Serbia), Defendant 2 (BOSCH France), Defendant 3 (BOSCH GmbH) and Defendant 4 (BOSCH Belgium) relate to the MOPAR, BYD and A010J products and are limited to French territory,

- To declare that VALEO's claim for infringement against Defendant 6 (BOSCH Changsha) is limited to the territories of France and Germany.

In any event:

- Dismiss BOSCH's claim seeking to make VALEO bear the full costs of the proceedings,

- Dismiss the claim for reimbursement of BOSCH PRODUKTIE's legal costs; in the alternative, refer the matter to the court of first instance or to proceedings under Part 1, Chapter 5 of the AJUB.

ORDER

1- On the applications for withdrawal and limitation

The defendant companies do not object to the unconditional withdrawal of the claims relating to the AeroTwin APX range of products, as requested by VALEO, but they do object to the withdrawal of the claims against Defendant 5), as all the defendants, including in particular Defendant 5), have expended resources and incurred costs in mounting their defence and have an interest in obtaining a decision on the merits, in order to be protected against any further proceedings, particularly as VALEO has not put forward any grounds justifying such a withdrawal.

With regard to the territorial amendment to the claims made pursuant to Rule 263.3 of the Rules of Procedure, the defendants contend that this constitutes instead a change of claim within the meaning of Rule 263.1 of the Rules of Procedure or even a withdrawal of the action (within the meaning of Rule 265 of the Rules of Procedure), in so far as the claimant is reformulating its claims, relating to the same acts of infringement, but on the basis of a different legal regime (for example, the claimant 'withdraws' its claims in Germany but pursues the same acts in France), thereby also creating procedural uncertainty regarding these acts. Furthermore, the purpose of this 'limitation' is to circumvent the defence based on prior private use in the three countries concerned, forcing the court to apply three different national legal systems, which is not acceptable within the territory covered by the JUB. Moreover, it is in the interest of all the defendants to have it ruled that the products in question do not infringe the patent or, in the alternative, that they enjoy a prior right of use, which would be likely to hinder the defendants in conducting their defence.

The BOSCH companies also argue that, pursuant to Rule 265 of the Rules of Procedure (R.265 RdP) *at the end*, the amendments, limitations and withdrawals have no effect whatsoever on the counterclaims brought by them, including the claim for the invalidity of the patent in France, Germany and Belgium, or the claim relating to provisional and final costs.

The defendants add that the aforementioned changes have no effect on the confidentiality obligation as set out in the order of the reporting judge dated 30 April 2026, as amended on 5 May 2026.

VALEO responds that its claim in respect of acts committed in Germany and Belgium does indeed constitute an unconditional limitation of a territorial claim and not a modification or change, adding that the BOSCH companies have provided no explanation whatsoever for the alleged change in the legal regime and that it is perfectly accepted that a party may bring claims covering a territory more limited than that of the Contracting States to the AJUB and may also bring claims with a variable territorial scope. However, this territorial limitation does not alter the nature of the claim, nor does it constitute a reformulation of the claims, adding that an unconditional limitation of a claim is not a change to the claim within the meaning of Rule 263.1 of the Rules of Procedure. It has been held that the outright withdrawal of a patent in the context of an infringement action constitutes a partial and unconditional limitation and falls within the scope of Rule 263.3 of the Rules of Procedure and must therefore be granted automatically, just as a simple limitation of the territorial scope of the action must consequently be granted.

VALEO further points out that, contrary to the defendants' allegations, there is no unified regime or cross-border effects attached to prior use within the JUB system, but that reference must be made to the alleged prior use on a country-by-country basis.

Finally, VALEO argues that the withdrawal of its claims against BOSCH PRODUKTIE, on the basis of Rule 265.1 of the Rules of Procedure, demonstrates its desire to simplify the proceedings by focusing the dispute on prior use under French law alone, whilst the defendants have no legitimate interest in opposing this, as they are raising this ground solely as a defence and not as a counterclaim; Since the withdrawal has no effect on the counterclaim for the invalidity of the patent, which, if upheld, will have *erga omnes* effect; the examination of prior art in Belgium is of no relevance whatsoever to the other defendants, since the whole of Belgian territory is excluded from the proceedings pursuant to R.263 RdP; the fact of having incurred costs does not constitute a legitimate ground.

- on applications for unconditional limitation (Rule 263 of the Rules of Procedure)

Pursuant to Rule 263 of the Rules of Procedure, any party may, at any stage of the proceedings, change or amend the nature of its case, with the court's authorisation; the court shall consider whether the amendment could have been made at an earlier stage and whether it is not such as to prejudice the other party's defence (Rules 263.1 and 263.2 of the Rules of Procedure).

A request for unconditional limitation is always granted (Rule 263.3 of the Rules of Procedure).

In the present case, the defendants do not object to the unconditional limitation sought by VALEO in respect of certain products alleged to be infringing, a fact which should be noted.

Any claimant is entitled to define the territorial scope of its claims and is entitled, where appropriate, to alter or amend that scope, subject to the conditions laid down by the rules of procedure.

As regards the change to the territorial scope of VALEO's claims, excluding Belgian territory in respect of all defendants and excluding German territory in respect of defendants 1) to 4), these constitute territorial limitations, in so far as other claims remain in force and there is therefore no withdrawal of the action within the meaning of Rule 265 of the Rules of Procedure. These changes constitute limitations which are, moreover, made unconditionally and must therefore be granted, without regard to the provisions of Rule 263.2 of the Rules of Procedure, it being noted in any event that the defendants cannot, in this context, invoke any impediment to the exercise of their defence. Furthermore, these limitations do not constitute a reformulation of the claims or a circumvention of the prior right of use invoked by the defendants, which, moreover, must be assessed in the light of the national legislation of each Member State in which it is invoked.

The requests for unconditional limitations should therefore be granted.

-On the request for withdrawal (Rule 265 of the Rules of Procedure)

Pursuant to Rule 265.1 of the Rules of Procedure, the claimant may apply to withdraw their claim, provided that no final decision has been made. The application to withdraw is not granted if the other party has a legitimate interest in the case being heard by the court.

This rule also applies if the claim is not withdrawn in its entirety, but only in respect of certain defendants (Munich Regional Court, 13 August 2024, Network System Technologies UPC_CFI_513/2023; Mannheim Regional Court, 18 February 2026, Corning Inc. v Hisense Gorenje)

In the present case, VALEO is seeking leave to withdraw its claims against BOSCH PRODUKTIE (Defendant 5), who is one of the six defendants. The arguments put forward by this defendant to oppose such a withdrawal are not relevant.

Indeed, as VALEO points out, the counterclaim for patent invalidity is not affected by the withdrawal of the infringement claim against this defendant; should that counterclaim succeed, it will have an *erga omnes* effect, from which BOSCH PRODUKTIE, in particular, will benefit. The issue of prior use in Belgium, under Belgian law, given that the claims in that territory have been unconditionally limited, as stated above, is in no way relevant to the defence of the other defendants. The arguments raised by BOSCH regarding prior use are invoked solely as defences and do not constitute a counterclaim brought by the defendants, giving rise to a procedural right in favour of the defendants. Finally, the mere consideration of the defence costs incurred does not constitute a legitimate ground for opposing a request for withdrawal (Munich Regional Court, 24 October 2024, UPC_CFI_98/2024).

Accordingly, in the absence of any legitimate interest on the part of BOSCH PRODUKTIE in seeing the proceedings against it continue, and having regard to the principles of procedural efficiency and simplification, the application for withdrawal should be granted, in accordance with the terms set out in the operative part of this order.

This decision does not affect the duty of confidentiality to which VALEO is bound, in accordance with the order of 30 April 2026, as amended on 5 May 2026.

2- On costs

The BOSCH companies request that VALEO bear all the costs of the proceedings should the claims be deemed withdrawn or limited, including the costs incurred by Defendants 1 to 6 in defending themselves against those claims, as well as all costs incurred in connection with such limitation or withdrawal (Art. 69 AJUB and Rules 265 and 150 et seq.).

VALEO considers that there is no justification for it to bear all the costs of the proceedings, as it is not the losing party within the meaning of Article 69 of the AJUB and is merely exercising its rights; and, with regard to BOSCH PRODUKTIE, it requests that the issue of costs be referred to the court hearing the merits of the case, for the following reasons: This is not a complete withdrawal but a partial one, as the proceedings are continuing in respect of the other defendants, and the ceiling for the reimbursement of costs remains unknown to date, as the value of the claim relating to BOSCH PRODUKTIE has not been determined.

Since the proceedings are continuing in respect of the other defendants, there is no need to rule on costs at this stage; these will be assessed in the course of the proceedings dedicated to that purpose.

For these reasons,
the Reporting
Judge,

- authorises VALEO SYSTEME d'ESSUYAGE to limit its infringement claims unconditionally:
 - against Defendant 1 (BOSCH Serbia), Defendant 2 (BOSCH France), Defendant 3 (BOSCH GmbH) and Defendant 4 (BOSCH Belgium), excluding the products with reference numbers APX16, APX 17, APX 19, APX 20, APX 24, APX 26 and APX 28,
 - from their territorial scope by excluding Belgian territory,
 - from their territorial scope by excluding German territory,
- authorises the withdrawal of any claim against Defendant 5 (BOSCH PRODUKTIE).
- Finds that VALEO's claims for infringement against Defendant 1 (BOSCH Serbia), Defendant 2 (BOSCH France), Defendant 3 (BOSCH GmbH) and Defendant 4 (BOSCH Belgium) relate to the MOPAR, BYD and A010J products and are limited to French territory,
- Finds that VALEO's claim for infringement against Defendant 6 (BOSCH CHANGSA) is limited to the territories of France and Germany.
- Recalls that this order has no bearing on the confidentiality obligation to which VALEO is subject in accordance with the order of 30 April 2026, as amended on 5 May 2026,

-Holds that there is no need at this stage to rule on the costs and expenses of the proceedings,

Done and issued on 15 July 2026

Carine Gillet, Reporting Judge

This decision is subject to review, in accordance with the conditions laid down in R333 RdP.

DETAILS OF THE ORDER

UPC No.: UPC_CFI_1963/2025

*Type of action: Infringement action Related
proceedings No. UPC-CFI_1247/2026 Details
of the order: R.263 and R 265 RdP Date of the
order: 15 July 2026*