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Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

Central Division, Paris Office

UPC_CFI_999/2025

Decision of the Court of First Instance

of the Unified Patent Court (Paris Central Division)

issued on: 23 July 2026

In Case UPC_CFI_999/2025 between

ALD France S.A.S, 62 rue Louise Drevet, Lieu-dit Pra Paris, 38360 Noyarey, France, represented by its CEO Serge Bertrand, of the same address,

Claimant

Legal representatives: Linklaters LLP, Taunusanlage 8, 60329 Frankfurt am Main, Dr Bolko Ehlgen

Patent attorneys involved:

Fuchs Patentanwälte Partnerschaft mbB, patent attorney Christian Läufer, Tower 185, Friedrich-Ebert-Anlage 35–37, 60327 Frankfurt am Main

v

Nanoval GmbH & Co. KG, Kienhorststraße 61–65, 13403 Berlin, Germany, represented by its managing director Mr Christian Gerking, at the same address

Defendant and applicant

Legal representatives: Pfenning Meinig & Partner mbB Patent Attorneys, Dr Hannes Bock and Dr Stefan Golkowsky, Joachimsthaler Straße 10–12, 10719 Berlin

Also acting:

PENTARC Attorneys-at-law PartG mbB, Schmellerstraße 4, 80337 Munich, Attorneys-at-law Dr Jan Phillip Rektorschek and Dipl.-Ing. Tobias Baus, LL.M.

SUBJECT-MATTER OF THE PROCEEDINGS:
Patent EP 3 083 107 B1

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ADJUDICATING PANEL/CHAMBER:
Panel 3 of the Paris Central Chamber

JUDGES INVOLVED: This decision was issued by the legally qualified judge Maximilian Haedicke as judge-rapporteur, the legally qualified judge Tatyana Zhilova and the technically qualified judge Max Tilmann.

LANGUAGE OF THE PROCEEDINGS: German

STATEMENT OF THE FACTS:

1. The claimant in the present nullity proceedings brought an action for nullity in respect of the patent at issue EP 3 083 107 B1 on 1 October 2025.

2. The defendant in these nullity proceedings had brought an infringement action against the Claimant's parent company, ALD Vacuum Technologies GmbH, before the Munich local division on 3 May 2025 (UPC_CFI_384/2025). In the context of those proceedings, ALD Vacuum Technologies GmbH filed a counterclaim for the revocation of the patent at issue before the Munich local division on 7 August 2025 (UPC_CFI_659/2025).

3. On 7 June 2026, the legal representative of Nanoval GmbH & Co. KG filed an application to withdraw the action in accordance with Rule 265 of the RoP of the Unified Patent Court (RoP). ALD agreed to this.

4. In the present invalidity proceedings, the claimant, by a document dated 8 July 2026, applied, in essence, for the withdrawal of the action for a declaration of invalidity filed on 1 October 2025 in accordance with Rule 265.1 of the RoP:

   I. An order for the withdrawal of the action for revocation filed on 1 October 2025;

   II. An order for the reimbursement to the claimant of 60 per cent of the court fees for the action for annulment.

   III. In the alternative, the claimant requests, pursuant to Rule 370.11 and Rule 370.9(b) of the RoP, in the version in force from 1. January 2026, the court order the reimbursement to the Claimant of 50 per cent of the court fees for the action for annulment.

5. By a document dated 13 July 2026, the defendant consented to the Claimant's application to withdraw the action for annulment filed on 1 October 2025 in accordance with Rule 265.1 of the RoP.

6. The claimant states that a decision on the recoverable costs for the parties is not necessary. The defendant likewise does not request a decision on costs.

7. The claimant considers that it is entitled to a refund of 60 per cent. Pursuant to Article 5 of the Administrative Committee's decision of 4 November 2025 on amendments to the scale of court fees and related amendments to the Rules of Procedure and the Guidelines on the Application of the Rules of („Beschluss") the new Procedure auf „all actions and applications filed after 31 December 2025." „Actions and applications" beziehapply to applications and proceedings giving rise to court fees and not to applications such as the withdrawal of the action and the application for reimbursement of costs.

REASONS FOR THE DECISION:

Withdrawal of the claim

8. Pursuant to Rule 265.1 of the RoP, a claimant may apply to withdraw their claim provided that no final decision has yet been made. The court shall rule on the application after hearing the other party. The application for withdrawal shall not be granted if the other party has a legitimate interest in the court ruling on the claim.

9. If the withdrawal is permitted, the court shall:

   a) issued a decision declaring the proceedings to be terminated;

   b) order that the decision be entered in the register; and

   c) an order as to costs is issued in accordance with Part 1, Chapter 5 of the Rules of Procedure.

10. In the present case, no decision has yet been made and the defendant has consented to the application to withdraw the claim. The withdrawal of the claim is therefore granted.

Reimbursement

11. The Claimant's principal claim for reimbursement of 60 per cent of the costs is to be dismissed.

12. Pursuant to Rule 370.9(b)(i) of the RoP, in the version applicable until 31 December 2025, the party liable to pay the court fees shall, in the event of the withdrawal of the action [Rule 265], receive a refund of 60 per cent if the action is withdrawn before the conclusion of the written procedure.

13. This provision was amended as part of the changes to Rule 370.9 of the RoP, which came into force on 1 January 2026.

14. Under Rule 370.9(b) of the RoP, which came into force on 1 January 2026, the party liable for court fees shall, in the event of the withdrawal of the claim [Rule 265], receive a refund of only 50 per cent if the claim is withdrawn before the conclusion of the written procedure.

15. This amendment applies to claims and applications filed after 31 December 2025 (Administrative Committee, Amendment to the Schedule of Court Fees and Further Related Amendments to the Rules of Procedure and Guidelines, 4 November 2025, p. 5).

16. The amended version of Rule 370.9(b) of the RoP is therefore applicable provided that the application to withdraw the claim and for reimbursement of costs was filed after 1 January 2026 (Court of Appeal, 6 March 2026, UPC_CoA_895/2025, UPC_CoA_896/2025– Black Sheep v HL Display; Court of Appeal, 26 May 2026, UPC_CoA_916/2025– Hurom v NUC; Court of Appeal, 6 July 2026, UPC_CoA_29/2026, UPC_CoA_30/2026
    – Bekaert v Polidoro; Court of Appeal, 13 July 2026, UPC_CoA_79/2026, UPC_CoA_80/2026, UPC_CoA_81/2026– Tiru v Veolia). The Chamber sees no reason to depart from this case-law and to base its decision instead on applications and proceedings giving rise to fees.

17. In the present case, the application for withdrawal of the action and reimbursement of costs was filed only after the cut-off date of
    1 January 2026, namely on 8 July 2026. Rule 370.9(b)(i) of the RoP, in the version applicable until 31 December 2025, is therefore not applicable.

18. The Claimant's alternative application for reimbursement of 50 per cent of the costs is to be granted.

19. In the present case, the claim was withdrawn before the conclusion of the written procedure. The costs are therefore to be reimbursed at a rate of 50 per cent in accordance with the revised version of Rule 370.9(b) of the RoP.

Costs

20. The Court refrains from making an order as to costs, as no such application was made.

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DECISION:

The Court

I. allows the withdrawal of the claim;

II. declares Case UPC_CFI_999/2025 to be discontinued in accordance with Rule 265.2(a) of the RoP;

III. orders that this decision be entered in the UPC Register in accordance with Rule 265.2(b) of the RoP;

IV. orders the reimbursement of 50 per cent of the court fees, i.e. EUR 10,000, to the Claimant in accordance with Rule 370.9(b) of the RoP.

V. In all other respects, the application is dismissed.

Issued on 23 July 2026

Maximilian Haedicke
Judge-rapporteur and legally qualified judge

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Max Tilmann
Technically qualified judge

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Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

For the Deputy-Registrar

Carol BEURTHERET
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