

**Procedural Order
of the Court of First Instance of the Unified Patent Court
delivered on 28/07/2026**

Date of receipt of Written Procedure : 4 May 2026

CLAIMANT/S

- 1) **CJ CheilJedang Corporation**
(Applicant) - 330, Dongho-ro - Seoul - 04560 -
KR

Represented by:

- Dr. Georg Andreas Rauh
- Dr. Jürgen Meier
- Daan de Lange
- Franziska Erlmeier
- Dr. Simon Hastreiter

(Vossius & Brinkhof)

DEFENDANT/S

- 1) **Eppen Netherlands B.V.**
Karl Weisbardstraat 181 - 3015GM -
Rotterdam - NL
- 2) **Heilongjiang Eppen Biotech Co. Ltd**
Deligeer Industrial Park, 166200, Duerbet
Mongol Auton. County, Daqing City,
Heilongjiang Province, CN
- 3) **Ningxia Eppen Biotech Co., Ltd**
Yanghe Industry Garden, 750100, Yongning
County, Yinchuan, Ningxia Hui Autonomous
Region, CN

Represented by (all defendants):

- Mr. O.P. Swens (Vondst)
- Mr. R. Dijkstra (Vondst)
- Mr. S. Moonen (Vondst)
- Mr. S.J. van Calker (Vondst)
- Dr. R. Raggers (AOMB)

- 4) **Inner Mongolia Eppen Biotech Co., Ltd**
Resources-based City Economic
Transformation Zone, 024070, Chifeng City,
Inner Mongolia Autonomous Region, CN
- 5) **Oostvogels Logistics B.V.**
Hazeldonk 6389 - 4836 LE - Breda - NL

PATENT AT ISSUE

<i>Patent no.</i>	<i>Proprietor/s</i>
EP3508580	CJ CheilJedang Corporation

DECIDING JUDGE

Presiding judge	Edger Brinkman
Judge-rapporteur	Edger Brinkman

LANGUAGE OF PROCEEDINGS: English

SUBJECT-MATTER OF THE PROCEEDINGS

Infringement claim

GROUND FOR THE ORDER

Defendants requested an extension of the deadline for the SoD (until November 2026) and a stay of the proceedings. They argue that the test results of the seized samples by CJ are not yet available. CJ opposes the requests and indicated today the test results would follow this week. As a background: last September, CJ filed a preservation of evidence request (862/2025), which was granted. The expert (with help of a laboratory) analysed the samples seized, yet found no evidence of infringement, contrary to earlier analytical reporting by claimant¹. Claimant was then allowed to perform its own testing on the seized samples.

Having heard the parties, the JR grants an extension for the SoD of 6 weeks after receipt of CJ's test results (this applies to all defendants). If those test results point to infringement, defendants may perhaps wish to perform counter testing. If so, and not concluded before the SoD deadline, they are allowed to upload those test results without delay. The JR submits that parties could also agree on independent laboratory testing.

¹ A sample from outside the UPCA was tested, and no chain of control could be established as the sample was given to the claimant by a third party that does not want to be named, all according to CJ.

The question of access to the technical documentation seized remains. It appears that the Court appointed expert did not (extensively) look at that evidence, and whether this points towards or away from infringement. In recent orders (as yet unpublished), this court has granted such access in a two step process, at first to an independent technical expert/bailiff to assess relevance and draw up a report, who may annex the relevant documents. Parties could agree on e.g. an independent patent attorney for this.

If need be, the JR may schedule a short case management hearing to discuss this. Please provide your availabilities for August for this.

ORDER

The Court:

- Extends the deadline for submission of the statement of defence for all defendants to 6 weeks after submission by claimant of the test results.
- Requests parties for their availabilities in August, by the end of this week.