



Munich local division
UPC_CFI_675/2025
UPC_CFI_1340/2025

Procedural order
of the Court of First Instance of the Unified Patent Court,
Munich local division
issued on 3 August 2026

Claimant

Julius Blum GmbH

Industriestrasse 1, 6973, Höchst, AT

represented by: Dr Markus Gangl; Florian Robl, PhD; Martin Schwingshackl, MSc
(Torggler & Hofmann Patentanwälte GmbH & Co KG)

supported by: Dr Almar Lercher
(Torggler & Hofmann Patent Attorneys GmbH & Co KG)

defendant

Arturo Salice S.p.A.

Via Provinciale Novedrate, 10, 22060 Novedrate, Como, IT

represented by: Marco F. Francetti; Elena Prandoni (Jacobacci Avvocati);
Dr Constantin Kurtz (CMS)

supported by: Dr Steffen Falk Leihkauf; Matteo Mozzi (Jacobacci & Partners);
Dr Volker Jordan; Maximilian Rienhardt (Weickmann &
Weickmann)

PATENT AT ISSUE

EP 3 392 438

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DECIDING JUDGE

This order was issued by Presiding Judge Dr Matthias Zigann, acting as the judge-rapporteur.

language of the proceedings

German

SUBJECT MATTER OF THE PROCEEDINGS

R 105.5 of the RoP – Orders following the interim hearing

PROCEDURAL MATTERS AND APPLICATIONS BY THE PARTIES

1. The infringement action was brought on 28 July 2025. The claimant alleges that the defendant has infringed claims 1, 2, 3, 4, 5 and 16 of European Patent 3 392 438 relating to a furniture hinge in Austria, Germany, Italy and Slovenia.
2. The defendant contests the claim and has filed a counterclaim for revocation in its statement of defence. In this counterclaim, it seeks the revocation of claims 1, 2, 3, 4, 5 and 16 of the patent in suit in Austria, Germany, Italy and Slovenia.
3. The claimant opposes the counterclaim for revocation and defends the patent in suit with seven alternative claims.
4. On 5 January 2026, the panel decided to hear the counterclaim for nullity as well.
5. The written procedure concluded on 28 April 2026. The oral hearing is scheduled for 1 October 2026.
6. On 31 July 2026, the interim hearing took place via videoconference. The following participated:

on behalf of the court:

Dr Matthias Zigann, presiding judge and judge-rapporteur
Christoph D. Schober, technically qualified judge

Dr Markus Gangl
Martin Schwingshackl
Dr Almar Lercher

Dr Constantin Kurtz
Dr Volker Jordan
Carolyn Sippel, Attorney-at-law, CMS
[REDACTED] on behalf of the defendant
[REDACTED] of the defendant

- ## 8. Value of the claim

The judge-rapporteur announces that he intends to set the value in dispute of the claim at €3.3 million, in accordance with the defendant's figures, to which the claimant has not objected, and that of the counterclaim at €4.95 million following application of Rule 1.5, bringing the total value of the claim to €8.25 million. The defendant explains that it also estimates the value of the counterclaim at €3.3 million. The judge-rapporteur explains that further arguments are required to deviate from Rule 1.5. No such arguments are put forward. The values are to be set as proposed.

9. Possibilities for settlement? PMAC?

The claimant explains that its priority is to enforce its exclusive right as a means of market demarcation. The judge-rapporteur explains that, under these circumstances, settlement discussions would only be promising if the defendant were to consider using a different technical solution in future. This is not currently under consideration.

10. Interim settlement regarding costs?

The court suggests that the parties should at least reach an interim settlement regarding costs. Following a brief pause, the parties agree to this. They agree that the successful party is entitled to a lump-sum reimbursement of legal representation costs amounting to €480,000. In the event of a mixed decision on costs, this amount is to be apportioned accordingly.

- ## 11. Wording of the application

The judge-rapporteur raises the following concerns:

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Claims

Application 1 – the patent claims and territories are missing; literal or equivalent?

Application 4 – from when to when?

Application 5 – indefinite; amount of costs; (proportionate?)

Application 8 – from when to when? Claims, territories? Manufacture of what?

Counterclaim

Application III – which territories?

The parties shall amend their submissions accordingly within the time limits for filing pleadings.

12. Late submissions

The judge-rapporteur states that either all late submissions will be disregarded, or the entire submission, as it currently stands in the CMS, will be admitted. No distinction will be made.

The parties agree that all submissions, as they currently appear in the CMS, should be admitted. The judge-rapporteur concurs.

13. Should Mr [REDACTED], be heard at the hearing?

The judge-rapporteur states that he does not currently consider it necessary to [REDACTED] hear Mr [Name] at the hearing.

14. Should witnesses be heard at the hearing?

The parties agree that the witnesses are to substantiate the obvious prior use of a furniture hinge. However, the obvious prior use has been undisputedly established by the Claimant. Witnesses are therefore not to be summoned at this stage.

15. Explanation of Annex B10b at the hearing?

The defendant explains that Annex B10b illustrates the defendant's interpretation of the patent in suit in a very short film. The judge-rapporteur permits the film to be shown at the hearing.

16. Need for further videos or illustrations?

The judge-rapporteur suggests that the Claimant submit photographs or graphical representations of the contested furniture hinges, together with a specification of the claim features realised in each case. In doing so, the features of the alternative claims still relevant to the decision should also be taken into account, in particular those of HA4.

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17. Interpretation

The judge-rapporteur explains that, where possible, an interpretation should be found which covers all the embodiments and is novel and inventive in relation to the prior art cited in paragraph [0006] of the description. For the time being, the judge-rapporteur would interpret the disputed features 'essentially parallel' and 'separately formed' in the sense intended by the Claimant. The further feature of auxiliary claim 4, 'not connected ...', may be understood as 'not permanently connected for the purpose of power transmission'.

The objective task underlying HA4 may be an improvement on the prior art as set out in [0006], aimed at providing or improving the scalability of the damping.

18. Validity

The original disclosure of 'not connected' is likely to be distinct from 'separately formed', as incorporated into granted claim 1. Only HA4 is likely to effectively remedy this. The question therefore arises as to whether the Claimant is making this its main claim, or whether it is HA1.

The question of the novelty of HA4 is likely to be answered by the interpretation. The question of obviousness has so far been argued by the defendant on the basis of the problem-solution approach of the EPO. However, the Court of Appeal employs a different, holistic, approach.

The defendant is requested to set out, within the deadline for submitting written pleadings, which of its challenges to the inventive step of, in particular, HA4 it considers to have the greatest prospect of success. At the hearing, arguments should be presented in line with the Court of Appeal's holistic approach.

19. Infringement

The question of infringement is likely to be resolved by the interpretation in conjunction with the explanations yet to be submitted.

20. Further pleadings

It is agreed that a further exchange of documents, each with a two-week deadline, is sufficient to respond to the observations. It is also agreed that a limit on the number of pages is appropriate in view of the length of the pleadings submitted by the defendant to date. The judge-rapporteur considers 10 pages each (in the current format) to be sufficient.

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21. PowerPoint presentation during the hearing?

If the parties wish to use presentations during the oral hearing, these must not contain anything that has not also been filed in the CMS. The presentation, together with the names and roles of those attending the oral hearing, must be submitted to the court (and the opposing party) by 24 September 2026.

22. Simultaneous interpreting of the oral hearing from German into Italian?

The defendant has applied for simultaneous interpretation of the oral hearing into Italian. The Italian participants in the oral hearing representing the defendant require this. In response to a question from the court, the defendant's representative explained that the two employees of the defendant attending today (Ing.

■■■■■ and Ing.■■■■■) do not speak German and are therefore reliant on simultaneous interpretation during the oral hearing. The judge-rapporteur draws attention to the previously restrictive case law in this area (see *Zigann* in BeckOK Unified Patent Court, Nack/Zigann/Picht, 3rd Edition, Status: 1 July 2026, R 109, para. 5-5.6, 7, 7.1), and that the defendant is free to engage simultaneous interpreters at its own expense. The defendant states that it will comment on this matter within the time limit for filing written submissions.

Order

1. The hearing scheduled for 1 October 2026 at 9.00 am, at Denisstraße 3 in Munich, Room 212 and Overflow Room 220b, is confirmed. The parties are summoned to attend this hearing.
2. The claimant may submit a further document addressing the points discussed today by 14 August 2026.
3. The defendant may submit written documents in response to this and to the points discussed today by 28 August 2026.
4. Written submissions are limited to 10 pages each (in the format used to date).
5. Any presentations must be submitted to the court (and the opposing party), together with the names and roles of the participants in the oral hearing, by 24 September 2026.
6. The submissions previously filed by both parties are admitted.
7. The value in dispute of the claim is set at €3.3 million and that of the counterclaim at €4.95 million, bringing the total value in dispute to €8.25 million.

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INFORMATION ON REVIEW BY THE PANEL

Either party may apply for a review of this order by the panel pursuant to Rule 333 of the RoP. The order remains in force pending review (Rule 102.2 of the RoP).

INFORMATION ON THE ORAL HEARING IN COURT

The oral hearing is open to the public, unless the court decides, where necessary, to hold a hearing in camera in the interests of one of the parties or third parties, or in the general interest of justice or public order (Rule 115 of the RoP).

INFORMATION ON AUDIO RECORDING

An audio recording of the hearing will be made. The recording will be made available to the parties or their representatives on the premises of the court following the hearing (Rule 115 of the RoP).

INFORMATION REGARDING THE ABSENCE OR LATE ARRIVAL OF A REPRESENTATIVE

Upon application, a default judgement may be made against a party if a party who has been duly summoned fails to appear at an oral hearing (Rule 355.1(b) of the RoP).

INFORMATION REGARDING A DEFAULT JUDGMENT

If a party fails to comply with this order within the prescribed time limit, a default order may be made in accordance with Rule 355 of the RoP (Rule 103.1, last subparagraph, and .2 of the RoP).

Matthias

Digitally signed by
Matthias ZIGANN Date: 3
August 2026
09:01:46 +02'00'

ZIGANN

Dr Zigann Presiding
Judge