



Düsseldorf local division UPC_CFI_1536/2026

Decision

of the Court of First Instance of the Unified Patent Court,
issued on 4 August 2026
concerning EP 2 983 864 B1

APPLICANT:

OTEC Präzisionsfinish GmbH, represented by its managing directors Helmut and Nico
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represented by:

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OPPONENT:

ANCA Europe GmbH, represented by the managing director Martin Winterstein, Im
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represented by:

Dr Felix Beck, Attorney-at-law, and Dr Eva Maria Thörner, Attorney-at-law, Wildanger Kehrwald Graf v. Schwerin & Partner mbB Rechtsanwälte, Fischerstraße 2, 40477 Düsseldorf, Germany Electronic

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PATENT APPLICATION:

EUROPEAN PATENT NO. EP 2 983 864 B1

APPEAL DIVISION/PANEL:

Panel 1 of the Düsseldorf local division

JUDGES INVOLVED:

This decision was issued by Presiding Judge Thomas as judge-rapporteur, legally qualified judge Dr Rinken, acting on behalf of legally qualified judge Dr Schumacher, and legally qualified judge Dr Schober.

LANGUAGE OF THE PROCEEDINGS: German

SUBJECT: Section 365(1), second sentence, of the RoP – Confirmation of a settlement by the court

SUMMARY OF THE FACTS:

1. On 4 May 2026, the applicant, in the run-up to proceedings on the merits, filed an application for an order to carry out an inspection and preserve evidence at the defendant's exhibition stand.
2. After the Düsseldorf local division had issued the requested order on 6 May 2026, it was executed the following day at the 'GrindingHub' trade fair, which took place from 5 May 2026 to 8. May 2026 in Stuttgart, at the respondent's exhibition stand.
3. The expert appointed by the Düsseldorf local division to carry out the inspection and preservation of evidence drew up the detailed description requested of him on 16 June 2026; for technical reasons, this description was uploaded to the CMS the following day by the Sub-Registry of the Düsseldorf local division.
4. By a procedural order dated the same day, the judge-rapporteur granted the respondent's legal representative access to the unredacted version of the detailed description prepared by the expert and, at the same time, gave the respondent the opportunity to assert any confidentiality interests by 2 July 2026.
5. By a document dated 2 July 2026, the parties to the proceedings informed the respondent that the respondent would not raise any objections to the disclosure of the detailed description to 16 June 2026 to the applicant. This was on the understanding that paragraph IV of the order of 6 May 2026 already made it sufficiently clear that the detailed description may only be used by the applicant in main proceedings against the respondent and, in particular, may not be disclosed to third parties. With regard to the defendant's further submissions concerning the content of the detailed description, reference is made to the aforementioned document.
6. The judge-rapporteur subsequently released the unredacted version of the detailed description and informed the applicant that the measures for inspection and preservation of evidence pursuant to paragraph XIV. of the order of 6 May 2026, on the respondent's application, be revoked or otherwise cease to have effect if the applicant does not, within a period of no more than 31 calendar days or 20 working days, whichever is the longer, after the written description to be prepared has been disclosed to the applicant, bring an action against the respondent.

7. By a document dated 3 August 2026, the parties notified the court that they had settled the proceedings. Both parties therefore apply for the court to approve the settlement.

REASONS FOR THE DECISION:

8. Pursuant to Rule 365(1), second sentence, of the RoP, the court confirms, on application by the parties, a settlement concluded between them. Such a decision may be enforced as a final decision of the court.
9. The order on costs follows the agreement reached by the parties.
10. Pursuant to Rule 365(2) of the RoP, the court may order that the details of the settlement be treated as confidential.
11. A decision on the application under Rule 262(2) of the RoP will be made as soon as an application has been made in accordance with Rule 262(1)(b) of the RoP. Until then, the parties' confidentiality interests will be protected by the aforementioned confidentiality order and by the further court order stipulating that only the decision, including the redacted version of the settlement, is to be entered in the register (UPC_CoA_120/2025, decision of 3 June 2025, para. 6 – Tandem Diabetes v Roche; UPC_CoA_46/2025, decision of 23 June 2025, para. 8 – Arkyne v Plant-e).

DECISION:

- I. Upon application by the parties, the Court confirms, pursuant to Rule 365(1), second sentence, of the RoP, that the parties have concluded the following settlement:

- II. This decision is provisionally enforceable without the provision of security.
- III. It is hereby declared that proceedings UPC_CFI_1536/2026 are terminated.
- IV. It is ordered that

[costs to be determined in accordance with the settlement]
- V. The details of the settlement are to be treated as confidential.
- VI. The settlement agreement may only be entered in the register in a redacted form.

Issued in Düsseldorf on 4 August 2026 NAMES

AND SIGNATURES

Presiding Judge Thomas	
Legally qualified judge Dr Rinken	
Legally qualified judge Dr Schober	
on behalf of the Deputy-Registrar	