



Düsseldorf local division
UPC_CFI_1696/2025

Order
of the Court of First Instance of the Unified Patent Court
issued on 21 August 2026
concerning EP 3 802 413

HEADNOTES:

1. As the Düsseldorf local division has already held (UPC_CFI_539/2024, Order of 19 November 2025, Headnotes 1–3, para. 28 et seq. – Bekaert v. Siltronic), the following assessment must be carried out to determine the scope of the disclosure of the detailed description to the applicant:
 - a) As a first step, it must be determined whether the information or evidence constitutes or contains trade secrets, personal data of third parties or other confidential information.
 - b) If this is the case, the second step is to redact this information if it is irrelevant to the question of patent infringement or acts of use.
 - c) If confidential information relates to the issue of infringement and/or acts of use, a decision must be made on a case-by-case basis in a third step as to whether it is to be disclosed to the applicant, who is then obliged to maintain confidentiality vis-à-vis third parties, or whether the applicant's access to the information is to be restricted to a specific group of persons.
2. With regard to the relevance of confidential information to the question of patent infringement (second step), the following applies:
 - a) Information which the expert has actually relied upon in his detailed description when examining the patent infringement is generally to be regarded as relevant. It is for the defendant, who appeals to the necessity of redaction, to demonstrate that this is not the case for certain information in exceptional circumstances. The objection that the patent infringement could have been adequately assessed on the basis of other information is irrelevant in this context.
 - b) Where, on the other hand, the matter concerns information which the expert did not rely on when examining the question of infringement, it is for the applicant to demonstrate its relevance. If the expert has quoted extensively from documents when drawing up the detailed description and the applicant nevertheless seeks the disclosure of these documents as well, the applicant must also set out why the remaining

content of these documents is significant *in addition* to the detailed description.

- c) The relevance of certain information to patent infringement may also arise from the fact that, whilst it is not directly necessary for determining whether the features of the patent claim are satisfied, it is necessary for understanding the explanations as a whole.

KEYWORDS:

Inspection and preservation of evidence; disclosure of the detailed description; protection of confidential information

HEADNOTES:

1. As the Düsseldorf Local Division has already stated (UPC_CFI_539/2024, Order of 19 November 2025, Headnotes 1–3, para. 28 et seq. – Bekaert v. Siltronic), the following assessment must be carried out to determine the scope of the disclosure of the detailed description to the applicant:
 - a) The first step is to establish whether the information or evidence constitutes or contains trade secrets, personal data relating to third parties, or other confidential information.
 - b) If this is the case, as a second step, this information must be redacted if it is irrelevant to the question of patent infringement or acts of use.
 - c) Where confidential information relates to the question of infringement and/or acts of use, a decision must be made on a case-by-case basis as to whether it should be disclosed to the applicant – who would then be obliged to maintain confidentiality vis-à-vis third parties – or whether the applicant’s access to such information should be restricted to a specific group of persons (third step).
2. With regard to the relevance of confidential information to the question of patent infringement (second step), the following applies:
 - a) Information on which the expert has actually relied in his detailed description when examining patent infringement is generally considered relevant. It is for the respondent, who invokes the need for redaction, to demonstrate that this is not the case for certain information in exceptional circumstances. In doing so, the respondent may not rely on the argument that the patent infringement could have been adequately assessed on the basis of other information.
 - b) Where, on the other hand, the matter concerns information on which the expert did not rely when examining the question of infringement, it is for the applicant to demonstrate its relevance. If the expert has quoted extensively from documents when drawing up the detailed description, and the applicant nevertheless seeks disclosure of these documents as well, the applicant must also explain why the remaining content of these documents is significant *in addition* to the detailed description.
 - c) The relevance of certain information to patent infringement may also arise from the fact that, whilst such information is not directly necessary for determining whether the subject-matter falls within the scope of the patent claim, it is necessary for understanding the explanations as a whole.

KEYWORDS:

inspection and preservation of evidence; disclosure of the detailed description; protection of confidential information

APPLICANT:

Topsoe A/S, represented by its Chief Executive Officer Roeland Baan, Haldor Topsøes Allé 1, DK-2800, Kgs. Lyngby, Denmark

represented by:

Dr Christine Kanz, Attorney-at-law; Klaus Haft, Attorney-at-law; Dr Alexander Bothe, Attorney-at-law; Antonia Wilhelm, Attorney-at-law; Thomas Pfeffermann, Attorney-at-law, HOYNG ROKH MONEGIER, Steinstraße 20, 40212 Düsseldorf, Germany

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RESPONDENTS:

1. **SYPOX GmbH**, represented by the managing director Gianluca Pauletto, Am Waldrand 3, 85354 Freising, Germany
2. **Josef Kerner Energiewirtschafts-GmbH**, represented by the managing director Josef Kerner, Papst-Viktor-Str. 27, 91795 Dollnstein, Germany

First respondent, represented by:

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PATENT APPLICATION:

EUROPEAN PATENT NO. EP 3 802 413 B1

PANEL/CHAMBER:

Panel 1 of the Düsseldorf local division JUDGES INVOLVED:

This order was issued by the legally qualified judge Dr Schumacher, acting as rapporteur.

LANGUAGE OF THE PROCEEDINGS: German

SUBJECT-MATTER: Articles 58, 60 of the UPC Agreement, Rules 194(d), 196, 197, 199, 262A of the RoP – Disclosure of the detailed description and protection of confidential information in proceedings concerning inspection and preservation of evidence

BRIEF SUMMARY OF THE FACTS:

The patent in question

1. The applicant is the proprietor of European patent EP 3 802 413 B1 (Annex HRM 4a; hereinafter referred to as the 'patent in question'), which was filed on 15 May 2019 in the language of the proceedings, claiming the priorities of DK PA201800249 and EP 18175366 of 31 May 2018, as well as DK PA201800636 of 25 September 2018. The grant of the patent in question was published on 5 July 2023. The patent in question is in force in Germany, Finland, France, the United Kingdom, Italy, Iceland, Lithuania, the Netherlands, Norway, Sweden, Switzerland and Spain. The applicant revoked the 'opt-out' from the jurisdiction of the Unified Patent Court, which had originally been declared, by a declaration dated 21 November 2025.
2. No preliminary objection was filed against the grant of the patent in question.
3. On 11 March 2026, the first respondent filed an action for revocation against the patent in question with the Central Chamber in Munich (Annex PBP 5).
4. The patent in question is entitled 'HYDROGEN PRODUCTION BY STEAM METHANE REFORMING'.
5. In the present proceedings for inspection and preservation of evidence, the applicant makes an appeal on the grounds that there is a possible infringement of claims 1 (apparatus claim) and 22 (process claim) of the patent in question. For the sake of clarity, these are set out in the form of the breakdown of features on which both the parties and the experts base their submissions:

Claim 1:

1. A hydrogen plant for producing hydrogen, wherein the hydrogen plant comprises:
2. a reforming reactor system comprising
 - 2.1 a first catalyst bed,
 - 2.1.1 which comprises an electrically conductive material
 - 2.1.2 and a catalytically active material, wherein the catalytically active material is ordered to catalyse the steam reforming of a feed gas comprising hydrocarbons,
 - 2.2 a pressure vessel housing the first catalyst bed,
 - 2.3 a thermal insulation layer between the first catalyst bed and the pressure vessel,
 - 2.4 and at least two conductors which are electrically connected to the electrically conductive material and to a power supply located outside the pressure vessel,

- 2.5 wherein the electrical power supply is dimensioned such that it heats at least a portion of the first catalyst bed to a temperature of at least 500°C by passing an electric current through the electrically conductive material,
- 2.6 wherein the pressure vessel has a nominal pressure of between 5 and 200 bar, preferably between 30 and 200 bar, and most preferably between 80 and 180 bar,
- 3. a water-gas shift unit downstream of the reforming reactor system, and
- 4. a gas separation unit downstream of the water-gas shift unit. Claim

22:

- 1. A method for producing hydrogen from a feed gas comprising hydrocarbons in a hydrogen production plant,
 - 1.1 wherein the hydrogen production plant comprises a reforming reactor system with a pressure vessel that houses a first catalyst bed,
 - 1.2 wherein the first catalyst bed comprises an electrically conductive material and a catalytically active material, the catalytically active material being ordered to catalyse the steam reforming of a feed gas comprising hydrocarbons,
 - 1.3 wherein the reforming reactor system is fitted with thermal insulation between the first catalyst bed and the pressure vessel;
- 2. wherein the method comprises the following steps:
 - 2.1 pressurising the feed gas to a pressure of between 5 and 200 bar,
 - 2.2 feeding the pressurised feed gas to the reforming reactor system,
 - 2.3 allowing the steam reforming reaction of the feed gas to take place over the first catalyst bed and discharging a product gas from the reforming reactor system,
 - 2.4 heating the catalytically active material by supplying electrical energy via electrical conductors which connect a power supply, situated outside the pressure vessel, to the electrically conductive material, thereby allowing an electric current to flow through the electrically conductive material, whereby at least a portion of the first catalyst bed is heated to a temperature of at least 500°C,
 - 2.5 feeding the product gas into a water-gas shift unit downstream of the reforming reactor system to produce a water-gas shift product gas,
 - 2.6 condensing water in the water-gas shift product gas and separating this water in a flash separation step, thereby providing a dry water-gas shift product gas; and

- 2.7 removing at least CO₂ from the dry water-gas shift product gas in a gas separation unit downstream of the water-gas shift unit.

The order of 25–26 November 2025

6. On 21 November 2025, the applicant filed an application for an order to carry out an inspection and to secure evidence at the registered office and production site of the first respondent, as well as at the registered office and premises of the second respondent.
7. The Düsseldorf local division subsequently issued an order on 25 November 2025 directing the inspection and preservation of evidence as follows:

'The following inspection and preservation of evidence order is issued without prior hearing of the respondents:

- I. The applicant is authorised, through an expert and a bailiff, to inspect the following documents and records, which includes, in particular, the making of physical and/or digital copies, located at the premises of the first respondent (Waldrand 3, 85354 Freising, Germany, and Eichenstraße 9, 85416 Langenbach, Germany) and at the premises of the second respondent (Papst-Viktor-Str. 127, 91795 Dollnstein, Germany and Beim Weiher 1, 91795 Dollnstein, Germany). In particular, inspection of the following documents is permitted:*
- 1. Process flow diagrams illustrating, in particular, the reaction processes of the electrically heated hydrogen production plant, which is normally designated by the model name SY-POX H-200 or SYPOX H-400;*
 - 2. technical drawings, technical data, design manuals, construction manuals, operating instructions, commissioning and operating procedure overviews, safety inspections and reports, and data sheets for the aforementioned hydrogen production plant, showing the following:*
 - the structure and components of the reactor;*
 - the reactor's pressure vessel and all components within the vessel;*
 - the means for connecting the electrically conductive parts within the reactor to an electrical system outside the reactor, and the means for connecting elements within the reactor;*
 - the thermal insulation layer inside the reactor and its positioning relative to the aforementioned catalysts and all electrically conductive parts;*
 - 3. photographs, presentations or similar documentation showing the following:*
 - the aforementioned hydrogen production plant in a fully assembled state or at a preliminary assembly/construction stage (e.g. in so-called pre-installation photographs);*
 - components or internal parts of the aforementioned hydrogen production plant prior to installation, as well as its components and/or equipment.*

The order applies to the aforementioned documents, regardless of whether they are

physical form or stored in digital form, the latter including documents stored on local computers, servers or in the cloud and which can be accessed from the sites inspected.

- II. *In the alternative to I., should none of the documents listed under I. 1. to 3. be made available by the respondents:*

The applicant is entitled to remove all computers and/or laptops from the respondents' premises in order to analyse whether documents as referred to in I. 1. to 3. are stored on them, and to make digital copies of these documents. The defendants are required to provide all necessary passwords or other means of accessing these documents.

- III. *The applicant is authorised to inspect the electrically heated hydrogen production plant located at the production site of the first respondent (Waldrand 3, 85354, Freising, Germany) and at the business premises of the second respondent (Beim Weiher 1, 91795 Dollnstein, Germany), which is normally designated by the model name SYPOX H-200 or SYPOX H-400, by an expert and a bailiff, which includes the taking of photographs and video recordings, and in particular:*

1. *to carry out a visual inspection of the exterior of the aforementioned hydrogen production plant, in particular*
 - *the control system for operating the plant and the electronics;*
 - *all physical components of the installed hydrogen production plant, including, but not limited to, the reactor, the water-gas shift reactor (WGS) and the pressure swing adsorption unit(s) (PSA), as well as*
 - *all connecting pipes and valves, instruments and ancillary equipment such as pumps, compressors and/or heat exchangers;*
2. *to open the reactor forming part of the aforementioned hydrogen production plant and to inspect its interior, including, but not limited to, the catalyst bed, the thermal insulation layer and the electrical cabling;*
3. *to access the control systems of the aforementioned hydrogen production plant (including, but not limited to, the Distributed Control System (DCS) and/or any local control system (e.g. Human-Machine Interfaces (HMI) of a Programmable Logic Controller (PLC)) as well as the plant sensors (e.g. for temperature, pressure and flow rates) and to export live process data;*

- IV. *in the alternative to III.3., if the control systems do not provide live process data, to access all historical process data stored on the control systems of the aforementioned hydrogen production plant and to export such data.*

- V. *In the alternative to III., if an inspection (in particular of the interior of the reactor of the electrically heated hydrogen production plant, normally designated by the model name SYPOX H-200 or SYPOX H400) is not possible, in particular because the plant is in operation, the respondents are obliged to shut down the plant, not to alter or remove any parts or components thereof, and to allow an inspection of the exterior and interior of the plant within seven days. Once the first respondent or the second respondent has notified the court that the plant has been shut down, the inspection must take place without delay.*

- VI. *The experts are to draw up, within a period of three weeks, a detailed description of the electrically heated hydrogen production plant, normally designated by the model names SYPOX H-200 or SYPOX H-400, and submit it to the Chamber; this description shall include a detailed account of the features of the aforementioned hydrogen production plant that are relevant for assessing infringement of the claimed patent.*

The detailed description to be prepared by the experts and all other findings from the inspection and preservation of evidence may only be used in main proceedings against the first respondent and/or the second respondent.

- VII. *The following are appointed as experts:*

Ms Annkathrin Solf, a patent attorney from the law firm Solf & Zapf, for the site visit at the premises of the first respondent

and

Mr Philipp Harlacher, a patent attorney from the law firm Solf & Zapf, for the inspection at the premises of the second respondent

, both practising at the Munich office at Candidplatz 15, 81543 Munich, although they may be replaced by other European patent attorneys working at the same firm.

- VIII. *To assist the experts,*

the bailiff Reinhard Hierl (for the registered office of the first respondent in Freising),

the bailiff Wolfgang Radecker (for the production site of the first defendant in Langenbach)

and

bailiff Verena Späth (for the registered office and business premises of the second respondent in Dollnstein)

are appointed as assistants; should they be unavailable, they may be replaced by other locally competent bailiffs.

- IX. *Mr Klaus Haft, Ms Christine Kanz, Mr Alexander Bothe, Ms Antonia Wilhelm and Mr Thomas Pfeffermann, all UPC representatives and legal representatives of the applicant in this matter from the law firm HOYNG ROKH MONEGIER, Steinstraße 20, 40212 Düsseldorf, to be present during the measures applied for under points I to V, whereby another Attorney-at-law from the law firm HOYNG ROKH MONEGIER may stand in for the aforementioned representatives in the event of their unavailability.*

However, during the inspection and preservation of evidence at each of the first respondent's two premises, only one of the applicant's named Attorney-at-law representatives may be present at any one time. The same applies to the inspection and preservation of evidence at both of the second respondent's premises. In this case, a further one of the applicant's named Attorney-at-law representatives may be present.

Representatives or employees of the applicant must not be present during the conduct of the inspection and the preservation of evidence.

- X. *The persons involved in carrying out the inspection and the preservation of evidence, and in particular the bailiff, the expert witness and the applicant's legal representatives, are obliged to keep confidential any facts that come to their attention in the course of executing the order in its entirety, both from third parties and from the applicant. Furthermore, until an order for disclosure is issued by the Unified Patent Court, the aforementioned persons must not provide any opportunity the applicant or third parties to inspect the electrically heated hydrogen production plant, normally designated by the model name SYPOX H-200 or H-400, any documents that may have been seized, or the detailed description to be prepared by the expert.*
- XI. *The respondents are to be requested to comment on any confidentiality interests they may have following the submission of the detailed description by the experts. The applicant's Attorney-at-laws, who are present during the inspection and the securing of evidence, are to be heard. Only then shall the court decide whether and to what extent the detailed description is to be brought to the applicant's personal attention and whether the duty of confidentiality for the applicant's Attorney-at-laws is to be lifted.*
- XII. *The respondents are ordered to cooperate in the implementation of the measures sought under paragraphs I to V, in particular by granting the bailiff and the expert unrestricted access to the electrically heated hydrogen production plant, which is normally designated by the model name SYPOX H-200 or SYPOX H-400, and to the design and operating documentation referred to in Section I (whether in physical or digital form), in particular to remove any obstacles to access (which includes, in particular, entering passwords on electronic devices to access digitally available information, regardless of whether this information is stored on the device, a remote server or a cloud server) and to commission the aforementioned hydrogen production plant.*
- XIII. *The respondents are ordered to instruct their directors and employees to comply with the requests of the bailiff and/or the expert in accordance with paragraph XII.*
- XIV. *In the event of a wilful breach of this order, the court may impose a penalty payment on each party for each breach, the amount of which the court may determine having regard to the circumstances of the individual case.*
- XV. *The order to be issued is to be served personally by one of the applicant's representatives named in Section IX, together with a copy of the application for the order, including the exhibits and other documents on which the application is based, as well as the notice regarding provisional measures and instructions for accessing the proceedings in the CMS, without delay at the time the measures are enforced. These documents shall be served in cooperation with the bailiff present at the time.*
- XVI. *The applicant is obliged to bear the costs of the inspection and the preservation of evidence, including the detailed description. The applicant is required to pay the experts a reasonable advance on costs, to be determined by them, prior to the commencement of the inspection, unless they waive such an advance.*

XVII. *The measures for inspection and preservation of evidence shall be revoked on application by the respondents or shall otherwise cease to have effect if the applicant, within a period of no more than 31 calendar days or 20 working days, whichever is the longer, after the detailed description to be prepared in accordance with Section VI has been disclosed to the applicant, or the court has ruled by a final decision not to grant access to this description, has brought an action against the first respondent or the second respondent.*

XVIII. *The order is immediately enforceable.*

XIX. *In all other respects, the application for inspection and preservation of evidence is dismissed."*

8. On the very same day, the applicant filed an application for the correction of this order, as the original applications contained inaccuracies which were reflected in the operative part of the order.
9. The Chamber consequently amended the order for inspection and preservation of evidence on 26 November 2025 as follows:

"I. The operative part of the order of 25 November 2025 is amended as follows:

1. *On page 15, section I. reads as follows instead of:*

'... at the premises of the first respondent (Waldrand 3, 85354, Freising, Germany and Eichenstraße 9, 85416 Langenbach, Germany) and at the premises of the second respondent (Papst-Viktor-Str. 127, 91795 Dollnstein, Germany and Beim Weiher 1, 91795 Dollnstein, Germany) ..."

now:

"... at the premises of the first respondent (Am Waldrand 3, 85354 Freising, Germany and Eichenstraße 9, 85416 Langenbach, Germany) and at the premises of the second respondent (Papst-Viktor-Str. 27, 91795 Dollnstein, Germany and Beim Weiher 1, 91795 Dollnstein, Germany) ...".

2. *On page 16, section III. reads as follows instead of:*

"... at the production site of the first respondent (Waldrand 3, 85354 Freising, Germany) ..."

it now reads:

"... at the production site of the first respondent (Eichenstraße 9, 85416 Langenbach, Germany) ..."

II. In all other respects, the order of 25 November 2025 remains unchanged."

Conduct of the inspection and preservation of evidence

10. The inspection and preservation of evidence took place on 26 November 2025.
11. The expert witness Harlacher carried out the inspection and preservation of evidence on the premises of the second respondent. There, he found the following installations and the corresponding documentation:

- A piece of equipment in the wood-panelled container shown below, hereinafter referred to as 'Pilot 0':



Abbildung 1 – Pilot 0 (Foto des Sachverständigen)

- A piece of equipment in the white container shown below, hereinafter referred to as 'Pilot 2':



Abbildung 2 - Pilot 2 (Foto des Sachverständigen)

12. The expert also found documents relating to a unit designated 'H-200' and made copies of them.
13. The white container of the 'Pilot 2' facility bears the inscription 'www.hygear.com' on its outer wall. Whilst carrying out the inspection and securing evidence on 26 November 2025, the expert Harlacher initially expressed doubts as to whether this facility was covered by the

order of 25/26 November 2026. However, following an on-site assessment, the expert concluded that this was indeed the case. Among other things, he took photographs of the 'Pilot 2' facility and secured documents. In a letter dated 1 December 2025, the applicant stated that, in her view, the order of 25/26 November 2025 did not cover 'Pilot 2'. Although, according to the persons present on site, the reformer belonging to the first respondent was installed in this plant, the plant itself apparently originated from Hygear in the Netherlands.

14. The expert witness, Ms Solf, carried out the inspection and preservation of evidence on the premises of the first respondent.
15. She found a system in the grey container pictured below, which is hereinafter referred to as 'Pilot 1', and secured the relevant documentation:



Abbildung 75 - Foto des grauen Containers auf dem Betriebsgelände der SYPOX GmbH

16. Following the inspection and preservation of evidence, the experts Solf and Harlacher drew up their detailed report and filed it on 30 December 2025.

Review proceedings under Rule 197.3 of the RoP and a challenge on the grounds of bias against the experts

17. On 25 December 2025, the first respondent filed an application for a review of the order for inspection and preservation of evidence pursuant to Rule 197.3 of the RoP.
18. On 2 February 2026, the first respondent also applied for the experts Solf and Harlacher to be relieved of their duties on the grounds of suspected bias and for all the results of the inspection and preservation of evidence to be declared inadmissible.
19. The oral hearing took place on 23 March 2026.
20. On the same day, following the hearing, the Chamber ordered that, provisionally until

a decision on the application for examination, the reactor of the hydrogen production plant may only be opened upon the prior provision of a security deposit in the amount of EUR 500,000.

21. On 4 May 2026, the Chamber confirmed the order requiring a security deposit and, for the rest, dismissed the application for review. The Chamber rejected the challenge on grounds of bias and the further applications based thereon.
22. No appeal was lodged against this order.

Further proceedings (UPC_CFI_1849/2025)

23. On 4 December 2025, the applicant filed a further application with the Düsseldorf local division for an order for an inspection and the preservation of evidence, which concerned the aforementioned 'Pilot 2' facility.
24. On 10 December 2025, the Chamber issued a corresponding order (UPC_CFI_1849/2025).
25. The first respondent in this case, together with two other parties involved in proceedings UPC_CFI_1849/2025, filed a request for examination pursuant to Rule 197.3 of the RoP.
26. The oral hearing took place on 10 June 2026.
27. By order of 15 July 2026, the local division set aside the order of 10 December 2025 in response to the request for examination.
28. The applicant has lodged an appeal against the order, on which a decision has not yet been made.

KEY PROCEDURAL STEPS:

29. By order of 19 January 2026, the judge-rapporteur gave the respondents the opportunity to assert confidentiality interests. At the same time, access to the unredacted version of the detailed description dated 30 December 2025 was restricted, on the applicant's side, to its Attorney-at-law representatives pending a decision on the defendants' potential confidentiality interests.
30. The first respondent, by a document dated 2 February 2026, asserted confidentiality interests and submitted to the file versions of the detailed description and its annexes in which the passages which, in its view, should be redacted are highlighted in grey.
31. The judge-rapporteur rejected, by order of 2 March 2026, an application by the applicant dated 20 February 2026 to be provided in advance with a redacted version of the detailed description, in accordance with the passages highlighted in grey by the respondents.
32. In a document dated 26 February 2026, the applicant commented on the confidentiality interests asserted by the first respondent.
33. The first respondent submitted further submissions on this matter in a document dated 12 March 2026.

34. On 25 June 2026, the first respondent filed a further document with the court, in which it made further applications.
35. The applicant submitted its final response on 7 August 2026. In it, the applicant amended its applications by extending its consent to the redaction of certain information beyond that set out in the previous version of the application.

APPLICATIONS:

36. The applicant requests that

that the detailed description by the experts Harlacher and Solf dated 30 December 2025 be released, provided that the following redactions are not contested:

- Section 1.3 of the detailed description (Pilot 2)
- Manufacturer names on pp. 61 and 116 of the detailed description and Annexes L5 and L6
- Manufacturer names in Table 1 of Annex L7¹
- Name of the project partner in Section 1 of Annex D17
- Manufacturer names in Annex L1A (e.g. on pp. 47 ff.)
- Manufacturer's certificates in Annex L1A
- Information on the exact location of Pilot 1 in Annex L1A
- Personal data in the chemical safety report in Annex L1A

37. The first respondent requests that

1. that the expert report and its annexes be made available to the claimant solely in a redacted version in accordance with Annex PBP 3² or the annexes redacted by this party (as uploaded to the CMS), whilst Annexes D1 to D12, D17 and L1A to L13 are not to be disclosed to the applicant at all, and the applicant's representatives are to be released from their duty of confidentiality only to the extent necessary;

in the alternative,

2. the expert report and the applicant's annexes are to be disclosed solely in redacted form

¹ The reference to 'Annex 7' in the document of 7 August 2026 is evidently a clerical error.

² The designation 'Annex PBP 2' is clearly a clerical error.

in accordance with Annex PBP 4³ and Annexes D1 to D17 and L1A to L13, each in redacted form, and the applicant's representatives are to be released from their duty of confidentiality only to that extent.

38. It further requests (in its document of 25 June 2026)

1. that it be declared that all information obtained in the course of the inspection and preservation of evidence (irrespective of whether this information was covered by the 'subject matter' of the inspection order or not) is to be treated as confidential and may not be disclosed and/or used without a court order;
2. to order the expert to completely and irrevocably delete or destroy all data and/or working materials secured during the inspection on 26 November 2025, including all copies and/or derivatives thereof, in particular where the secured data and/or working materials relate to methanol production, methanisation/SNG or other fields of application not covered by the application in question, in particular the folder 'EE-SYPOX' ('SYPOX EE on SharePoint').

39. Finally, the first respondent emphasises that it stands by the following application, which was already made in connection with the examination proceedings pursuant to Rule 197.3 of the RoP (document of 25 June 2026):

Access to the report to be drawn up by the experts, as well as to any stored data (in particular design documents, CAD data, process data), documents, records and the experts' findings obtained during the inspection, irrespective of whether the hearing procedure under Section XI of the Order is conducted, shall be granted exclusively to the appointed legal representatives of the applicant (Section IX of the Order) ('Attorney-Eyes-Only'). In particular, access by the applicant's employees, governing bodies and/or in-house legal counsel is excluded.

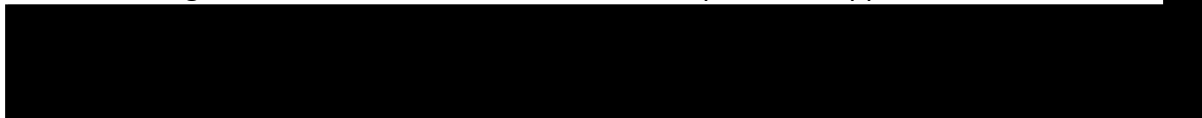
FACTUAL AND LEGAL ISSUES IN DISPUTE:

40. The first respondent essentially submits:

41. The detailed description and its annexes must, in any event, be redacted in their entirety insofar as they relate to the sections on 'Pilot 2', 'Pilot 1' and 'Pilot 0'.
42. The annexes 'Pilot 2' (which is undisputed in this respect) and 'Pilot 1' are not covered by the Chamber's order. With regard to 'Pilot 1', this follows from the fact that the order relates to an annex 'which is normally designated by the model name SYPOX H-200 or SYPOX H-400'. However, the 'Pilot 1' plant neither bears a designation reminiscent of 'H-200' or 'H-400', nor is it technically identical in construction to those units.
43. Furthermore, with regard to 'Pilot 0' and 'Pilot 1', the applicant had, on the basis of the provisions in

³ The designation 'PBP 3' is evidently a clerical error.

the non-infringement established in the detailed description, the applicant has no claim to



44. All information that the experts had gleaned from the inspected documents or records constituted trade secrets of the first respondent. This information was not publicly known and related, in particular, to the precise design, efficiency and safety of the plants. This information was based on the first respondent's in-house development, was not accessible to third parties and therefore had economic value. The information was also subject to appropriate confidentiality measures, as the relevant records and documents were stored in a secure cloud storage system with enterprise-level data protection. Access to this storage is granted only on a 'need-to-know' basis and is protected by an account and password. Furthermore, the information relates to the 'ERe Tech' research project funded by the European Union and is therefore particularly sensitive in terms of confidentiality.
45. Furthermore, certain information is not necessary for the examination of the patent infringement.
46. Disclosure of these trade secrets to the applicant would result in irreparable harm to the first respondent's competitive position. Contrary to the applicant's view, such harm to competitiveness is not precluded by invoking the experimental privilege.
47. With regard to the first respondent's detailed submissions on the necessary scope of the redactions, reference is made to the written submissions, in particular to their pleadings dated 2 February 2026 (pp. 14–99) and 12 March 2026 (pp. 15–46). The applicant

essentially submits:

48. Only with regard to the comments on Annex 'Pilot 2' and on certain personal data should the detailed description and its annexes be redacted. In all other respects, the documents should be disclosed without redactions.
49. The 'Pilot 1' annex was also covered by the order. This encompasses not only annexes designated 'H-200' or 'H-400', but explicitly those which are 'normally' designated in this way. In drafting the application, she had taken her cue from the first respondent's website in order to enable the identification of the annexes to be inspected. Essentially, the issue concerned the characteristics of the plant and not a specific designation. Furthermore, the overall circumstances to be taken into account in the interpretation suggested that the plant was covered by the operative part of the order. For instance, the plant contained a reactor that was essential for the production of hydrogen. The fact that the plant did not contain all the components of a complete hydrogen production plant was, by contrast, irrelevant. The sign affixed to the plant's container points to the responsibility of the first respondent. Finally, it must be taken into account that the co-founder of the first respondent was present on site and willingly provided the expert Solf with information regarding 'Pilot 1'.

50. The argument put forward by the first respondent, according to which 'Pilot 0' and 'Pilot 1' [REDACTED] is irrelevant. This is immaterial for the purposes of preserving evidence and carrying out an inspection.
51. It must be left to the applicant to decide on which data it wishes to base its infringement proceedings and which information is therefore necessary for the examination of the patent infringement.
52. In so far as the first respondent appeals to 'competitive harm' suffered by it, this has not been sufficiently substantiated even at the factual level.
53. With regard to the applicant's detailed submissions concerning the confidentiality interests asserted by the first respondent, reference is made to the written submissions, in particular to her pleadings of 26 February 2026 (pp. 17–31) and to Annex HRM 17 to the document of 7 August 2026.

REASONS FOR THE ORDER:

A. Disclosure and protection of confidential information

54. A decision must be made on the disclosure of the detailed description and its annexes, taking into account the confidentiality interests asserted by the first respondent.

I. Principles

55. Confidentiality interests may be asserted independently of an application for examination under Rule 197.3 of the RoP and require a separate assessment (see UPC_CoA_177/2024, Order of 23 July 2024, Headnote 3, para. 12 – Progress Maschinen & Automation v AWM).
56. As the Düsseldorf local division has already held (UPC_CFI_539/2024, Order of 19 November 2025, Headnotes 1–3, para. 28 et seq. – Bekaert v. Siltronic), the following assessment is required:
57. With regard to the scope of disclosure of the detailed description to the applicant, it must first be determined whether the information or evidence constitutes trade secrets, contains personal data of third parties, or constitutes or contains other confidential information (Article 58 of the UPC Agreement).
58. If this is the case, such information or evidence must be redacted if it is irrelevant to the question of infringement or any acts of use.
59. Where secret or confidential information relates to the question of infringement and/or the scope of acts of use, a decision must be made on a case-by-case basis as to whether it is to be disclosed to the applicant, subject to the applicant being obliged to maintain confidentiality vis-à-vis third parties, or whether the applicant's access to such information is to be restricted to a specific group of persons.

II. Case-by-case assessment

1. 'Pilot 2'

60. Those parts of the detailed description, together with the annexes, which relate to the 'Pilot 2' annex (pp. 5–35, Annexes D1–D12) are to be redacted in full. The parties are rightly in agreement on this point. The annex is not covered by the order of 25/26 November 2025 and was the subject of the subsequent proceedings UPC_CFI_1849/2025.

2. 'H-200'

61. The part of the detailed description relating to Annex 'H-200' (pp. 35–48) and Annexes D13–D16 are to be redacted to the extent set out below.

a) Confidential information

62. In accordance with the principles set out above, the first step is to examine whether, and to what extent, the information or evidence in question constitutes trade secrets, personal data of third parties or other confidential information within the meaning of Article 58 of the UPC Agreement.
63. For information to be classified as a trade secret, it must be the case that a) the information is not generally known or readily accessible, either in its entirety or in the precise order and composition of its components, to persons within the circles that customarily deal with this type of information, b) the information has commercial value by virtue of its secrecy; and c) the information is subject to reasonable measures of secrecy, appropriate to the circumstances, by persons who have lawful control over the information (see Article 39(2) of the TRIPS Agreement). However, Article 58 of the UPC Agreement refers not only to trade secrets in this sense, but also to other confidential information (see UPC_CoA_70/2025, order of 1 August 2025, para. 17 – Strabag v Swarco).
64. In its pleadings of 2 February 2026 and 12 March 2026, the first respondent has convincingly demonstrated, with regard to all the information in question, that it constitutes, in any event, other confidential information in this sense.
65. As the court understands it, the applicant does not dispute the confidential nature of the information in question. Insofar as it ultimately describes information as 'not requiring confidentiality', this rather reflects its view that, having taken all circumstances into account, the information should ultimately be disclosed unredacted. Explanations are therefore only required to the extent that the applicant raises specific objections to the confidential nature of certain information.
66. With regard to Fig. 44 (p. 37) of the detailed description, taken from Annex D13, the first respondent asserts that this reveals the starting material. However, this is also already apparent from Fig. 43, which the first respondent did not redact. The first respondent countered, however, that Figure 44 contains, in addition to the information in Figure 43, essential and confidential detailed information on the specific technical design of the Pressure Swing Adsorption (PSA) unit (including details on valves, pipework, instrumentation and plant configuration). There is no indication that this is incorrect.

67. The applicant's argument, raised in relation to certain details taken from Annex D16, that the first respondent had not demonstrated that the use of the components mentioned in the annex in the control cabinet goes beyond what is already known to a person skilled in the art as standard practice, does not call into question the confidential nature of the information. The first respondent contested this and argued that the details regarding the specific design of the plant control system, the safety logic and the control components used went beyond what is customary and known, and that this constituted plant-specific engineering know-how belonging to the first respondent. The claimant subsequently, and quite rightly, did not return to this argument.
- b) *Is the information and evidence irrelevant to the issue of infringement or acts of use?*
68. In accordance with the principles set out above, the next step is to examine whether the information and evidence are irrelevant to the question of infringement or any acts of use. If this is the case, the redaction of the relevant information and evidence must be ordered.
- aa) *Standard of review and burden of proof*
69. It should be borne in mind, however, that a substantive examination of the patent infringement cannot be carried out in the inspection and evidence preservation proceedings. This is reserved for any subsequent proceedings on the merits.
70. Information which the expert actually relied upon in his detailed description when assessing the patent infringement is therefore generally to be regarded as relevant to the question of infringement. It is for the defendant, who appeals to the necessity of redaction, to demonstrate that this is not the case for certain information in exceptional circumstances. The objection that the patent infringement could have been adequately assessed on the basis of other information, or that the expert's relevant statements were unnecessary, is irrelevant in this context. Examining this objection would, in fact, amount to a substantive assessment of the patent infringement, which is precisely what is excluded in inspection and evidence preservation proceedings.
71. Where, on the other hand, the matter concerns information which the expert did not draw upon when examining the question of infringement, it is for the applicant to demonstrate its relevance. It is true that the preservation of evidence for the preparation of subsequent proceedings on the merits is also covered by the purpose of the inspection and evidence-preservation proceedings. However, this does not apply without limit. In this respect, too, there must be a clear relevance to the examination or subsequent demonstration of patent infringement. If, as in this case, the expert has quoted extensively from documents when drawing up the detailed description, and the applicant nevertheless requests the disclosure of these documents as well, the applicant must also explain why the remaining content of these documents is significant in *addition* to the detailed description.
72. Furthermore, it must be borne in mind that, in the context of the infringement examination, certain explanations – for example, technical ones – may be necessary which, whilst not directly relevant to the determination of whether the features of the patent claim are satisfied, are nonetheless essential for understanding the explanations as a whole. Information may therefore

information can therefore only be regarded as irrelevant to the patent infringement if it can be clearly distinguished from the context of the wider examination and the comprehensibility of the expert's statements is not thereby compromised.

bb) Examination on a case-by-case basis

(1) Annex D13 and corresponding passages of the detailed description

73. Annex D13 is a 'Process and Instrumentation Diagram' (P&ID). The annex and the corresponding passages are to be regarded as irrelevant to the patent infringement to the extent set out below and are therefore to be redacted.

Extract from the P&ID – Fig. 44

74. Fig. 44 (p. 37), which is an extract from the P&ID in accordance with Annex D13, is referred to by the expert⁴ in the detailed description for the examination of feature 1 of patent claim 1. It is therefore, in principle, relevant to the question of patent infringement.
75. The first respondent argues in this regard that the illustration goes beyond what is necessary for the examination of the claims. The figure is said to show the gas purification process. However, this is already covered by Fig. 43 of the detailed description. The additional detailed illustration of the PSA, with a high level of detail regarding the specific configuration of the plant, is not necessary to demonstrate the fulfilment of claim 1 and goes far beyond what is required for the examination of the claims.
76. In so far as the first respondent makes an appeal that the assessment of patent infringement can already be sufficiently examined on the basis of other information, this argument is precluded under the principles set out above in the clearance procedure. Moreover, it is in any case not apparent that a meaningful distinction can be made between the information contained in Fig. 44 without compromising the comprehensibility of the explanations.

Extract from the P&ID – Fig. 47

77. The expert refers to the further partial extract from the P&ID shown in Fig. 47 (p. 38) for the examination of feature 2 of patent claim 1. Fig. 47 is therefore also relevant to the examination of patent infringement. The objection that Fig. 46 already shows the component of the plant relevant to the question of infringement – namely the E-Steam reformer and its integration into the process – is irrelevant in the clearance procedure for the reasons already discussed.

⁴ The experts Solf and Harlacher have jointly signed the detailed description. However, it is apparent from the statements that the expert Harlacher was primarily responsible for drafting the section relating to the plants and documents he examined – namely 'Pilot 2', 'H-200', 'Pilot 0', whilst expert Solf was primarily responsible for the section relating to the 'Pilot 1' plant she examined. The following comments therefore specify in each case the expert to whom the relevant comments are attributable.

The remainder of Annex D13

78. It is not apparent from the applicant's submissions that the parts of Annex D13—beyond the extracts just mentioned and others contained in the detailed description—which the first respondent seeks to have redacted in full, would be relevant to the patent infringement. On the contrary, the claimant justifies the relevance of Annex D13 precisely on the grounds that the expert discusses the annex in relation to almost all features of Claim 1 in the detailed description. There is no indication that, in addition to this, the unredacted Annex D13 itself would also need to be disclosed. Annex D13 is therefore not to be disclosed.
79. It should be clarified in this regard that, for the sake of simplifying the proceedings, Annex D13 will not be released in its entirety, notwithstanding the fact that information from Annex D13 is also contained in the detailed description and does not need to be redacted in accordance with the above explanations. The applicant's interests are sufficiently safeguarded in this respect by the inclusion of the relevant information in the detailed description. This clarification also applies to all other annexes for which the first respondent seeks complete redaction.

Extract from the P&ID – Fig. 48

80. Fig. 48 (p. 39) of the detailed description constitutes the legend for Annex D13. It lists the respective component designations together with the designations of the system parts. The expert refers to this when examining feature 2 of patent claim 1, though evidently only in relation to the designation of a single component, namely [REDACTED]
81. The first respondent argues that this constitutes a necessary part of the detailed description, as it clarifies the terms and abbreviations used in D13.
82. However, since Annex D13 itself, as just explained, is not to be disclosed to the claimant, it is not apparent that it requires all the abbreviations. Against this background, only the reference to '[REDACTED]' and the corresponding component designation in Fig. 48 are to be regarded as relevant for the examination of the patent infringement. The remainder of Fig. 48 is to be redacted.

(2) Annex D14 and relevant passages of the detailed description

83. Annex D14 is a 'Process and Equipment' description.

Extract from the section 'Reactors and quench' (Fig. 45)

84. The first respondent seeks a partial redaction of Fig. 45 (p. 37) of the detailed description. The expert refers to the extract from Annex D14 when examining feature 2 of patent claim 1.
85. First Respondent argues that the specific details regarding the catalyst material used and the ceramic channels are not necessary for the assessment of patent infringement.

86. As far as the details concerning the catalyst material used are concerned, these are relevant to the patent infringement. In any event, in his further comments on feature 2.1, the expert returns to this point and uses this information for the infringement analysis.
87. The expert also addresses the presence of ceramic channels at a later stage, namely in connection with features 2.1, 2.1.2, 2.2 and 2.6. This information is therefore also relevant to the infringement assessment.
88. However, with regard to the dimensions of the ceramic channels, the Court cannot see that these are of significance for the infringement assessment or for understanding the expert's comments. Nor does this follow from the applicant's submission. This aspect may therefore be redacted in Annex D14 and the corresponding passages in the detailed description (see Figs. 45, 49), as proposed in 'Annex D14 greyed out'.

Information and extract from the section 'Reactors and quench' (Fig. 49, details under section 1.4.3.1)

89. The above comments apply mutatis mutandis to Fig. 49 (p. 40) and to the information in section 1.4.1.3 which the first respondent intends to redact. Accordingly, the information contained therein is relevant to the infringement assessment, in so far as it does not concern the specific dimensions of the ceramic channels.

Extract from the section 'Biogas feed and auxiliary gases supply' (Fig. 50, details under section 1.4.1.6)

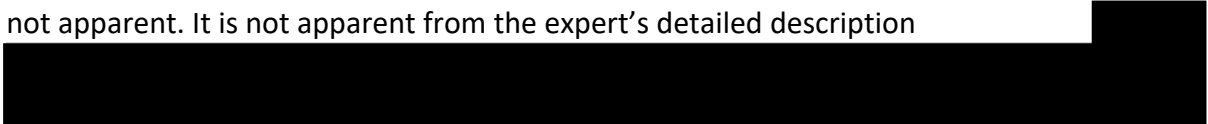
90. As regards Fig. 50 (p. 41), taken from the section 'Biogas feed and auxiliary gases supply' in Annex D14, the expert, according to his own account, relied solely on the sentence marked in yellow in Fig. 50. There is no indication that the remaining text is necessary for understanding. Nor does the applicant specifically allege this. This aspect may therefore be redacted, as proposed by the first respondent.
91. The further details proposed for redaction by the first respondent under section 1.4.1.6 on pp. 41–42 correspond to the information already discussed previously regarding the catalyst material used and the specific dimensions of the ceramic channels. The latter, as already discussed, is to be redacted.

Figs. 54, 55, 56, details in section 1.4.1.9

92. The data on the inlet and outlet temperatures in the reformer (see Fig. 54, sections 'Demi water supply and steam generation' and 'Reactors and quench') are relevant to the patent infringement. The expert draws conclusions from this for the examination of feature 2.5. According to his statement, the background 

93. The same applies to the information in Fig. 55 which the first respondent intended to redact. Although the expert has made markings in the figure,

to highlight the part he considers particularly relevant, and the first respondent has not intended the marked part to be redacted. However, the information is clearly necessary, on the one hand, for the conclusions drawn by the expert in this context and, on the other hand, for comprehensibility.

94. The fact that the details designated for redaction by the first respondent in the illustration shown in Fig. 56 (p. 44)—which is an inset from the ‘Reactors and quench’ section of Annex 14—would be irrelevant to the patent infringement is not apparent. It is not apparent from the expert’s detailed description
- 

Figs. 58 and 60

95. Fig. 58 (p. 46) and Fig. 60 (p. 48), which are inserts with identical content from the section ‘Condenser and PSA’, the expert refers to these in the context of the discussion of feature 4 of patent claim 1 and feature 2.6 of patent claim 22. The first respondent does not seek complete redaction, but only the redaction of certain information, as shown in ‘Exhibit D14 (greyed out)’.
96. As regards the first paragraph under the heading ‘Condenser and PSA’, the information proposed for redaction by the first respondent in ‘Annex D14 (greyed out)’ is irrelevant to the patent infringement. According to the first respondent’s account, this information relates to details of the mechanical implementation of the condenser, with specific values being cited within the annex. It is not apparent that the expert relied on this during his examination; in particular, he did not highlight it in either Fig. 58 or Fig. 60. Nor has the claimant specifically argued that this information is relevant to the assessment of patent infringement.
97. However, the information highlighted in grey by the first respondent in the second paragraph of ‘Annex D14’ has been emphasised by the expert in Fig. 60. Furthermore, there is a risk that blacking out text may impair the clarity of the illustration.

Exhibit D14, incidentally

98. The first respondent seeks a partial redaction of Annex D14 (see ‘Annex D14 greyed out’).
99. There is no indication that parts of Annex D14 beyond the extracts just mentioned and others contained in the detailed description would be relevant to the examination of the patent infringement. Respondent 1 may therefore redact the information designated for redaction in ‘Annex D14 (greyed out)’.
100. It is clarified that, in accordance with the version ‘Exhibit D14 (greyed out)’, redaction may also be carried out to simplify the proceedings to the extent that certain information from Exhibit D14 is reproduced in the detailed description and has been assessed there as relevant to the patent infringement. The applicant’s interests are sufficiently

. This clarification also applies to all other annexes for which the first respondent seeks partial redaction.

(3) Annex D15 and corresponding passages in the detailed description

101. As far as Annex D15 is concerned, the expert refers to it in connection with the explanation of features 2.2/2.6 (Fig. 51), feature 3 (Fig. 57) and feature 4 (Fig. 59) of patent claim 1. In this respect, it is also not apparent that individual components of the figures could be omitted without compromising the comprehensibility of the illustration.
102. In so far as the first respondent argues that certain information can also be derived from the unredacted parts of Annex D14, this does not alter the relevance of Annex D15 to the patent infringement. It is precisely not a matter of whether a patent infringement could also be assessed in a manner other than that adopted by the expert.
103. With regard to the remaining part of Annex D15, which the expert did not address in his detailed description and which the first respondent seeks to have redacted in its entirety, the relevance to the patent infringement cannot, however, be established. The applicant does not specifically address the fact that, in addition to the figures in the detailed description, the entire Annex D15 must also be submitted. She does point out, however, that the individual components of the 'H-200' plant are essential for assessing the method claim and that the marking with arrows is also necessary for understanding the precise process. Likewise, the figures are essential for understanding the process of the hydrogen production plant, thereby enabling an assessment of whether the process claim has been infringed. However, this does not imply that the submission of the annex is also required in addition to the description in the detailed description. Annex D15 is therefore not to be admitted.

(4) Annex D16

104. As regards Figure 53 of the detailed description, the expert referred to it when examining feature 2.4. Whether this is the only annex used at this point or whether the expert also derived his information from Annex D14 is not decisive in this context.
105. The first respondent's argument that information regarding the electrical power supply to the reforming reactor is also derived from the unredacted part of Annex D14 is not persuasive. Whether the expert could have chosen an alternative line of reasoning is not decisive.
106. It is not apparent that specific details from the list of components contained in Fig. 53 of the detailed description, labelled 'Heat control solution', are relevant either to the assessment of patent infringement or to the technical context. Nor can this be inferred from the submissions of the first respondent.
107. Conversely, it cannot be established that the applicant also requires the remaining part of Annex D16, the complete redaction of which is sought by the first respondent. The applicant's argument that information on current flows and temperatures is particularly relevant for the examination of feature 2.5 (temperature) remains general in nature and does

in particular does not address the information already contained in the detailed description. Annex D16 is therefore also not to be disclosed.

c) Case-by-case assessment

108. In accordance with the principles set out at the outset, where confidential information relevant to the question of infringement is concerned, a decision must be made on a case-by-case basis as to whether it is to be disclosed to the applicant, whilst the applicant is obliged to maintain confidentiality vis-à-vis third parties, or whether the applicant's access to such information is to be restricted to a specific group of persons.
109. The first respondent justifies its interest in confidentiality with regard to all information intended for redaction on the grounds of the risk of disclosure of know-how worthy of protection and the threat of competitive harm to it. In particular, it argues that the confidential information relates to improvements in the efficiency of hydrogen and methanol production compared with generally known designs. In the opinion of the first respondent, such disclosure would save the applicant considerable development effort and give it an unfair advantage in terms of knowledge and innovation, thereby causing the first respondent direct competitive harm. Furthermore, disclosure would, according to the first respondent, enable the applicant to engage in impermissible probing for know-how. Even though the first respondent addresses the individual items of information in its pleadings and justifies them separately, it is the threat of the disclosure of the information and its use by the applicant for its own development purposes that it fears in each individual case.
110. The disadvantages feared by the first respondent are, on the one hand, already taken into account by the fact that the order of 25 November 2025, in paragraph VI, 2. provides that the detailed description to be drawn up and all other findings of the inspection and preservation of evidence may only be used in proceedings on the merits against the first respondent and/or the second respondent. This restriction on the intended use remains in force even after the detailed description has been released. This is reiterated for the sake of clarity in the operative part of this order.
111. Furthermore, the interests of the first respondent are to be taken into account by restricting access to the detailed description to specific, named individuals on the applicant's side (Confidentiality Club). In this way, both the risk of internal disclosure, which the first respondent fears, can be minimised and the verifiability of the information enhanced.
112. Taking these restrictions into account, the applicant's interest in disclosure outweighs the respondent's interests with regard to the information relevant to the patent infringement. In particular, the first respondent has not identified any further specific disadvantages to which it would be exposed as a result of the disclosure that could not be addressed by restricting the intended use and establishing a Confidentiality Club. The applicant, on the other hand, is reliant on disclosure so that the proceedings for the preservation of evidence and inspection can fulfil their purpose and enable her to investigate the patent infringement and, if necessary, bring an action on the merits.

3. 'Pilot 0'

113. The part of the detailed description relating to Annex 'Pilot 0' (pp. 49–60) and Annex D17 are to be redacted to the extent set out below.

a) *No redactions at all*

114. The passages in the detailed description relating to the 'Pilot 0' annex are not to be redacted in full.

115. The first respondent argues that complete redaction is warranted because 'Pilot 0' and therefore [REDACTED] details of a plant in respect of which the expert report itself finds that there is no infringement would amount to a mere disclosure of confidential information without any procedural benefit.

116. However, it is not decisive for the decision on disclosure whether or not the detailed description concludes that there is patent infringement.

117. The legitimate purpose of proceedings for inspection and preservation of evidence is to obtain evidence that can be used in proceedings on the merits (see R. 196.2, 199.2 of the RoP), which also includes the use of such evidence to decide whether proceedings on the merits or proceedings for the granting of interim measures should be initiated at all (see UPC_CoA_177/2024, Order of 23 July 2024, Headnote 1 – Progress Maschinen & Automation v AWM; UPC_CFI_407/2025 (LD Brussels), Order of 12 November 2025, Headnote 4 – Organon Heist v Genentech). By contrast, proceedings for the preservation of evidence and inspection are not aimed at achieving a final resolution of disputed issues between the parties (see also UPC_CFI_1325/2025 (LD Düsseldorf Regional Court), Order of 23 January 2025, para. 17 – Van Loon Beheer v. Inverquark).

118. In order to achieve these objectives, the applicant must be enabled, irrespective of the outcome of the expert's assessment, to assess for themselves whether an action on the merits should be brought on the basis of the results of the proceedings.

b) *Redactions made with the consent of the parties*

119. As regards the disclosure of the names of the project partners in Section 1 of Annex D17, in Fig. 63 and in Fig. 70, the applicant has consented to this in its statement of 7 August 2026 (Annex HRM 17 therein). These details are therefore to be redacted without the need for further explanation.

c) *Confidential information*

120. The first respondent has also plausibly demonstrated in this regard that the information it considers should be redacted constitutes confidential information. Reference is made to the above comments on Annex 'H-200'.

121. Insofar as the expert relies on the results of his own internet research (see section 1.5.1.4, last paragraph on p. 55 of the detailed description), this

in principle not constitute confidential information. However, at this point the expert refers to the previously explained designation of the heating wires, which is why the information regarding the internet research must also be treated as confidential.

d) Is the information and evidence irrelevant to the patent infringement? Fig. 64

122. In the detailed description, the expert relies on Fig. 64 (p. 52) to explain feature 2. Fig. 64 is taken from Figure 3 of Annex D17 and shows a Process and Instrumentation Diagram (P&ID) of the eSMR. This is not irrelevant to the examination of the patent infringement.

123. The first respondent's argument that Fig. 64 is not necessary for the assessment of patent infringement because Fig. 63 is sufficient cannot be accepted for the reasons already discussed.

Fig. 65 and the information in section 1.5.1.2

124. Fig. 65 (p. 52) of the detailed description, which is a photograph of the reforming reactor taken by the expert, is also relevant to the assessment of patent infringement. The same applies to the related comments on p. 52 of the detailed description. Both are used by the expert to explain feature 2 and the design of the 'Pilot 0' plant.

Figs. 66 and 67 and the information in section 1.5.1.3

125. Figs. 66 and 67 of the detailed description, which are also photographs taken by the expert, as well as the related explanations, are also relevant to the patent infringement. The expert uses these to explain the implementation of feature 2.1 of patent claim 1.

Fig. 69 and the information in section 1.5.1.4

126. Also relevant to the patent infringement are Fig. 69 – which is an extract from Annex D17 – and the corresponding explanations in the detailed description, both of which were used by the expert to examine features 2.1 and 2.1.1. The first respondent also fails to explain in detail why, in her view, the information is irrelevant to the patent infringement despite having been used by the expert.

127. The information on the heating wires used in the 'Pilot 0' annex (section 1.5.1.4), which is taken from Annex D17, is also relevant to the patent infringement. The expert relies on this for the assessment of feature 2.1.1.

Fig. 70 and details in section 1.5.1.5

128. As regards Fig. 70 of the detailed description, the names of the project partners contained therein must be redacted (see above).

129. The remainder of Fig. 70 and the related explanations in the detailed description are relevant to the question of patent infringement. The expert uses this information to explain the realisation of feature 2.1.2.

[REDACTED]

[REDACTED] Against the background of this objective, it is not apparent that any further information in the cited section would be irrelevant and could be redacted without compromising the technical context. In this context, the first respondent merely makes a general appeal that neither claim 1 nor claim 22 of the patent in suit requires the disclosure or use of this information. When examining features 2.2 and 2.6, the expert also refers back to Fig. 70 when he bases his analysis on the fact that

[REDACTED]

Fig. 71

130. Fig. 71 (p. 57) of the detailed description contains specific details regarding pressure, temperatures and the gas and water flows used. The figure is taken from Section 6 of Annex D17 ('Activity and stability testing'), specifically from Subsection 4 ('Steam Reforming'). Section 6, as the first respondent has plausibly explained, relates to the procedure for testing catalyst activity as effectively as possible and, in its view, bears no connection to the question of infringement. The claimant, on the other hand, argues, firstly, that the claims require a specific pressure which can be verified by the information provided, and, secondly, that the reforming process is described, which also allows for an infringement assessment.
131. The expert's comments in the detailed description indicate that he merely used the information on the pressure employed in steam reforming to assess the patent infringement. It is not apparent that the other cited information plays a role in this assessment. Nor does this follow from the parties' submissions. The applicant's assertion that the reforming process is described remains vague. Furthermore, it is unclear exactly which details in Fig. 71 this submission refers to. Finally, on the basis of the submission, it is not apparent that the further information would be of significance to the technical context.
132. Against this background, the [REDACTED] additional information in Fig. 71 must be regarded as irrelevant to the patent infringement and redacted.
133. As regards the designation '[REDACTED]' for the high-temperature insulation used in the detailed description, this is, according to the expert's account, based on information provided by the managing director of the first respondent, Dr Pauletto. The expert draws on this information when assessing the patent infringement. As, according to the expert, a data sheet was not available, the information provided is decisive for the assessment of patent infringement. The fact that, in the view of the first respondent, this constitutes a specific product designation for the material used for the high-temperature insulation does not negate its relevance. Redacting this information

would impair the comprehensibility of the description in the detailed specification. Even if it were to be a specific product designation, it must therefore be regarded as relevant to the patent infringement.

Fig. 72

134. Figure 72 (p. 58) of the detailed description is a photograph taken by the expert, showing the flange of the reforming reactor. The expert used this for the examination of feature 2.4. The illustration is relevant to the examination of patent infringement, irrespective of whether details such as the specific technical implementation of the current feed-through and the gas inlet may be discernible in the figure. The photograph serves the experts both as an illustration and as evidence, whilst documents are not relied upon in this context. In so far as the first respondent argues that, for the purposes of assessing patent infringement, it is sufficient to know that [REDACTED], as set out in the text, this argument does not hold water again [REDACTED]

Fig. 73

135. Finally, Fig. 73 (p. 60) of the detailed description is an extract from Section 1 ("Setup description") of Annex D17. The expert refers to the illustration for the examination of feature 2.6 of patent claim 22.
136. The first respondent considers only the first sentence not to require redaction and argues that the information on water separation is sufficient for an examination of the patent infringement.
137. However, it cannot be established that a distinction can be drawn in the manner proposed by the first respondent in Annex PBP 4. In particular, it is not apparent that the expert bases his examination and assessment solely on the first sentence of Fig. 73. The assertion that the information on water separation was sufficient for an examination does not, for the reasons already explained, negate its relevance to the patent infringement.

Exhibit D17, incidentally

138. There is no indication that the remainder of the annex, beyond the version submitted by the first respondent as 'Annex D17 (greyed out)', is relevant to the patent infringement. This applies in particular in view of the extensive quotations and the inclusion of extracts from the annex in the detailed description.

e) Assessment on a case-by-case basis

139. The disclosure of the redacted version of the detailed description, together with the annexes, to the applicant must also take place with regard to 'Pilot 0', subject to clarification of the limitation of purpose and the order for access restrictions on the part of the applicant. Since the first respondent appeals to the same considerations in this context regarding the risk of information being disclosed, reference may be made to the remarks concerning 'H-200'.

4. 'Pilot 1'

140. The part of the detailed description relating to Annex 'Pilot 1' (pp. 65–114) and Annexes L1A–L1D, L2–L12B are to be redacted to the extent set out below.

a) *No redaction in its entirety*

141. The part of the detailed description relating to Annex 'Pilot 1' is not to be redacted in its entirety on the grounds that it would not have been covered by the order of 25/26 November 2025.

142. The annex is covered by the order, notwithstanding the fact that it is not designated 'H-200' or 'H-400'. The order was not limited to plants bearing this designation, but, according to its operative part, covers a hydrogen production plant located at the specified sites which is normally designated 'H-200' or 'H-400'. The addition of 'normally' makes it clear that such a designation is not, in fact, mandatory. Furthermore, as the 'Pilot 1' plant is situated at the location in Langenbach, Germany, which is also expressly mentioned in the operative part, and is externally recognisable as belonging to the first respondent, it is covered by the order.

143. Whether and to what extent the first respondent may appeal to the research privilege under Article 27(b) of the UPC Agreement in connection with the operation of the plant is not the subject of the disclosure proceedings.

b) *Redactions with the consent of the parties*

144. The following information is to be redacted with the applicant's consent:

- Manufacturer names on pp. 61 and 116 of the detailed description and Annexes L5 and L6;
- Manufacturer names in Table 1 of Annex L7
- Manufacturer names in Annex L1A (such as on p. 47 et seq.);
- Manufacturer's certificates in Annex L1A;
- Information on the exact location of Pilot 1 in Annex L1A;
- Personal data in the chemical safety report in Annex L1A.

c) *Confidential information*

145. The first respondent has also demonstrated, with regard to the 'Pilot 1' facility, that the information it intends to redact constitutes confidential information. Consequently, only the specific points raised by the first respondent will be discussed below.

146. The applicant points out that the first respondent itself displays an exterior photograph of the reactor pressure vessel on its website (see Annex HRM 2) and that, consequently, the photographs of the steam reforming reactor taken by the expert Solf

cannot be subject to confidentiality (see Fig. 85 on p. 71, Fig. 103 on p. 85, Fig. 129 on p. 104 and Fig. 139 on p. 111 of the detailed description).

147. The first respondent countered that these are photographs taken from different perspectives. The illustrations in the detailed description⁵ show the reactor in its full width and, compared with the photograph on the website, depict the reactor's specific technical design in greater detail. It cannot be established that this representation is incorrect.
148. With regard to the same illustration, the claimant argues that all persons involved in the 'EReTech' research project are likely to be aware of the design. However, this objection does not preclude the classification of the information as confidential on the part of the first respondent. The first respondent has stated, without contradiction, that project partners and persons involved are subject to contractual confidentiality obligations with regard to the technical content of the 'EReTech' project.
149. The claimant's argument regarding Fig. 130 (p. 104) of the detailed description – namely that the first respondent has not demonstrated that the use of such a capacitor in general, and the specific design thereof, is not already known to those skilled in the relevant technical field – does not alter the fact that the information constitutes confidential information. The first respondent has established its interest in confidentiality by virtue of the visible design features and the resulting potential inferences regarding the specific technical configuration and integration of the capacitor. Even if such a capacitor were known in itself, this does not alter the fact that the first respondent has an interest in maintaining confidentiality regarding the use of this particular capacitor and its specific integration into its plant.
150. In so far as the applicant asserts, with regard to the photograph contained on page 105 of the detailed description, that the inlets and outlets to the container visible therein are visible to anyone, because, in particular, the 'Pilot 1' container on the premises of the first respondent was freely accessible, this objection does not preclude the classification as confidential information. The first respondent countered that the premises in Langenbach were fenced off and were therefore not, in fact, accessible to the public. The applicant subsequently did not return to this argument.

d) Is the information and evidence irrelevant to the patent infringement?

aa) Exhibit L1A and relevant passages from the detailed description

151. Exhibit L1A⁶ consists of application documents submitted by the first respondent for the environmental protection authorisation procedure relating to the 'Pilot 1' plant. The information taken from Exhibit L1A

⁵ This is initially discussed solely with reference to Fig. 129.

⁶ Exhibits L1A to L1D are identical. As is the practice of the parties, reference is made only to Exhibit L1A.

The passages taken from the detailed description, as well as the annex itself, are to be redacted to the extent set out below.

Details of the conversion process, operating unit 'BE 200'

152. The information in Fig. 80 (p. 67), Fig. 135 (p. 108) and Fig. 123 (p. 99), as well as in the text on p. 114 of the detailed description, which the respondent considers to require redaction, relates to details of the operating unit ('conversion process'). The details relate to the efficiency of the reformer and the biogas treatment, citing specific figures. Figures 80, 123 and 135, which are identical in content, are taken from Annex L1A (p. 33); the statement regarding the inlet temperature on p. 114 reproduces information already contained in the figures.
153. The same applies to the redactions sought in relation to Figure 116 on p. 94 of the detailed description, which is identical in content, and the corresponding text.
154. The first respondent is of the view that, in the absence of corresponding features, the examination of claims 1 and 22 of the patent in suit does not necessitate the disclosure of the information to be redacted. It argues that only the reformer temperature is specified in the patent claim and is relevant to the fulfilment of the claim, in particular feature 2.5. The applicant, on the other hand, considers knowledge of the specific temperature values to be essential for assessing infringement of the patent in suit (feature 2.5).
155. The expert refers to Figures 80 and 135 when examining features 2 and 2.5 of patent claim 1 and feature 2.3 of patent claim 22. When examining feature 2.4 of patent claim 22, she refers to the aforementioned figures and again mentions the inlet temperature. The expert refers to Fig. 123 for the examination of features 3 and 4 of patent claim 1. These are relevant to the examination of patent infringement. The mere fact that the expert has highlighted certain text in the figures does not, in this instance, mean that the remaining comments are to be regarded as irrelevant to the examination. Furthermore, there is a clear connection between the comments in the figures, which is why comprehensibility might be impaired by partial redactions at this point.
156. Nor can it be established that the further details are irrelevant to the patent infringement. The fact that only one temperature value may be specified in the patent claims does not alter this. The expert explains both the temperature mentioned in feature 2.5 and the heating process on the basis of various temperature values, from which she draws conclusions in the detailed description. It is not apparent that any of the details objected to by the first respondent are unnecessary and that they could be excluded in a way that does not impair comprehensibility.

Flowchart in Fig. 81 and Fig. 136

157. The flowchart set out in Figures 81 (p. 68) and 136 (p. 109) of the detailed description, which are identical in content and which the first respondent seeks to have redacted in full, is relevant to the examination of the patent infringement.

158. The expert refers to it when examining feature 2 of patent claim 1 and feature 2.3 of patent claim 22.
159. The argument put forward by the first respondent, that information on the conversion process is already apparent from Figures 80 and 135 of the detailed description, does not hold water for the reasons stated at the outset. Nor is there any indication that the figures would be irrelevant to the assessment of patent infringement for any other reason.

Flowcharts in Figs. 82, 83, 137 and 138

160. The above considerations apply mutatis mutandis to Figures 82 and 83 (p. 69) and Figures 137 and 138 (p. 110) of the detailed description, which appear immediately following Figures 81 and 136, as just explained.

Part of the process description

161. The first respondent further seeks the redaction of a section of each of the substantively identical Figs. 84 (p. 70), Fig. 88 (p. 73) and Fig. 119 (p. 96).
162. In the opinion of the first respondent, 'Step 2' of the process description is to be redacted, as it is irrelevant in the absence of corresponding specifications in the patent application.
163. The figures in question are located in the detailed description immediately following the figures discussed in the two preceding points. Reference may therefore be made to the above comments. Furthermore, it is not apparent that the information partially greyed out by the first respondent in this regard is dispensable for the expert's explanations and could be meaningfully removed from the remainder of the annex without compromising comprehensibility.

Photograph of the steam reforming reactor at the 'Pilot 1' plant

164. The photograph showing, amongst other things, the steam reforming reactor of the plant – which was taken by the expert Solf and is included in Fig. 85 (p. 71) and Fig. 139 (p. 111) of the detailed description, further illustrates feature 2 of patent claim 1 and feature 2.3 of patent claim 22, following on from the figures explained above. The above considerations therefore apply mutatis mutandis.
165. In so far as the first respondent argues that, in order to prove feature 2 of claim 1 ('reforming reactor system'), direct information on how the contested embodiment is constructed is not necessary, and that the information that the plant provides for an e-SMR is already apparent from other figures, this argument cannot be upheld. This also constitutes the objection—excluded under the criteria explained at the outset—that the assessment of patent infringement could have been carried out differently from the way the expert did so.

Photograph of the flowchart on the wall of the container and legend

166. Finally, in connection with the aforementioned features, the first respondent appeals to the need for the complete redaction of Figs. 86 and 87 (p. 72) as well as Figs. 140 and 141 (p. 112) of the detailed description. These photographs were also

taken by the expert witness, Ms Solf. They show a photograph of the flowchart, known as a Process and Instrumentation Diagram (P&ID), which was displayed on the wall of the 'Pilot 1' plant's container during the inspection.

167. The figures are used by the expert to examine the aforementioned features and are therefore relevant to the assessment of patent infringement. The first respondent appeals in this context that the information is already apparent from the unredacted parts of Annex L1A. Even though the first defendant sets out in detail below which information can be gleaned from which other documents, this does not alter the fact that she is merely demonstrating an alternative way of assessing the patent infringement. She does not thereby call into question the relevance of the patent infringement as assessed by the expert.

Details and photographs relating to the catalytic converter

168. The first respondent objects to the disclosure of certain details concerning the catalytic converter on p. 74 of the detailed description, as well as to the disclosure of a photograph of a specimen of the catalytic converter in Fig. 89 (p. 75) and of bar-camera photographs of the catalytic converter blocks (Figs. 95–97, p. 80 et seq.; Fig. 104, p. 86; Fig. 113, p. 92) in the detailed description.
169. The expert also draws on the information on p. 74 and the photographs she took (Figs. 89, 95–97) to examine features 2.1, 2.1.1 and 2.1.2, and uses the contested information in the text to substantiate the patent infringement. The account is based on the information provided by the experts present on site [REDACTED] to the expert during the inspection, as well as on her own observations, and is illustrated by the photographs. This information is therefore not irrelevant to the assessment of patent infringement either.
170. The same applies to the expert's other photographs (Figs. 104, 113), which are used to examine features 2.2, 2.3 and 2.6 (Fig. 104) and feature 2.4 (Fig. 113). The photographs clearly play a role in the experts' assessment and illustration of the patent infringement and are therefore relevant.

Photographs of the steam reforming reactor

171. Fig. 94 (p. 79) of the detailed description is used for illustrative purposes when examining features 2.1, 2.1.1 and 2.1.2, as is already the case with the aforementioned information and photographs relating to the catalyst.
172. Fig. 103 shows the steam reforming reactor of the plant and plays a role in the examination of features 2.2, 2.3 and 2.6. In this respect, reference may also be made to the comments on Fig. 85 (p. 71) and Fig. 139 (p. 111) of the detailed description.
173. Fig. 77 (p. 64) is the same illustration of the steam reforming reactor. This is displayed by the experts at the outset of their presentation of the examination relating to the 'Pilot 1' plant, in order to explain the basis for the subsequent remarks. Consequently, this display is not irrelevant either. In any event, the plant is

used later on for the direct examination of features, so that redaction at an earlier point is no longer relevant.

Information on the operating unit

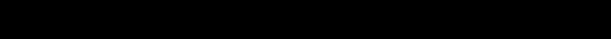
174. The first respondent seeks partial redaction of Fig. 105 (p. 87) and Fig. 132 (p. 106). These consist of a process description under the heading 'BE 100 Treatment' (Figs. 105, 132).
175. Insofar as the first respondent has redacted information in Figs. 105 and 132 concerning the treatment of biogas in the first paragraph, as well as details regarding the supply of tap water, neither the experts' report nor the applicant's statement indicates any relevance to the patent infringement. In particular, it can be inferred from the highlighting carried out by the experts that, for the examination of features 2.2, 2.3 and 2.6, a different part of the aforementioned figures is relevant. This information must therefore be redacted.

Illustration of the Stream table (Figs. 106, 117, 133)

176. The first respondent seeks the partial redaction of Figures 106, 117 and 133, which show the so-called 'Stream' table.
177. In the Stream Table shown in Figure 106 (p. 87), the row 'Pressure (absolute)' is, according to the expert's testimony, relevant to the examination of features 2.1, 2.1.1 and 2.1.2. The redaction proposed by the first respondent, which also seeks to exclude this row with the exception of the 'e-SMR outlet' column, is therefore too extensive. The expert uses the table to illustrate her argument, according to which [REDACTED]
178. Finally, the stream table, shown as Fig. 133 (p. 107), plays a role in the examination of features 2.1 and 2.2 of patent claim 22. The above comments apply accordingly in this regard.
179. In the context of the examination of feature 2.5, the expert also refers to the temperature data, namely the data in the 'e-SMR inlet' and 'e-SMR outlet' columns (Fig. 117, p. 94). These are also relevant to the patent infringement.
180. Furthermore, all the information in the 'Description' row is relevant to understanding the subject-matter.
181. Consequently, the aforementioned figures must therefore be redacted in accordance with Annex PBP 4; however, the 'Description' row, the 'Pressure (absolute)' row and the information in the 'e-SMR Inlet' and 'e-SMR Outlet' columns of the 'Temperature' row must not be redacted.

Information and photographs relating to the reactor (Figs. 107, 108, 112)

182. The first respondent seeks the (partial) redaction of Fig. 107 (p. 88), Fig. 108 (p. 88) and Fig. 112 (p. 91), which the expert refers to when examining features 2.2, 2.3 and 2.6.

183. Fig. 107 provides various details regarding the reactor, although the first respondent seeks only the redaction of the specific dimensions. The fact that these are relevant to the patent infringement is not apparent either from the expert's statements or from the applicant's submission. In this context, the claimant merely points out that the design of the reactor is also of significance, as claim 1, being a device claim, protects a specific design of a hydrogen plant and its components. It does not follow from this that the specific dimensions (length, height, width) are also of significance.
184. Fig. 108 is a photograph of the type plate affixed to the outside of the reactor of the 'Pilot 1' plant. The expert refers to this to substantiate her comments on the pressure conditions . The first respondent merely requests that certain details be redacted. Neither the expert's presentation nor the applicant's submissions indicate that these details are relevant to the assessment of patent infringement. They are therefore to be redacted in accordance with Annex PBP 4.
185. Fig. 112 is a photograph of the steam reforming reactor, which illustrates the expert's findings and is intended to substantiate the details regarding the connection elements. The figure is therefore relevant to the assessment of patent infringement.

Details of the supply unit (Fig. 115)

186. Fig. 115 (p. 93) of the detailed description lists various parameters under the heading 'BE 400 supply unit'. Respondent 1 seeks partial redaction, namely of the parameters 'Power line 2 compressor' and 'Biogas preheater, boiler, control system'.
187. The parties agree that the detailed description refers solely to the value for the reactor's energy supply, which the first respondent has not proposed for redaction. Whilst the claimant points out that the remaining values would be relevant to other features and are essential for it to assess the patent infringement, However, more specific arguments would have been required at this stage in order to understand the objection. Against this background, the relevance of the passages greyed out by the first respondent in Annex PBP 4 is not apparent. These are therefore to be redacted.

Illustration of the P&ID (Fig. 122)

188. The Process and Instrumentation Diagram (P&ID) shown in Fig. 122 (p. 98) of the detailed description is not irrelevant to the patent infringement; rather, it is used by the expert to examine feature 2.5 of patent claim 1.

Information on the components of the syngas (Fig. 125)

189. The first respondent seeks a partial redaction of Fig. 125 (p. 100) of the detailed description, namely only in so far as the specific components of the syngas and their proportions are concerned.

190. It cannot be inferred from the expert's statements that this information is relevant to the patent infringement. After the first respondent had already asserted the lack of relevance of this specific information when first invoking confidentiality interests, the applicant merely stated in this regard that the figure concerned the reformer and was therefore necessary for the patent infringement assessment. It was not until its statement of 7 August 2026 (see Annex HRM 17) that it supplemented this argument by stating that the details regarding the synthesis gas were necessary for the infringement assessment, as it would be possible to deduce from them whether hydrogen could be produced from the gas by means of a water-gas shift reaction and gas separation. Even this late addition remains, in any event, too vague to allow a conclusion to be drawn as to the relevance specifically of the information deemed by the first respondent to require redaction. The information on the components and proportions of the synthesis gas in Fig. 125 must therefore be redacted, as provided for in Annex PBP 4.

Flowchart (Fig. 126)

191. First Respondent seeks the complete redaction of Fig. 126 (p. 101) of the detailed description, which is a process flow diagram (PFD).
192. In the view of the first respondent, the flowchart is not relevant to the question of infringement. She argues that, insofar as reference is made to the post-combustion section, the relevant part is shown twice as an inset on p. 100 of the detailed description.
193. The expert refers to the PFD when examining features 3 and 4 of patent claim 1. It is true that Figures 124 and 125 on page 100 contain a diagram relating to the after-combustion stage, which also appears in Figure 126. However, it cannot be concluded from this that the flowchart as a whole is irrelevant to the assessment of patent infringement. According to her statements, the expert herself considers it necessary – notwithstanding Figures 124 and 125 – to illustrate the entire process once again (“The entire process is also depicted in this way in the flowcharts on pages 41 and 44 of Annex L1A and in the flowchart photographed by the expert:”). Against this background, Fig. 126 must be regarded as not irrelevant to the patent infringement.

P&ID diagrams (Figs. 127 and 128)

194. The above considerations apply mutatis mutandis to the request by the first respondent for the complete redaction of the Process and Instrumentation Diagrams shown in Fig. 127 (p. 102) and Fig. 128 (p. 103). These are used by the expert when examining features 3 and 4 of patent claim 1 and are displayed immediately following Fig. 126, discussed above.
195. The argument put forward by the first respondent, that the information on process steps and the designations of the relevant components is already apparent from the unredacted parts of Annex L1A, is irrelevant in light of the principles set out above.

Photograph of the steam reforming reactor and quench (Fig. 129)

196. The photograph of the steam reforming reactor and quench taken by the expert Solf, as shown in Fig. 129 (p. 104), is also used by the experts to examine features 3 and 4 of patent claim 1 and is therefore relevant to the patent infringement. Reference is also made to the comments on Figs. 85, 103 and 139.

Photograph of the condenser (Fig. 130)

197. The photograph of the capacitor shown in Fig. 130 (p. 104), which was also taken by the expert Solf, is, according to the explanations in the detailed description, clearly relevant to the assessment of patent infringement (features 3 and 4 of patent claim 1).

Photograph of outlets for gases/liquids (p. 105)

198. The photograph taken by the expert of all externally visible outlets for gas/liquids from the container is used for the examination and explanation of features 3 and 4 of patent claim 1 as set out in the detailed description. It is therefore relevant to the patent infringement. In so far as the first respondent argues that the information is irrelevant simply because the 'Pilot 1' plant does not infringe the patent in suit, reference may be made to the comments under 4. a) ('No redaction as a whole').

Stream Table (Figs. 142, 143)

199. The measurement data set out in the so-called stream tables shown in Figs. 142 and 143 (p. 113), which the first respondent seeks to have redacted in their entirety, are highlighted by the experts in connection with feature 2.3 of patent claim 22. As can be seen from the comments at the bottom of p. 113 of the detailed description, the measurement data contained in the tables are relevant to the assessment of patent infringement. It is not apparent from the arguments put forward by the first respondent which data from the stream tables are irrelevant and can be redacted without compromising comprehensibility.

Exhibit L1A, incidentally

200. Respondent 1 seeks the partial redaction of Annex L1A.
201. On the basis of the applicant's submissions, it is not apparent that disclosure of the unredacted parts of the annex, beyond the explanations and illustrations in the detailed description, is necessary for the examination and demonstration of the patent infringement. In this regard, it was also necessary to take into account that the expert cited extensively from Annex L1A and incorporated the relevant extracts therefrom into the detailed description.
202. Against this background, the applicant's Annex L1A is to be disclosed only to the extent requested by the first respondent (see 'Annex L1A greyed out').

bb) Exhibit L2 and corresponding passages from the detailed description

203. Exhibit L2 is a construction drawing of the reformer for the 'Pilot 1' plant. The passages in the detailed description taken from Exhibit L2, as well as the exhibit itself, are to be redacted to the extent set out below.
204. The applicant points out that the order of 25/26 November 2025 expressly instructs the expert to inspect, amongst other things, technical drawings, technical data and construction manuals showing the structure and components of the reactor (paragraph I.2). This includes Annex L2. However, this argument does not justify the release of the annex without redaction. The fact that the annex is expressly mentioned by type in the operative part of the order does not mean that the defendant is precluded from asserting confidentiality interests in this regard.
205. Furthermore, the applicant refers to the obligation to publish in the context of EU-funded research. The first respondent has, however, made it clear in this regard that EU funding programmes require the publication of scientific results, but not the disclosure of confidential detailed documents or construction drawings of installations. The applicant did not subsequently return to this argument.

Illustration of part of the reformer construction drawing (Figs. 98, 99, 100) and details in the text

206. The first respondent seeks the complete redaction of Fig. 98 (p. 82) as well as Figs. 99 and 100 (p. 83). Furthermore, she seeks the redaction of certain passages in the text on pp. 82 and 83 of the detailed description. In this context, she argues in particular that the specific structural design of the reformer is irrelevant to the question of patent infringement.
207. In examining features 2.1, 2.1.1 and 2.1.2 of patent claim 1, the expert refers to Fig. 98, which is a construction drawing. The expert uses Figure 99, which is identical in content to Figure 98 apart from the added annotations, as well as the tabular list shown in Figure 100, to explain features 2.2, 2.3 and 2.6. The figures are relevant to the issue of patent infringement.
208. Whether the various materials that may be used for the refractory concrete have an influence on the insulating effect – a point under discussion between the parties – is not decisive.
- [REDACTED]
- [REDACTED] For this reason, the information in the text highlighted by the first respondent must also be regarded as relevant to the assessment of patent infringement.

Material data sheets (Fig. 102)

209. Based on the above considerations, the manufacturer's data sheet available on the internet, as shown in Fig. 102 (p. 84), is also relevant to the assessment of patent infringement.

Illustration of part of the reformer construction drawing (Fig. 111)

210. Fig. 111 (p. 90) shows part of the reformer construction drawing, which is taken from the mechanical construction plans. The expert refers to this illustration when examining feature 2.4 of patent claim 1. It is therefore relevant to the question of patent infringement.

Exhibit L2, incidentally

211. It is not apparent that Annex L2—the complete redaction of which is sought by the first respondent (see ‘Exhibit L2 greyed out’), is otherwise of significance for the examination of patent infringement is not apparent. It is true that the first respondent asserts that knowledge of the structure of ‘Pilot 1’ is essential in order to be able to examine the claim for the device. However, in view of the experts’ extensive explanations, which make use of extracts from Annex L2, there is no indication that this applies specifically to the remaining content of the annex. Reference is made to the above comments on Annex L1A.

cc) Exhibit L3 and relevant passages from the detailed description

212. Annex L3 consists of mechanical construction drawings of the reactor. The passages from the detailed description taken from Annex L3, as well as the annex itself, are to be redacted to the extent set out below.
213. The fact that technical drawings, technical data and construction instructions are expressly mentioned in the operative part of the order does not, as already discussed, lead to their release in an unredacted form without due regard to confidentiality interests.

Mechanical construction drawings of the reactor (Figs. 109, 110)

214. Figs. 109 and 110 (p. 89) are used by the expert, as is the previously discussed Fig. 111, to examine feature 2.4 and are relevant to the question of patent infringement.

Exhibit L3, incidentally

215. The first respondent seeks the complete redaction of Annex L3 (see ‘Annex L3 greyed out’). In this regard, it merely appeals in general terms that the composition of the reactor is important for assessing patent infringement in terms of both the apparatus and the method. For the reasons discussed in relation to Annex L2, it cannot be established in this respect either that the content going beyond the details in the detailed description is of particular significance for the assessment of patent infringement. Annex L3 is therefore not to be disclosed.

dd) Exhibit L4 and corresponding passages from the detailed description

216. Exhibit L4 is a manufacturer’s data sheet (‘safety data sheet’) for the catalyst. The passages from the detailed description taken from Exhibit L4, as well as the exhibit itself, are to be redacted to the extent set out below.

Extract from the safety data sheet for the catalytic converter tubes (Fig. 90)

217. In Fig. 90 (p. 75), the expert refers to an extract from the safety data sheet in order to examine the fulfilment of features 2.1, 2.1.1 and 2.1.2. The extract from the data sheet, which the first respondent seeks to have redacted in its entirety, is relevant to the question of patent infringement. Nor is it apparent that any individual data points from the extract are irrelevant or, moreover, dispensable for the purposes of understanding.

Exhibit L4, incidentally

218. There is no indication that Annex L4, the complete redaction of which is sought by the first respondent (see 'Exhibit L4 greyed out'), is in any other respect of significance for the examination of the patent infringement is not apparent. In its submission that the composition of the catalyst is relevant to the examination of the patent infringement, the applicant also fails to distinguish between Figure 90 and the experts' statements on the one hand, and the content going beyond that on the other. Reference is made to the above comments. Annex L4 is therefore not to be disclosed.

ee) Exhibit L5 and relevant passages of the detailed description

219. Exhibit L5 is a manufacturer's data sheet relating to the specific heating wire used. The exhibit and the passages in the detailed description referring to it are to be redacted to the extent set out below.

Manufacturer's details (pp. 61, 116)

220. The applicant has consented to the redaction of the manufacturer's name on pp. 61, 116 of the detailed description; it is therefore to be redacted. No further comments are required in this regard.

Illustration of part of the manufacturer's data sheet (Fig. 91)

221. First respondent seeks the complete redaction of Fig. 91 (p. 76) of the detailed description, which is an extract from the manufacturer's data sheet. The expert refers to the data sheet when examining features 2.1, 2.1.1 and 2.1.2. It is therefore relevant to the assessment of patent infringement. The argument put forward by the first respondent that it is already apparent from the unredacted part of the detailed description that an electrical heating process takes place is irrelevant for the reasons already discussed.
222. Insofar as manufacturers' names are visible in the data sheet, these must also be redacted here in accordance with the applicant's consent.

Exhibit L5, incidentally

223. The remainder of Annex L5 is also to be regarded as irrelevant to the patent infringement. Reference is made to the above comments. As the first respondent has requested that the annex be redacted in its entirety, it is not to be disclosed.

ff) Exhibit L6 and corresponding passages of the detailed description

224. Exhibit L6 is an order confirmation for the purchase of heating wire. The exhibit and the relevant sections of the detailed description are to be redacted to the extent set out below.

Manufacturer's details (pp. 61, 116)

225. With regard to the redaction of the manufacturers' names on pages 61 and 116 – to which the applicant also consents in this respect – reference is made to the comments on Annex L5.

Exhibit L6, for the rest

226. It is not apparent that the information in Annex L6 is relevant to the assessment of patent infringement. This annex, too, which the first respondent seeks to have redacted in its entirety, is therefore not to be disclosed.

gg) Exhibit L7

227. Exhibit L7 is the Operator Manual for the 'Pilot 250kW'. Respondent 1 seeks the partial redaction of Exhibit L7. However, Respondent 1 does not seek the redaction of passages in the detailed description that are based on Exhibit L7.
228. Insofar as Annex L7 discloses manufacturers' names (see Table 1), there is agreement between the parties on the need for redaction.
229. In addition to the sections not redacted by the first respondent in 'Exhibit L7 (redacted)', the applicant seeks the disclosure of Figs. 1.2, 2.1 and 4.1. It argues that these figures contain information that provides insight into the operation of 'Pilot 1'. These consist of a flowchart (Fig. 1.2) and demo pages (Figs. 2.1 and 4.1) illustrating what the system control interface might look like. On the basis of this submission, it cannot be established that this information is necessary for the examination of the patent infringement. As already mentioned, this applies in particular in view of the fact that the expert has, in the detailed description, quoted extensively from the annexes used in each case and highlighted the relevant passages.
230. Against this background, the applicant's Annex L7 is to be disclosed only to the extent requested by the first respondent (see 'Annex L7 in grey').

hh) Annex L8 and corresponding passages of the detailed description

231. Annex L8 consists of Excel spreadsheets containing measurement data from the plant's sensors. The annex and the corresponding sections of the detailed description are to be redacted to the extent set out below.

Measurement data on gas composition (Fig. 144)

232. Fig. 144 (p. 114) of the detailed description is used by the experts to examine feature 2.3 of claim 22 and is therefore relevant to the question of patent infringement. The argument put forward by the first respondent, referring to p. 114

of the detailed description, according to which the proportions of the components of the syngas are not required to prove the fulfilment of feature 2.3 of claim 22, cannot be substantiated on the basis of the experts' statements. As already explained, the authorisation proceedings do not involve a substantive examination of the patent infringement and, consequently, of the question of what is required to establish it. The fact that, in the view of the first respondent, the production of synthesis gas in the reformer is already apparent from the unredacted Fig. 135 does not, moreover, lead to a different assessment.

Exhibit L8, incidentally

233. It cannot be established that the additional information in Annex L8, the complete redaction of which is sought by the first respondent (see 'Annex L8 greyed out'), is relevant to the examination of the patent infringement. The applicant's mere assertion that information on the composition of the gas at the reformer outlet is important for understanding the overall reformer process, particularly with regard to patent claim 22, is not sufficient for this purpose. It is not apparent that Figure 144, referred to by the expert in the detailed description, is insufficient for the examination.

ii) Annex L9 and corresponding passages of the detailed description

234. Annex L9 comprises a flowchart and reproductions of the control screen, as well as operational and performance data for the plant. The annex and the corresponding passages of the detailed description are to be redacted to the extent set out below.

Illustration of a section of the control screen (Fig. 120)

235. Fig. 120 (p. 97) of the detailed description shows a control screen. The expert refers to this when examining feature 2.5 of claim 1. Nor is the relevance of the illustration to the patent infringement ruled out by the argument of the first respondent, according to which, for feature 2.5, proof of a catalyst temperature of at least 500 °C is sufficient and it is therefore not necessary to disclose all measured values.

Exhibit L9, incidentally

236. First Respondent seeks partial redaction of Annex L9 (see 'Annex L9 greyed out'). It is not apparent that any information contained in Annex L9, beyond the diagram in Fig. 120, is relevant to the patent infringement. The applicant confines itself to stating that all the information contained therein is important for the assessment of patent infringement (flowchart of the process, details of the control screen, and the plant's operating and performance data). In particular, the temperature data are said to be essential for the infringement assessment. It cannot be sufficiently inferred from this submission that it is precisely those details which are contained only in Annex L9 and not in Fig. 120 – and which have been redacted by the first respondent – that are required. Disclosure going beyond the version 'Annex L9 (redacted)' is therefore out of the question.

jj) Annex L10 and relevant passages from the detailed description

237. Exhibit L10 contains – similarly to Exhibit L9 – a flowchart and reproductions of the control screen, as well as operational and performance data for the system. The exhibit and the corresponding passages of the detailed description are to be redacted to the extent set out below.

Illustration of a section of the control screen (Fig. 121)

238. Fig. 121 (p. 97) of the detailed description is relevant to the patent infringement. Reference is made to the comments on Fig. 120.

Exhibit L10, for the rest

239. With regard to Annex L10, the partial redaction of which is sought by the first respondent (see 'Exhibit L10 redacted'), reference may also be made to the comments on Exhibit L9.

kk) Exhibit L11A and the corresponding Fig. 93

240. Exhibit L11A is a detailed photograph of the catalytic converter, which the expert refers to in the detailed description as Fig. 93 (p. 78). She refers to this when examining features 2.1, 2.1.1 and 2.1.2, meaning that it is, in principle, relevant to the patent infringement. The fact that the detailed description of the catalytic converter's structure also refers to passages in Annex L1S which the first respondent did not intend to be redacted, as the first respondent emphasises, does not alter this.

ll) Annex L11B and the corresponding Fig. 92

241. With regard to Annex 11B and the corresponding Fig. 92, which is a photograph of the interior of the reformer, the above comments on Annex 11A apply mutatis mutandis.

mm) Exhibit L12 and corresponding passages in the detailed description

242. Exhibit L12 contains photographs taken with a rod camera from inside the reformer.

Photograph taken by the rod camera showing a section of the steam reforming reactor (Fig. 78)

243. Fig. 78 (p. 65), which is a photograph taken by the rod camera showing a section of the reactor, is relevant to the assessment of patent infringement. The expert uses the photograph to explain the chosen method of examination, to which she returns later. It is not apparent that, or how, certain information could be removed from the photograph without compromising its comprehensibility.

Exhibit L12, incidentally

244. However, it cannot be established on the basis of the applicant's submissions that the other photographs contained in Annex L12 are relevant to the assessment of patent infringement. As the first respondent has requested that Annex L12 be redacted in its entirety, it is not to be disclosed.

e) Case-by-case assessment

245. With regard to Annex 'Pilot 1' as well, the redacted versions of the detailed description and annexes are to be disclosed to the applicant, subject to a clarification of the limited purpose and an order restricting access on the part of the applicant. As the first respondent also appeals to the same considerations regarding the risk of information being disclosed in this context, reference is made to the remarks concerning 'H-200' and 'Pilot 0'.

B. Further applications by the first respondent in its document of 25 June 2026

I. A declaration that there is a duty to treat the information obtained as confidential

246. The declaration sought by the first respondent, namely that all information obtained in the course of the inspection and the preservation of evidence – irrespective of whether or not such information was covered by the order – is to be treated as confidential and may not be disclosed and/or used without a court order, already follows from paragraph X. of the order of 25/26 November 2025. This rule, which obliges the persons involved in carrying out the inspection and the preservation of evidence – and in particular the bailiff, the experts and the applicant's legal representatives – to keep confidential, both from third parties and from the applicant, any facts that come to their knowledge in the course of executing the order in its entirety, remains in force. It shall be lifted upon the order authorising the disclosure of the detailed description to the applicant's legal representatives, but only to the extent of such disclosure and in compliance with the restrictions on access.

247. Pending a final authorisation subject to an access restriction, the judge-rapporteur's provisional order of 19 January 2026 shall also remain in force.

248. The risk described by the first respondent, namely that the confidentiality order could be interpreted as applying only to information covered by the subject matter of the order of 25/26 November 2025, does not, in the Court's view, exist. The applicant's submissions in connection with the breach of the confidentiality order discussed by the parties—arising from the filing of the application in proceedings UPC_CFI_1849/2025 (concerning 'Pilot 2')—do not suggest such an interpretation.

249. Notwithstanding this, the operative part of the present order clarifies that the confidentiality order remains in force and extends to information not covered by the subject matter of the order.

II. Order for the deletion of data

250. An order requiring the experts to carry out a permanent deletion of data is not under consideration at this stage.

251. The first respondent is sufficiently protected by the experts' expressly ordered duty of confidentiality. There are no indications whatsoever that the experts have failed to take adequate safeguards against data loss. Nor has the first respondent put forward any such claims.

III. Attorney-Eyes-Only

252. The restriction sought by the first respondent, limiting access to the information to be disclosed to the parties' representatives ("Attorney-Eyes-Only"), is out of the question.
253. Such an order would contravene the principle laid down in Rule 262A.6 of the RoP, according to which at least one natural person from each party is to be granted access to information. Access by (internal) natural persons is generally essential to safeguard the party's right to a fair trial (see UPC_CoA_631/2025, Order of 26 January 2026, para. 21 – Ericsson v. ASUSTek). The exclusion of all natural persons from a party is therefore, in principle, only permissible with the consent of the opposing party (UPC_CFI_1034/2025 (LD), Order of 17 August 2026, para. 17 – Yangtze v Micron). This also applies in the context of inspection and preservation of evidence proceedings. In order to enable the applicant to make an informed decision on whether to bring an action on the merits and, where appropriate, to bring the action itself, access to natural persons on its side is essential.

C. Other orders

254. The setting of the time limit for bringing an action is based on Article 60(8) of the UPC Agreement in conjunction with Rule 198.1 and Rule 199.2 of the RoP.
255. Pursuant to Rule 196.2 in conjunction with Rule 199.2 of the RoP, an order for inspection and preservation of evidence must, unless the court orders otherwise, contain a statement that the results of these measures may only be used in the relevant proceedings on the merits. Paragraph 4 of this order takes this into account.

ORDER:

1. The first respondent is ordered to redact the detailed description dated 30 December 2025 by the experts Solf and Harlacher, together with the annexes, in the following sections, and to upload the redacted versions to the CMS by **4 September 2026**:
 - 'Pilot 2':
 - all information in the detailed description (in particular pages 5–35 of the detailed description).
 - 'H-200':
 - Fig. 48 of the detailed description, with the exception of the row [REDACTED] and the corresponding component designation;
 - all details relating to the specific dimensions of the ceramic channels (in particular in Fig. 45, Fig. 49 and p. 42 of the detailed description);
 - Fig. 50 of the detailed description, in so far as it does not relate to the sentence marked in yellow therein;
 - Fig. 58 and Fig. 60, first paragraph of each, of the detailed description, in so far as they relate to details of the mechanical implementation of the capacitor within the system, specifying concrete values, as provided for in Annex PBP 4;
 - Annex D14 in accordance with the version 'Annex D14 greyed out'.
 - 'Pilot 0':
 - the names of the project partners (in particular Section 1 of Annex D17, Fig. 63 and Fig. 70 of the detailed description);
 - the [REDACTED] additional information in Fig. 71;
 - Appendix D17 as set out in the version 'Appendix D17 (greyed out)'.
 - Appendix 'Pilot 1':
 - Details regarding the processing of biogas and the supply of tap water, in particular in Figs. 105 and 132, as provided for in Annex PBP 4;
 - Information in the tabular presentation, in particular in accordance with Figs. 106, 117 and 133, as provided for by the first respondent in Annex PBP 4; however, the 'Description' row, the 'Pressure (absolute)' row and the information in the 'e-SMR inlet' and 'e-SMR outlet' columns of the 'Temperature' row must not be redacted;

- the details regarding the specific dimensions of the reactor, in particular in Fig. 107, as provided for in Annex PBP 4;
 - certain details in Fig. 108, as provided for in Annex PBP 4;
 - certain parameters in Fig. 115, as provided for in Annex PBP 4;
 - details of the components and concentrations of the synthesis gas, in particular in Fig. 125, as provided for in Annex PBP 4;
 - Appendix L1A in accordance with the version 'Appendix L1A greyed out';
 - the manufacturers' names, in particular on pp. 61 and 116 and in Fig. 91 of the detailed description;
 - Appendix L7 in accordance with the version 'Appendix L7 greyed out';
 - Appendix L9 in the version 'Appendix L9 (grey)';
 - Appendix L10 in accordance with the version 'Appendix L10 greyed out'.
2. The detailed description and annexes, redacted in accordance with paragraph 1, are to be disclosed to the applicant, with access to be restricted to specific natural persons on the applicant's side, to be named in a further order.

The confidentiality orders imposed on the applicant's legal representatives pursuant to paragraph X. of the order of 25 November 2025 and under paragraph II of the order of 19 January 2026 are to be lifted in respect of the facts contained in the unredacted part of the detailed description and its annexes, in relation to the natural persons on the applicant's side to be named specifically.

In all other respects, the orders remain in force. The obligation to treat the information confidentially applies regardless of whether the information obtained in the course of the inspection and the preservation of evidence was covered by the subject matter of the order or not.

The applicant is required to name, by **4 September 2026**, those persons on its side who are to be granted access to the information.

3. The following annexes shall not be disclosed to the applicant:
- 'Pilot 2': all units (D1–D12)
 - 'H-200': units D13, D15, D16
 - "Pilot 1": Annexes L2, L3, L4, L5, L6, L8, L12.
4. The detailed description drawn up by the experts, including the annexes and all other findings of the inspection and preservation of evidence, may only be used in main proceedings against the first respondent and/or the second respondent.

5. The applicant is hereby notified that the measures for inspection and preservation of evidence pursuant to the order of 25/26 November 2026 shall be revoked unless the applicant, within a period of 31 calendar days or 20 working days, whichever is the longer, after the detailed description provided by the applicant has been disclosed, bring an action against the respondents.

The time limit shall commence upon the release of the document, to be ordered separately, specifying by name the persons authorised to receive it on the applicant's side.

Düsseldorf, 21 August 2026

Dr Schumacher

