



Düsseldorf local division
UPC_CFI_307/2025

Decision
of the Court of First Instance of the Unified Patent Court,
issued on 27 August 2026
concerning EP 2 892 442 B1

Claimant:

Aesculap AG, represented by the Executive Board: Dr Jens von Lackum, Andreas Hahn, Prof. Dr Holger Reinecke, Am Aesculap-Platz, 78532 Tuttlingen, Germany

represented by: Miriam Kiefer, Attorney-at-law, Carsten Plaga, Attorney-at-law,
Christoph Heringlake, Attorney-at-law, Kather Augenstein Law Firm,
Bahnstraße 16, 40212 Düsseldorf, Germany

email address for service: kiefer@katheraugenstein.com

supported by: European Patent Attorney and European Patent Litigator Michael
Wegerer, Winter Brandl Partnerschaft mbB, Alois-Steinecker-Str.
22, 85354 Freising, Germany

DEFENDANT:

- 1. Shanghai Bojin Medical Instrument Co. Ltd.**, represented by its legal representatives,
Floor 6, No. 1313, Jiangchang Road, Jingan District, Shanghai, China

represented by: Dr Ralph Nack, Attorney-at-law, Noerr Partnerschaftsgesellschaft
mbH, Brienner Straße 28, 80333 Munich, Germany;

email address for service: ralph.nack@noerr.com

- 2. Shanghai International Holding Corporation GmbH (Europe)**, represented by its legal
representative, Mr Liang Jin, Eiffestraße 80, 20537 Hamburg, Germany

represented by: Philippa Eke, patent attorney, and Douglas Cole, patent attorney, of the
firm

IK-IP Ltd, 3 Lloyd's Avenue, London EC3N 3DS, United Kingdom

Electronic service address: docket@ik-ip.com

- 3. Shanghai Bojin Electric Instrument & Device Co., Ltd**, represented by its legal
representatives, 6F, No. 1313, Jiangchang Road, Jingan District, Shanghai, China 200072

represented by: Dr Ralph Nack, Attorney-at-law, Noerr Partnerschaftsgesellschaft
mbH, Brienner Straße 28, 80333 Munich, Germany

email address for service: ralph.nack@noerr.com

PATENT AT ISSUE:

EUROPEAN PATENT NO. EP 2 892 442 B1

Panel/Chamber:

Panel 1 of the Düsseldorf local division JUDGES

INVOLVED:

This decision was issued by Presiding Judge Thomas as judge-rapporteur, the legally qualified Judge Dr Schumacher, the legally qualified judge Mlakar and the technically qualified judge Tilmann.

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

SUMMARY OF THE FACTS:

1. The claimant brought proceedings against the defendants for direct and indirect infringement of the European patent EP 2 892 442 B1 (submitted as Annex KAP 6, hereinafter: the patent in dispute).
2. The oral hearing took place on 17 June 2026. With regard to out-of-court settlement negotiations between the Claimant and the first and third defendants, a decision has yet to be handed down.
3. By a document dated 18 August 2026, the claimant informed the court that it and the first and third defendants had settled the proceedings. At the same time, the claimant applied
 1. in accordance with Rule 365.1 of the RoP, to confirm that the Claimant and Defendants 1 and 3 had concluded the settlement agreement submitted as Annex KAP S 1;
 2. to order that the details of the settlement be treated as confidential;
 3. to confirm that, in the relationship between the Claimant and the first and third defendants, each party shall bear its own costs and that no reimbursement of costs shall be made between the Claimant and the 1. and 3.
4. Defendants 1 and 3 confirmed the conclusion of the settlement in a document dated 25 August 2026 and have applied
 1. in accordance with Rule 365.1 of the RoP, that the Claimant and Defendants 1 and 3 have concluded the settlement agreement submitted as Annex KAP S 1;
 2. to order that the details of the settlement be treated as confidential;

3. to confirm that, in the relationship between the Claimant and the first and third defendants, each party shall bear its own costs and that no reimbursement of costs shall be made between the Claimant and the 1 and 3.

REASONS FOR THE DECISION:

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

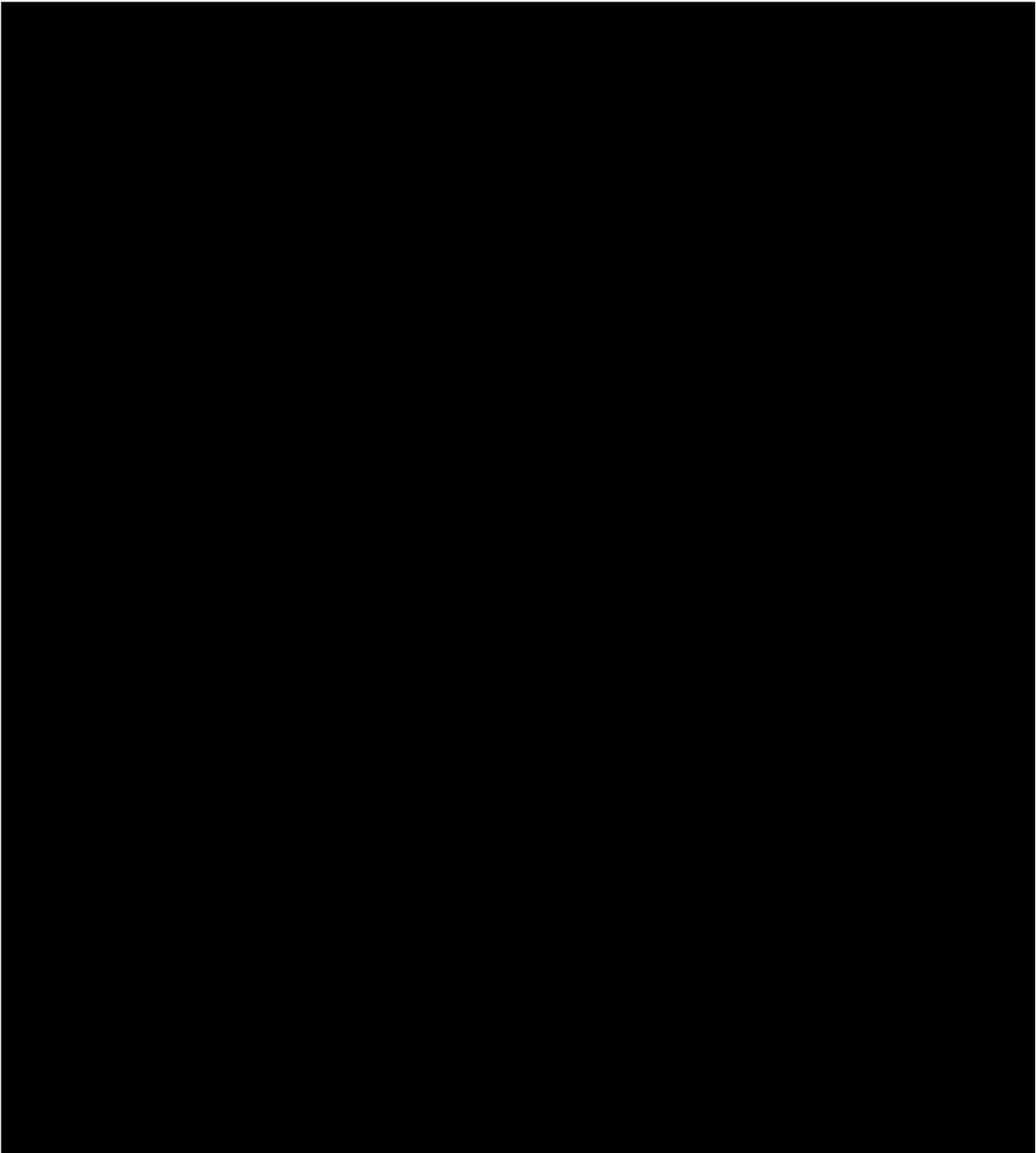
ORDER:

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

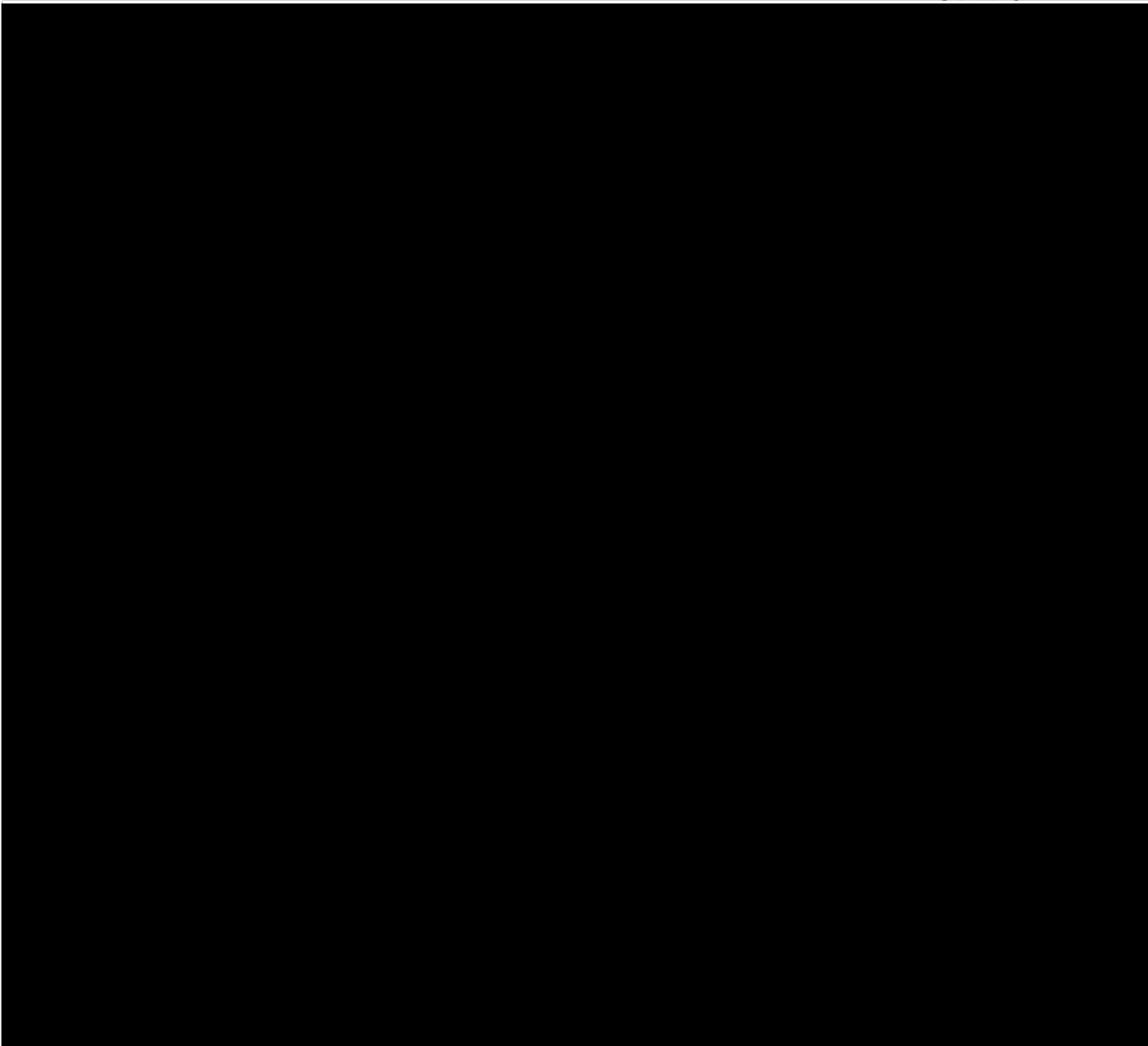
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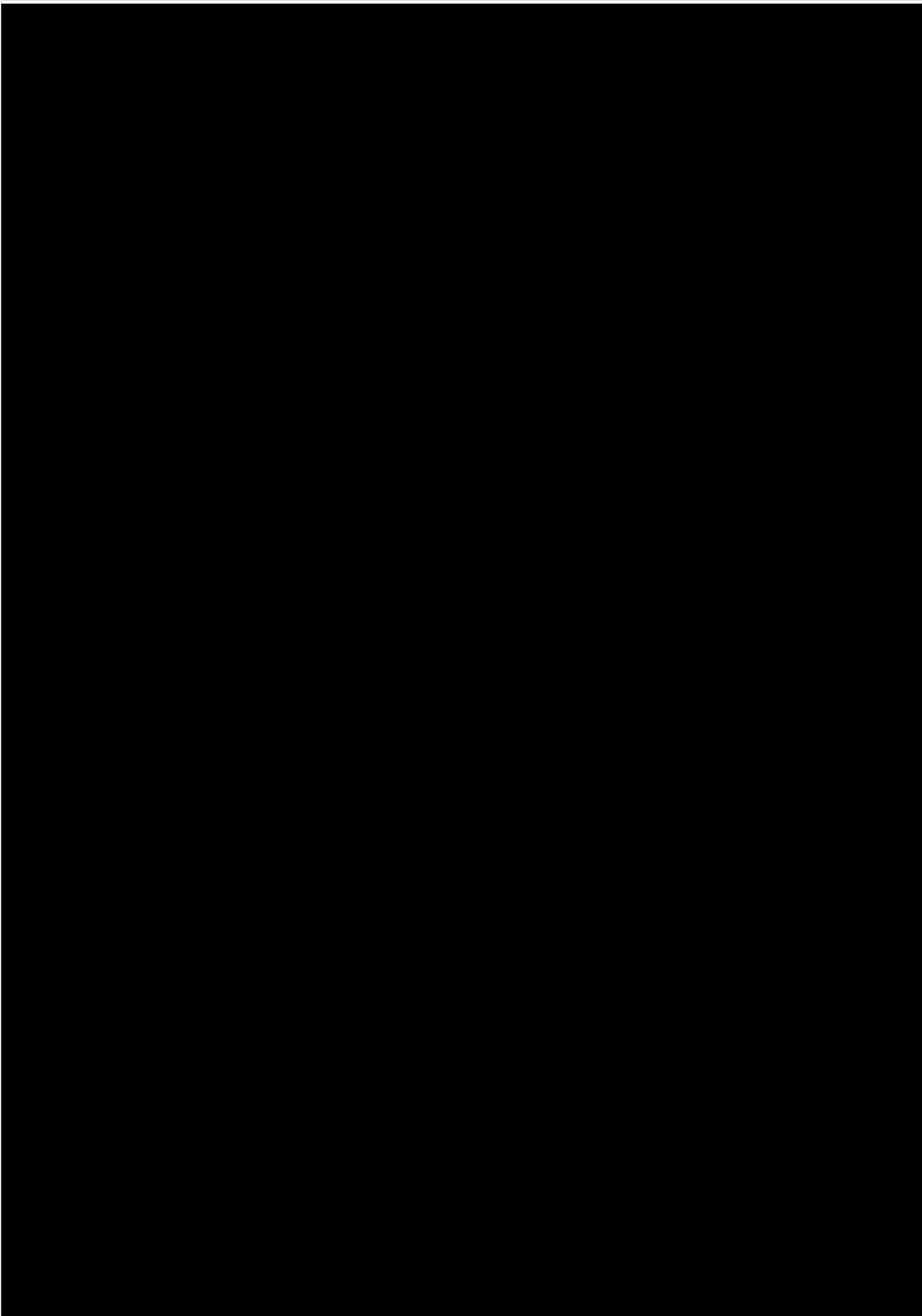


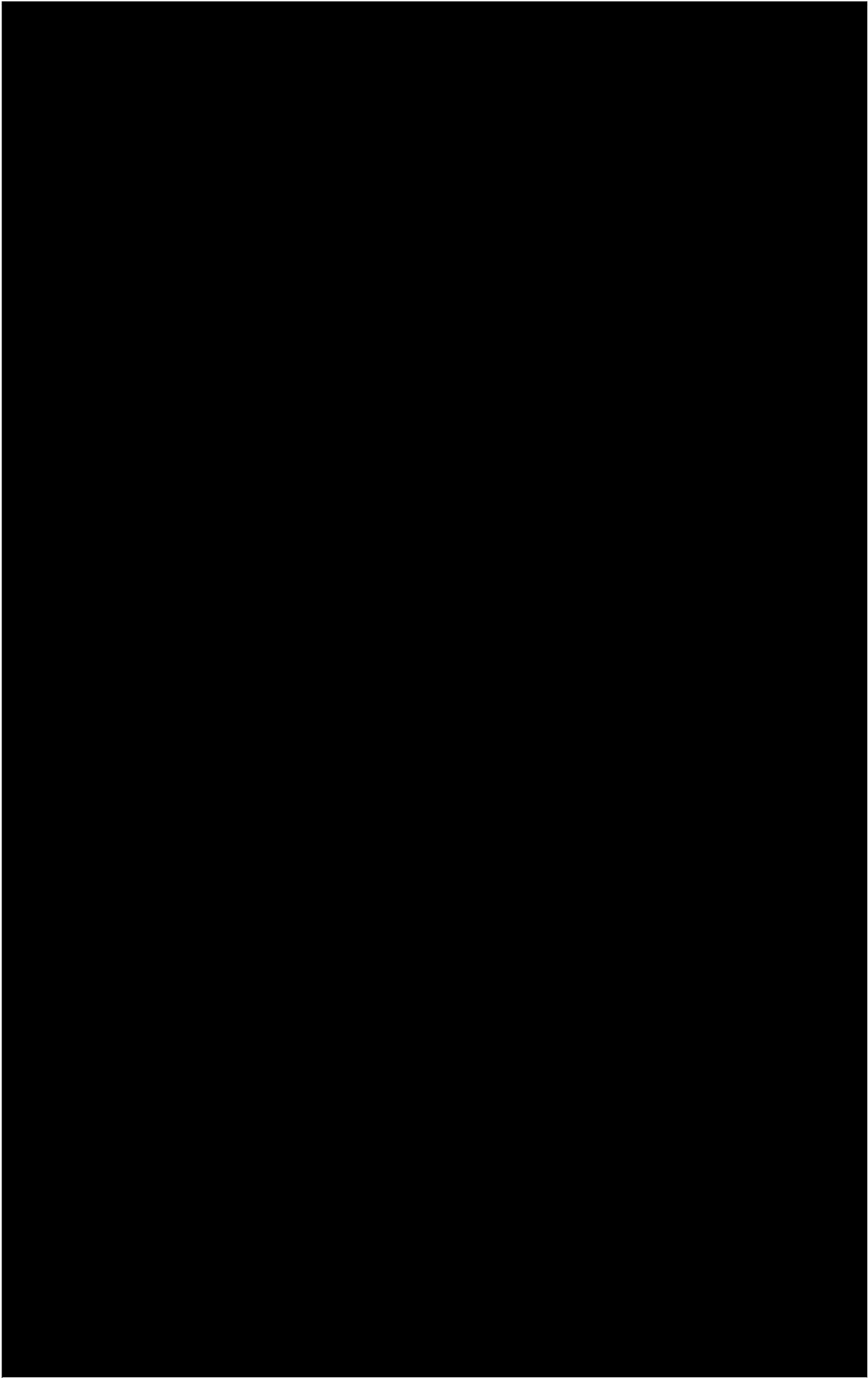
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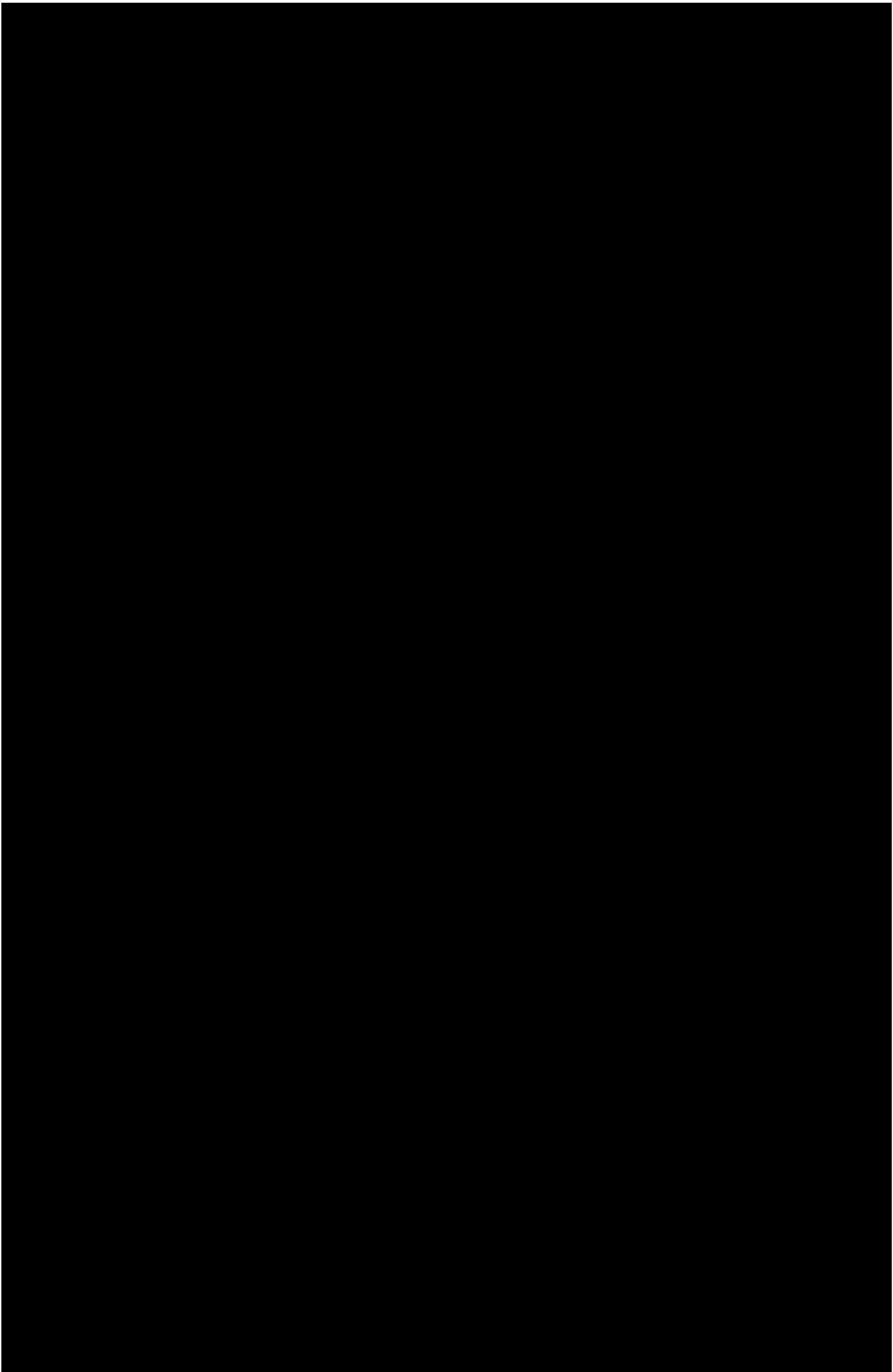


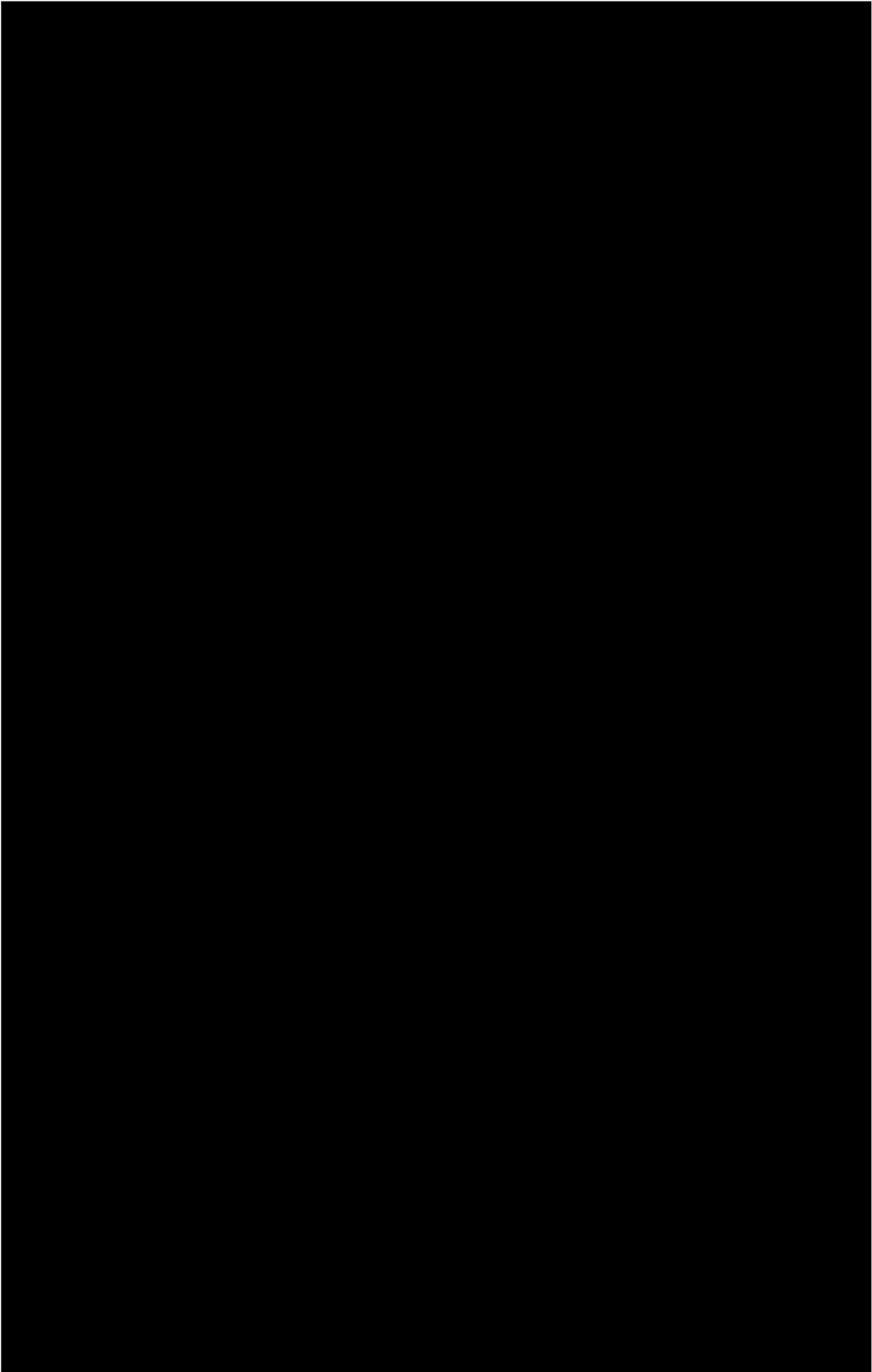
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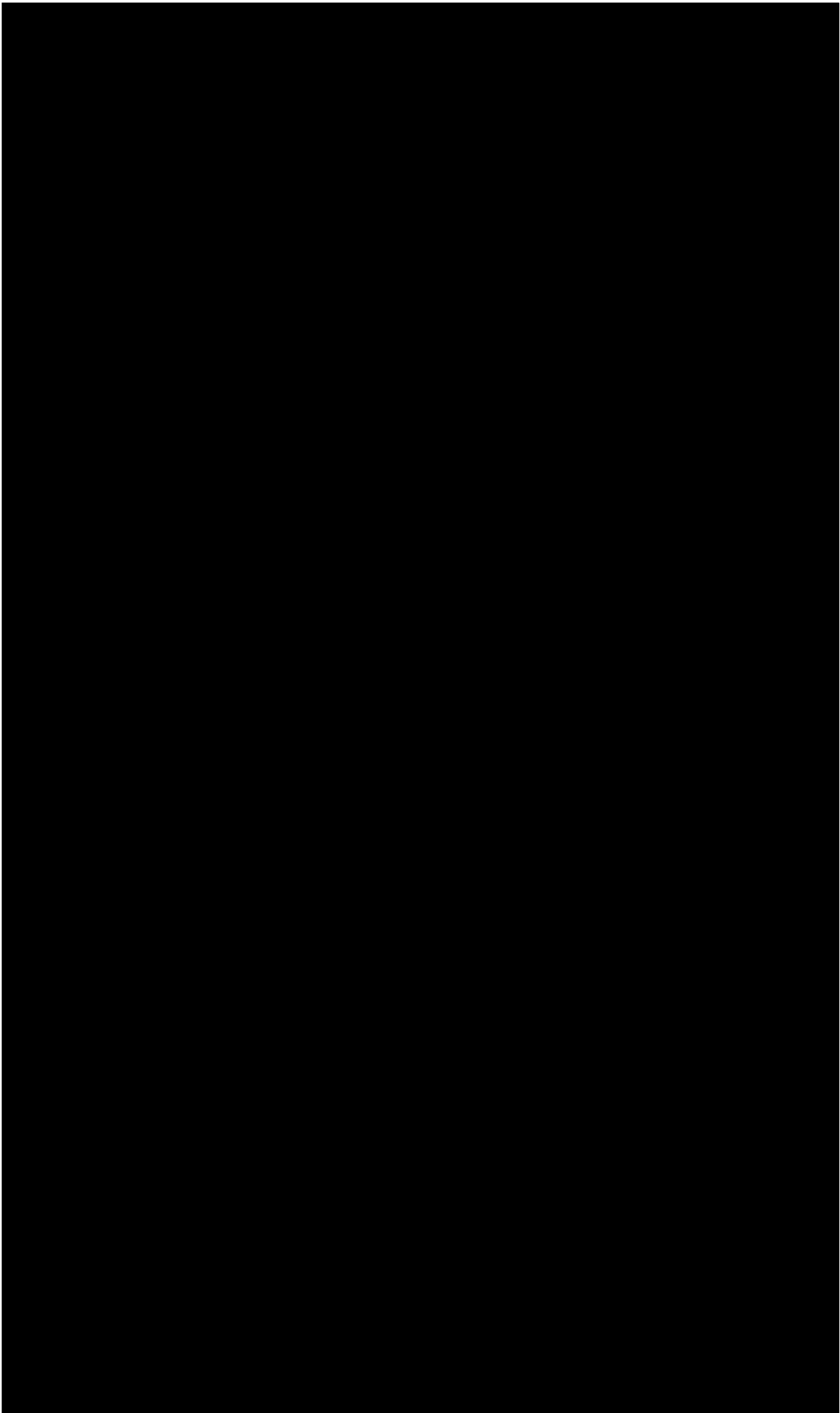


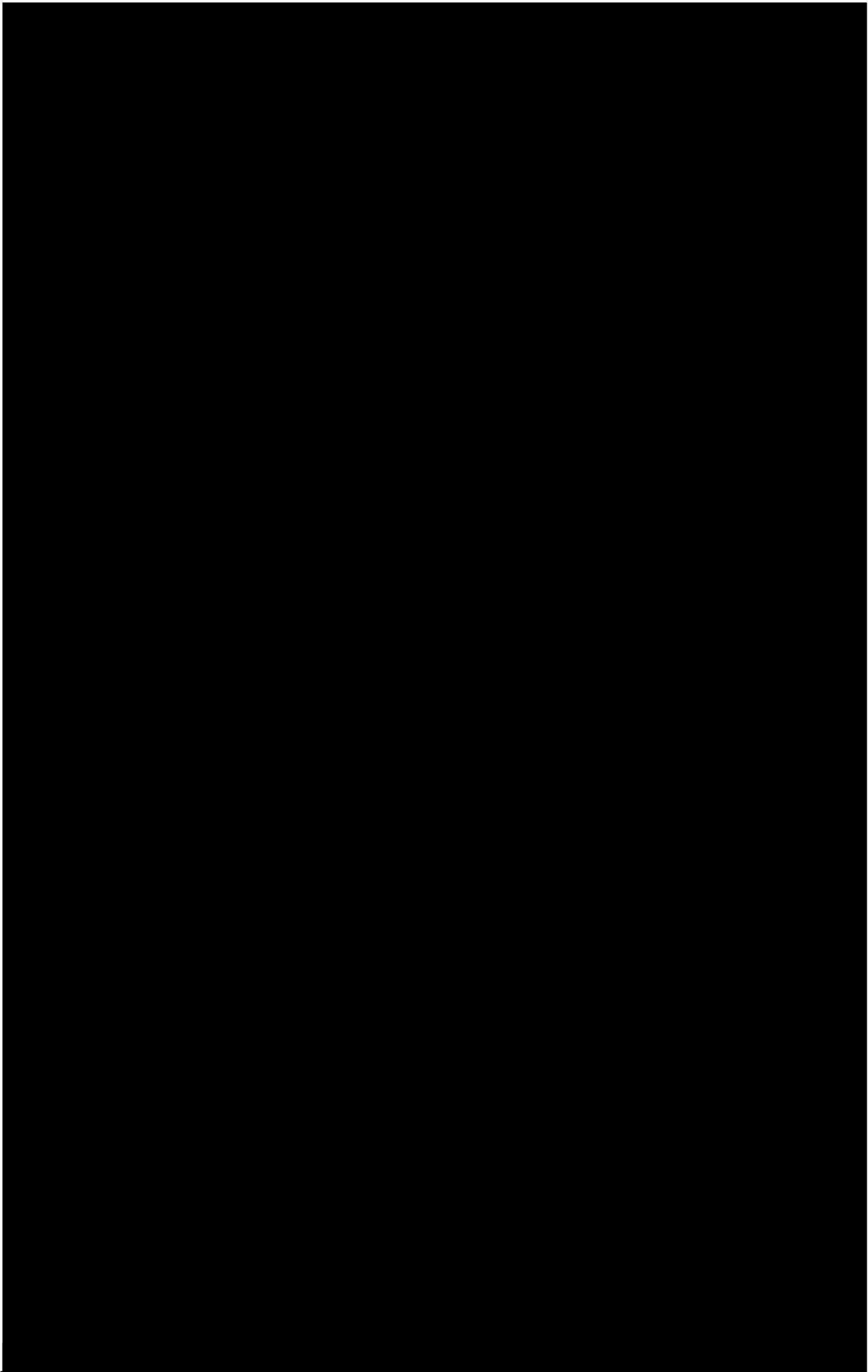


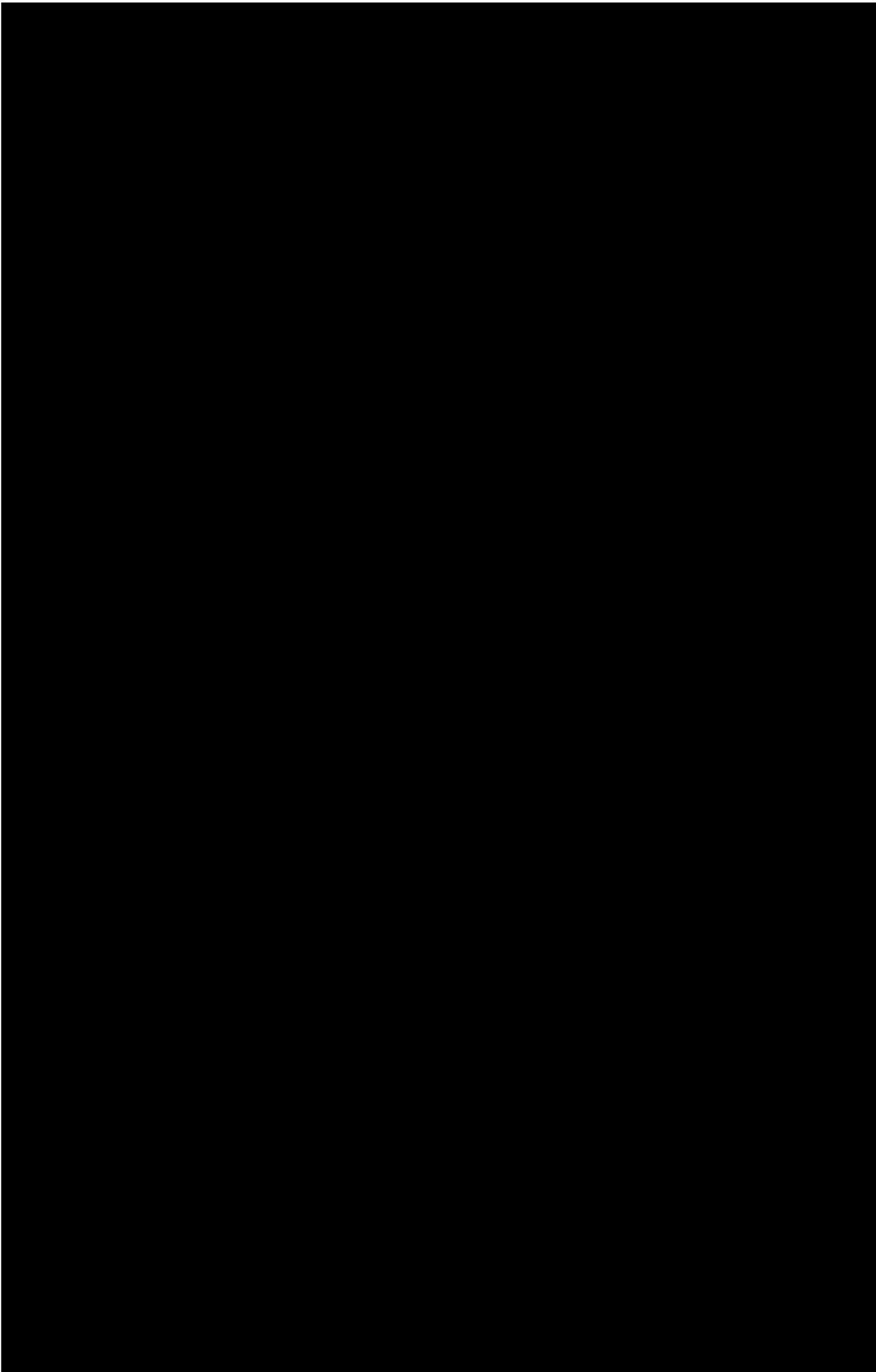


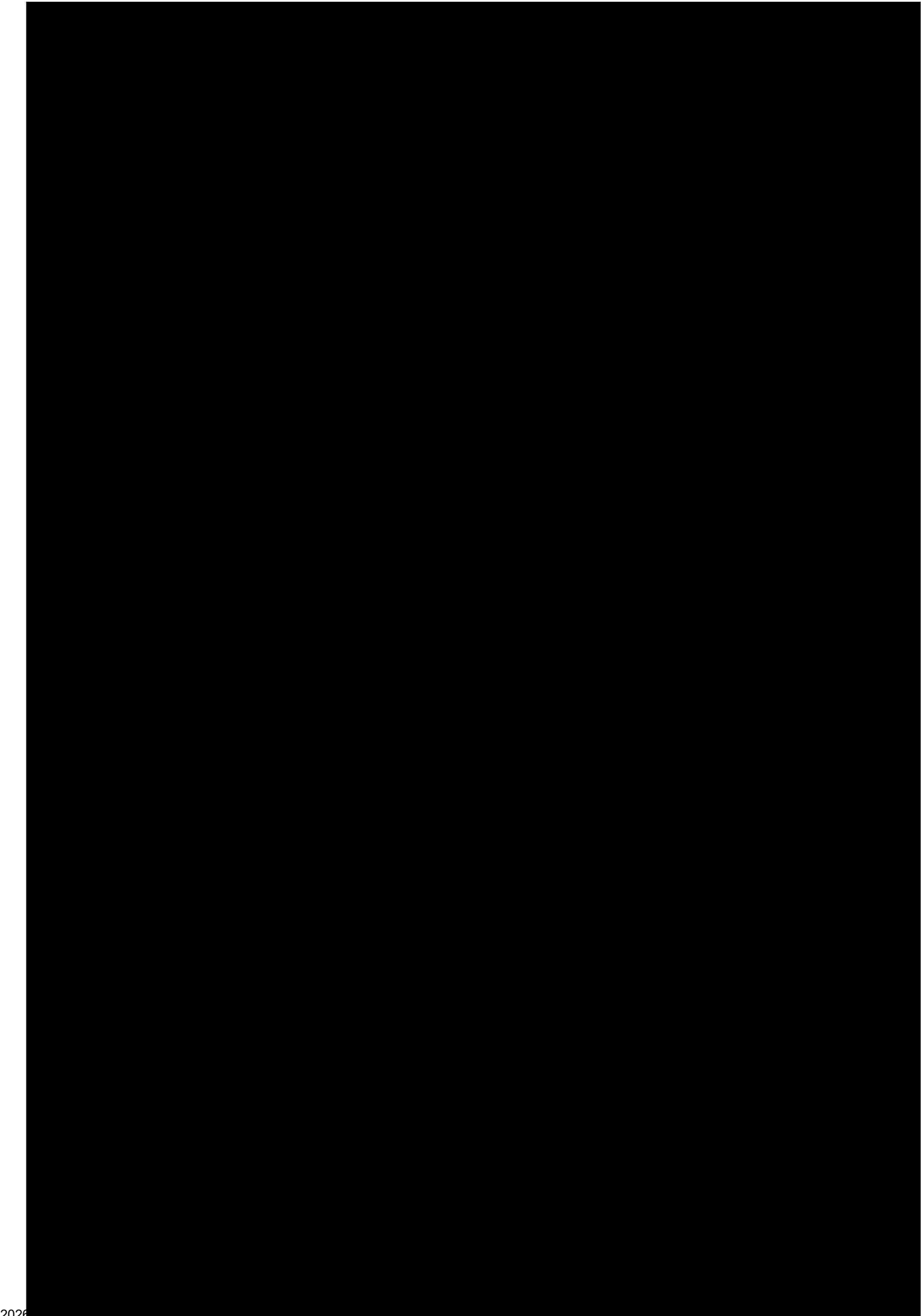


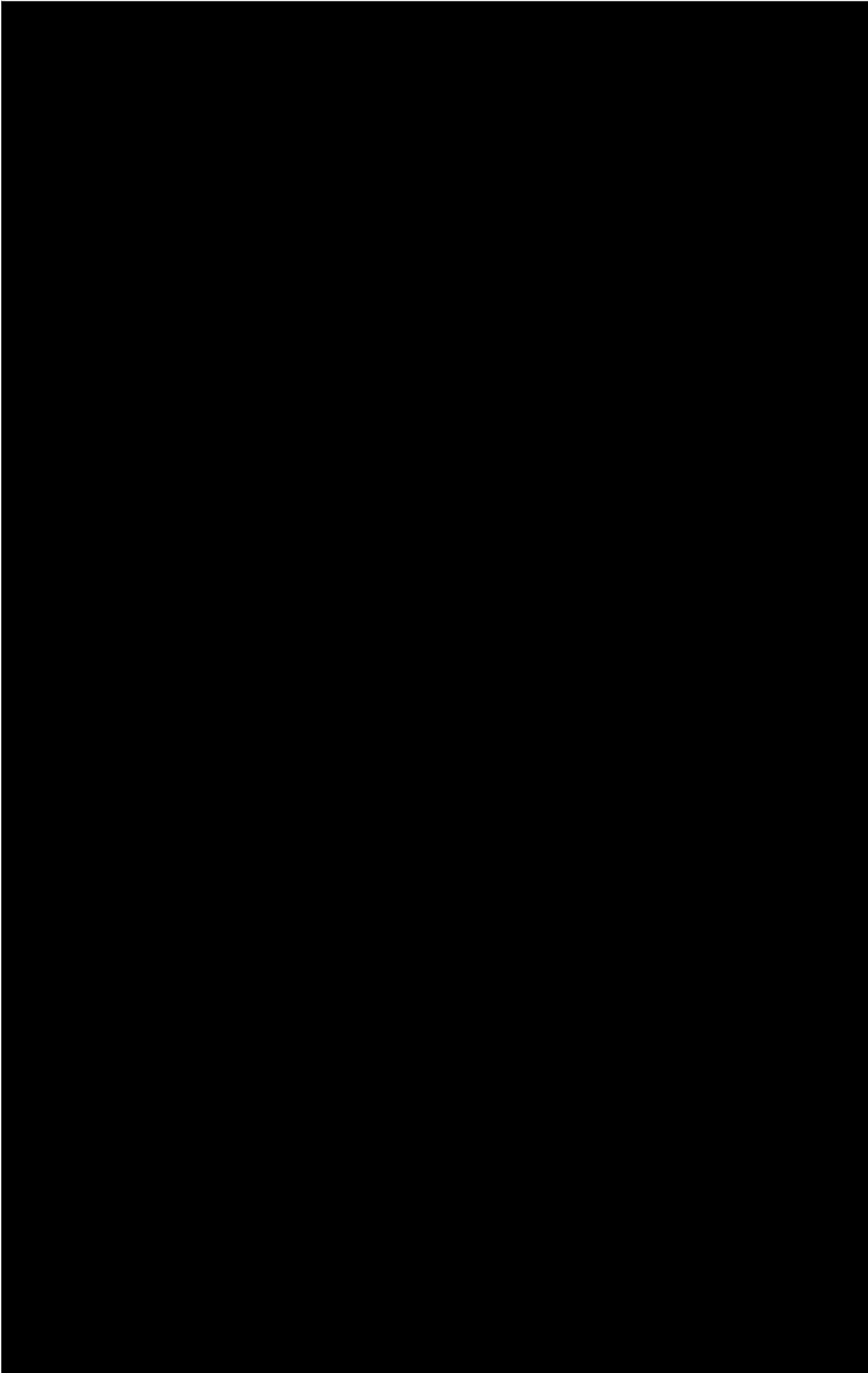


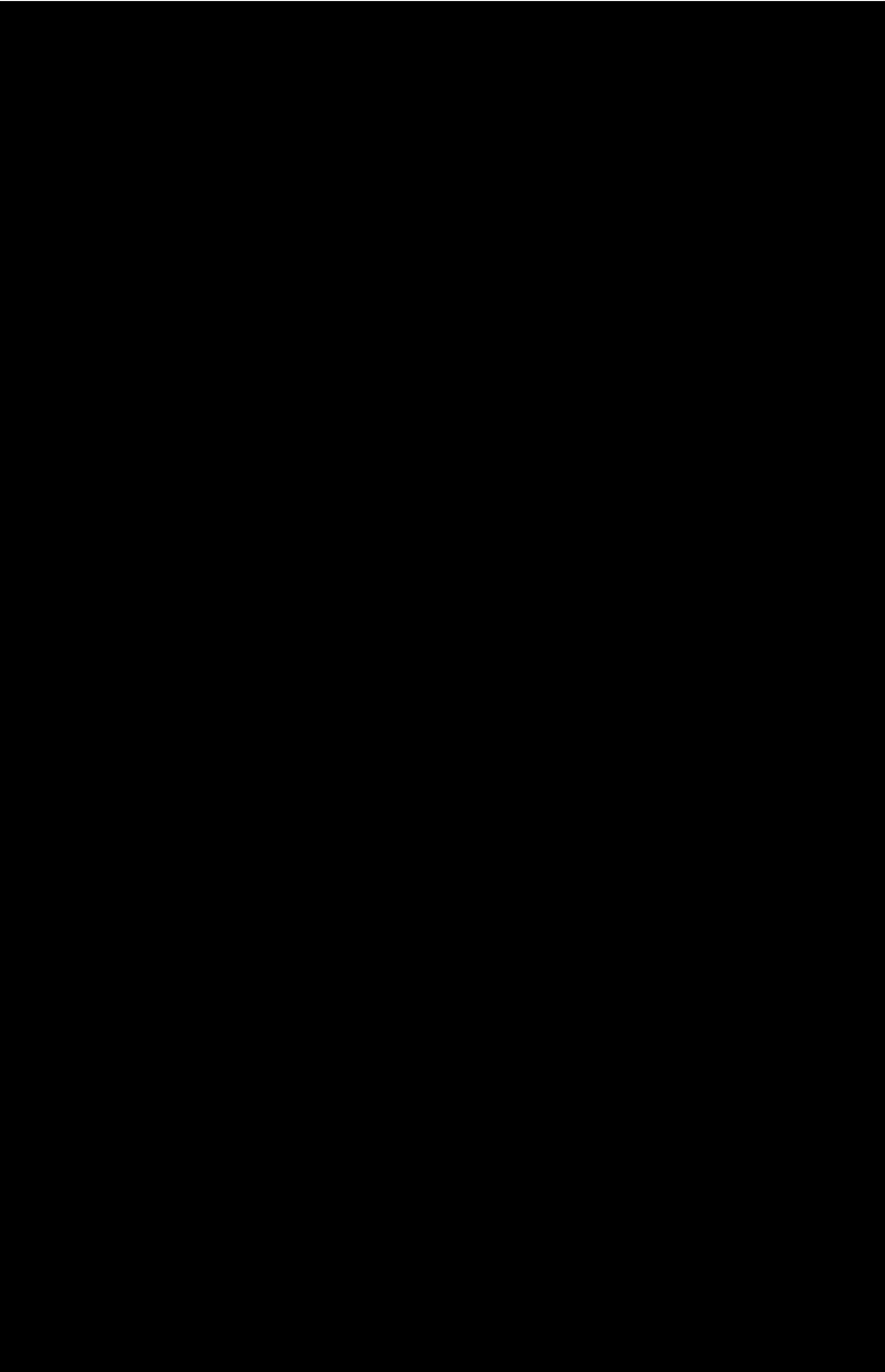


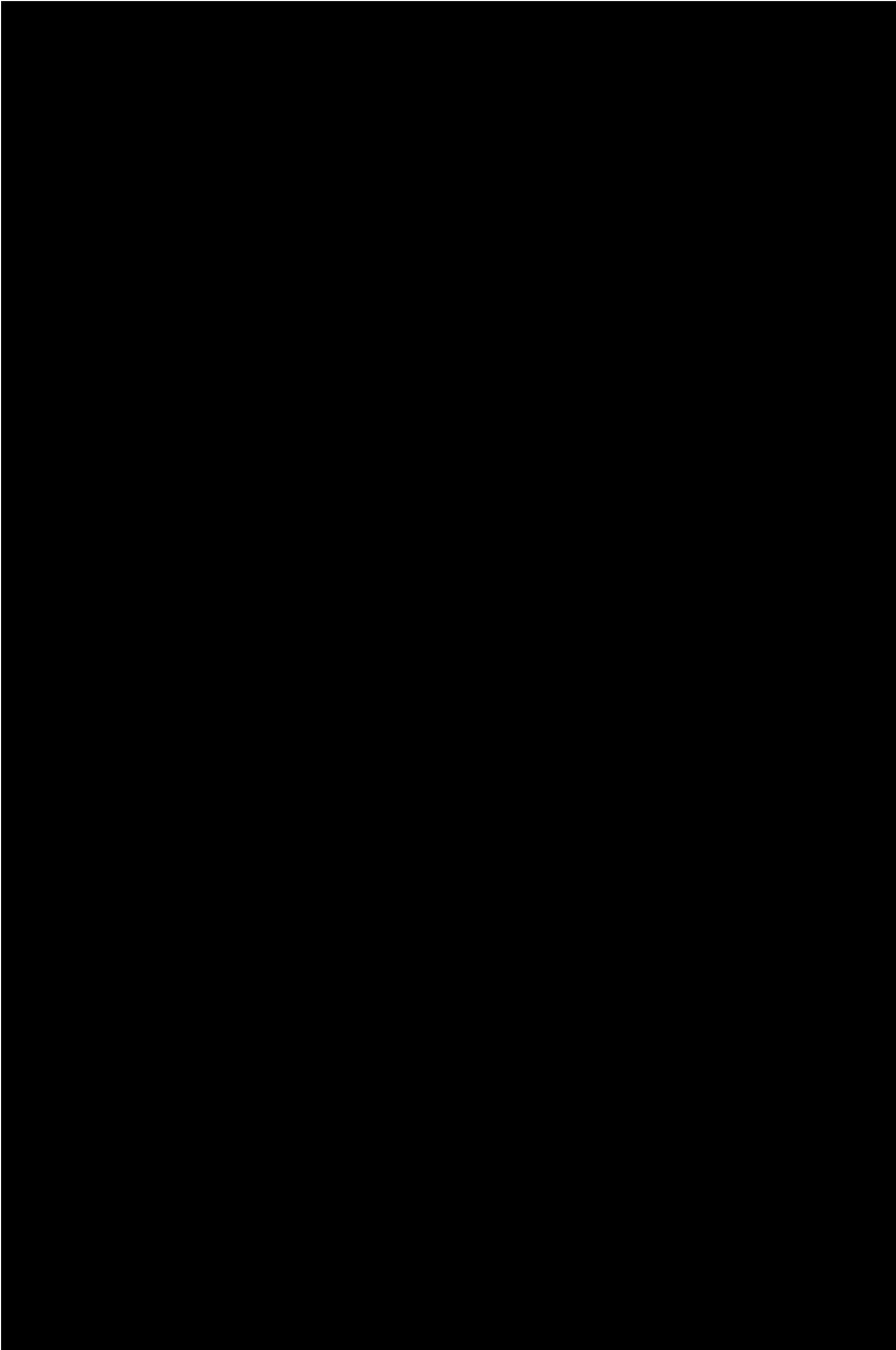


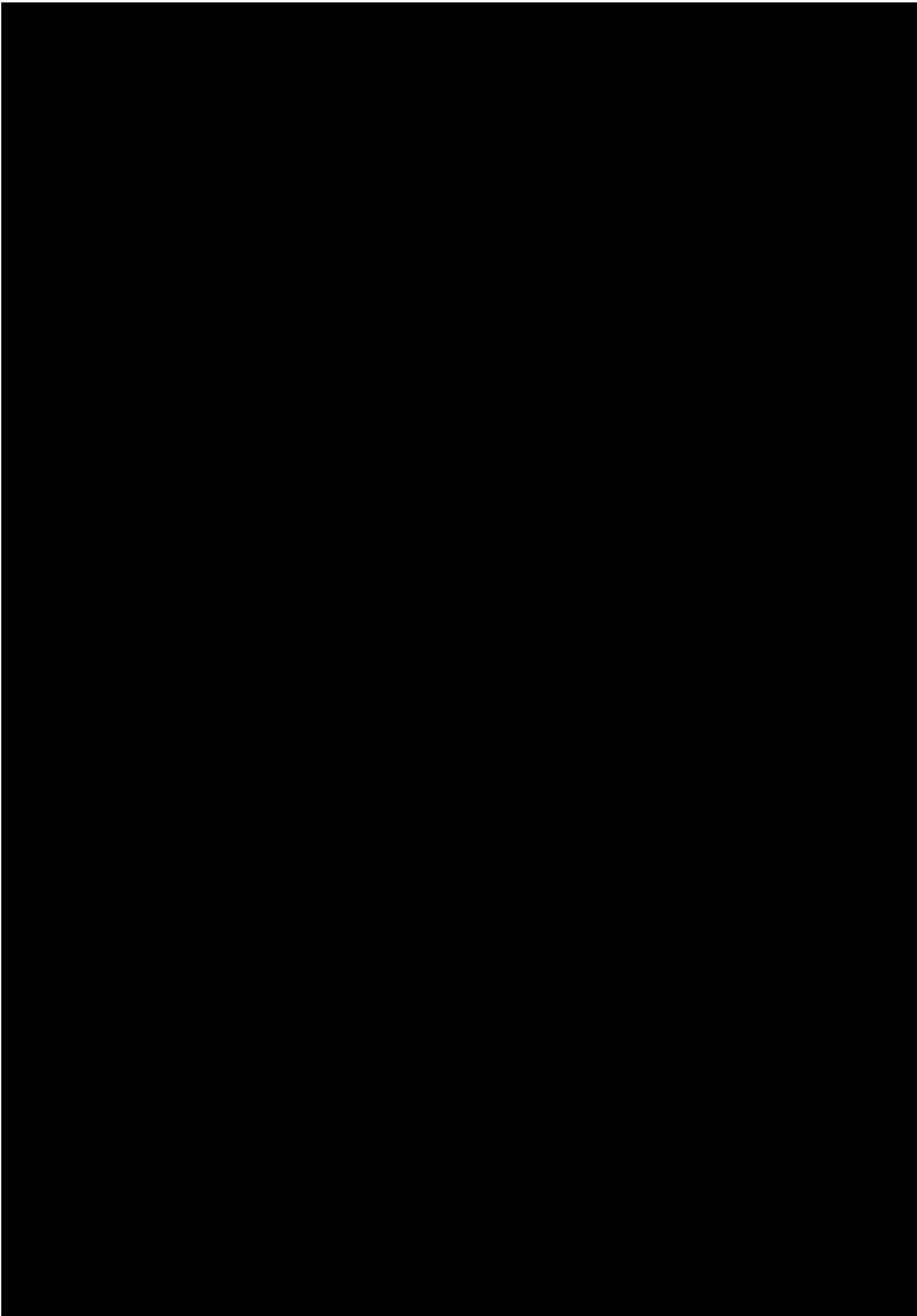


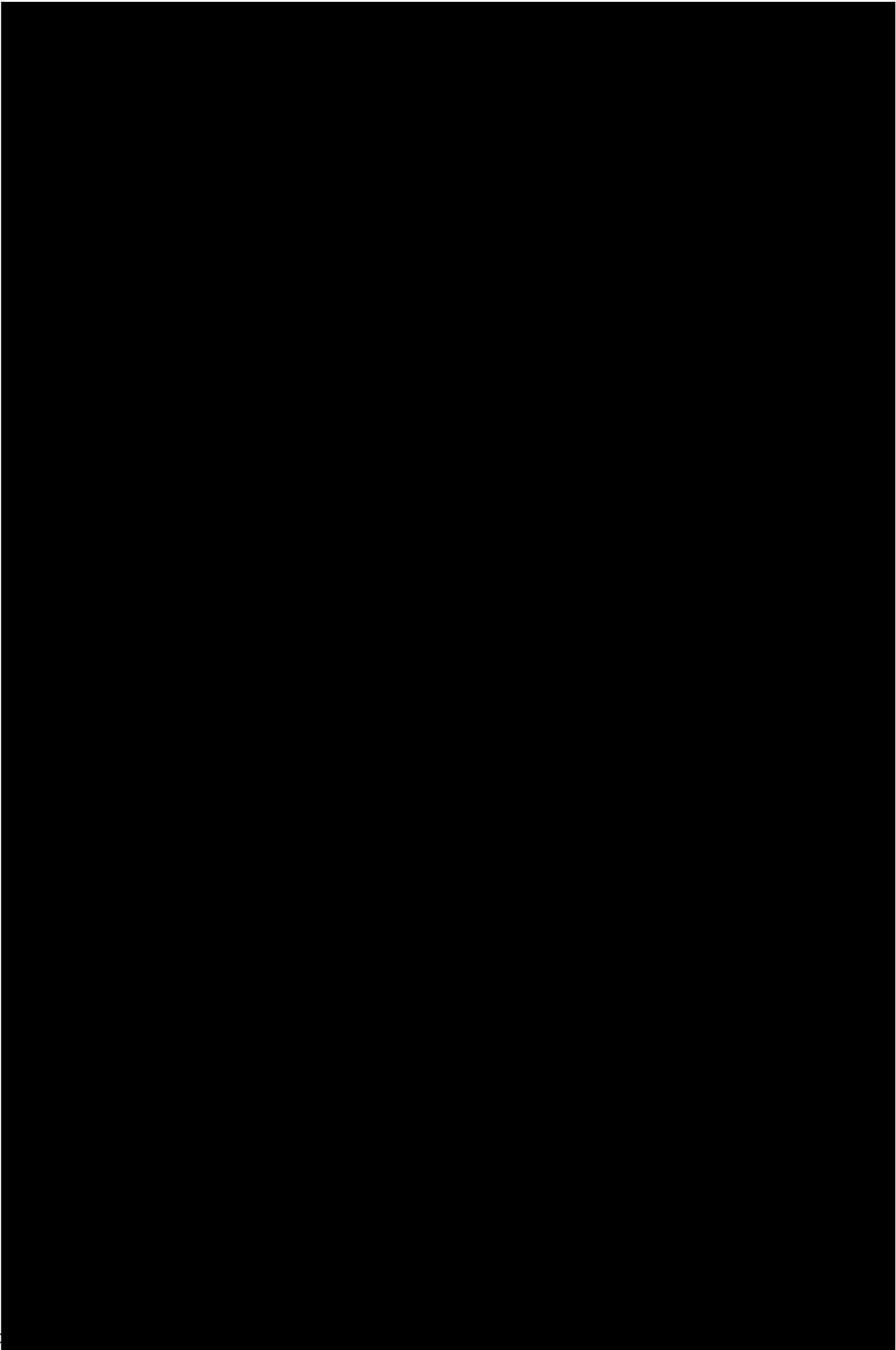


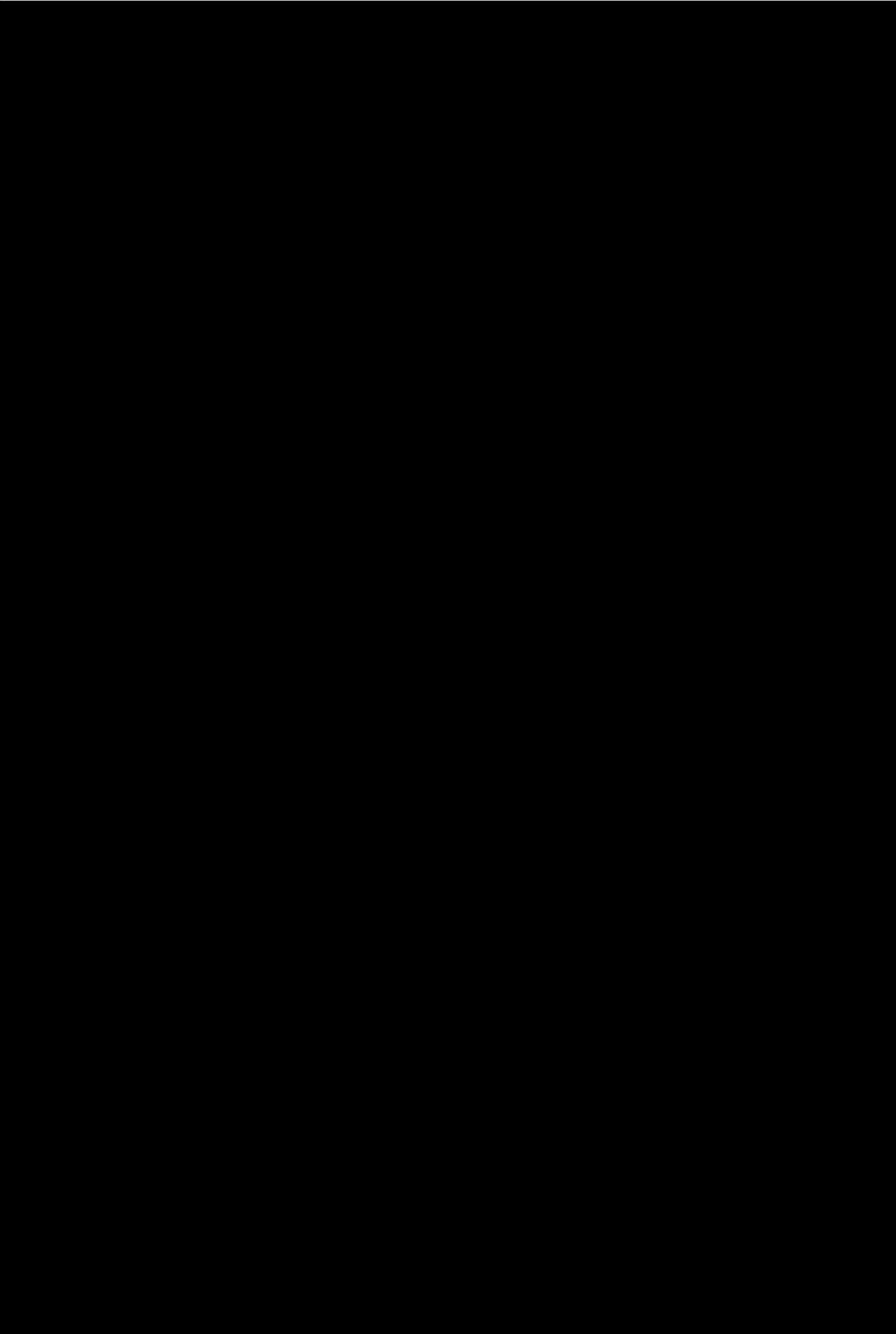


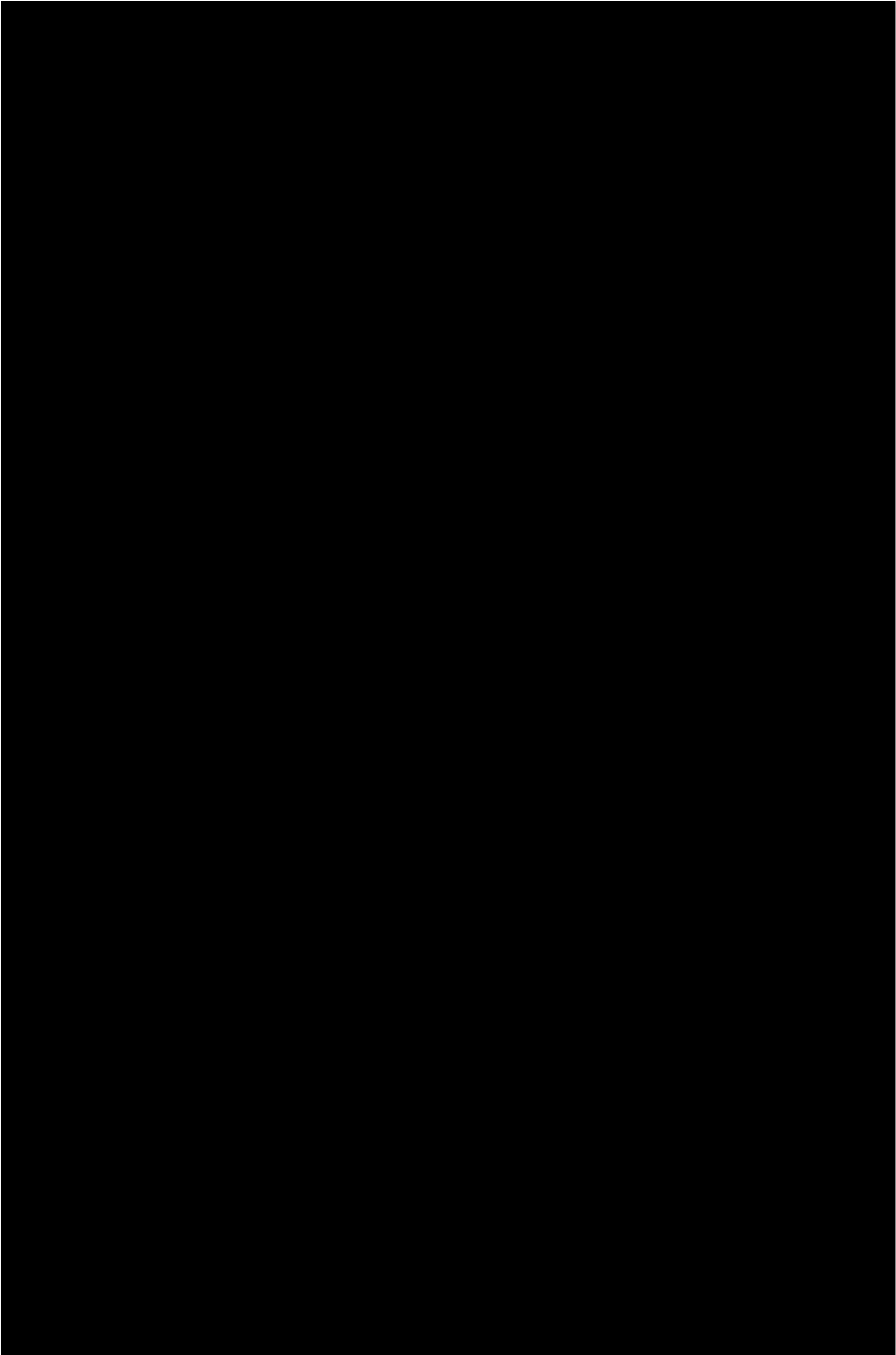


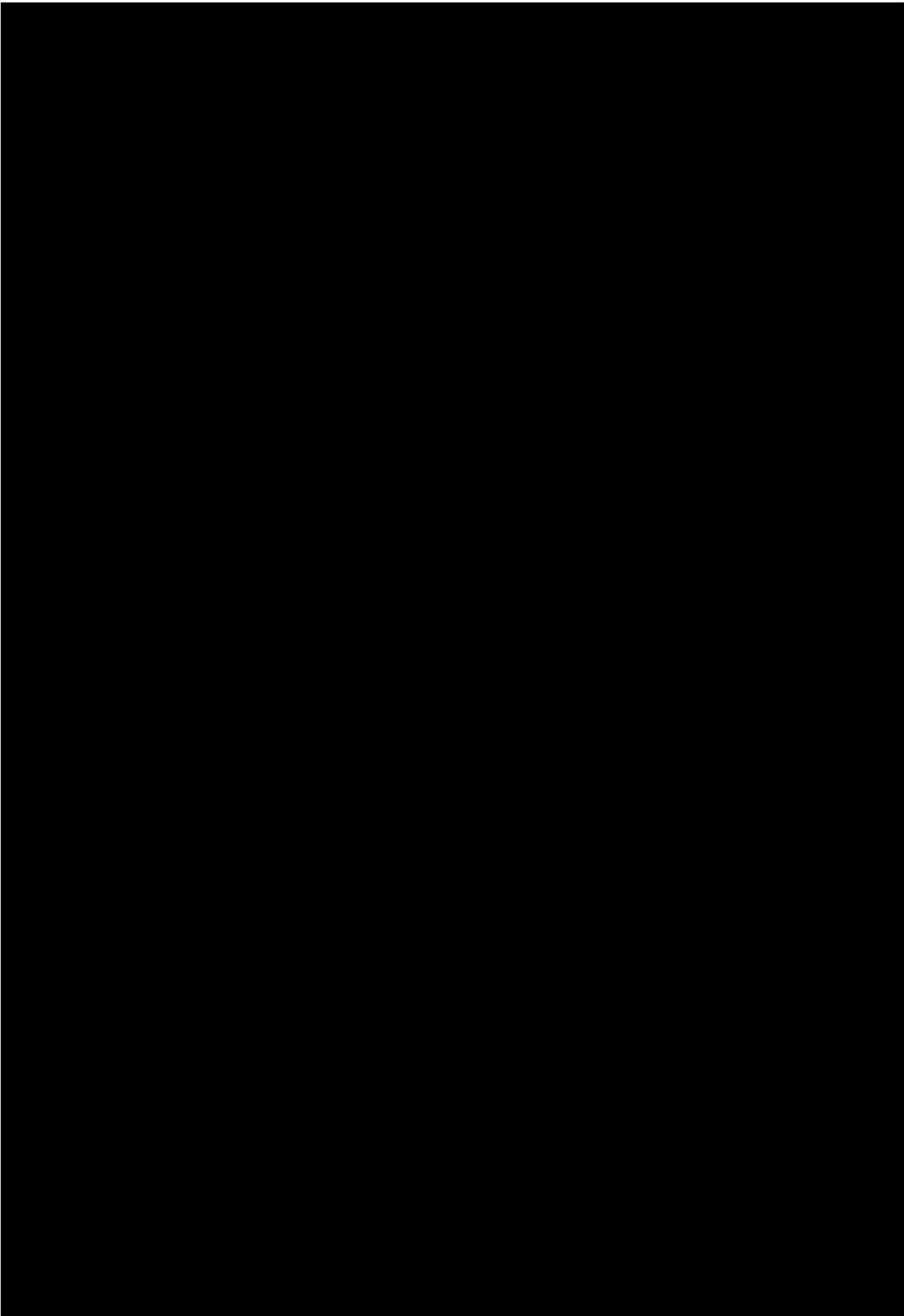


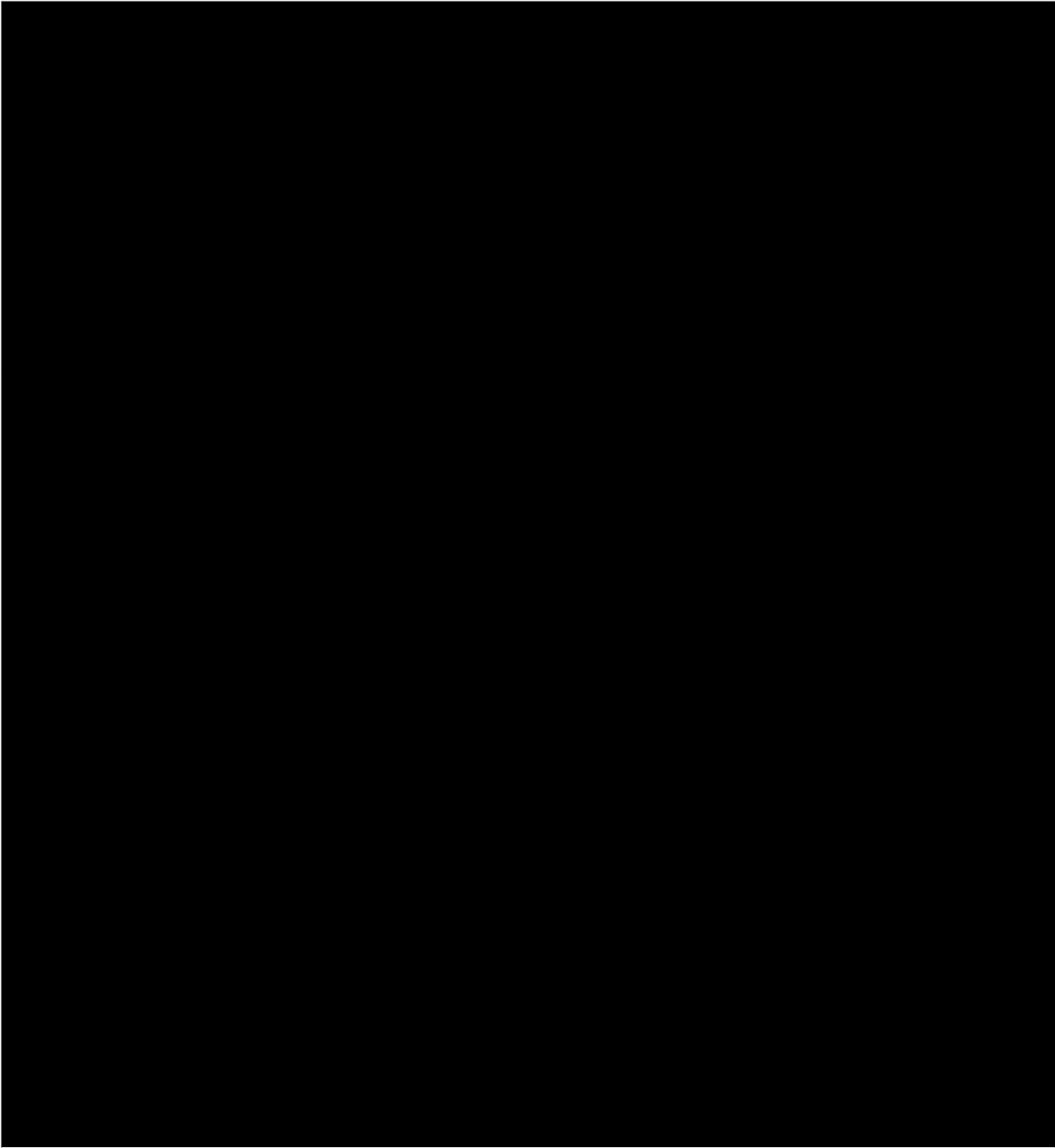












- II. It is hereby ordered that, in the proceedings between the claimant and the first and third defendants, each party shall bear its own costs and that no reimbursement of costs shall take place between the claimant and the first and third defendants.
 - III. This decision is provisionally enforceable without the provision of security.
 - IV. It is hereby declared that proceedings UPC_CFI_307/2025 are terminated as regards the relationship between the Claimant and the first and third defendants.
- The proceedings shall continue in relation to the second defendant.
- V. The details of the settlement are to be treated as confidential.
 - VI. The settlement agreement may only be entered in the register in a redacted version.

Issued in Düsseldorf on 27 August 2026

NAMES AND SIGNATURES

Presiding Judge Thomas	Digitally signed Thomas Ronny 27 August 2026 07:36:37 +0200 Unified Patent Court Einheitliches Patentgericht Juridiction unifiée du brevet
Legally qualified judge Dr Schumacher	Digitally signed Schumacher Jule Kathrin 27 August 2026 07:48:32 +0200 Unified Patent Court Einheitliches Patentgericht Juridiction unifiée du brevet
Legally qualified judge Mlakar	MOJCA MLAKAR Digitally signed by MOJCA MLAKAR Date: 27 August 2026 08:39:23 +02'00'
Technically qualified judge Tilmann	Digitally signed Tilmann Max Wilhelm 27 August 2026 10:10:33 +0200 Unified Patent Court Einheitliches Patentgericht Juridiction unifiée du brevet
on behalf of the Deputy-Registrar	Digitally signed Frank Hermann Moritz 27 August 2026 11:09:33 +0200 Unified Patent Court Einheitliches Patentgericht Juridiction unifiée du brevet