

DECISION
of the Court of Appeal of the Unified Patent Court
on 28 August 2026

HEADNOTE

- (i) The review of the admissibility of an Application to amend a patent under R. 30.1 RoP shall be limited to the assessment as to whether the applicant to the amendment has actually filed an explanation regarding the requirements of Art. 84 and 123(2), (3) EPC, and not whether said explanation is sufficiently convincing in view of the assessment of the validity of the patent in its amended form, which remains to be decided when assessing said validity on the merits rather than when assessing the admissibility of such an Application.
- (ii) As a general rule, in case of claim amendments, the entire patent description which remains unamended may be used as explanatory aid for the interpretation of a patent claim.
- (iii) It is for the party relying on facts to prove those facts and to provide evidence that the disputed acts would amount to acts of infringement under the applicable law when assessing whether the part of a European patent outside the territories of UPCA Contracting Member States is likely infringed.

KEYWORDS

Application to amend the patent; claim construction; scope of protection; international jurisdiction; territorial scope; preliminary objection.

APPELLANT (CLAIMANT IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

Hurom Co., Ltd., 80-60, Golden root-ro, 62184 Juchon-myeon, Gimhae-si, Gyeongsangnam-do, Republic of Korea

(hereinafter “**HUROM**”)

represented by Sabine Agé, Attorney-at-law, HOYNG ROKH MONEGIER, Paris, France, and other representatives of that firm

RESPONDENTS (DEFENDANTS IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

1. **NUC Electronics Co., Ltd**, 280, Nowon-ro, 41548 Buk-gu, Daegu, Republic of Korea (hereafter “**NUC Korea**”)
2. **NUC Electronics Europe GmbH**, Schwalbacher Strasse 76, 65760 Eschborn, Germany (hereafter “**NUC Europe**”)
3. **WARMCOOK**, 73 boulevard Gay Lussac, 13014 Marseille, France (hereafter “**WARMCOOK**”)

(hereinafter together the “**NUC and WARMCOOK**” or “**Respondents**”)

represented by Didier Intès, Patent attorney, Beau de Loménie & BDL-IP Legal, Paris, France, and other representatives of that firm

PATENT AT ISSUE

EP 3 155 936

DECIDING PANEL

Panel 1a

Klaus Grabinski, Presiding judge and President of the Court of Appeal

Emmanuel Gougé, legally qualified judge and judge-rapporteur

Peter Blok, legally qualified judge

Kerstin Roselinger, technically qualified judge

Claus Elmeros, technically qualified judge

LANGUAGE OF THE PROCEEDINGS

English

IMPUGNED DECISION OF THE COURT OF FIRST INSTANCE

- ☐ Decision of the Court of First Instance of the Unified Patent Court, Paris Local Division, dated 23 May 2025

Numbers attributed by the Court of First Instance:

UPC_CFI_163/2024	UPC_CFI_418/2024
ACT_17434/2024	CC_41542/2024
ORD_69293/2024	ORD_69293/2024

ORAL HEARING

2 April 2026

FACTS AND REQUESTS OF THE PARTIES

The patent at issue

1. HUROM, a Korean company active in the slow juicer market, is the registered owner of EP 3 155 936 (hereafter “the patent”) which relates to a juice extraction module for a juicer. The application was filed on

4 June 2015 claiming a priority of 13 June 2014 (KR 20140072232) and published on 19 April 2017. The grant of the patent was published on 16 October 2019.

2. The patent is in force in the UPCA Contracting Member States Germany, France, Italy, The Netherlands, as well as in Poland and the United Kingdom.
3. Claim 1 of the patent as granted reads as follows:

“A juice squeezing module for a juicer adapted to be mounted on a body (3) of the juicer with a driving shaft (5a) of a driving motor protruding upward therefrom to perform a juice squeezing operation, the juice squeezing module comprising:

a juice squeezing drum (10) mounted on the body (3) of the juicer in such a manner as to be open on the top surface thereof and having a juice discharging hole (11) and a remnant discharging hole (13) formed on the lower end periphery thereof and an engagement gear (15) disposed on the edge of the periphery of the bottom surface thereof;

a cap (20) adapted to cover the top surface of the juice squeezing drum (10) and having an injection hole (21) formed on the top side thereof;

a juice squeezing screw (30) rotatably mounted at the inside of the juice squeezing drum (10) and having screw spiral lines (31) formed on the outer peripheral surface thereof and a power connector (33) disposed on the underside thereof in such a manner as to be connected to the driving shaft (5a);

a screen drum (40) mounted at the inside of the juice squeezing drum (10) and having a screen structure (41) as the outer peripheral wall thereof;

a rotating brush (50) disposed between the juice squeezing drum (10) and the screen drum (40) in such a manner as to rotate and brush the inner peripheral surface of the juice squeezing drum (10) and the outer peripheral surface of the screen drum (40) and having a brush ring gear (55) mounted on the underside periphery thereof in such a manner as to be connected to the engagement gear (15);

characterised in that it further comprises

brush rotating means (60) disposed on the underside of the juice squeezing drum (10) to transmit the driving force of the driving shaft of the body (3) of the juicer to the engagement gear (15) to rotate the rotating brush (50); and

a brush rotating means cover (70) coupled to the underside of the juice squeezing drum (10) to cover and support the lower portion of the brush rotating means (60),

wherein the brush rotating means (60) is disposed between the underside of the juice squeezing drum (10) and the brush rotating means cover (70) coupled to the underside of the juice squeezing drum (10).”

The NUC companies and WARMCOOK

4. NUC Europe is the German subsidiary of NUC Korea. It operates under the brand name “Kuvings” and runs the website “kuvings.de” with a web shop and a German Amazon web shop distributing inter alia the attacked embodiment described below (para. 7).
5. The French company WARMCOOK runs the French website “warmcook.com” also with a web shop and the French Amazon web shop “Warmcook-Kuvings”.
6. NUC Korea runs a website which directs to the websites of NUC Europe and WARMCOOK and which presents NUC Europe as their distributor for Europe.

The attacked embodiments

7. NUC Europe, NUC Korea and WARMCOOK have been marketing, in several countries in Europe, slow juicers under the references EVO820, REVO830, MOTIV 1, D9900, C7000/C9500 (the “attacked embodiments”) which, according to HUROM, implements the technical teaching of the patent.
8. The following pictures of the attacked embodiments have been submitted by HUROM, taken from the German website of NUC Europe:



Figure 5 : EVO820



Figure 6 : REVO830



Figure 7 : MOTIV 1



Figure 8 : D9900



Figure 9 : C7000/C9500

The CFI proceedings

9. On 3 April 2024, HUROM lodged an action against NUC and WARMCOOK before the Paris Local Division (hereafter the “LD” or “CFI”) for infringement of claims 1 to 3, and 5 to 8 of the patent in France, Germany, Italy, The Netherlands and Poland.
10. NUC and WARMCOOK filed a Statement of defence and a Counterclaim for revocation of the patent on the basis that the granted claims extend beyond the application as filed and that they lack inventive step, Art. 65(2) UPCA, Art. 138(1) a) and c), 52(1) and 56 EPC.
11. HUROM filed an application to amend the patent in accordance with its main request (hereafter “Main Request”) together with an auxiliary request to amend the patent (hereafter “Auxiliary Request”), and amended its claim for infringement so that NUC and WARMCOOK are held liable for infringement of claims 1 and 3 to 6 of the patent as amended under the Main Request and, as an auxiliary request, of amended claims 1 to 3 following the Auxiliary Request (see below under para. 17 ff).
12. The LD revoked the Dutch, French, German and Italian parts of claims 1 to 6 of the patent as unconditionally amended in the Main Request, and of claims 1 to 3 of the patent as amended in the Auxiliary Request, and dismissed all HUROM’s infringement claims (impugned decision, 23 May 2025).
13. The LD considered, inter alia, that the amended claims do not extend beyond the application as filed but that they lack inventive step in view of prior art documents D1 (Chinese utility model patent CN 202365584 U) and D2 (Korean patent application 10-2013-0016748). Concerning the UPC jurisdiction regarding alleged acts of infringement committed in Poland, it held that it has jurisdiction but that, in the absence of supporting evidence, the claim for infringement of the patent as granted for Poland is dismissed.

Appeal proceedings

14. HUROM lodged an appeal against the impugned decision. It requests the Court of Appeal to
 1. set aside the impugned decision in so far as it
 - a. held that NUC’s and WARMCOOK’s requests are admissible to challenge the jurisdiction of the Court to rule on injunctions and remedies concerning acts of infringement committed within the territory of Poland;
 - b. revoked claims 1 to 3 of the Dutch, French, German and Italian parts of the patent as amended under the Auxiliary Request;

- c. dismissed all HUROM's infringement claims;
 - d. ordered the Registry to transmit a copy of this decision to the European Patent Office and to the national patent offices of the Contracting Member States concerned, in accordance with Article 65(5) UPCA, after the expiry of the deadline for appeal;
 - e. ordered HUROM to bear the costs of the proceedings.
2. grant requests A. to C. as set forth in the Statement of Claim with the following amendments:
 - I. in requests A.I., A.III, B.I and B.III. claims 1 to 3, 5 to 8 of the patent-in-suit as granted are replaced by amended claims 1 to 3 of the New Main Request (see para. 17);
 3. dismiss the Counterclaim for Revocation of the patent;
 4. as an auxiliary request, insofar as the Court upholds any of the grounds for revocation of the amended claims of the patent according to the New Main Request, (i) hold that the Application to amend the patent submitted as New Auxiliary Request 1 is admissible, (ii) dismiss the Counterclaim for Revocation of amended claims 1 to 3 of the patent as per the New Auxiliary Request 1 (see para. 18) and (iii) grant requests A. to C. as set forth in the Statement of Claim subject to referring to amended claims 1 to 3 of New Auxiliary Request 1;
 5. as a further auxiliary request, insofar as the Court upholds any of the grounds for revocation of the amended claims of the patent according to New Auxiliary Request 1, (i) hold that the Application to Amend the patent submitted as Auxiliary Request 2 is admissible, (ii) dismiss the Counterclaim for Revocation of amended claims 1 to 3 of the patent as per the Auxiliary Request 2 and (iii) grant requests A. to C. as set forth in the Statement of Claim subject to referring to amended claims 1 to 3 of Auxiliary Request 2;
 6. grant requests F and G as set forth in the Reply to the Defence, namely
 - a. hold NUC's and WARMCOOK's challenge of the Court's jurisdiction over acts committed in Poland inadmissible,
 - b. dismiss all NUC's and WARMCOOK's requests to limit or reduce remedies requested by HUROM for any of the reasons invoked,
 - c. dismiss NUC's and WARMCOOK's request for interim award of costs;
 7. set the value of this appeal in the amount of EUR 2.000.000 and order NUC and WARMCOOK to pay to HUROM EUR 200.000 as an interim award on the legal costs and other expenses supported by HUROM during the first instance and appeal proceedings.

15. NUC and WARMCOOK lodged their Statement of Response together with a Statement of cross-appeal. They essentially request the Court of Appeal to

1. reject the appeal and uphold the impugned decision, hold the New Auxiliary Requests (see para. 18) inadmissible and, order HUROM to bear the costs of the appeal and pay NUC and WARMCOOK interim costs in the amount of 100.000 EUR;
2. as a cross-appeal,
 - a. set aside the impugned decision to the extent it held HUROM's applications to amend the patent admissible and reject the New Main Request (i.e. the Auxiliary Request in the CFI proceedings, see para. 17) as inadmissible;
 - b. set aside the impugned decision to the extent it held HUROM's applications to amend the patent under the New Main Request allowable and dismissed NUC and WARMCOOK counterclaim for revocation of claims 1 to 3 of the patent as amended in the Main New Request on the basis of Art. 123(2) EPC;
 - c. hold that HUROM has not maintained its claims and action based on the claims of the Patent, as granted, and the Court is no longer seized of the claims and action filed by HUROM regarding Poland, and dismiss HUROM's infringement claims based on the Polish part of claims 1 to 3 and 5 to 8 of the patent as granted.

16. HUROM requests the Court of Appeal to reject the cross-appeal.

Amended versions of the patent: New Main Request and New Auxiliary Requests

17. Following its application to unconditionally (Main Request) and conditionally (Auxiliary Request) amend the patent and the decision of the CFI to revoke the patent as unconditionally amended in the Main Request, and claims 1 to 3 as amended in the Auxiliary Request, HUROM relies in the appeal proceedings on the patent as amended under the Auxiliary Request, designated in appeal as “New Main Request”, and requests the Court to decide that NUC and WARMCOOK infringe claims 1 to 3 of the patent as amended in the New Main Request.
18. HUROM further relies on two proposed amended versions of the patent following its conditional application to amend the patent filed for the first time in the appeal proceedings: “New Auxiliary Request 1” and “New Auxiliary Request 2”, together referred as “New Auxiliary Requests”.

Claim 1 of the “New Main Request”

19. Claim 1 as amended under the New Main Request, which corresponds to a combination of claims 1 to 3, 6 and 7 of the granted patent, can be divided as follows (for ease of reference, reference numbers in square brackets have been added compared to the claim as it appears in the patent):
 - [1] A juice squeezing module for a juicer adapted to be mounted on a body (3) of the juicer with a driving shaft (5a) of a driving motor protruding upward therefrom to perform a juice squeezing operation, the juice squeezing module comprising:
 - [1.1] a juice squeezing drum (10) mounted on the body (3) of the juicer in such a manner as to be open on the top surface thereof and having
 - [1.1.1] a juice discharging hole (11) and a remnant discharging hole (13) formed on the lower end periphery thereof and
 - [1.1.2] an engagement gear (15) disposed on the edge of the periphery of the bottom surface thereof;
 - [1.2] a cap (20) adapted to cover the top surface of the juice squeezing drum (10) and having an injection hole (21) formed on the top side thereof;
 - [1.3] a juice squeezing screw (30) rotatably mounted at the inside of the juice squeezing drum (10) and having screw spiral lines (31) formed on the outer peripheral surface thereof and a power connector (33) disposed on the underside thereof in such a manner as to be connected to the driving shaft (5a);
 - [1.4] a screen drum (40) mounted at the inside of the juice squeezing drum (10) and having a screen structure (41) as the outer peripheral wall thereof;
 - [1.5] a rotating brush (50) disposed between the juice squeezing drum (10) and the screen drum (40) in such a manner as to rotate and brush the inner peripheral surface of the juice squeezing drum (10) and the outer peripheral surface of the screen drum (40) and having a brush ring gear (55) mounted on the underside of the periphery thereof in such a manner as to be connected to the engagement gear (15);
 - [1.6.1] brush rotating means (60) disposed on the underside of the juice squeezing drum (10) to transmit the driving force of the driving shaft of the body (3) of the juicer to the engagement gear (15) to rotate the rotating brush (50); and
 - characterized in that** it further comprises

- [1.6.2] a brush rotating means cover (70) coupled to the underside of the juice squeezing drum (10) to cover and support the lower portion of the brush rotating means (60),
- [1.6.3] wherein the brush rotating means (60) is disposed between the underside of the juice squeezing drum (10) and the brush rotating means cover (70) coupled to the underside of the juice squeezing drum (10),
- [1.7.1] wherein the brush rotating means (60) is formed of a gear module connecting the driving shaft (5a) and the engagement gear (15) and comprising a first shaft gear (61) having a first gear (61a) formed on the outer peripheral surface thereof; and a second shaft gear (63) having a top end periphery coupled to a center shaft of the engagement gear (15) and a second gear (63a) formed on the outer peripheral surface of the lower portion thereof
- [1.7.2] wherein the driving shaft (5a), the power connector (33) of the juice squeezing screw (30) and the first shaft gear (61) are connected to each other in such a manner as to rotate unitarily with each other, and
- [1.7.3] wherein the driving force of the driving shaft (5a) is transmitted to the engagement gear (15) through the first shaft gear (61) and the second shaft gear,
- [1.8.1] wherein the power connector (33) penetrates through and is coupled to the first shaft gear (61),
- [1.8.2] wherein the driving shaft (5a) is coupled to the power connector (33) penetrating through the first shaft gear (61).

Claims 2 and 3 of the "New Main Request"

20. Claims 2 (corresponding to claim 4 of the granted patent) and 3 (corresponding to claim 5 of the granted patent) as amended in the New Main Request of the patent read as follows:
 2. The juice squeezing module for a juicer according to claim 1, wherein the gear module further comprises a gear (65) interposed between the first gear (61a) of the first shaft gear (61) and the second gear (63a) of the second shaft gear (63).
 3. The juice squeezing module for a juicer according to claim 1, wherein the driving shaft (5a) penetrates through the first shaft gear (61) and is coupled to the power connector (33).
21. Unless otherwise indicated, all references hereinafter to claim 1 to 3 of the patent must be understood to refer to the patent as unconditionally amended under the New Main Request.

New Auxiliary Requests

22. New Auxiliary Request 1 filed in appeal corresponds to the New Main Request, subject to the following amendment (underlined italics) under feature [1.7.2]:
 - [1.7.2] wherein the driving shaft (5a), the power connector (33) of the juice squeezing screw (30) and the first shaft gear (61) are separate components and are connected to each other in such a manner as to rotate unitarily with each other, and
23. New Auxiliary Request 2 filed in appeal corresponds to New Main Request filed with the CFI, subject to the following amendment (underlined italics) under feature [1.8.1]:

[1.8.1] wherein the power connector (33) penetrates through and is coupled to the first shaft gear (61), the first shaft gear (61) being engaged with the outer peripheral surface of the power connector (33).

Admissibility of the New Main Request

24. NUC and WARMCOOK argue that, contrary to the CFI (impugned decision, para. 52-55), the New Main Request does not meet the conditions set out under R. 30.1(b) RoP, as it does not address the requirements of Art. 84 and 123(2), (3) EPC.
25. According to R. 30.1 RoP, the Defence to the Counterclaim for revocation may include an Application by the proprietor of the patent to amend the patent which shall contain: (...) (b) an explanation as to why the amendments satisfy the requirements of Articles 84 and 123(2), (3) EPC and why the proposed amended claims are valid and, if applicable, why they are infringed.
26. The review of the admissibility of an Application to amend a patent under R. 30.1 RoP shall be limited to the assessment as to whether the applicant to the amendment has actually filed an explanation regarding the requirements of Art. 84 and 123(2), (3) EPC, and not whether said explanation is sufficiently convincing in view of the assessment of the validity of the patent in its amended form, which remains to be decided when assessing said validity on the merits rather than when assessing the admissibility of such an Application.
27. As rightly pointed out by the CFI, in its Reply to the Statement of defence, Defence to the Counterclaim for revocation and Application to amend the patent of 17 September 2024 (hereafter the “Reply to the Statement of defence”), HUROM has complied with R.30.1(b) RoP regarding the requirement that the patent proprietor shall give an explanation as to why the amendments satisfy the requirements of Art. 84 and 123(2), (3) EPC. In a table entitled “requirement for the application to amend the patent – RoP 30” of the Reply to the Statement of defence, HUROM explicitly referred to Art. 84 and 123(2), (3) EPC and pointed to the plea related thereto under the relevant sections of said submissions, namely sections 1.1 and 1.2.2.4, together with Exhibits 3.11 and 3.12 (Reply to the Statement of defence, p. 3). HUROM further explained that the proposed amendments (Main Request and Auxiliary Request with the CFI, in appeal New Main Request) are “supported in particular by paragraphs [0010] and [0048] of the application underlying the patent-in-suit (corresponding to paragraphs [0011] and [0041] of the patent-in-suit as granted, enhancement added) and figures 3, 4, 6 and 7” (Reply to the Statement of defence, para. 8).
28. Respondents’ arguments raised in the cross-appeal concerning the inadmissibility of the New Main Request filed in the CFI proceedings (then Auxiliary Request) relate to the merits of the case and do not support, concerning the New Main Request, that HUROM has not met the requirements of R 30.1 (b) RoP.
29. It follows that the New Main Request, irrespective of its merits and the assessment of the validity of the amended claims, will be held admissible.

Admissibility of the New Auxiliary Requests

30. According to NUC and WARMCOOK, the New Auxiliary Requests are not admissible as they could reasonably have been filed with the CFI. They argue inter alia that the issue of interpretation of the power connector and the first shaft gear, which are the subject matter of the two New Auxiliary Requests, was already discussed, or even raised by NUC and WARMCOOK in their written pleadings, during the CFI proceedings, including as follows:
 - “amended claim 1 of the Patent does not require their separation, either explicitly or implicitly, and the description does not provide an indication on this point” and, further, that “to incorporate this additional feature into claim 1 would require a corresponding amendment” (NUC Rejoinder of 14 November 2024, p. 38);

- As part of the attack on lack of inventive step of the patent as granted, NUC and WARMCOOK discussed extensively prior art D1 in which the first shaft gear is made in a single piece with the juice squeezing screw (Statement of Defence of 17 July 2024, Section 1.2.1, p. 32 et seq.).

31. HUROM argues in summary that it could not reasonably expect that the CFI would construe the power connector (33) and the first shaft gear (61) as not being separate components, despite the clear wording of the description and the claims of the patent-in-suit, and the corresponding drawings and that the New Auxiliary Requests were “filed at the earliest stage possible in the appeal proceedings such that they do not cause any delay in the proceedings nor prejudice the Respondents in their right to address these arguments”.
32. Reference is made to Art. 73 UPCA and R. 222 RoP. Pursuant to R. 222.2 RoP, requests, facts and evidence which have not been submitted by a party during proceedings before the CFI may be disregarded by the Court of Appeal. When exercising discretion, the Court shall in particular take into account:
 - (a) whether a party seeking to lodge new submissions is able to justify that the new submissions could not reasonably have been made during proceedings before the Court of First Instance;
 - (b) the relevance of the new submissions for the decision on the appeal;
 - (c) the position of the other party regarding the lodging of the new submissions.
33. It follows from the written pleadings filed by the parties with the CFI that, contrary to HUROM’s plea, the issues addressed by the two New Auxiliary Requests had been sufficiently discussed during the CFI proceedings and that HUROM could not ignore the possible consequence of the arguments raised by NUC and WARMCOOK in that respect.
34. Since HUROM has failed to convincingly demonstrate that it could not reasonably have filed an application for claim amendment corresponding to the New Auxiliary Requests during the CFI proceedings, the New Auxiliary Requests will be held inadmissible.
35. It follows that the present decision, regarding validity and infringement, shall be limited to the New Main Request.

Skilled person

36. The Court defines the skilled person as a mechanical engineer working in the field of juicers and related kitchen appliances, such as blenders. This definition, adopted by the CFI, has not been challenged by the parties in the appeal proceedings and is also consistent with the definition adopted by the Court in relation to EP 2 028 981 concerning a juice extractor, in which the skilled person was defined as a mechanical engineer with a university degree who has several years of practical experience in the field of domestic kitchen equipment, especially juicers and related food processing devices (see CoA_409, 410 and 420/2025, 27 March 2026).

Claim interpretation

- *Principles for claim interpretation*

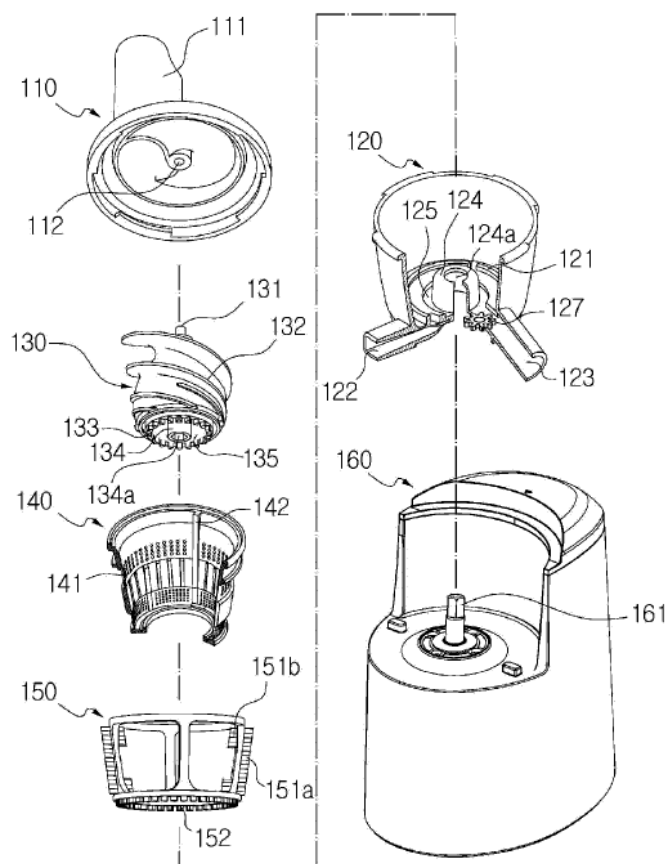
37. The principles applicable to claim construction have been set out by the Court of Appeal in its final order in UPC_CoA_335/2023 (NanoString v 10x Genomics, 26 February 2024, Headnote 2, as rectified). The patent claim is not only the starting point but the decisive basis for determining the protective scope of a European patent under Art. 69 EPC in conjunction with the Protocol on the Interpretation of Art. 69 EPC. The interpretation of a patent claim does not depend solely on the strict, literal meaning of the wording used. Rather the description and the drawings must always be used as explanatory aids for the interpretation of the patent claim and not only to resolve any ambiguities in the patent claim. In applying these principles, the

aim is to combine adequate protection for the patent proprietor with sufficient legal certainty for third parties.

- *Background of the invention*

38. The patent relates to a juice extraction module for juicer.

39. The specification refers to a juicer disclosed in Korean Patent No. 07554440 as an example of a conventional juicer known in the prior art having a cap 110, a juice squeezing drum 120, a juice squeezing screw 130, a screen drum 140, a rotating brush 150 and a driving body 160 which is also illustrated in the first 2 Figures of the specification out of which Figure 1 is reproduced below:



40. According to the specification, such conventional juice extractors have drawbacks:

- remnants may be undesirably mixed with the juice discharged to the outside of the screen drum 140 through the first opening 126 in which the engagement gear 127 is rotatably disposed;
- since the engagement gear 127 which is engaged with the screw gear ring 133 and the brush ring gear 152 is structurally disposed on the bottom surface of the juice squeezing drum 120 in such a manner as to be connected to the underside of the juice squeezing screw 130, the freedom of design on the interior of the juice squeezing drum 120 may be decreased [para. 0005 – 0006].

- *The underlying problem*

41. Against this background, the problem underlying the invention can be seen as

- providing a juice extractor where remnants are not mixed with juice discharged to the outside of the screw drum and
- improving the freedom of design on the bottom surface of the juice squeezing drum of a conventional juicer [para. 0007-0010].

- *Interpretation of claim 1 of the “New Main Request”*

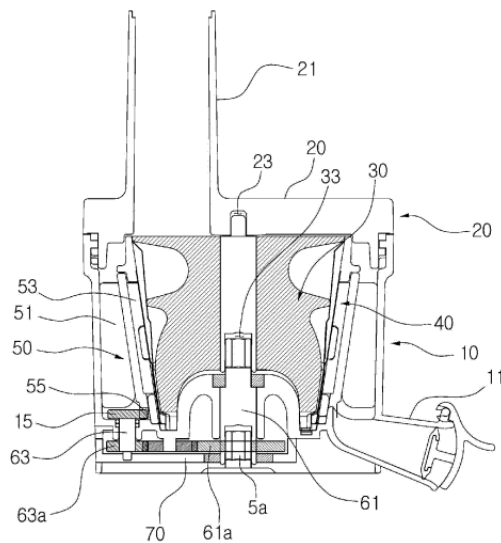
42. The invention as defined by claim 1 of the “New Main Request” aims to solve these problems. Some of its features require further interpretation.

Power Connector (features [1.3], [1.7.2], [1.8.1] and [1.8.2])

43. The power connector is an element of the juice squeezing screw claimed under features [1.3], [1.7.2], [1.8.1] and [1.8.2]:
- feature [1.3] is about the presence and the positioning of a power connector (33) rotatably mounted at the inside of the juice squeezing drum (10) which is disposed on the underside of the juice squeezing screw (30) in such a manner as to be connected to the driving shaft (5a);
 - feature [1.7.2] relates to the connection of the power connector: the driving shaft, the power connector (33) and the first shaft gear (61) are connected to each other in such a manner as to rotate unilaterally with each other;
 - feature [1.8.1] relates to the relationship of the power connector with the first shaft gear, according to which the power connector penetrates through and is coupled to the first shaft gear;
 - feature [1.8.2] relates to the coupling of the driving shaft to the power connector, following which the driving shaft is coupled to the power connector penetrating through the first shaft gear.
44. While the patent claim does not specify its shape, it follows from the above cited features that the power connector must be designed in a way that it is able to rotate unilaterally with the driving shaft and the first shaft gear to transmit the driving force generated from the driving motor both to the squeezing screw and to the first shaft gear.
45. The patent description provides two exemplary embodiments in which the power connector, pursuant to patent claim 1, is disposed on the underside of the juice squeezing screw (feature [1.3]).
46. In a first embodiment, the power connector (33) is disposed on the underside of the juice squeezing [screw] (30) to transmit the driving force generated from the driving motor (5) to the juice squeezing screw (30). The power connector (33) is desirably formed to a shape of a polygonal groove into which the driving shaft (5a)

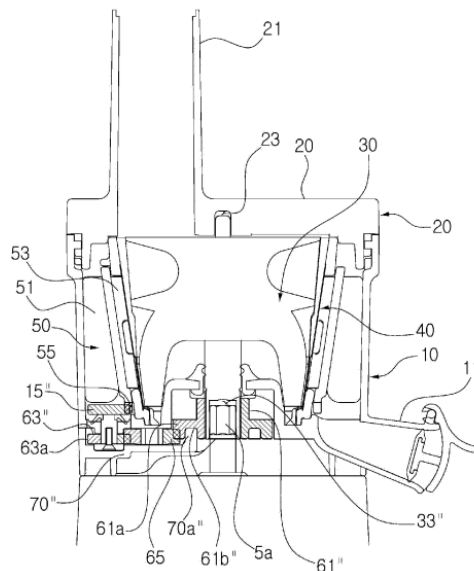
is inserted after passed through a first shaft gear (61) of the brush rotating means (60) ([0033], lines 36-38 and Figure 4 of the patent, reproduced hereafter).

FIG. 4



47. In a second embodiment, the power connector (33'') is formed to a shape of a polygonal groove into which the driving shaft (5a) of the body (3) is inserted after passed through a first shaft gear (61'') of the brush rotating means (60) ([0033] lines 41-44). It is illustrated in Figure 7 which represents the power connector (33'') as an hollow part extending from the juice squeezing screw formed to a shape of a polygonal groove into which the driving shaft 5a is inserted.

FIG. 7



48. These are however mere embodiments of the invention. As a general rule, the interpretation of a claim feature must not be reduced to a specific embodiment (CoA, 25 November 2025, UPC-CoA 464/2024, Meril/Edwards, para. 59). Nothing to the contrary is apparent from the description of the patent specification. While the present invention will be described with reference to the particular illustrative embodiments, it is not to be restricted by the embodiments ([0021], lines 46-49, and [0076]) and those skilled

in the art can change or modify the embodiments without departing from the scope and spirit of the present invention (para. [0021] lines 49-51). It is further specified that the terms used in the patent are defined in accordance with the functions of the present invention, but may be varied under the intention or regulation of a user or operator and that they should therefore be defined on the basis of the whole scope of the present invention ([0021] lines 40-45).

49. The interpretation of a power connector as claimed under claim 1 in the version of the New Main Request should thus not be limited to the embodiments provided in the patent description. This is further confirmed in para. [0033] which specifies that only if the power connector (33) transmits the driving force generated from the driving motor (5) to the juice squeezing screw (30), it does not matter in shape (see also para. [0062] concerning the third embodiment whereby the power connector is disposed on the top of juice squeezing drum).
50. It follows therefrom that, without being limited to the embodiments referred to in the patent description, and in the context of the patent, the power connector shall be considered as an element that receives the driving force of the driving shaft and transmits it to the juice squeezing screw and the first shaft gear by way of having all elements rotating unilaterally.

- *Shape of the power connector*

51. HUROM challenges the CFI interpretation of the power connector to the extent that it held that the power connector is an element of the juice squeezing screw which receives the driving force of the driving shaft, which not only may be an extending hollow part which comprises an opening for receiving the driving shaft but may also be an opening (or a groove, according to the language used in the patent description) in the juice squeezing screw (impugned decision, para. 41). It argues inter alia that if the power connector were only a groove it could not be disposed on the underside of the juice squeezing screw as claimed under feature [1.3] and that it must therefore be an element separate from the juice squeezing screw with a groove, which extends downwards from the juice squeezing screw and cannot be construed only as a groove or an opening therein, as illustrated in the second embodiment in the patent specification (Figure 7). It further argues that amended claims 1 to 3 under the New Main Request focus on the second embodiment, in which the power connector is made of an hollow part extending from the juice squeezing screw, as shown under Fig. 7, whereas the configuration of a power connector disposed in the squeezing screw (30) on its underside and formed to a shape of a polygonal groove, as described in relation to the first embodiment (para. [0038] line 36), should be disregarded as a consequence of the patent amendment which would no longer cover the invention in an embodiment such as the one under the first embodiment referred to in the patent description and illustrated under Figure 4.
52. As a general rule, in case of claim amendments the patent description which remains unamended may be used as explanatory aids for the interpretation of a patent claim.
53. In the present case, feature [1.3] refers to a power connector being disposed on the underside of the juice squeezing screw without further specification, including as to its shape, other than the functional features of the connection to the driving shaft [1.3], the unilateral rotation under feature [1.7.2], its position relative to the shaft gear (feature [1.8.1]) and its coupling with the driving shaft (feature [1.8.2]). Nothing under amended claim 1 prevents the power connector to be disposed in the squeezing screw (30) on its underside and formed to a shape of a polygonal groove as opposed to a particular element, such as a hollow part with a polygonal groove extending from the juice squeezing screw. This is not contradicted by the patent description which repeatedly specifies that the shape of the power connector, whether it has a shape according to one of the illustrative embodiments of the patent or any other shape, does not matter as long as it transmits the driving force generated from the driving motor (5) to the juice squeezing screw (30) (para. [0033] and [0062]).
54. This is not altered by the wording of patent claim 1, according to which the power connector is “connected” to the driving shaft (feature [1.3]), the driving shaft, the power connector and the first shaft gear are

“connected” to each other (feature [1.7.2]), the power connector “penetrates through and is coupled to” the first shaft gear (feature [1.8.1]) and is “coupled” to the driving shaft (feature [1.8.2]). The power connector must be connected to the driving shaft and the first shaft gear; it must penetrate through and be coupled to the first shaft gear and coupled to the driving shaft in order to transmit the driving force generated from the driving motor to the juice squeezing screw. This leaves it open whether or not to design the power connector as a separate component distinct from the squeezing screw and does not impose any restrictions on the person skilled in the art in this respect.

55. The fact that, as claimed by HUROM, a power connector separate from the first shaft gear as well as a gear module distinct from the other components might have certain advantages, such as design flexibility, reduced interference and ease of maintenance, is neither described nor claimed in the patent, so that the skilled person would not be induced to construe the power connector to be necessarily separate from the first shaft gear neither all components of the gear module to have to be distinct from all the other components of the juice squeezing module.

Validity – Inventive step

56. The appeal by HUROM against the impugned revocation decision must be rejected. The Court of Appeal concurs with the LD’s finding that the patent claims 1 to 3 as amended under the New Main Request (Auxiliary Request in the CFI proceedings) lack inventive step and that the patent to that extent must therefore be revoked pursuant to Art. 138(1)(c) EPC.

- *Principles*

57. A European patent is only validly granted for an invention if – apart from other requirements – it involves an inventive step. An invention shall be considered as involving an inventive step if, having regard to the state of the art, it is not obvious to a person skilled in the art (Art. 56 EPC). The principles for assessing inventive step have been set out by this Court in *Meril v Edwards* (UPC_CoA_464/2024, CoA 25 November 2025, para. 128-136) and in *Amgen v Sanofi and Regeneron* (UPC_CoA_528 and 529/2024, CoA 25 November 2025, para. 123-138).

- *Realistic starting point*

58. A starting point is realistic if the teaching thereof would have been of interest to a person skilled in the art who, at the effective date, wishes to solve the objective problem. This may for instance be the case if the relevant piece of prior art already discloses several features similar to those relevant to the invention as claimed and/or addresses the same or a similar underlying problem as that of the claimed invention. There can be more than one realistic starting point, and the claimed invention must be inventive starting from each of them (UPC_CoA_464/2024, CoA 25 November 2025, *Meril v Edwards*, para. 135).
59. Prior art document D1 (Chinese utility model patent CN 202365584) relates to a vertically oriented slow speed juicer for extracting juice from vegetables and fruits or extract soybean milk from beans.
60. For a person skilled in the art who wanted to provide a juice extractor where remnants are not mixed with juice discharged from the outside of the screw drum, D1 was of interest as it aims at preventing loss of nutrients and flavours and to allow the squeezed juice to flow well downward regardless of the type of vegetables or fruits, i.e., even if the squeezed juice is thick water juice or soybean milk D1, para. [0008]). It is to be considered as a realistic starting point when assessing inventive step.
61. Figure 1 of D1 shows an exploded perspective of a claimed embodiment under D1 and Figure 3 of D1 is a top cross-sectional view of the same, both reproduced hereafter.

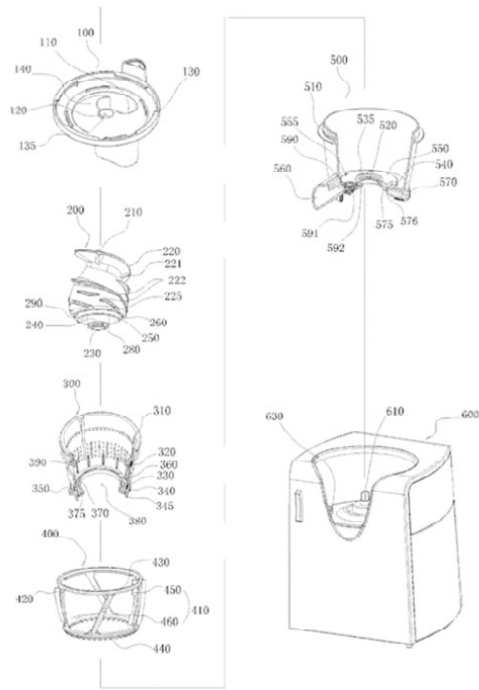


FIG. 1

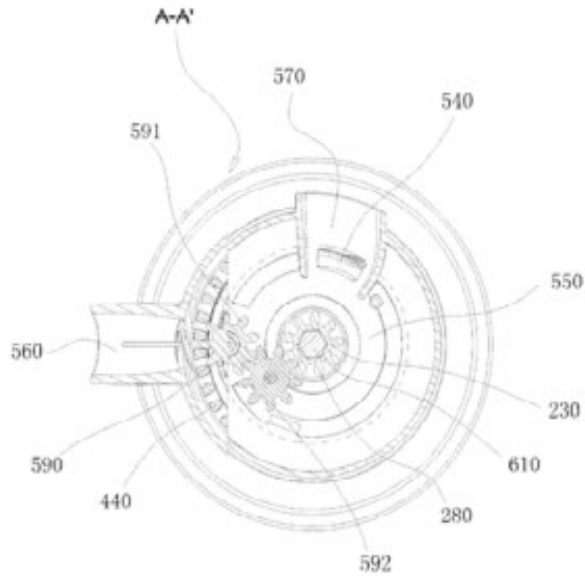


FIG. 3

- *Inventive step starting from D1*

(i) Claim 1 (as amended under the New Main Request)

62. Document D1 discloses features [1] to [1.6.1], which is not contested by the parties.
63. Feature 1 is disclosed in document D1 with a juice squeezing module for a juicer to be mounted on the body (drive mechanism 600 with base frame 640) with a driving shaft (polygonal shaft 610 of the motor) of a driving motor protruding upward therefrom.
64. According to document D1, the juice squeezing module comprises a juice squeezing drum (juicing cup 500) mounted on the body of the juicer in such a manner as to be open on the top surface thereof (see figure 1) [1.1] and having a juice discharging hole (juice outlet port 560) and a remnant discharging hole (residue outlet port 570) formed on the lower end periphery thereof [feature 1.1.1] and an engagement gear (third transmission gear 590) disposed on the edge of the periphery of the bottom surface thereof [feature 1.1.2].
65. Document D1 further discloses
- a cap (cover 100) adapted to cover the top surface of the juice squeezing drum (juicing cup 500) and having an injection hole (inlet port 110) formed on the top side thereof [feature 1.2],
 - a juice squeezing screw (juicing screw 200) rotatably mounted at the inside of the juice squeezing drum (juicing cup 500) and having spiral lines (discontinuous protruding ribs 220) formed on the outer peripheral surface thereof and a power connector (polygonal shaft hole 230) disposed on the underside thereof in such a manner as to be connected to the driving shaft (polygonal shaft 610 of the motor) [feature 1.3],
 - a screen drum (filter mesh frame 300) mounted at the inside of the juice squeezing drum (juicing cup 500) and having a screen structure as the outer peripheral wall thereof (strain net 320, squeezing net 330 having fine mesh holes) [feature 1.4],

- a rotating brush (rotating brush 400, [0040]) disposed between the juice squeezing drum (juicing cup 500) and the screen drum (filter mesh frame 300) in such a manner as to rotate and brush the inner peripheral surface of the juice squeezing drum and the outer peripheral surface of the screen drum [0040] and having a brush ring gear (brush gear 440, [0044]) mounted on the underside periphery thereof in such a manner as to be connected to the engagement gear (third transmission gear 590, [0044]) [feature 1.5],
 - a brush rotating means disposed on the underside of the juice squeezing drum (juicing cup 500) to transmit the driving force of the driving shaft (polygonal shaft 610) of the body of the juicer to the engagement gear (third transmission gear 590) to rotate the brush (rotating brush 400) [feature 1.6.1].
66. Feature [1.7.1] appears from D1 as the brush rotating means is formed of a gear module connecting the driving shaft (610) and the engagement gear (third transmission gear 590) and comprising a first shaft gear (lower rotary shaft gear 280) having a first gear (see figure 1) formed on the outer periphery thereof and a second shaft gear - which follows from figure 3 cross-sectional drawing along line A-A' in figure 2 in combination with para. [0029] of the description - having a top end periphery coupled to a center shaft of the engagement gear 590 and a second gear 591 formed on the outer peripheral surface of the lower portion thereof.
67. Feature [1.7.2] is also disclosed by D1 as the driving shaft (610), the power connector (230) of the juice squeezing screw (juicing screw 200) and the first shaft gear (lower rotary shaft gear 280) are connected to each other in such a manner as to rotate unitarily with each other (see figure 1 in D1).
68. Insofar as HUROM contends that the lower rotary shaft gear (280) in D1 is formed directly on the lower rotary shaft (240), as illustrated hereafter in an extract of figure 1 of D1, which is contrary to the patent in which the first shaft gear (61) may not be understood as being integrally formed with the power connector (33) and the rotating shaft as in D1, assuming the lower rotary shaft (240) and the polygonal shaft hole (230) form the power connector together, this has already been addressed above in the context of claim interpretation, in the sense that patent claim 1 does not specify that the power connector and the first shaft gear need to be separate components (see above para. 54-55).

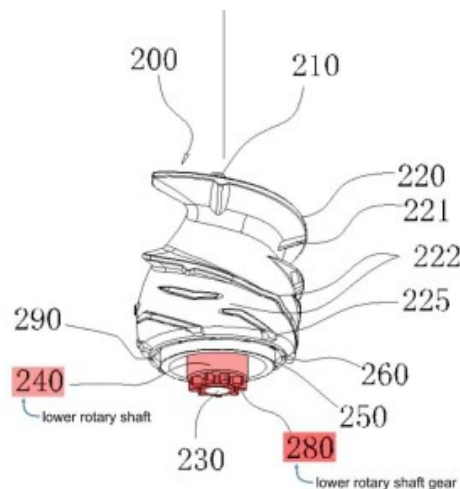
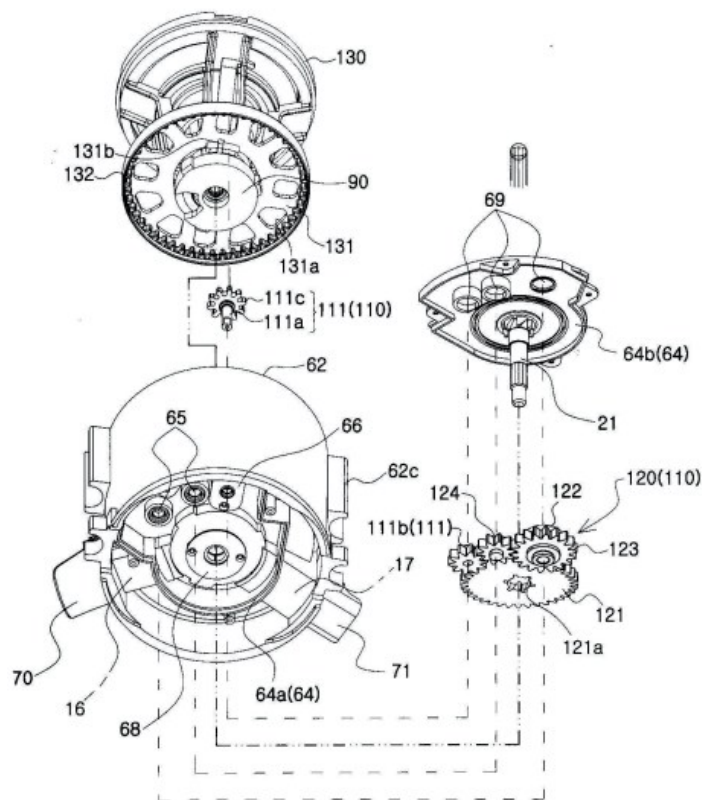


Figure 4 : coloured and captioned extract from figure 1 of D1

69. Feature [1.7.3] of the patent is similarly disclosed under D1. The driving force of the driving shaft (610) is transmitted to the engagement gear (third transmission gear 590) through the first shaft gear (lower rotary shaft gear 280) and the second shaft gear (591/590).
70. D1 further discloses feature [1.8.1]. According to D1, the power connector (polygonal shaft hole 230) penetrates through the first shaft gear (lower rotary shaft gear 280), thus disclosing feature [1.8.1]. HUROM's

arguments following which an opening (here the shaft hole 230) cannot penetrate through a gear does not convince, since the power connector may be of any shape, including an opening such as a polygonal shaft hole the boundaries of which pass through (and thus penetrates) the first shaft gear, as long as it transmits the driving force generated from the driving motor (5) to the juice squeezing screw (30) and the first transmissions gear (description para. [0033] and [0062] and above para. 53). The polygonal shaft hole (230) under D1 is furthermore coupled to the lower rotary shaft gear (280) (first shaft gear (61) in feature [1.8.1] of the patent), as claimed under feature [1.8.1] to the extent that a rotation of the polygonal shaft hole will inevitably result in a rotation of the first shaft gear (280).

71. D1 also discloses feature [1.8.2] to the extent the driving shaft (610) is coupled to the power connector (polygonal shaft hole 230) penetrating through the first shaft gear (280) feature.
72. D1 does not disclose features [1.6.2] and [1.6.3] of claim 1, as also agreed by the parties.
73. As found by the CFI in the impugned decision, the skilled person would however have realized as a matter of routine that, as raised by HUROM itself, the gear train in D1 is prone to damage and contamination making it unhygienic and potentially reducing the lifespan of the device without a cover coupled to the underside of the juice squeezing drum. It would have concluded therefrom that the brush rotating means (gears 590, 591 and 280) is disposed between the underside of the juice squeezing drum 500 and the brush rotating means cover and can also support the lower portion of the brush rotating means. HUROM's arguments according to which, starting from document D1 in which the shaft gear is integrally formed on the lower rotary shaft, a person skilled in the art would not be looking for a way to support the lower rotary shaft gear does not alter this finding since the person skilled in the art would anyhow have addressed the risk of damage and contamination cited by HUROM and, as a matter of routine, would have arrived to the same result as that claimed in the patent.
74. The assessment that the person skilled in the art would have made such considerations is furthermore confirmed by prior art document D2 (Korean patent application 10-2013-0016748).
75. Document D2 relates to a juice apparatus in a vertical installation state. It discloses a gear system (driving shaft driving spur gear 121, driving shaft driven spur gear 122, direction changing driving spur gear 123, direction changing driven spur gear 124) for transmission of a rotational movement from a driving shaft 21 to a grinding blade support 130 with a grinding blade support gear 132.
76. More specifically, D2 discloses a gear seating space part (64) which "has a gear seating space peripheral wall part 64a formed standing on the bottom surface of the vertical squeezing drum closing plate part 61 and a gear seating space cap part 64b coupled to the vertical squeezing drum closing plate part 61 to close the opening area of the gear seating space peripheral all portion 64a" (description para. 89 and, reproduced hereafter, figure 10 in which the gear seating space support groove part 69 formed in the gear seating space part 64 is inverted).



77. It is not necessary to decide whether the person skilled in the art would have considered implementing the entire configuration of D2 including the gears and the cover. This is contested by HUROM as in D2 the gear seating space part 64 is specifically provided to support the gear module of D2, which is a separate gear module, where the gears are not integrally formed with another component as disclosed in D1. Even if the person skilled in the art for this reason would not have considered implementing the entire configuration of D2, D2 confirms that coupling a cover on the underside of the juice squeezing drum of a vertical juicer to cover and support the rotating means was a matter of routine for the person skilled in the art thinking of the damage and contamination that can be caused by such type of juicer with open rotating means.

78. It follows that the subject-matter of claim 1 of the New Main Request was obvious for the person skilled in the art in view of D1 and common general knowledge at the priority date.

(ii) Claim 2 (as amended under the New Main Request)

79. According to claim 2 (New Main Request), the gear module further comprises a gear (65) interposed between the first gear (61a) of the first shaft gear (61) and the second gear (63a) of the second shaft gear (63).

80. HUROM argues that amended claim 2 is inventive and, concerning more specifically D1, that the gear module disclosed therein does not comprise a “first shaft gear”, namely a separate component, so that it does not disclose a gear (65) interposed between the first gear (61a) of this first shaft gear (61) and a second gear (63a) of a second shaft gear (63).

81. The first shaft gear under amended claim 1 of the patent, however, may but does not need to be a separate component from the gear module and from the power connector (see para. 54-55).

82. As rightly held by the CFI, an “interposed gear”, as claimed under claim 2 of the patent, is disclosed in D1 (the second transmission gear 592). D1 discloses a gear module comprising a first shaft gear (the lower rotary shaft gear 280) having a first gear (the corresponding gear teeth of the lower rotary shaft gear) formed on the outer peripheral surface thereof. The position of an interposed gear is described under para. [0029], disclosing that the lower rotary shaft gear 280 is transmitting to a second transmission gear 592, and then to a first transmission gear 591, and then to a third transmission gear 590, and then the third transmission gear 590 drives the rotating brush 400 to rotate.

(iii) Claim 3 (as amended under the New Main Request)

83. According to claim 3 (New Main Request) the driving shaft (5a) penetrates through the first shaft gear (61) and is coupled to the power connector (33).

84. HUROM contests that claim 3 lacks inventive step against D1, considering that, under D1, the lower rotary shaft 240 having a polygonal shaft hole 230 cannot be integrally formed with the lower rotary shaft gear 280 and penetrates through it, thus not disclosing claim 3.

85. As already stated (see para. 70), the power connector under claim 1 and its dependent claims may be of any shape, including an opening such as the polygonal shaft hole 230 disclosed in D1, the boundaries of which pass through (and thus penetrates) and are coupled with the first shaft gear (the lower rotary shaft gear 280 under D1), so that the additional features of claim 3 are disclosed by D1, as rightly held by the CFI.

Infringement

- *The Netherlands, France, Germany and Italy*

86. As the appeal against the CFI decision to revoke the Dutch, French, German and Italian parts of claims 1 to 6 of the patent is not successful, also the appeal against the decision to dismiss HUROM’s action for infringement must fail to that extent because of lack of a valid patent.

- *Poland*

(i) Admissibility of the challenge of the UPC jurisdiction regarding acts of infringement in Poland

87. HUROM challenges the CFI decision in relation to the alleged infringement in Poland to the extent it held the Respondents’ objections to the UPC jurisdiction based on Art. 34 UPCA admissible. In the opinion of the CFI, the territorial scope of a UPC decision pursuant to Art. 34 UPCA does not concern matters of jurisdiction or competence falling within the scope of application of R. 19 RoP. HUROM maintains that the objection is a challenge to the Court’s jurisdiction covered by R.19 RoP and that the failure to raise it as a preliminary objection within one month of service of the Statement of claim shall be treated as a submission to the jurisdiction of the UPC pursuant to R. 19.7 RoP.

88. NUC and WARMCOOK have, in their Statement of defence, challenged that the Court has jurisdiction over the Polish territory, arguing that, under Art. 34 UPCA, the Court’s jurisdiction is limited to European patent rights covering territories of UPCA Contracting Member States and that, for NUC Korea and NUC Europe, this Court is not the court of the defendant’s domicile.

89. R. 19.1 RoP provides for the lodging of a Preliminary objection within one month of service of the Statement of claim concerning (a) the jurisdiction and competence of the Court (...); (b) the competence of the division indicated by the claimant [Rule 13.1(i)]; (c) the language of the Statement of claim [Rule 14].

According to R. 19.7 RoP, the defendant's failure to lodge a Preliminary objection within the time period referred to in paragraph 1 shall be treated as a submission to the jurisdiction and competence of the Court and the competence of the division chosen by the claimant.

90. It is however only when the defendant lodges its first statement, by filing a Preliminary objection pursuant to R. 19 RoP as to the issues listed in R. 19.1 and .4 RoP or, if not, the Statement of defence pursuant to R. 23 ff. RoP as to the substance of the dispute, that he will have deliberately chosen or contested the international jurisdiction of the court seized instead of the court which would normally have jurisdiction under the provisions laid down in Regulation (EU) No 1215/2012 (hereafter "BR Ia") (CoA, NUC and Warmcook v Hurom, UPC_CoA_409/2025, 27 March 2026, para. 56).
91. Respondents' challenge is thus admissible, as the CFI rightly held, even if it concerns an objection concerning the jurisdiction of the Court, as HUROM maintains.

Jurisdiction concerning the claim for infringement on the territory of Poland

92. The parties do not dispute the competence of the Paris LD to hear the dispute. They disagree on the competence of the UPC to decide on the alleged acts of infringement committed in Poland.
93. Pursuant to Art. 31 UPCA, the international jurisdiction of the UPC shall be established in accordance with BR Ia or, where applicable, on the basis of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Lugano Convention). As a court common to several (EU) Member States (Art. 71a, BR Ia), the UPC shall have jurisdiction where, under the BR Ia Regulation, the courts of a Member State party to the instrument establishing the common court (i.e. the UPCA) would have jurisdiction in a matter governed by that instrument (CoA, Kodak v Fujifilm, UPC_CoA_312/2025, 2 June 2026, para. 276-277).
94. Subject to the objection raised by the Respondents pursuant to Art. 34 UPCA concerning the territorial scope of the decision concerning Poland, it is undisputed between the parties that the UPC has jurisdiction under Art. 4 BR Ia because of the domicile (seat) of two of the defendants (WARMCOOK and NUC Europe) in UPCA Contracting Member States, combined with Art. 8 BR Ia concerning the third defendant (NUC Korea).
95. International jurisdiction under BR Ia shall also be established by reference to Art. 24 BR Ia on exclusive jurisdiction, according to which in proceedings concerned with the (...) validity of patents (...), irrespective of whether the issue is raised by way of an action or as a defence, the courts of the Member State in which the (...) registration [of the patent] has been applied for, has taken place or is under the terms of an instrument of the Union or an international convention deemed to have taken place' ('the Member State granting the patent') are to have exclusive jurisdiction.
96. According to the Court of Justice of the European Union (CJEU), a court of the Member State of domicile of the defendant which is seised, pursuant to Art. 4(1) of BR Ia, of an action alleging infringement of a patent granted in another Member State, does still have jurisdiction to hear that action where, in the context of that action, that defendant challenges, as its defence, the validity of that patent, whereas the courts of that other Member State have exclusive jurisdiction to rule on that validity (CJEU, 25 February 2025, BSH Hausgeräte v Electrolux , C-339/22, ECLI:EU:C:2025:108), para. 52).
97. It follows that this Court has jurisdiction to decide on the infringement claim brought by HUROM regarding the alleged infringing acts on the territory of Poland, notwithstanding the exclusive competence of the Courts of the Republic of Poland under Art. 24(4) BR Ia to decide on the validity of the Polish part of the patent.
98. The arguments raised by NUC and WARMCOCK regarding Art. 34 UPCA do no change this. Art. 34 UPCA clarifies that as a rule – unless a more limited scope is requested (cf Art. 43, 76 UPCA) – decisions of the UPC shall cover the territory of all Contracting Member States where a European patent has effect (above cited

Kodak v Fujifilm, para. 275). It is however not meant to confine the UPC's jurisdiction to its own territory (above cited Kodak v Fujifilm, para. 276).

(ii) Acts of Infringement in Poland

99. HUROM challenges the impugned decision to the extent it held that HUROM did not bring evidence substantiating the alleged infringements in Poland regarding the KUVINGS products in particular as HUROM only relied on the accessibility of KUVINGS' and WARMCOOK's websites throughout Europe and the turnover supposedly generated by NUC Korea in Europe without any indication as to whether the latter relates to the allegedly infringing products.
100. NUC and WARMCOOK contest any infringement of the Polish part of the patent, referring to the lack of evidence of such an alleged infringement by the HUROM
101. While HUROM bears the burden of proof of the facts that it relies on, pursuant to Art. 54 UPCA, the submitted evidence does not prove the facts of alleged infringement in Poland against the Respondents.
102. Concerning NUC Europe, HUROM submits that on NUC Korea's website, NUC Europe is mentioned as the "Europe Branch" of NUC Korea and that NUC Europe offers and sells the attacked embodiments on its own website <https://kuvings.de> as well as on its Amazon webshops "at least in Germany" (Statement of claim, para. 359). Those submissions are not sufficient to conclude that NUC Europe has committed acts of infringement in Poland.
103. It is also not established that, concerning Poland, WARMCOOK infringes the patent, although WARMCOOK, according to HUROM, markets its products not only from the French website <https://www.warmcook.com> but also on its various Amazon webshops, which are available in English or other national languages, though not in the Polish language. The printout from said webshop (Hurom Exhibit No. 11.07) mentioning that the product referenced KUVINGS REVO830 (attacked embodiment 2) purchased on the French storefront can be delivered in Germany, the Netherlands, Italy and Poland, at a given price (€ 708), together with technical information and a picture of the disputed product, with the possibility to buy it online (see buttons "add to basket" and "Buy now") (Page 4 of exhibit 11.07), is the only indication of an involvement of WARMCOOK in acts directed to the territory of Poland. According to the Respondents, the reference to the delivery in Poland on the French storefront corresponds to an automatic setting of the Amazon website.
104. Pursuant to Article 8 of Regulation 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations, OJ L 199, 31.7.2007, pp. 40–49 (Rome II), in conjunction with Art. 24(2)(a) UPCA, whether the Polish designation of the patent is infringed is a matter of substantive law of the jurisdiction of its registration (CoA, Kodak v Fujifilm, UPC_CoA_312/2025, 2 June 2026, para 309). Thus, Polish law applies to this question.
105. It is however unknown to this Court whether such an act would possibly constitute an act of infringement under the applicable law in Poland. While it is for the party relying on facts to prove those facts, HUROM has failed to provide evidence that the disputed acts would amount to acts of infringement under Polish law, which is the applicable law when assessing whether the Polish part of the patent is likely infringed. The expert opinion of an attorney at law admitted to the Polish bar submitted by HUROM (Exhibit HRM 24.4) is limited to the subject-matters listed therein (pages 1 and 2), namely the date of enforceability of the patent and the statute of limitation under Polish law. It does however not contain any opinion as to which acts qualify as acts of infringement under Polish law.
106. It follows that, in the absence of a substantiation of the relevant national law that the facts alleged against WARMCOOK would amount to acts of infringement under Polish patent law, this Court has no reason to conclude that the CFI erred in deciding that no factual elements have been introduced into the proceedings concerning the alleged infringement facts (impugned decision, para 134).

107. The evidence submitted does not prove acts of infringement in Poland by NUC Korea either. HUROM submits that NUC Korea is supplying products to dealers such as NUC Europe and WARMCOOK to enable them to sell their products to consumers in Europe. As the Court of Appeal established above, NUC Europe and WARMCOOK can however not be found liable of acts of infringement in Poland. Nor has HUROM submitted, let alone proven, that another dealer of NUC Korea has committed acts of infringement in Poland. Neither the screenshot of the NUC Korea website merely indicating NUC overseas distributors, among which Poland is one of the listed countries, nor the Official public import and export data provided by the Korean government (Korea Customs Service) concerning unspecified juicers (item HSK 8509400000) exported from Korea providing export turnover figures country by country, nor the website of NUC Korea directing to <https://kuvings.net.pl/> (under responsibility of a polish company), establish any act of infringement in Poland.

Cross-appeal

108. An appeal against a decision of the Court of First Instance may (only) be brought before the Court of Appeal by any party which has been unsuccessful, in whole or in part, in its submissions (Art. 73(1) UPCA). That principle, likewise, applies on a cross-appeal which can also be brought against a decision of the Court of First Instance by any party only to the extent it has been unsuccessful with its submissions.
109. NUC and WARMCOCK file a cross-appeal regarding
- i. the admissibility of the amendments filed by HUROM in first instance proceedings relating to the “New Main Request”,
 - ii. the extension of the amended claims of the patent beyond the application as filed, and
 - iii. the territorial scope of the remedies with regard to the territory of Poland.
110. Regarding the first aspect (i.), the cross-appeal is admissible as NUC and WARMCOCK were unsuccessful with their submissions to the extent that the CFI declared HUROM’s requests for amendment of the patent admissible (impugned decision, page 35, operative part at 1). This part of the cross-appeal must however be dismissed as unfounded for the reasons given at para 27 ff.
111. Regarding the second aspect (ii.) the cross-appeal is inadmissible because NUC and WARMCOCK were not unsuccessful with their submission as the CFI revoked the patent to the relevant extent (impugned decision, page 35, operative part at 2).
112. Regarding the third aspect (iii.) the cross-appeal is inadmissible because NUC and WARMCOCK were not unsuccessful with their submissions as the CFI dismissed all of HUROM’s infringement claims (impugned decision, page 35, operative part at 3).

Costs

113. As the unsuccessful party, HUROM has to bear the costs regarding the appeal against the decision of the CFI to revoke the patent in part and regarding the appeal against the decision of the CFI on the action for infringement.
114. As unsuccessful party, NUC and WARMCOCK have to bear the costs regarding the cross-appeal.

Interim award of costs

115. As in general, the Court may assume that the successful party will be entitled to 50% of the ceiling of recoverable costs as adopted by the Administrative Committee under R. 152.2 RoP and may order reimbursement of that amount by means of an interim award (UPC CoA, 25 November 2025 – Meril v Edwards, para 203), and as there are no clear indications that NUC and WARMCOCK in fact incurred fewer

representation costs than the requested amount, HUROM is to be ordered to pay an interim award of € 100.000 as requested.

Value of litigation

116. The value of litigation of the appeal against the decision of the Court of First Instance on the counterclaim for revocation and the value of the appeal against the infringement decision of the Court of First Instance are to be determined at € 2.000.000 together in line with what has been decided by the Court of First Instance.
117. The value of litigation of the cross-appeal is determined at € 500.000.

DECISION

1. HUROM's appeal against the decision of the Court of First Instance to revoke the Dutch, French, German and Italian parts of claims No 1 to 6 of the patent-at-issue, as unconditionally amended in the Main Request, and claims 1 to 3 as amended in the New Auxiliary requests, is dismissed
 - a. as unfounded with respect to the "New Main Request" and
 - b. as inadmissible with respect to the "New Auxiliary Request 1" and the "New Auxiliary Request 2".
2. HUROM's appeal against the decision of the Court of First Instance to dismiss all of its infringement claims is dismissed as unfounded.
3. NUC and WARMCOOK's cross-appeal against the decision of the Court of First Instance is dismissed in part as inadmissible (aspects ii. and iii.) and in part as unfounded (aspect i.).
4. It is ordered that HUROM shall bear the costs of the appeal against the decision on the counterclaim for revocation and the infringement action and that NUC and WARMCOOK shall bear the costs of the cross-appeal.
5. It is ordered that HUROM pay to NUC and WARMCOOK jointly € 100.000 as an interim award of costs.
6. All other requests are dismissed.
7. The value of the appeal against the decision on the counterclaim for revocation and the value of the appeal against the infringement decision are together € 2.000.000. The value of the cross-appeal is € 500.000.

This decision was issued on 28 August 2026

Klaus Grabinski, Presiding judge and President of the Court of Appeal

Emmanuel Gougé, legally qualified judge and judge-rapporteur

Peter Blok, legally qualified judge

Kerstin Roselinger, technically qualified judge

Claus Elmeros, technically qualified judge