



Düsseldorf local division
UPC_CFI_11/2024

Order
of the Court of First Instance of the Unified Patent Court
issued on 4 September 2026
concerning EP 2 778 423 B1

Claimant:

Grundfos Holding A/S, represented by its managing director, Mr Poul Due Jensen, and the chairman of its board of directors, Mr Jens Winther Moberg, Poul Due Jensens Vej 7, 8850 Bjerringbro, Denmark

represented by: Attorney-at-law Dr Markus B. Bölling, Mitscherlich Patent- und
Attorneys-at-law PartmbB, Karlstraße 7, 80333 Munich, Germany

also acting on behalf of: Patent Attorney Christian Rupp, Patent Attorney Alexander Bach,
Mitscherlich Patent and Attorney-at-law PartmbB, Karlstraße 7,
80333 Munich, Germany

Electronic service address: markus.boelling@mitscherlich.de

defendant:

Hefei Xinhua Canned Motor Pump Co., Ltd., No. 1 Yanglin Road, Hi-Tech District, Hefei, Anhui,
230088, People's Republic of China

represented by: Attorney-at-law Dr Ulrich Blumenröder, Attorney-at-law Dr Nicola
Busch, Patent Attorney Dr Stumvoll, and all Attorneys-at-law and
patent attorneys at the law firm Grünecker Patent- und
Rechtsanwälte PartG mbB who are authorised to appear before
the UPC, Leopoldstraße 4, 80802 Munich, Germany

Electronic address for service: busch@grunecker.de

PATENT AT ISSUE:

European Patent No. EP 2 778 423 B1

PANEL/CHAMBER:

Panel 1 of the Düsseldorf local division

JUDGES SEATING:

This order was issued by Presiding Judge Thomas as the judge-rapporteur, legally qualified judge Dr Schumacher, legally qualified judge Kupecz and technically qualified judge Heikkinen-Keinänen.

LANGUAGE OF THE PROCEEDINGS: German

SUBJECT: R. 352.2 RoP by analogy – Release of security for legal costs

BRIEF SUMMARY OF THE FACTS:

1. The claimant brought proceedings against the defendant for infringement of European Patent EP 2 778 423 B1 (hereinafter: the patent at issue), with the proceedings at first instance being conducted under action number UPC_CFI_11/2024. The defendant contested the use of the patent at issue. Furthermore, it brought a counterclaim for the revocation of the patent at issue (CC_26515/2024). The claimant opposed the counterclaim for revocation and, in the alternative, filed applications for amendment of the patent at issue.
2. In a decision handed down on 8 May 2025, the Düsseldorf local division ruled in favour of the claimant in the infringement proceedings as sought and dismissed the counterclaim for revocation. At the same time, the division ordered the defendant to bear the costs of the infringement proceedings and the counterclaim for revocation.
3. Following the appeals lodged by the defendants against this decision (UPC_CoA_622/2025 and UPC_CoA_623/2025), the Court of Appeal set aside the decision of the Düsseldorf local division and declared the patent at issue invalid in respect of claims 1 to 3, 5 and 11, in so far as these are not dependent on the remaining patent claims. Furthermore, the Court of Appeal dismissed the counterclaim for declaration of invalidity and the infringement claim, and dismissed the further appeal.
4. In the context of the appeal proceedings, the Court of Appeal ordered on 19 December 2025 that the defendant in cases UPC_CoA_622/2025 and UPC_CoA_623/2025, provide security for the costs of the appeal proceedings and the Claimant's other costs in the appeal proceedings, in the amount of EUR 75,000.00 in each case, totalling EUR 150,000, within four weeks, whereby the security may be provided either by deposit into the relevant bank account of the Unified Patent Court or by producing a written, irrevocable, unconditional and open-ended guarantee from a credit institution established in the Member States of the UPC Agreement and authorised to carry out business in the Member States of the UPC Agreement. The defendant opted for the first option and provided the security by bank transfer to the account of the Unified Patent Court (see document of 12 January 2026).
5. By decision of 7 August 2026, the Düsseldorf local division (App_2262/2026) ordered the defendant, in the proceedings for the assessment of costs, to pay the claimant the sum of EUR 38,230.10 by 21 August 2026. After the defendant had arranged for this sum to be transferred on 19 August 2026, the claimant's legal representatives confirmed in writing, by letter dated 27 August 2026, that the relevant claim had been settled (Annex PKS1).

6. On 28 August 2026, the defendant lodged an application with the Düsseldorf local division for the release of the security for legal costs it had provided on the basis of the Court of Appeal's order, stating as grounds that the purpose of the security for legal costs had ceased to exist following the settlement of the claim for costs recognised by the court in favour of the Claimant in the costs assessment proceedings.
7. The claimant consented to such a refund by document dated 3 September 2026.

REASONS FOR THE ORDER:

8. The order for the repayment of the security for legal costs is based on an analogous application of Rule 352.2 of the RoP.
9. Now that the defendant has reimbursed the claimant in full for the amount owed pursuant to the decision in the costs assessment proceedings of 7 August 2026, the claimant's interest in the security has ceased to exist. The security provided by the defendant is therefore to be released, having regard to the claimant's consent to such a release.

ORDER:

The security for legal costs provided by the defendant on the order of the Court of Appeal is released.

Issued in Düsseldorf on 4 September 2026
NAMES AND SIGNATURES

Presiding Judge Thomas	Digitally signed Thomas Ronny 3 September 2026 12:00:05 +0200 Unified Patent Court Einheitliches Patentgericht Jurisdiction unifiée du brevet
Legally qualified judge Dr Schumacher	Digitally signed Schumacher Julie Kathrin 3 September 2026 12:27:58 +0200 Unified Patent Court Einheitliches Patentgericht Jurisdiction unifiée du brevet
Legally qualified judge Kupecz	Digitally signed by András Ferenc Kupecz Date: 3 September 2026 13:53:36 +02'00' Unified Patent Court Einheitliches Patentgericht Jurisdiction unifiée du brevet
Technically qualified judge Heikkinen-Keinänen	Digitally signed Heikkinen-Keinänen, Merja Annikki 3 September 2026 14:22:37 +0200 Unified Patent Court Einheitliches Patentgericht Jurisdiction unifiée du brevet