



Düsseldorf - Local Division
UPC_CFI_2660/2026

**Procedural order of the Court of First Instance of the Unified
Patent Court, Düsseldorf Local Division, delivered on 2 October
2026**

CLAIMANT

Micron Technology, Inc.
8000 South Federal Way, Boise, Idaho 83716, USA,
Represented by: Dr. Tobias Wuttke (Bardehle Pagenberg)

DEFENDANTS

1. Ultron AG, Robert-Koch-Str. 7-17, 52499 Baesweiler, Germany
2. Lexar Europe B.V., Grevelingstraat 40, 2161WG, Lisse, the Netherlands,
3. Apacer Technology B.V., Science Park Eindhoven 5051, 5692 EB Son en Breugel, The Netherlands,

Patent at issue

EP3574526

Composition of the full panel:

Presiding judge Ronny Thomas
Judge rapporteur Peter Juul Agergaard
Legally qualified judge Dr. Jule Schumacher

This order is issued by the judge rapporteur Peter Juul Agergaard

LANGUAGE OF PROCEEDINGS

English

Subject matter of the proceedings:

Application pursuant to Rule 275. RoP.

SUMMARY OF FACTS

The Court has made attempts to service the documents on Lexar Europe B.V. (Defendant 2) according to Rule 270-274 RoP.

The Claimant has applied for an order pursuant to R. 275 RoP directing service of the Statement of Claim (SoC) and accompanying documents on Defendant 2), Lexar Europe B.V., by an alternative method and requested the Court to order service of the Statement of claim and accompanying documents on Defendant 2) via the competent Dutch authority, here by judicial officer (in Dutch: gerechtsdeurwaarder), in accordance with Regulation (EU) 2020/1784 on the service in the Member States of judicial documents, in civil and commercial matters.

The Claimant has stated that regular service has been attempted and has failed. The Court has already made an attempt to serve the SoC on Defendant 2) but this attempt has failed. The Court undertook service of the Statement of Claim on Defendant 2) by postal service in accordance with the applicable rules (Art. 18 Regulation (EU) 2020/1784 (recast), .i.e. by registered letter with acknowledgement of receipt in accordance with R. 271.4 lit. a) RoP and Art. 18 Regulation (EU) 2020/1784.

The digital tracking provided by the Dutch postal service showed that delivery at the registered address of Defendant 2) by the Dutch postal service was not possible; the documents were instead left at a postal pickup location in the Netherlands, where they were, however, not collected by Defendant 2) and which resulted in the documents being returned to the Court undelivered.

The Claimant has further stated that consensual service via Defendant 2's known representative has been refused.

The Claimant has requested that the Court order service on Defendant 2) by a judicial officer / bailiff (in Dutch: gerechtsdeurwaarder) according to Art. 20 Regulation (EU) 2020/1784 as alternative method of service.

According to Art. 20 para. 1 Regulation (EU) 2020/1784, any person with an interest in particular judicial proceedings may effect the service of judicial documents directly through the judicial officers, officials or other competent persons of the Member State in which service is sought, provided that such direct service is permitted under the law of that Member State. According to the information provided by the European Commission through the European e-Justice Portal (see Art. 20 para. 2 Regulation (EU) 2020/1784), direct service by a judicial officer is allowed for persons resident in the Netherlands.

In the Netherlands, all judicial officers have been appointed by law to act as the receiving and transmitting authority under Regulation (EU) 2020/1784 and therefore may perform official acts throughout the Netherlands.

Request

The Claimant has requested an order pursuant to R. 275 RoP directing service of the Statement of Claim (SoC) and accompanying documents on Defendant 2), Lexar Europe B.V., by an alternative method and requested the Court to order service of the Statement of claim and accompanying documents on Defendant 2) via the competent Dutch authority, here by judicial officer (in Dutch: gerechtsdeurwaarder), in accordance with Regulation (EU) 2020/1784 on the service in the Member States of judicial documents, in civil and commercial matters.

Grounds

The Court has made unsuccessful attempts to service the documents on Lexar Europe B.V. (Defendant 2) according to rule 270-274 RoP.

Based on the information at hand the service of documents on Lexar Europe B.V. (Defendant 2) in accordance with Rules 270-274 RoP is to be considered impossible.

Based on the application from the Claimant the Court finds there is a good reason to authorize service by a method not otherwise permitted. Therefore an attempt must be made, if possible, to effect service by an alternative method or at an alternative place (Rule 275.1 RoP).

According to article 20 (1) in Regulation (EU) 2020/1784 any person with an interest in particular judicial proceedings may effect the service of judicial documents directly through the judicial officers, officials or other competent persons of the Member State in which the service is sought, provided that such direct service is permitted under the law of that Member State.

The Court assumes that service of documents in the Netherlands is carried out by a bailiff (gerechtsdeurwaarder). The bailiff delivers the writ to the addressee by serving it in person. The bailiff completes the writ by making a written record on the spot of how they have delivered it to the addressee and by signing it.

As other methods of service have not been successful the Court permits service of the Statement of claim and accompanying documents on Defendant 2) via the competent Dutch authority, (gerechtsdeurwaarder), in accordance with Regulation (EU) 2020/1784 on the service in the Member States of judicial documents, in civil and commercial matters. The Claimant must cover the costs of the service.

Order

The request from the Claimant is granted.

The Court permits service of the Statement of claim and accompanying documents on Lexar Europe B.V., (Defendant 2) via the competent Dutch authority, (gerechtsdeurwaarder), in accordance with Regulation (EU) 2020/1784 on the service in the Member States of judicial documents, in civil and commercial matters. The Claimant must cover the costs of the service.

Issued 2 October 2026

Judge-rapporteur Peter Juul Agergaard	Digitally signed Agergaard Peter Juul 2026-10-02 11:49:13 +0200 Unified Patent Court Einheitliches Patentgericht Jurisdiction unifiée du brevet
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