



Düsseldorf local division UPC_CFI_1332/2026

Order of the Court of First Instance of the Unified Patent Court issued on 8 October 2026 concerning EP 4 285 308

APPLICANT:

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RESPONDENTS:

1. **SwissBit AG**, represented by its Chairman of the Board of Directors Bernd Stefan Hofschien, its Board member and member of the Executive Board Benjamin Schüler, and its Board member Thomas Harald Luft, Industriestrasse 4, 9552 Bronschhofen, Switzerland
2. **Swissbit Germany AG**, represented by its directors Lars Lust and Chris Schwarze, Bitterfelder Straße 22, 12681 Berlin, Germany

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PATENT APPLICATION:

EUROPEAN PATENT NO. EP 4 285 308 B1

PANEL/CHAMBER:

Panel 1 of the Düsseldorf local division JUDGE

SEATING ON THE CASE:

This order was issued by the judge-rapporteur and legally qualified judge, Mr Adocker.

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 4 285 308 B8 (Annex NM AST 4; hereinafter ‘the patent in suit’), which was filed on 28 January 2022 in the language of the proceedings, claiming the priority of European patent application 21154250 dated 29 January 2021. The grant of the patent in question was published on 26 June 2024, and the corrected patent specification B8 was published on 17 July 2024. This is a European patent with unitary effect. Unitary effect took effect on 2. September 2024.
2. No preliminary objection was filed against the grant of the patent in question.
3. The patent in question is entitled ‘SECURELY REGISTERING A SEQUENCE OF TRANSACTIONS’. The applicant’s application relates primarily to claim 6 and to sub-claims 7–9, which are dependent on it, as well as to independent claims 1, 10 and 12. In the English language of the proceedings, the claims are worded as follows:

Claim 1:

‘A method for securely registering a sequence of transactions with a distributed system (1), wherein the distributed system (1) comprises a registration device (6) and a signature device (8), wherein the registration device (6) comprises a transaction storage (16) for storing signed transaction records (15) signed by the signature device (8), wherein the signature device (8) comprises a key usage counter that is incremented with each signature generated by the signature device (8), wherein each signed transaction record (15) comprises an associated value of the key usage counter at the time of the signature, wherein the method comprises: comparing a current value of the key usage counter with a previously recorded value, which previously recorded value is the associated value of the most recent signed transaction record in the transaction storage (16), loading at least one previously signed transaction record (23) from a record buffer (24) of the signature device (8) in response to detecting a gap between the current value and the last recorded value, and transmitting the loaded at least one previously signed transaction record (23)

to the registration device (6).” Claim 6:

“A distributed system (1) for securely registering a sequence of transactions, wherein the distributed system (1) comprises a registration device (6) and a signature device (8), wherein the registration device (6) comprises a transaction storage (16) for storing signed transaction records (15) signed by the signature device (8), wherein the signature device (8) comprises a key usage counter and a record buffer (24) for buffering signed transaction records (15), wherein each signed transaction record (15) comprises an associated value of the key usage counter at the time of the signature, wherein the signature device (8) is configured to load at least one previously signed transaction record (23) from the record buffer (24) in response to detecting a gap between a current value of the key usage counter and the associated value of the last signed transaction record in the transaction storage (16), and to transmit the loaded at least one previously signed transaction record (23) to the registration device (6).”

Claim 7:

“The distributed system (1) of claim 6, **characterised in that** the registration device (6) is configured to send an indication (18) of the associated value of a last signed transaction record to the signature device (8).”

Claim 8:

“The distributed system of claim 7, **characterised in that** the signature device (8) is configured to refuse to provide a signature for a new unsigned transaction record (10) in response to detecting a discrepancy between the current value and the associated value of the last signed transaction record.”

Claim 9:

“The distributed system of claim 6, **characterised in that** the registration device (6) is configured, upon receipt of a new signed transaction record (15) from the signature device (8), compare the associated value of the new signed transaction record (15) with the associated value of the last signed transaction record and to request a retransmission of at least one previously signed transaction record (23) from the signature device (8) in response to detecting a gap between the compared values.”

Claim 10:

“A computer programme comprising instructions to cause a registration device (6) comprising a transaction storage (16) for storing signed transaction records (15), wherein each signed transaction record (15) comprises an associated value of a key usage counter at the time of the signature, to execute the steps of: accessing the transaction storage (16) and determining the associated value of the last signed transaction record in the transaction storage (16) as the last recorded value of the key usage counter, sending an indication (18) of said last recorded value to a signature device (8), receiving from the signature device (8) at least one previously signed transaction record (23), wherein the at least one previously signed transaction record (23) is loaded by the signature device (8) from a record buffer in response to detecting a gap between a current value of the key usage counter and the received last recorded value; and storing the received at least one previously signed transaction record (23) in the transaction storage (16).”

Claim 12:

“A computer program comprising instructions to cause a signature device (8) comprising a key

usage counter, which key usage counter is incremented with each signature generated by the signature device (8), and a record buffer (24) for buffering at least one previously signed transaction record (23), wherein each signed transaction record (15) comprises an associated value of a key usage counter at the time of the signature, to execute the steps of: receiving an indication (18) of a last recorded value of the key usage counter from a registration device (6), loading at least one previously signed transaction record (23) from the record buffer (24) in response to detecting a gap between a current value of the key usage counter and the received last recorded value, and transmitting the loaded at least one previously signed transaction record (23) to the registration device (6)."

4. In the registered German translation, the claims read as follows:

Anspruch 1:

„Verfahren zur sicheren Registrierung einer Folge von Transaktionen mit einem verteilten System (1), wobei das verteilte System (1) eine Registrierungs Vorrichtung (6) und eine Signaturvorrichtung (8) aufweist, wobei die Registrierungs Vorrichtung (6) einen Transaktionsspeicher (16) zum Speichern von signierten Transaktionsdatensätzen (15) auf weist, die von der Signaturvorrichtung (8) signiert wurden, wobei die Signaturvorrichtung (8) einen Schlüsselnutzungszähler aufweist, der mit jeder von der Signaturvorrichtung (8) erzeugten Signatur inkrementiert wird, wobei jeder signierte Transaktionsdatensatz (15) einen zugehörigen Wert des Schlüsselnutzungszählers zum Zeitpunkt der Signatur aufweist, wobei das Verfahren aufweist: Vergleichen eines aktuellen Wertes des Schlüsselnutzungszählers mit einem zuletzt aufgezeichneten Wert, wobei der zuletzt aufgezeichnete Wert der zu gehörige Wert eines zuletzt signierten Transaktionsdatensatzes in dem Transaktionsspeicher (16) ist, Laden mindestens eines zuvor signierten Transaktionsdatensatzes (23) aus einem Datensatzpuffer (24) der Signaturvorrichtung (8) in Reaktion auf das Erfassen einer Lücke zwischen dem aktuellen Wert und dem zuletzt aufgezeichneten Wert, und Übertragen des geladenen, mindestens einen zuvor signierten Transaktionsdatensatzes (23) an die Registrierungs Vorrichtung (6).“

Anspruch 6:

„Ein verteiltes System (1) zur sicheren Registrierung einer Folge von Transaktionen, wobei das verteilte System (1) eine Registrierungs Vorrichtung (6) und eine Signaturvorrichtung (8) aufweist, wobei die Registrierungs Vorrichtung (6) einen Transaktionsspeicher (16) zum Speichern von signierten Transaktionsdatensätzen (15) auf weist, die von der Signaturvorrichtung (8) signiert wurden, wobei die Signaturvorrichtung (8) einen Schlüsselnutzungszähler und einen Datensatzpuffer (24) zum Puffern von signierten Transaktionsdatensätzen (15) aufweist, wobei jeder signierte Transaktionsdatensatz (15) einen zugehörigen Wert des Schlüsselnutzungszählers zum Zeitpunkt der Signatur aufweist, wobei die Signaturvorrichtung (8) so konfiguriert ist, dass sie mindestens einen zuvor signierten Transaktionsdatensatz (23) aus dem Datensatzpuffer (24) lädt, wenn eine Lücke zwischen einem aktuellen Wert des Schlüsselnutzungszählers und dem zugehörigen Wert eines letzten signierten Transaktionsdatensatzes im Transaktionsspeicher (16) erkannt wird, und dass sie den geladenen mindestens einen zuvor signierten Transaktionsdatensatz (23) an die Registrierungs Vorrichtung (6) überträgt.“

Anspruch 7:

„Verteiltes System (1) nach Anspruch 6, **dadurch gekennzeichnet, dass** die Registrierungs Vorrichtung (6) so konfiguriert ist, dass sie eine Angabe (18) des zugehörigen Werts eines zuletzt signierten Transaktionsdatensatzes an die Signaturvorrichtung (8) sendet.“

Anspruch 8:

„Verteiltes System nach Anspruch 7, **dadurch gekennzeichnet, dass** die Signaturvorrichtung

(8) so konfiguriert ist, dass sie die Bereitstellung einer Signatur eines neuen, nicht signierten Transaktionsdatensatzes (10) in Reaktion auf die Erkennung einer Lücke zwischen dem aktuellen Wert und dem zugehörigen Wert des letzten signierten Transaktionsdatensatzes ablehnt.“

Anspruch 9:

„Verteiltes System nach Anspruch 6, **dadurch gekennzeichnet, dass** die Registrierungsvorrichtung (6) so konfiguriert ist, dass sie bei Empfang eines neuen signierten Transaktionsdatensatzes (15) von der Signaturvorrichtung (8) den zugehörigen Wert des neuen signierten Transaktionsdatensatzes (15) mit dem zugehörigen Wert des letzten signierten Transaktionsdatensatzes vergleicht und als Reaktion auf die Erkennung einer Lücke zwischen den verglichenen Werten eine erneute Übertragung von mindestens einem zuvor signierten Transaktionsdatensatz (23) von der Signaturvorrichtung (8) anfordert.“

Anspruch 10:

„Computerprogramm mit Anweisungen, um eine Registrierungsvorrichtung (6), die einen Transaktionsspeicher (16) zum Speichern signierter Transaktionsdatensätze (15) aufweist, wobei jeder signierte Transaktionsdatensatz (15) einen zugehörigen Wert eines Schlüsselnutzungszählers zum Zeitpunkt der Signatur aufweist, zu veranlassen, die folgenden Schritte auszuführen: Zugreifen auf den Transaktionsspeicher (16) und Bestimmen des zugehörigen Wertes des letzten signierten Transaktionsdatensatzes in dem Transaktionsspeicher (16) als den zuletzt aufgezeichneten Wert des Schlüsselnutzungszählers, Senden einer Angabe (18) des zuletzt aufgezeichneten Wertes an eine Signaturvorrichtung (8), Empfangen mindestens eines zuvor signierten Transaktionsdatensatzes (23) von der Signaturvorrichtung (8), wobei der mindestens eine zuvor signierte Transaktionsdatensatz (23) von der Signaturvorrichtung (8) aus einem Datensatzpuffer geladen wird, der auf das Erfassen einer Lücke zwischen einem aktuellen Wert des Schlüsselnutzungszählers und dem empfangenen zuletzt aufgezeichneten Wert reagiert; und Speichern des empfangenen mindestens einen zuvor signierten Transaktionsdatensatzes (23) in dem Transaktionsspeicher (16).“

Anspruch 12:

„Computerprogramm, das Anweisungen aufweist, um eine Signaturvorrichtung (8), die einen Schlüsselnutzungszähler aufweist, wobei der Schlüsselnutzungszähler mit jeder von der Signaturvorrichtung (8) erzeugten Signatur inkrementiert wird, und einen Datensatzpuffer (24) zum Puffern mindestens eines zuvor signierten Transaktionsdatensatzes (23) zu veranlassen, wobei jeder signierte Transaktionsdatensatz (15) einen zugehörigen Wert eines Schlüsselnutzungszählers zum Zeitpunkt der Signatur aufweist, die folgenden Schritte auszuführen: Empfangen einer Angabe (18) eines zuletzt aufgezeichneten Wertes des Schlüsselnutzungszählers von einer Registrierungsvorrichtung (6), Laden mindestens eines zuvor signierten Transaktionsdatensatzes (23) aus dem Datensatzpuffer (24) in Reaktion auf das Erfassen einer Lücke zwischen einem aktuellen Wert des Schlüsselnutzungszählers und dem empfangenen zuletzt aufgezeichneten Wert, und Übertragen des geladenen, mindestens einen zuvor signierten Transaktionsdatensatzes (23) an die Registrierungsvorrichtung (6).“

The order of 27 April 2026

5. On 20 April 2026, the applicant filed an application for an order to carry out an inspection and to secure evidence at the respondents' German premises.
6. The Düsseldorf local division subsequently issued the following order dated 27 April 2026:

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

1. The applicant is authorised, with regard to the embodiment of the features of claims 6–9, 1, 10 and 12 of European Patent EP 4 285 308 by the product Swissbit Cloud-TSE 2, which read:

A distributed system (1) for the secure registration of a sequence of transactions, wherein the distributed system (1) comprises a registration device (6) and a signature device

(8), wherein the registration device (6) comprises a transaction memory (16) for storing signed transaction records (15) which have been signed by the signature device (8), wherein the signature device (8) comprises a key usage and a record buffer (24) for buffering signed transaction records (15), wherein each signed transaction record (15) includes an associated value of the key usage counter at the time of signing, wherein the signature device (8) is configured to load at least one previously signed transaction data record (23) from the data record buffer (24) when a gap is detected between a current value of the key usage counter and the corresponding value of a most recent signed transaction data record in the transaction memory (16), and to transmit the at least one previously signed transaction data record (23) loaded from the data record buffer (24) to the registration device (6).

(Claim 6)

A distributed system (1) according to claim 6, characterised in that the registration device (6) is configured to send an indication (18) of the associated value of a most recent signed transaction record to the signature device (8).

(Claim 7)

A distributed system according to claim 7, characterised in that the signing device (8) is configured to refuse to provide a signature for a new, unsigned transaction record (10) in response to the detection of a gap between the current value and the associated value of the last signed transaction record.

(Claim 8)

A distributed system according to claim 6, characterised in that the registration device (6) is configured such that, upon receipt of a new signed transaction record (15) from the signature device (8), compares the associated value of the new signed transaction record (15) with the associated value of the last signed transaction record and, in response to detecting a discrepancy between the compared values, requests the re-transmission of at least one previously signed transaction record (23) from the signing device (8).

(Claim 9)

A method for the secure registration of a sequence of transactions using a distributed system (1), wherein the distributed system (1) comprises a registration device (6) and a signature device (8), wherein the registration device (6) comprises a transaction memory (16) for storing signed transaction records (15) that have been signed by the signature device (8), wherein the signature device (8) comprises a key usage counter which is incremented with each signature generated by the signature device

generated by the signature device (8), wherein each signed transaction record (15) comprises an associated value of the key usage counter at the time of signing, the method comprising: comparing a current value of the key usage counter with a most recently recorded value, wherein the most recently recorded value is the associated value of a most recently signed transaction data record in the transaction memory (16), loading at least one previously signed transaction data record (23) from a data record buffer (24) of the signature device (8) in response to the detection of a gap between the current value and the most recently recorded value, and transmitting the loaded at least one previously signed transaction record (23) to the registration device (6).

(Claim 1)

A computer programme comprising instructions for causing a registration device (6), which comprises a transaction memory (16) for storing signed transaction records (15), each signed transaction record (15) comprising an associated value of a key usage counter at the time of signing, to perform the following steps: accessing the transaction memory (16) and determining the associated value of the last signed transaction record in the transaction memory (16) as the most recently recorded value of the key usage counter, sending an indication (18) of the most recently recorded value to a signature device (8), receiving at least one previously signed transaction record (23) from the signature device (8), wherein the at least one previously signed transaction record (23) is loaded from the signature device (8) from a record buffer which responds to the detection of a gap between a current value of the key usage counter and the most recently recorded value received; and storing the received at least one previously signed transaction data record (23) in the transaction memory (16).

(Claim 10)

A computer programme comprising

comprises instructions for causing a signature device (8), which comprises a key usage counter, wherein the key usage counter is incremented with each signature generated by the signature device (8), and a data record buffer (24) for buffering at least one previously signed transaction data record (23), wherein each signed transaction data record (15) comprises a corresponding value of a key usage counter at the time of signing, to perform the following steps: receiving an indication (18) of a most recently recorded value of the key usage counter from a registration device (6), loading at least one previously signed transaction record (23) from the record buffer (24) in response to detecting a gap between a current value of the key usage counter and the received most recently recorded value, and transmitting the loaded at least one previously signed transaction record (23) to the registration device (6).

(Claim 12)

- a) to have the following documents and records inspected by an expert at the respondents' premises

- [REDACTED] and
- [REDACTED]

■

, comprising

- aa) the certification documents, including the test report for procedure BSI K-TR-0612-2024 and, in particular, the documents mentioned in Chapter 7.3/7.4 of the Conformity Report, including the Secure Platform Concept (version 1.0.2) and the Swissbit Cloud SMAERS – Guidance Documentation (version 1.0.3);
- bb) source codes and software documentation, including flowcharts;
- cc) Operating and installation manuals, as well as development documentation, including requirements and specifications;
- dd) Configuration files, logs and operational data, including documentation on the specific software versions running in the operational environment, including the handover or production of copies and the disclosure of all necessary passwords

and, for this purpose, to enter the respondents' premises located at the aforementioned sites;

b) to secure evidence by

- aa) the preparation and submission of a detailed description by an expert of the results of the measures referred to in paragraph 1(a) with regard to the realisation of the features of claims 6 and 7–9, 1, 10 and 12 of European Patent EP 4 285 308, including a detailed description of the functioning of the respondents' Swissbit Cloud-TSE 2 and the identification of the specific hardware and software versions in use (hash values), as well as a statement as to whether the product fulfils the features of claims 6 and 7 – 9, 1, 10 and 12 of European Patent EP 4 285 308;
- bb) the production of copies or photographs of the aforementioned documents and materials relating to the design, configuration, certification and use of the respondents' Swissbit Cloud-TSE 2 at the claimant's expense, in so far as this is necessary for the preparation of the detailed description,
- cc) in the event of the respondents' refusal to produce copies in accordance with paragraph 1. b) bb), the seizure of copies or photographs of technical documentation, internal development documents and manuals, and documents relating to the design, configuration, certification and use of the respondents' Swissbit Cloud-TSE 2.

2. The expert shall submit the written description to be prepared in accordance with paragraph 1. b) aa) within one month of the inspection carried out in accordance with paragraph I. 1. a).

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

3. The following is appointed as the court-appointed expert to carry out the measures referred to in paragraph 1:

Patent Attorney Lars Grannemann, Cohausz & Florack, Bleichstr. 14, 40211 Düsseldorf;
in the alternative, another patent attorney from the firm Cohausz & Florack, Bleichstr.
14, 40211 Düsseldorf.

To assist the expert, the expert may, at his or her own discretion, engage the IT forensic
expert

Dipl. Inf. [REDACTED]
or, in the alternative, another IT specialist from

[REDACTED] as an assistant to provide support.

4. To assist the expert and his assistants, the bailiffs with local jurisdiction over the locations
specified in point
1.a) of the order for the inspection as further assistants.
5. In addition to the court-appointed expert and his assistants as set out in paragraph 3, at each
of the locations specified in paragraph 1.a) for the inspection, one Attorney-at-law
representative and one patent attorney representing the applicant's UPC representatives
listed below may be present during the implementation of the measures set out in paragraph
1.a):

[REDACTED]
[REDACTED]
[REDACTED]
Dr. [REDACTED]

Representatives, employees or other staff of the applicant may not be present whilst the
measures referred to in paragraph 1 are being carried out.

6. The respondents are ordered to
- a) to grant the court-appointed expert, his assistants and the applicant's UPC
representatives listed in paragraph 5 access to the premises referred to in paragraph
1.a);
 - b) to grant the court-appointed expert and his assistants access to the operating
environment of the Swissbit Cloud-TSE 2 and, in particular, to enable them to ascertain
which specific software and hardware versions of the TSE components are actually in
operation, as well as to put an instance of the Swissbit Cloud-TSE 2 components into
operation at the expert's request;
 - c) to permit the court-appointed expert and his assistants to take photographs or film for
documentation purposes, to take written notes and/or to use a dictaphone for his
notes, and to make copies and printouts at the applicant's expense;
 - d) digital evidence, i.e. the certification documents (including the test report for
procedure BSI-K-TR-0612-2024 and, in particular, the documents mentioned in Chapter
7.3/7.4 of the Conformity Report, including the Secure Platform Concept (version
1.0.2) and the Swissbit Cloud SMA ERS – Guidance Documentation (version 1.0.3));
source codes and software documentation, including flowcharts, operating and
installation manuals, and development documentation, including requirements and
specifications; configuration files, logs and operational data, including documentation
on the specific

software and hardware versions of all TSE components in the operating environment relating to the respondents' Swissbit Cloud-TSE 2, and to disclose all passwords and data required to access the digital evidence;

- e) to permit the court-appointed expert and his assistants to make copies of the digital evidence;
- f) to hand over to the court-appointed expert and his assistants technical documentation, internal development documents, and manuals and documents relating to the design, configuration, certification and deployment of the applicants' Swissbit Cloud-TSE 2 or, in the alternative, to permit the court-appointed expert and his assistants to make copies of these documents;
- g) to inform the expert and his assistants of the exact location of the evidence referred to in paragraph 1 and to remove any obstacles to access, such as password protection for access to electronic documents, or to open any locked rooms or cupboards.

7. The persons involved in carrying out the inspection and the preservation of evidence – and in particular the bailiff, the expert (including his or her assistant) and the applicant's legal representatives – are obliged to keep confidential, both from third parties and from the applicant, any facts that come to their attention in the course of executing the order in its entirety.

Furthermore, until the Unified Patent Court issues a release order, the aforementioned persons must not provide the applicant or third parties with any opportunity to inspect the 'Swissbit Cloud-TSE 2', the respondents' cloud-based and certified technical security device, the documents that may have been seized, or the detailed description to be prepared by the expert.

8. The respondents are to be requested to comment on any confidentiality interests following the submission of the expert's detailed description. The applicant's UPC representatives referred to in paragraph 5 will be given the opportunity to comment on the respondents' statement. The court shall then decide whether and to what extent the applicant is to be personally informed of the expert's detailed description and the preserved evidence, and whether the duty of confidentiality for the applicant's UPC representatives referred to in paragraph 5 is to be lifted.

9. The applicant is obliged to bear the costs of the inspection and the preservation of evidence, including the preparation of the detailed description by the expert. The applicant is ordered to pay the expert a reasonable advance on costs, to be determined by the expert, prior to the commencement of the inspection, unless the expert waives such an advance.

10. The order is to be served on the respondents in person at the premises referred to in paragraph 1. a), together with a copy of the application, including its annexes, as well as the notice of provisional measures and the instructions for accessing the proceedings (provided by the CMS), without delay at the time the measures set out in paragraph 1 are carried out. Service of these documents shall be effected in cooperation with the bailiff present at the time, appointed in accordance with paragraph 4 of the order. Should it not be possible to effect service on the first respondent at the premises specified in paragraph 1. a), the order shall be served in accordance with the general rules.

11. In the event of a wilful breach of this order, the court may impose a penalty payment for each breach, the amount of which the court may determine having regard to the circumstances of the individual case.
 12. The measures relating to inspection and the preservation of evidence shall be revoked on application by the respondents or shall otherwise cease to have effect if the applicant has not, within a period of no more than 31 calendar days or 20 working days, whichever is the longer, after the detailed description to be drawn up by the expert in accordance with paragraph 1(b) aa) to be drawn up by the expert, or the court has ruled by a final decision not to grant access to this detailed description, within a period of no more than 31 calendar days or 20 working days, whichever is the longer, after the detailed description was disclosed to the applicant.
 13. The order shall only take effect once the applicant has provided security in the form of a deposit of EUR 10,000.00 in favour of the respondents.
 14. In all other respects, the application for inspection and preservation of evidence is dismissed.”
7. By a document dated 18 June 2026, the respondents filed an application for a review of the order for inspection and preservation of evidence pursuant to Rule 197.3 of the RoP, which was heard orally online by the Düsseldorf local division on 25 August 2026.
 8. By order of 7 September 2026, the order of 27 April 2026 was confirmed, with the addition that the expert is further instructed, in the event of a main action being brought against the first respondent and/or the second respondent, to transport the products, documents, records and/or media to the offices of the Düsseldorf local division once the detailed description has been finalised.
 9. No appeal was lodged against the order of 7 September 2026.

Conduct of the inspection and preservation of evidence

10. The inspection and preservation of evidence took place on 19 May 2026.
11. The expert [REDACTED] carried out the inspection and preservation of evidence at the respondents' premises [REDACTED], assisted by Senior Bailiff [REDACTED] and the IT forensic experts Dipl. Inf. [REDACTED] and [REDACTED] (see the expert's detailed report of 15 June 2026 and the enforcement record of 19 May 2026). Also present on site throughout the proceedings were the applicant's representative, Attorney-at-law [REDACTED] the applicant's representative, patent attorney [REDACTED], as well as, at times, the representative of the second respondent, patent attorney [REDACTED], and the representative of [REDACTED] second respondent, Attorney-at-law [REDACTED] further [REDACTED] Marketing Director at the second respondent), as well as [REDACTED], Vice President of Security Solutions, who, according to his own statement, is employed by the second respondent. Furthermore, [REDACTED], Managing Director of the second respondent, and [REDACTED], Technical Director of the second respondent, were connected via video link at times.
12. During the inspection and preservation of evidence, the following documents relating to the identified software versions were examined and secured:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13. The expert drew up his detailed report on 15 June 2026.

14. By order of 15 June 2026, confidentiality was ordered in point II thereof as follows:

II. As, for technical reasons, the release of the detailed report to the respondents also entails its release to the applicant's legal representatives, the following order is made to protect any trade secrets of the respondents:

1. Access to the unredacted version of the detailed description prepared by the expert [REDACTED] shall, pending a decision on the respondents' potential confidentiality interests, be restricted for the time being to the applicant's legal and patent attorneys. Pending a final decision on the respondents' potential confidentiality interests, the aforementioned persons are also obliged to maintain confidentiality vis-à-vis the applicant regarding the information contained in the unredacted version of the aforementioned documents.
2. The documents referred to in Section II.1. are to be treated as confidential by the applicant's legal and patent attorneys until further notice. They must not be used or disclosed outside these court proceedings, unless they have come to the knowledge of the receiving party outside these proceedings.
3. In the event of a culpable breach of this order, the court may impose a penalty payment for each instance of breach, to be assessed in accordance with the circumstances of the individual case.

15. On 19 June 2026, the local division issued a supplementary confidentiality order with the following content:

1. The decision on the disclosure of the expert's detailed description is deferred until a decision [REDACTED] has been made on the respondents' application for review of 18 June 2026 has been decided. Until then, access to the detailed description shall be restricted to the applicant's legal and patent attorneys. The applicant's legal and patent attorneys are obliged, until an order to the contrary is issued, to treat the detailed description by the expert Grannemann and all documents relating thereto as confidential

and not to use or disclose them outside these court proceedings, unless they have come to the knowledge of the receiving party outside these proceedings.

- 2. The order set out in point 1 shall not affect the right granted to the respondents by the order of 15 June 2026 to assert any confidentiality interests by 29 June 2026.

APPLICATIONS:

16. In a document dated 29 June 2026, the *respondents* commented on their confidentiality interests and requested that the court issue the following order:

- 1. The information highlighted in grey in the annexes to the expert’s written report of 15 June 2026 is to be redacted,

Anlage	Umfang der vorzunehmenden Schwärzung
SV1	Alles bis auf Abschnitt 2.1 (bis „allowed“)
SV2	Alles bis auf S. 3 und 4
SV3	Alles bis auf Zitatstellen auf S. 1, 2, 3 und 10
SV4	Alles bis auf Abschnitte 2, 3 und 4.2
SV5	Alles bis auf Abschnitte 1.1, 3.5, 3.5.2, 3.5.3, 3.10 und Anhänge A bis C
SV6	Komplett
SV7a	Alles bis auf Zeilen 10 bis 14 und 90 bis 128
SV7b	Alles bis auf Zeilen 139 bis 164 und 185 bis 193
SV7c	Alles bis auf Zeilen 650 bis 666, 823 bis 826, 858 bis 865, 1951, 1969 und 1981 bis 1988
SV7d	Alles bis auf Zeilen 544 bis 557
SV7e	Alles bis auf Zeilen 2213 f., 2245 bis 2247 und 2450 bis 2459
SV7f	Alles bis auf Zeilen 80 ff.
SV8a	Schwärzen bis auf Zeilen 93 und 94
SV8c	Alles bis auf Zeilen 67, 68 und 114 bis 131
SV8h	Alles ab Zeile 29
SV8j	Alles bis auf Zeilen 128 bis 141 und 195 bis 208
SV8k	Alles bis Zeile 127
SV8m	Alles bis auf Zeilen 56, 90, 91 und 147 bis 157

and the claimant shall not be granted access to the redacted information;

- 2. Access to the information and evidence highlighted in turquoise in the expert’s written report of 15 June 2026 and its annexes shall be restricted,

Anlage / Bericht	Umfang der Zugangsbeschränkung
Bericht	Rdn. 17, 20, 21, 22, 23, 25, 26, 27, 28, 29, 31, 33, 39, 42, 43, 44, 46, 47, 48, 52, 53, 54, 55, 57, 61, 62, 63, 64, 67, 81, 82, 84, 89, 90 sowie Fn. 6
SV1	Abschnitt 2.1 (bis „allowed“)

SV2	S. 3 und 4
SV3	Zitatstellen aus S. 1, 2, 3 und 10
SV4	Abschnitte 2, 3 und 4.2
SV5	Abschnitte 1.1, 3.5, 3.5.2, 3.5.3, 3.10 und Anhänge A bis C
SV7a	Zeilen 10 bis 14 und 90 bis 128
SV7b	Zeilen 139 bis 164 und 185 bis 193
SV7c	Zeilen 650 bis 666, 823 bis 826, 858 bis 865, 1951, 1969 und 1981 bis 1988
SV7d	Zeilen 544 bis 557
SV7e	Zeilen 2213 f., 2245 bis 2247 und 2450 bis 2459
SV7f	Zeilen 80 ff.
SV8a	Zeilen 93 und 94
SV8c	Zeilen 67, 68 und 114 bis 131
SV8h	Zeilen 1 bis 28
SV8j	Zeilen 128 bis 141 und 195 bis 208
SV8k	Ab Zeile 128
SV8m	Zeilen 56, 90, 91 und 147 bis 157

with access being granted, on the applicant's behalf, exclusively to its legal representatives and a maximum of three employees to be named by the applicant, who are subject to a strict duty of confidentiality and are not involved in the applicant's product development or sales;

3. It is ordered that the written report referred to in paragraphs 1 and 2, together with its annexes, must be treated as confidential by the applicant's legal representatives and by those persons granted access to the written report and/or to the information listed in paragraph 2; it must not be disclosed to third parties, nor used or disclosed outside the scope of these court proceedings, unless the information has lawfully come to the knowledge of the receiving party outside these proceedings, with the exception of the potential Claimant in the main proceedings, in which case the potential Claimant must also safeguard the respondents' interests in confidentiality by submitting appropriate applications for confidentiality.

17. By a document dated 9 September 2026, the applicant requested that, as a preliminary matter,

1. disclose to the applicant the expert's detailed report of 15 June 2026, together with its annexes, to the extent not contested by the respondents, i.e. in accordance with applications 1–3 of the document of 29 June 2026;
2. that the confidentiality order issued under Section II of the order of 15 June 2026, as amended on 19 June 2026, be set aside to the extent that it precludes disclosure to the applicant to the extent specified in application 1;

In the subsequent document of 23 September 2026, Mr [REDACTED] and Mr [REDACTED] were named as the applicant's employees authorised to receive the documents.

18. In their document of 24 September 2026, the respondents stated that they had no objection to the (limited)

disclosure of the expert's detailed description, to the extent not contested by the respondents—that is, in accordance with applications 1–3 of the written submission of 29 June 2026—.

19. In the supplementary document of 23 September 2026, the applicant commented on the respondents' interests in the protection of confidential information as set out in the application document of 29 June 2026 and requested that

1. *that the detailed description by the expert dated 15 June 2026, together with its annexes, be disclosed to the applicant, with only the following information to be redacted:*

- Annex SV3: everything except the quotations on pp. 1, 2, 3 and 10
- Annex SV4: everything except sections 2, 3 and 4.2
- Annex SV6: in full
- Annex SV7a: lines 53–89, 129–139
- Appendix SV7b: lines 5–17, 21–25, 27–138, 195–291
- Appendix SV7c: lines 2–7, 11–15, 17–42, 54–644, 689–783, 790–822, 867–1534, 1540–1901, 2151–2170
- Appendix SV7d: lines 2–10, 12–14, 16–304, 351–402, 438–472, 497–543, 558–570
- Appendix SV7e: lines 2–20, 22–24, 27–2212, 2215–2244, 2248–2449, 2460–3633
- Appendix SV7f: lines 2, 5–18, 22–27, 29–79
- Appendix SV8a: lines 17–92, 95
- Appendix SV8c: lines 2–8, 11–38, 45–66, 71–109
- Appendix SV8j: lines 2–4, 6, 9–16, 27–41, 110–127, 210–223
- Appendix SV8k: lines 15, 21–127
- Annex SV8m: lines 2–10, 13–15, 17–55, 64–89;

2. *to set aside the confidentiality order made under Section II of the order of 15 June 2026, as amended on 19 June 2026, in so far as it precludes disclosure to the applicant to the extent specified in Application 1;*

3. *in the alternative: to grant access to*

- *the information and evidence highlighted in turquoise by the respondents in accordance with paragraph 2 of the respondents' application of 29 June 2026, and*
- *the information highlighted in grey by the respondents, which, contrary to the request set out in point 1 of the respondents' application of 29 June 2026, has not been redacted*

to the patent and Attorney-at-law representatives authorised to act in the proceedings, as well as the employees of the applicant [REDACTED]

and

[REDACTED];

4. *in the strictest alternative: to restrict access to*

- *the information and evidence highlighted in turquoise by the respondents in accordance with paragraph 2 of the respondents' application dated 29 June 2026 and*
- *the information highlighted in grey by the respondents, which, contrary to the request set out in paragraph 1 of the respondents' application of 29 June 2026, has not been redacted*

to the patent and Attorney-at-law representatives authorised to act in the proceedings, as well as the e [REDACTED] and [REDACTED].

FACTUAL AND LEGAL ISSUES IN DISPUTE:

The respondents essentially argue as follows:

20. The expert's written report of 15 June 2026 (referred to as the 'detailed description' in accordance with the wording used in the order of 27 April 2026, a term which will be used hereinafter) and the annexes SV1 to SV6, SV7a to SV7f, SV8a, SV8c, SV8h, SV8j, SV8k and SV8m contain confidential source code and technical information belonging to the respondents, which may not be disclosed, or may only be disclosed to a very limited extent. The respondents had taken extensive measures to protect the code. The economic value of the source code is based precisely on its confidentiality.
21. Specifically, the annexes SV1 to SV6, SV7a to SV7f, SV8a, SV8c, SV8h, SV8j, SV8k and SV8m, as well as the detailed description referring to them, contained proprietary source code, technical documentation and implementation details belonging to the respondents, which constituted trade secrets within the meaning of Article 58 of the UPC Agreement.
22. Furthermore, Annexes SV1 to SV6 contained technical documentation belonging to the defendants which was not publicly available.
23. The detailed description merely quotes and refers to specific, explicitly identified passages in the annexes. Only these passages (highlighted in turquoise) have a direct bearing on the issue of infringement; all other information in the annexes (highlighted in grey), by contrast, does not. The information irrelevant to the issues of infringement and use (highlighted in grey) should be redacted without granting the applicant access to it. Given their confidential nature and sensitivity, the relevant information (highlighted in turquoise) should only be made available to a restricted group of persons, as requested. The source code, the software architecture, the implementation details and the technical specifications form the foundation of the respondents' business. The disclosure of this information would threaten the very existence of the respondents. Furthermore, the applicant is a direct competitor of the respondents. If the applicant's employees working in product development or sales were to gain knowledge of the information in question, this would pose a significant risk of its being exploited for competitive purposes.

24. With regard to the respondents' submissions concerning the necessary extent of the redactions in detail, reference is made to their written submissions, in particular to pages 5 to 7 of the respondents' document of 29 June 2026.

The applicant essentially submits:

25. The annexes containing the expert's detailed description should be redacted to a lesser extent than requested by the respondents. In some cases, the requested redactions relate to information necessary for understanding how the contested embodiment functions and thus for comprehending the expert's report, primarily elements of source code. Furthermore, with regard to three annexes (SV1, SV2 and SV5), it had not been sufficiently demonstrated even at the first stage that the information contained therein was in any way subject to confidentiality.
26. Furthermore, the restrictions on access requested by the respondents in point 2 of their application of 29 June 2026 went too far and would impede the applicant's proper conduct of the proceedings. The information still to be disclosed following the redactions was sufficiently protected by the general confidentiality order and the purpose limitation of the proceedings. There is no justification for additional measures, such as, in particular, the establishment of a 'Confidentiality Club' limited to three employees. In any event, the applicant must not be prevented from involving technical staff. However, restricting access to staff who are not involved in product development would, in effect, amount to precisely that. The information at issue consists predominantly of extracts from the source code of a complex software programme. A proper procedural examination of the technical facts requires that both the legal representatives and the applicant herself are able to grasp the technical content of the documents and present their case on this matter accurately and in full. This is only possible if suitably qualified technical staff are also granted access, as requested by the applicant.
27. With regard to the applicant's submissions concerning the specific scope of the redactions at issue, reference is made to the written submissions, in particular to pages 8 to 15 of the applicant's written statement of 23 September 2026.

REASONS FOR THE ORDER:

I. Principles

28. Confidentiality interests may be invoked 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).
29. 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; UPC_CFI_1696/2025, Order of 21 August 2026, Headnote 1 and paras. 55–59 – Topsoe v Sypox), 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 within the meaning of Article 58 of the UPC Agreement. 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 normally 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).
 - b) Where the information or evidence constitutes or contains trade secrets, personal data of third parties or other confidential information within the meaning of Article 58 of the UPC Agreement, such information must, as a second step, 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 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 such information is to be restricted to a specific group of persons.
30. With regard to the relevance of confidential information to the issue of patent infringement (second step), the following applies (UPC_CFI_1696/2025, Order of 21 August 2026, Headnote 2 and paras. 69–72 – Topsoe v Sybox):
- a) Information which the expert actually relied upon in his detailed description when assessing 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. 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.
 - b) If, 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 explain why the remaining content of these documents is significant in *addition* to the detailed description.
 - c) Furthermore, it must be borne in mind that, in the context of the infringement examination, certain explanations – such as technical ones – may be necessary which, whilst not directly required for classifying the subject-matter under the features of the patent claim, are nevertheless necessary for

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

II. Assessment on a case-by-case basis

31. It is not disputed between the parties that the detailed description and the annexes thereto are to be regarded as trade secrets within the meaning of Article 58 of the UPC Agreement; the respondents have also put forward a convincing argument on this point in their document of 29 June 2026.
32. In so far as the applicant regards Annexes SV1, SV2 and SV5 as 'not requiring confidentiality', the Court understands that this does not call into question the nature of the information in question as a trade secret, but rather reflects its view that, having taken all circumstances into account, the information should ultimately be disclosed unredacted.
33. Furthermore, with regard to a large part of the redactions sought by the respondents – on the grounds of irrelevance to the question of patent infringement, as convincingly argued by the applicant in its document of 29 June 2026 – there is agreement between the parties, in particular with regard to the detailed description itself, so that, in this respect, disclosure may be ordered subject to the relevant redactions.

Regarding the scope of redaction disputed between the parties:

34. That information in the annexes to the detailed description in respect of which the question of redaction prior to publication is in dispute is not to be redacted.
35. In the present case, the expert did indeed address all the annexes in his detailed description in respect of which the scope of redaction is in dispute. However, the detailed description does not explicitly refer to those passages in the annexes regarding which redaction is in dispute; in this respect, the expert did not therefore rely on them when examining the question of infringement.
36. As set out in the principles under paragraph 30 (subparagraph (b)) above, with regard to information which the expert did not rely on when examining the question of infringement, it is for the applicant to demonstrate its relevance. The applicant did so convincingly in its document of 23 September 2026 on pages 8 to 15; the relevance of each of the individual points is discussed in detail below from paragraph 41 onwards. By contrast, in their document of 29 June 2026, on pages 5 to 7, the respondents merely made unsubstantiated arguments regarding the alleged irrelevance of the passages in respect of which they seek redaction. Although the respondents state, for each annex, which passages they consider relevant and which they consider irrelevant to the question of infringement, they do not explain why this should be the case.
37. As set out in the principles above, it must also be borne in mind that, in the context of the infringement assessment, certain explanations – such as technical ones – may be necessary which, whilst not directly relevant to the classification under the features of the patent claim,

but are necessary for understanding the explanations as a whole. Information can therefore only be regarded as irrelevant to the patent infringement if it can be clearly distinguished from the context of the further examination and the comprehensibility of the expert's explanations is not thereby compromised.

38. With regard to the expert's remarks in paragraph 17 of the detailed description, according to which the annexes were included insofar as this was 'helpful for the context of the subsequent explanations', the Court assumes that the information contained in the aforementioned annexes is necessary for an understanding of the statements as a whole within the context of the infringement examination, including those parts in respect of which the question of redaction is disputed and which are not explicitly addressed in terms of content in the detailed description. This further reinforces the conclusion – already reached on the basis of the applicant's convincing demonstration of the relevance of the information in question to the infringement assessment – that the information in the annexes to the detailed description, in respect of which the question of redaction prior to disclosure is in dispute, is not to be redacted.
39. The scope of redaction disputed between the parties is set out in the table below for clarity:

Dokument	Beantragte Schwärzungen der Antragsgegnerinnen	Von der Antragstellerin beantragte Offenlegungen	Differenz (streitiger Schwärzungsumfang)
Anlage SV1	Alles bis auf Abschnitt 2.1 (bis „allowed“)	vollständig	Abschnitte 1, 2.2-2.5, 3, 4
Anlage SV2	alles bis auf S. 3 und 4	vollständig	S. 1-2, 5-27
Anlage SV3	Alles bis auf Zitatstellen auf S. 1, 2, 3, 10	S. 1, 2, 3, 10	-
Anlage SV4	Alles bis auf Abschn. 2, 3, 4.2	Abschn. 2, 3, 4.2	-
Anlage SV5	Alles bis auf Abschn. 1.1, 3.5, 3.5.2, 3.5.3, 3.10, Anhänge A-C	vollständig	Abschn. 1.0, 2, 3.0-3.4, 3.5.4, 3.6-3.9, 4; Anhänge D, E
Anlage SV6	komplett	-	-
Anlage SV7a	Alles bis auf Z. 10-14, 90-128	Z. 1-52 / 90-128	Z. 1-9 / 15-52
Anlage SV7b	Alles bis auf Z. 139-164, 185-193	Z. 1-4 / 18-20 / 26 / 139-194	Z. 1-4 / 18-20 / 26 / 165-184 / 194
Anlage SV7c	Alles bis auf Z. 650-666, 823-826, 858-865, 1951, 1969, 1981-1988	Z. 1 / 8-10 / 16 / 43-53 / 645-688 / 784-789 / 823-866 / 1535-1539 / 1902-2150	Z. 1 / 8-10 / 16 / 43-53 / 645-649 / 667-688 / 784-789 / 827-857 / 866 / 1535-1539 / 1902-1950 / 1952-1968 / 1970-1980 / 1989-2150.
Anlage SV7d	Alles bis auf Z. 544-557	Z. 1 / 11 / 15 / 305-350 / 403-437 / 473-496 / 544-557	Z. 1 / 11 / 15 / 305-350 / 403-437 / 473-496
Anlage SV7e	Alles bis auf Z. 2213f, 2245-2247, 2450-2459	Z. 1 / 21 / 25 / 26 / 2213f / 2245-2247 / 2450-2459	Z. 1 / 21 / 25 / 26
Anlage SV7f	Alles bis auf Zeilen 80 ff.	Z. 1 / 3-4 / 19-21 / 28 / 80 ff.	Z. 1 / 3-4 / 19-21 / 28
Anlage SV8a	Alles bis auf Z. 93, 94	Z. 1-16 / 93, 94	Z. 1-16
Anlage SV8c	Alles bis auf Z. 67, 68, 114-131	Z. 1 / 9-10 / 39-44 / 67-70 / 110-137	Z. 1 / 9-10 / 39-44 / 69-70 / 110-113 / 132-137
Anlage SV8h	Alles ab Zeile 29	vollständig	Z. 29-129
Anlage SV8j	Alles bis auf Z. 128-141, 195-208	Z. 1 / 5 / 7-8 / 17-26 / 42-100 / 101-109 / 128-209	Z. 1 / 5 / 7-8 / 17-26 / 42-100 / 101-109 / 142-194 / 209
Anlage SV8k	Alles bis Z. 127	Z. 1-14 / 16-20 / 128-135	Z. 1-14 / 16-20
Anlage SV8m	Alles bis auf Z. 56, 90, 91, 147-157	Z. 1, 11-12, 16, 56-63, 90-194	Z. 1 / 11-12 / 16 / 57-63 / 92-146 / 158-194

40. The following provides a detailed account of the scope of redaction in dispute for the individual annexes:

1. Annexes SV1, SV2 and SV5

41. Annexes SV1, SV2 and SV5 are to be disclosed in full to the applicant.

42. The disclosure of sections 1, 2.2 to 2.5, 3 and 4 of Annex SV1 is in dispute, as well as pages 1-2 and 5-27 of Annex SV2; and sections 1.0, 2, 3.0 to 3.4, 3.5.4, 3.6 to 3.9 and 4, as well as Appendices D and E of Annex SV5.

43. With regard to the need for confidentiality in relation to these annexes, which is contested by the applicant, the Court considers that the respondents have sufficiently demonstrated such a need in their document of 29 June 2026 (paragraphs 5 and 6 thereof).

44. Nevertheless, the annexes in question must be disclosed in full. As further set out in the principles above, information or evidence which constitutes trade secrets, personal data of third parties or other confidential information within the meaning of Section

58 of the UPC Agreement, must be redacted if they are irrelevant to the question of patent infringement or acts of use.

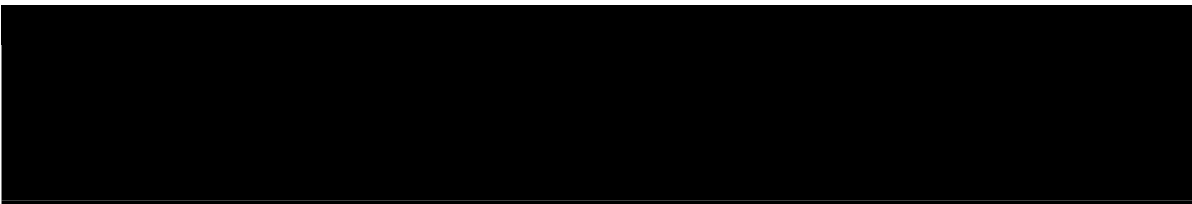
45. Exhibits SV1, SV2 and SV5, including the passages disputed in relation to redaction, are indeed highly relevant to the assessment of whether a patent infringement has occurred. In particular, the details from Exhibit SV5 are necessary for understanding the contested embodiment, as this exhibit, together with Exhibits SV1 and SV2, provides a comprehensive overview

2. Exhibit SV7a (file 'Csp.java')

46. This must be disclosed to the extent sought by the applicant.

47. The disclosure of lines 1–9 and 15–52 is in dispute.

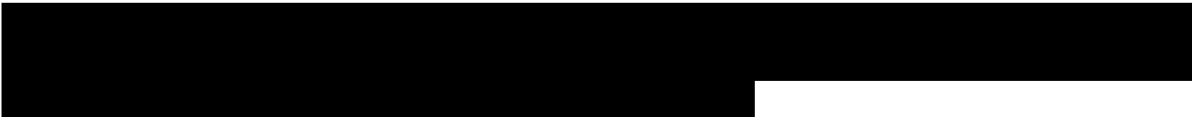
48.  This information is necessary in order to understand the overall functionality of the contested embodiment.

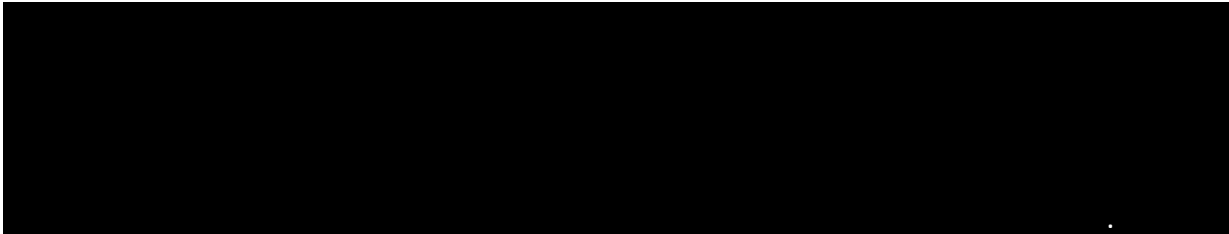
49.  The disclosure of these lines is therefore necessary to assess whether the gap-filling mechanism claimed in the patent has been implemented.

3. Annex SV7b (file 'CspImpl.java')

50. This must also be disclosed, as requested by the applicant, with regard to those lines for which disclosure is in dispute.

51. The disclosure of lines 1–4, 18–20, 26, 165–184 and 194 is in dispute.

52. 

53. 

54.

[REDACTED]

For a full understanding, the disclosure of these lines is required.

4. Annex SV7c (file 'SmaersUnitImpl.java')

55. This annex must also be disclosed to the extent sought by the applicant.

56. The disclosure of lines 1, 8–10, 16, 43–53, 645–649, 667–688, 784–789, 827–857, 866, 1535–1539, 1902–1950, 1952–1968, 1970–1980 and 1989–2150.

57.

[REDACTED]

58.

[REDACTED]

59.

[REDACTED]

60.

[REDACTED]

61. The lines of code regarding which the issue of redactions is disputed are therefore necessary for a full understanding of this source code file and the methods it contains.

5. Exhibit SV7d (file 'CsplImplIntegrationTest.java')

62. This must also be disclosed in respect of the disputed scope, as requested by the applicant.

63. The disclosure of lines 1, 11, 15, 305–350, 403–437 and 473–496 is in dispute.

64.

[REDACTED]

65.

[REDACTED]

The aforementioned lines of code are therefore necessary for a full understanding of this mode of operation, which is decisive for the patent infringement.

6. Annex SV7e (file 'SmaersUnitImplTest.java')

66. This annex must also be disclosed to the extent in dispute, as requested by the applicant.

67. The disclosure of lines 1, 21, 25 and 26 is in dispute.

68. The lines in question reveal the relevant additional programme components that are integrated and are necessary for a full understanding of whether a patent infringement has occurred.

7. Exhibit SV7f (file 'FuryInstance.java')

69. This must be disclosed to the extent sought by the applicant.

70. The disclosure of lines 1, 3–4, 19–21 and 28 is in dispute.

71. The lines mentioned reveal the relevant additional programme components that are integrated and are necessary for a comprehensive understanding of whether a patent infringement has occurred.

8. Exhibit SV8a (file 'ConfirmUsageCounterRequest.java')

72. This annex must also be disclosed, as requested by the applicant, with regard to those lines for which disclosure is in dispute.

73. The issue in dispute is the further disclosure of lines 1 to 16.

74.

[REDACTED]

[REDACTED] which is important for a comprehensive understanding of whether a patent infringement has occurred.

9. Exhibit SV8c (file 'ConfirmUsageCounterHandler.java')

75. This must be disclosed to the extent sought by the applicant.

76. The issue in dispute is the further disclosure of lines 1, 9–10, 39–44, 69–70, 110–113 and 132–137.

77. [REDACTED]

78. [REDACTED]

79. [REDACTED]

[REDACTED] that it is possible to make a sufficient assessment as to whether a patent infringement has occurred.

10. Annex SV8h (file 'AuditRecordList.java')

80. This annex must also be disclosed with regard to the disputed parts, as requested by the applicant.

81. The issue in dispute is whether lines 29–129 should be disclosed in greater detail.

82. [REDACTED]

[REDACTED] This, in turn, is significant for the overall understanding with regard to assessing whether a patent infringement has occurred.

11. Appendix SV8j (file 'AuditRecordStorageImpl.java')

83. This must be disclosed to the extent sought by the applicant.

84. The disclosure of lines 1, 5, 7–8, 17–26, 42–100, 101–109, 142–194 and 209 is in dispute.

85. Lines 1, 5 and 7–8 establish the link to the other programme components and annexes relevant to the present case.

86. [REDACTED]

87.

[REDACTED]

88.

[REDACTED]

89. The lines cited are therefore significant for a comprehensive understanding with regard to assessing whether a patent infringement has occurred.

12. Exhibit SV8k (file 'TimestampDataRequest.java')

90. This annex must also be disclosed, as requested by the applicant, with regard to those lines whose disclosure is in dispute.

91. The dispute concerns the further disclosure of lines 1–14 and 16–20.

92.

[REDACTED]

The information is therefore relevant to the assessment of whether a patent infringement has taken place.

13. Annex SV8m (file 'TimestampDataHandler.java')

93. This must be disclosed to the extent requested by the applicant.

94. Further disclosure of lines 1, 11–12, 16, 57–63, 92–146 and 158–194.

95. Lines 1, 11–12, 16 and 56–63 establish the relationship with the other programme components and annexes.

96. Lines 57–63, 92–146 and 158–194 relate to

[REDACTED]

which can ultimately only be understood and their functionality grasped in their entirety, and are therefore necessary for assessing whether a patent infringement has occurred.

Authorised persons:

97. Access to the information to be disclosed from the annexes to the detailed description shall be granted to the legal and patent attorneys authorised to act in the proceedings, as well as to the group of persons named by the applicant in its documents of 18 to 20 September 2026 on pages 18 to 20; these are [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED]

98. In accordance with the principles set out above, where the information in question is confidential and relevant to the issue of infringement, a decision must be made on a case-by-case basis as to whether it is to be

applicant, whilst the applicant is obliged to maintain confidentiality vis-à-vis third parties, or whether the applicant's access to such information must be restricted to a specific group of persons.

99. Disclosure to the applicant itself, without restriction to a specific group of persons (Confidentiality Club), as primarily sought by the applicant in its document of 23 September 2026, is not objectively justified and goes too far.
100. In the present case, the applicant has argued that the information in question is highly sensitive, as the source code, software architecture, implementation details and technical specifications form the foundation of the respondents' business. Furthermore, the respondents are direct competitors of the applicant, which gives rise to a risk of competitive exploitation.
101. In view of these risks, and notwithstanding the protection afforded to the information to be disclosed by the general confidentiality order and the purpose limitation of the proceedings in the present case, it is necessary to disclose the information in question only to those persons whose knowledge of the information is necessary to enable the applicant to conduct the further proceedings without hindrance. In this way, both the risk of internal disclosure can be minimised and the verifiability of the proceedings enhanced. By contrast, it is not apparent that the applicant would suffer any disadvantage in the further conduct of the proceedings if the information were disclosed to all five persons named by it in the event of an Order being made for a 'Confidentiality Club', including technical staff.
102. The restriction of access to staff not involved in product development, as requested by the respondents in paragraph 2 of their document of 29 June 2026, is too far-reaching and would impede the applicant's ability to conduct the proceedings properly. This would, in effect, amount to the exclusion of technical staff. As the information at issue consists predominantly of extracts from the source code of a complex software programme, a proper procedural examination of the technical facts – as required for the conduct of infringement proceedings – presupposes that both the legal representatives and the applicant itself are able to grasp the technical content of the documents and present their case in this regard appropriately and in full. This is only possible if suitably qualified technical staff of the applicant are also granted access.
103. The applicant has convincingly demonstrated that the persons named on pages 18 to 20 of its document of 23 September 2026 must be granted access on the basis of their roles and specific expertise.

Regarding the other orders:

104. 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.
105. 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 of the case. Paragraph 5 of this order takes this into account.

106. There is no longer any need to rule on the applicant's application for provisional disclosure dated 9 September 2026, as this order already constitutes a final decision on the information to be disclosed.

ORDER:

1. The respondents are ordered to disclose to the group of persons specified in point 2 the detailed report by the expert [REDACTED] dated 15 June 2026, together with its annexes, whereby the following information must be redacted:
 - Annex SV3: everything except the quotations on pp. 1, 2, 3 and 10
 - Annex SV4: everything except sections 2, 3 and 4.2
 - Appendix SV6: in full
 - Annex SV7a: lines 53–89, 129–139
 - Appendix SV7b: lines 5–17, 21–25, 27–138, 195–291
 - Appendix SV7c: lines 2–7, 11–15, 17–42, 54–644, 689–783, 790–822, 867–1534, 1540–1901, 2151–2170
 - Appendix SV7d: lines 2–10, 12–14, 16–304, 351–402, 438–472, 497–543, 558–570
 - Appendix SV7e: lines 2–20, 22–24, 27–2212, 2215–2244, 2248–2449, 2460–3633
 - Appendix SV7f: lines 2, 5–18, 22–27, 29–79
 - Appendix SV8a: lines 17–92, 95
 - Appendix SV8c: lines 2–8, 11–38, 45–66, 71–109
 - Appendix SV8j: lines 2–4, 6, 9–16, 27–41, 110–127, 210–223
 - Appendix SV8k: lines 15, 21–127
 - Exhibit SV8m: lines 2–10, 13–15, 17–55, 64–89.
2. Access to the detailed description to be disclosed in accordance with point 1, together with the annexes to the extent that they are to be redacted, shall be restricted to the patent and Attorney-at-law representatives authorised to act in the proceedings as [REDACTED] applicant [REDACTED] [REDACTED] and [REDACTED] .
3. The persons referred to in point 2 are obliged to maintain confidentiality regarding the information contained in the documents referred to in point 1; this obligation also applies in relation to the applicant.
4. The respondents are ordered to upload the annexes redacted in accordance with point 1 to the GMS.

5. The detailed description drawn up by the expert, including annexes, 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.
6. In the event of a culpable breach of this order, the court may impose a penalty payment for each instance of breach, the amount of which shall be determined in accordance with the circumstances of the individual case.
7. This order supersedes all previous orders regarding the protection of confidential information in this matter.
8. The applicant is hereby notified that the measures for inspection and preservation of evidence pursuant to the order of 27 April 2026 shall be revoked unless the applicant, within a period of 31 calendar days or 20 working days, whichever period is longer, commencing on the day on which the applicant's authorised representatives, patent and Attorney-at-law advisers, are granted access via the CMS to the detailed description to be disclosed in accordance with point 1, together with the annexes to the extent to be redacted, has brought an action against the respondents.
9. In all other respects, the parties' further applications are dismissed.

Düsseldorf, 8 October 2026

ADOCKER
judge rapporteur

Thomas
Adocker



Digitally signed by
Thomas Adocker

Date: 8 October 2026
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