



Munich local division
UPC_CFI_1209/2025
UPC_CFI_731/2026

Order
of the Court of First Instance of the Unified Patent Court,
Munich local division
issued on 19 October 2026

Claimant:

Steindl Krantechnik Gesellschaft m.b.H.
Christophorusstr. 28, 5061, Elsbethen, AT

[hereinafter referred to as 'Steindl']

represented by:
Dr Markus GANGL (Torggler Hofman Patent Attorneys)

DEFENDANT:

Kronos Machinery Oy Ab
Wikarsvägen 12, 68500, Kronoby, FI

[hereinafter referred to as 'Kronos']

represented by:
Jaakko VÄISÄNEN (Väisänen IP Oy)

PATENT AT ISSUE:

European Patent No. 3 287 315

[hereinafter referred to as EP 315]

LANGUAGE OF THE PROCEEDINGS:

German

PANEL:

Panel 1a of the Munich local division.

DECIDING JUDGE:

This order was issued by the presiding judge, Dr Matthias Zigann, acting as the judge-rapporteur.

SUBJECT:

Orders pursuant to Rule 105.5 of the RoP following the interim hearing on 16 October 2026.

FACTS OF THE CASE:

1. In the infringement claim (46 pages) filed on 17 October 2025, Steindl asserts, amongst other things, that the forestry trailers manufactured and distributed by Kronos under the model 'KARGO 121' manufactured and distributed by Kronos for the transport of agricultural and forestry goods literally infringes claims 1–14 of EP 3 287 315 B1 in Austria, Germany and France.
2. This was preceded by pre-litigation correspondence which referred to the fact that Kronos had exhibited the 'KARGO 121' at the FORST trade fair in Offenburg on 11 April 2025. In this pre-litigation correspondence, Kronos denied that there had been a literal infringement of the patent.
3. On 27 February 2026, Kronos filed a statement of defence (152 pages) with a counterclaim for revocation (UPC CFI 731/2026). In

it Kronos asserts, amongst other things – as it had already done in the pre-trial correspondence – that the ‘KARGO 121’ does not embody EP 315 either literally or equivalently. EP 315 is also not valid, as it lacks novelty and inventive step. Furthermore, Kronos filed applications for a reduction in the value in dispute, the court fee and the upper limit for recoverable costs.

4. Steindl replied on 11 May 2026 (72 pages) and, in the alternative, alleged an equivalent patent infringement. Furthermore, Steindl defined the contested embodiment as ‘forestry trailers manufactured and distributed by the defendant under the model designation “KARGO 121” for the transport of agricultural and forestry goods, including the “KRONOS GRIPTO” series crane attachments provided for this purpose in accordance with the operating instructions, Annex B10, 608, 609, 708 and 709, and, as a precautionary measure, all structurally identical successor and sister models, in so far as their design embodies the features of the patent described below.” Steindl submits, in the alternative, an application pursuant to Rule 190 of the RoP for an order requiring the production of design drawings of the KARGO 121 forestry trailer and its structurally identical predecessor models (CAD drawings, manufacturing documents, welding plans), as well as original evidence relating to the alleged prior use (receipt B27, invoice B29, payment receipts). Steidl defended EP 315 as granted and, in the alternative, put forward four subsidiary claims.
5. Kronos filed its reply on 13 July 2026 (136 pages) and further argued the non-infringement and the validity of the patent, submitting further documents and offering witnesses.
6. Steindl replied on 12 August 2026 (225 pages) and filed a separate application pursuant to Rule 36 of the RoP (8 pages) requesting an opportunity to respond should Kronos’s submission of 13 July 2026—which was regarded as late—not be rejected.

7. Kronos replied on 14 September 2026 with three pleadings (73+9+60 pages) and applied for its own pleadings to be admitted and for those of Steindl to be rejected.
8. The written procedure concluded on 14 September 2026. The rapporteur updated the status in the CMS on 21 September 2026.
9. On 2 October 2026, both parties submitted their views on possible topics for the interim hearing (Steindl 4 pages, Kronos 5 pages).
10. On 10 October 2026 (15 pages), Kronos submitted applications for simultaneous interpretation of the oral hearings and (separate) witness examinations between German and Swedish.
11. Steindl responded to this on 12 October 2026 (24 pages) and submitted applications for the court to take its own submissions into account and to disregard those of the other party. Furthermore, Steindl applied, pursuant to Rule 172.2 of the RoP, for Kronos to be ordered to produce the original paper copies of exhibits B27, B29 and B55 by a date to be determined by the court prior to the oral hearing.
12. On 14 October 2026 (18 pages), Kronos submitted further applications requesting that its own submissions be taken into account and that those of the opposing party be disregarded.
13. On 14 October 2026 (8 pages), Steindl submitted a response to this.

THE PARTIES' APPLICATIONS IN FULL:

14. Steindl (claim of 17 October 2025)

'1. It is requested that the Court declare that the manufacture, offering for sale, placing on the market, use or importation of the defendant's forestry

in accordance with the contested embodiments, or the possession of such forestry trailers for these purposes, constitutes an infringement of the patent at issue.

2. It is requested that the defendant be ordered to refrain, in one or more of the territories of the Republic of Austria, the French Republic and/or the Federal Republic of Germany, from offering for sale forestry trailers for the transport of agricultural or forestry goods with

- a central longitudinal beam,*
- at least one axle mounted on the longitudinal beam in a load-bearing manner, and*
- a mounting platform suitable for securing and supporting a crane,*

wherein the longitudinal beam extends with a continuous cross-section at least from the mounting platform to the at least one axle,

whereby the longitudinal beam functions as the mounting platform, whereby the crane is secured to the mounting platform by means of a bolted connection, and the longitudinal beam in the region of the mounting to reinforce the longitudinal beam, and the continuous cross-section of the longitudinal beam remains essentially unchanged over its entire length, wherein the longitudinal beam has a cross-sectional shape with at least four, five, six, seven, etc. corners,

(Claim 1) in particular

where

the fastening platform is formed – preferably exclusively – by an upper surface of the longitudinal member,

(Claim 2)

and/or a drawbar – preferably an articulated drawbar – is provided at a front end of the forestry trailer,

(Claim 3)

and/or the cross-section is continuous at least from the drawbar to at least one axle,

(Claim 4)

and/or stanchions mounted on the longitudinal beam in a load-bearing manner are provided for holding agricultural or forestry goods,

(Claim 5)

and/or a front grille is provided between the loading platform and the stanchions,

(Claim 6)

and/or the front grille is bolted directly to the longitudinal beam,

(Claim 7)

and/or a support – in particular a flap-down support – is provided between the mounting platform and the stanchions,

(Claim 8)

and/or at least one – preferably all – of the following is mounted on the longitudinal beam in a load-bearing manner:

- Drawbar*
- Front grille*
- Stanchions*
- Support,*

(Claim 9)

and/or the cross-section of the longitudinal beam is continuous from a front end to a rear end of the longitudinal beam,

(Claim 10)

and/or the forestry trailer is constructed using a monocoque frame design,

(Claim 11)

and/or an extension mechanism – preferably in the form of a telescopic longitudinal beam – is provided,

(Claim 12)

and/or lines – in particular hydraulic lines and/or electrical lines – and/or a drawbar linkage are ordered within the longitudinal beam,

(Claim 13)

and/or the crane is secured to the mounting platform and mounted in a load-bearing manner

(Claim 14)

to manufacture, offer for sale, place on the market, use and/or import for the aforementioned purposes and/or to possess.

3. It is requested that the defendant be ordered, at its own expense, to recall the infringing forestry trailers referred to in point 2 from the distribution channels, to remove them permanently from the distribution channels and to eliminate the infringing features.

4. It is requested that the defendant be ordered to provide the claimant with information regarding

- the origin and distribution channels of the infringing forestry trailers referred to in point 2

- the quantities produced, manufactured, delivered, received and ordered, and the prices paid for the infringing forestry trailers referred to in point 2, and

- the identity of all third parties involved in the manufacture or distribution of the infringing forestry trailers referred to in point 2.

5. It is requested that the Claimant be permitted, at the defendant's expense, to publicise and publish the decision, in whole or in part, in the following public media in German and/or English:

- the defendant's website*
- Facebook*
- Trade journal 'Forst&Technik'*
- Trade journal 'Forstmaschinen Profi'*

6. It is requested that the defendant be ordered to pay, for each individual instance of non-compliance with the order set out in point 2 and for each day on which the order under points 3 or 4, following the expiry of a two-week period, a penalty payment, the amount of which is left to the discretion of the court, but which shall not be less than €30,000.

7. It is requested that the judgment be declared immediately enforceable.

8. It is requested that the defendant be ordered to compensate the claimant for all damage which she has suffered or will suffer as a result of the manufacture, offering for sale, placing on the market, use, or importation or possession for the aforementioned purposes.

9. It is requested that the defendant be ordered to reimburse the claimant for the costs of the proceedings and legal representation.

10. It is requested that the documents submitted in English need not be translated."

15. Kronos (Statement of Defence and Counterclaim for Annulment dated 27 February 2026):

"I. The claim is dismissed;

In the alternative

1. The orders relating to the claims in PART 1, paragraphs 2 to 4 shall only be enforceable once the claimant has notified the court of which part of the orders it intends to enforce and has submitted a certified translation of the orders into the official language of the Member State in which enforcement is to take place, and once the defendants have been served with the notification and the (relevant) certified translation.

2. Judgments and orders are made conditional upon the claimant and counter-defendant providing the defendant and counter-claimant with security in the amount of EUR 1,100,000.00.

At the same time, we are bringing a counterclaim on behalf of and under the authority of the defendant and counter-claimant, and will further request:

II. European Patent EP 3 287 315 B1 is declared null and void in its entirety with effect for the territories of the Contracting Parties to the Agreement on a Unified Patent Court in which it enjoys protection, namely with effect for Germany, Austria and France.

III. The claimant shall be ordered to pay the costs of the proceedings, including the costs of the counterclaim.

We further request:

IV. That, when determining the court fees, account be taken of the fact that the defendant and counter-claimant is a small enterprise.

V. That the value in dispute be reduced to €500,000.00. We contest the claimant's calculation of the value in dispute. This document contains a statement pursuant to Rule 24(i) of the RoP.

VI. That the upper limit for costs recoverable from the defendant in the event of an unsuccessful outcome be set at a maximum of EUR 15,000.

VII. ... [Application pursuant to Rule 262A of the Rules of Procedure – definitively dismissed by order of 13 April 2026]

VIII. ... [Application pursuant to Rule 262.2 of the Rules of Procedure – definitively dismissed by order of 13 April 2026]

IX. We have not lodged a preliminary objection under Rule 19.

X. The defendant reserves the right to apply for a court-appointed expert opinion in the interim proceedings, should this prove necessary in the light of the Claimant's further submissions.

XI. The defendant reserves the right to offer to call witnesses in the interim proceedings."

16. Steindl (11 May 2026):

"A. Applications in the infringement action

1. Application 2, as set out in PART 1 of the statement of claim, is clarified by designating the contested embodiments as 'KARGO 121 forestry trailer', and now reads as follows:

'It is claimed that the defendant be ordered to refrain from, in one or more of the territories of the Republic of Austria, the French Republic and/or the Federal Republic of Germany,

forestry trailers [...]

in particular forestry trailers designated as the 'KARGO 121' model, and/or to import and/or possess them for the aforementioned purposes."

2. The application to dismiss the claim, as set out in the statement of defence (claim I), is rejected.

3. The defendant's alternative application to make the decisions and orders conditional upon the Claimant providing security in the amount of EUR 1,100,000.00 (Statement of Defence, alternative application 2) is dismissed.

B. Applications relating to the counterclaim for revocation

4. The counterclaim for the revocation of European Patent EP 3 287 315 B1 is dismissed.

5. In the alternative, it is requested that the European patent EP 3 287 315 B1 be maintained in one of the versions set out in the attached alternative claims HA1, HA2, HA3 or HA4 (in that order).

C. Applications relating to the defendant's other applications

6. The application to take the defendant's SME status into account when determining the court fees (Statement of Defence, Request IV) is dismissed.

7. The application to reduce the value in dispute to EUR 500,000.00 (Statement of Defence, Application V) is dismissed. The Claimant maintains the quantified value in dispute of EUR 900,000.00.

8. The application to set the upper limit for the defendant's recoverable costs at a maximum of EUR 15,000.00 (Statement of Defence

Application VI) and the alternative application seeking to set the upper limit at EUR 40,000.00 are dismissed.

D. Further applications by the claimant

9. It is requested that the written witness statements submitted by the defendant in Annexes B11, B12, B12a, B28, B30 and B31a be regarded as insufficient to substantiate prior use in the public domain, and that the witnesses [REDACTED] [REDACTED] [REDACTED] d [REDACTED] [REDACTED] [REDACTED] UPC Agreement; Rule 175 et seq. RoP).

10. In the alternative, it is suggested that the court order the defendant, pursuant to Rule 190 of the RoP, to produce the design drawings of the KARGO 121 forestry trailer and its structurally identical predecessor models (CAD drawings, manufacturing documents, welding plans), in so far as this appears necessary for the assessment of the infringement.

11. It is requested that the original supporting documents relating to the alleged prior use (receipt B27, invoice B29, payment receipts) be produced in their original form.

12. It is also requested that the defendant and counter-claimant be ordered to pay any further additional costs incurred since the action was brought.”

17. Kronos (13 July 2026):

“The defendant and counter-claimant maintains in full the applications set out in its defence and counter-claim.

It further requests that

1. that the claim be dismissed;

2. that the counterclaim seeking the revocation of European Patent EP 3 287 315 B1 be upheld in full, with the patent being declared invalid with effect for Germany, Austria and France;

3. the further applications made by the Claimant and counter-defendant in the Reply, in particular

- the applications seeking to extend the allegation of infringement to further embodiments not specifically identified, as well as successor, predecessor and sister models;

- the application for the production of design drawings, CAD data, manufacturing documents and welding plans; and

- to disallow auxiliary claims HA1–HA4

not to be admitted to the proceedings, or, in the alternative, to be dismissed;

4. to order the claimant and counter-defendant to bear the costs of the proceedings, including the costs incurred by this rejoinder and by the defendant's and counter-claimant's reply in defence against the counter-claim for nullity. The statement of costs is attached.

In so far as the claimant refers in paragraph VI.5.1 of the Reply to an internal contradiction in the defendant's application (EUR 15,000 in the previous application VI versus EUR 40,000 in the statement of grounds), this is based on an obvious editorial oversight in the heading of the application in the statement of defence. The defendant hereby clarifies that – as deduced from the substance of the statement of grounds under section VI-2.4 – a reduction of the cost ceiling to a maximum of EUR 40,000.00 is sought. Claim VI is hereby formally corrected.

As a precautionary measure, we submit an application for the personal examination of the named witness in accordance with Rule 176 of the UPC RoP.

18. Steindl (12 August 2026):

“The claimant and counter-defendant makes the following applications:

1. The claimant and counter-defendant maintains applications 1 to 10 of the statement of claim dated 17 October 2025 – Application 2 in the version clarified by the Reply of 11 May 2026 – as well as applications 1 to 12 of the Reply of 11 May 2026 in their entirety, in each case in accordance with the clarification set out in paragraph 1 (paragraphs 4–5) and, with regard to claim 9 in the Reply, in accordance with application No. 7(a).

2. Annexes B63 and B64/B64DE, submitted with the rejoinder of 13 July 2026, as well as the defendant’s and counter-claimant’s new factual allegations based on them, are disregarded as out of time pursuant to Rule

9.2 of the RoP, as they were submitted out of time; the same applies to Annex B62/B62DE and the arguments based thereon, in so far as they introduce purely product-descriptive new facts without giving rise to a Reply, to the extent specified in PART A, Section A.2 (paragraphs 42–55). The defendant’s application [REDACTED] have the written witness statement of Mr

[REDACTED] together with the accompanying images and CAD drawings as evidence (Duplic, Section VI-7a, p. 40) is dismissed.

In the alternative, in the event of admission:

The claimant and counter-defendant shall be given the opportunity, within a period to be determined by the court, to submit supplementary comments on Annexes B62/B62DE, B63 and B64/B64DE, as well as on the arguments based thereon, and to adduce evidence.

3. The defendant’s application to treat certain factual allegations in connection with the set of exhibits B56 (written witness statement by Mr [REDACTED] to be treated, pursuant to Rule 171.2 of the RoP, as not specifically contested and therefore as undisputed between the parties (reply, section VI-7, pp. 30–31), is dismissed.

4. *The following applications by the defendant are also rejected:*

(a) *the application to clarify the subject-matter of the infringement proceedings to the effect that only the specific embodiment dealt with on the basis of the set of photographs is being challenged (reply, section II, pp. 6–7);*

(b) *the application to dismiss the infringement claim in so far as it goes beyond the specific embodiment dealt with on the basis of the photographs, or, in the alternative, to limit it to the specifically photographed KARGO 121 in the specifically contested crane and base configuration (Duplik, Section II, p. 10);*

(c) *the application that the claims in the Reply, described by the defendant as ‘claims seeking to extend the infringement allegation to further embodiments not specifically identified, as well as successor, predecessor and sister models’, should not be admitted into the proceedings, or, in the alternative, should be dismissed (Duplik, Section I, Claim No. 3, p. 6);*

(d) *the precautionary application that the scope of the infringement claim, which the defendant considers to be excessive, be taken into account in favour of the Claimant when determining costs (Duplic, Section II, p. 10).*

5. *The claimant maintains the order under Rule 190 of the RoP, proposed in the alternative in claim 10 of the reply, requiring the defendant to produce the design drawings of the KARGO 121 forestry trailer as well as those of the structurally identical predecessor models (CAD drawings, manufacturing documents, welding diagrams), in so far as this appears necessary for the assessment of the infringement. The defendant’s applications to exclude from the proceedings or to reject this application—which it describes as an application ‘for the production of design drawings, CAD data, manufacturing documents and welding diagrams’ (Duplic, Section I, Application No. 3, p. 6; Section VI-2 e, pp. 22–23; Section IX-5, pp. 92–95), or, in the alternative, to restrict the production strictly to the specifically contested KARGO 121 model in the specific crane/base configuration photographed, and to permit it only subject to confidentiality orders pursuant to Rule*

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of the RoP or Article 58 of the UPC Agreement (Rejoinder, Section IX-5, p. 94), are rejected.

6. The defendant's applications, which it has maintained and reiterated in its rejoinder, for its SME status to be taken into account (rejoinder, Section IX-1, pp. 88–89), for an order requiring the Claimant to provide security (rejoinder, Section IX-2, p. 89), for the value in dispute to be reduced to EUR 500,000.00 – in so far as this application has been validly made and maintained – (reply, section IX-3, pp. 89–90) and for the upper limit of recoverable costs to be set at EUR 40,000.00 (Duplik, Section IX-4, p. 91) are dismissed. The corresponding applications in the Reply (applications 3 and 6 to 8) are maintained; the Claimant maintains the quantified value in dispute of EUR 900,000.00.

7. With regard to the defendant's submission of evidence (Duplik, Section XI-2, pp. 129–136), it is requested that:

(a) The examination of the witnesses named by the defendant – with the exception of [REDACTED] (referred to below as (b)) – shall take place orally at the hearing in the presence of the Claimant's representatives and whilst respecting the Claimant's right to put questions to the witnesses; the application in the Reply to hear the witnesses (reply application 9) is upheld on the [REDACTED] [Name] is not heard as a witness but by way of a hearing the parties in accordance with Rule 170.2(a) of the RoP.

(b) Mr [REDACTED] is, as [REDACTED] and, as such, an officer of the defendant and counter-claimant, shall not be examined as a witness under Rule 176 of the RoP, but shall be heard by way of a hearing of the parties under Rule 170.2(a) of the RoP; during the oral hearing, his hearing and examination shall be governed by Rule 112.2(a) and Rule 112.4 of the RoP.

(c) The issues of evidence formulated by the defendant (Duplik, Section XI-2, pp. 130–136) are rejected insofar as they do not

relate to facts of perception but rather to legal assessments, classifications or the evaluation of evidence;; in the alternative, the examination is limited in this respect to the underlying facts of perception.

8. The defendant's applications not to admit the alternative claims HA1 to HA4 into the proceedings, or, in the alternative, to dismiss them (duplicate, Section I, Application No. 3, p. 6; Section VIII, pp. 56–87), are dismissed. The claimant maintains the alternative application for amendment of the patent (Reply application 5); only the clean copies of the alternative applications submitted with the Reply (Annexes K/1, L/1, M/1 and N/1) in the order HA1, HA2, HA3, HA4 (specifically PART D, Section D.1 (para. 250–259)).

9. The defendant and counter-claimant shall bear the costs of the proceedings, including the costs of defending against the counter-claim for revocation and the further costs incurred by the Claimant and counter-defendant as a result of the Reply of 13 July 2026 (reply application 12 is upheld). The defendant's application for costs (duplicate, Section I, application No. 4, p. 6) is dismissed.

In addition to, and independently of, the above applications Nos. 1 to 9, the following applies:

In so far as the rejoinder of 13 July 2026 contains, in addition to the applications dealt with in detail above, further applications, or renews or maintains such applications – namely the applications to dismiss the action and to declare the patent at issue invalid (rejoinder, Section I, applications Nos. 1 and 2, p. 6) – the Claimant and counter-defendant also moves for their dismissal.”

and

“The claimant and counter-defendant requests that the submission of a further document be permitted under Rule 36 of the RoP, to the extent that the claimant's rejoinder, filed at the same time

of the same day, in its PART B Annex (paragraphs 126 to 162), responds to the infringement allegations set out in the defendant's rejoinder of 13 July 2026.

In the alternative, the claimant requests that the submission of this further document be permitted at least to the extent that it addresses the annexes B62/B62DE, B63 and B64/B64DE, and the new statement of facts based thereon (section B.5), as well as to the detailed defence regarding equivalence and the dependent claims (sections B.7 and B.8), which were set out in detail for the first time in the rejoinder.

The procedural preliminary remark in Part B of the Annex (para. 126) and the reference to the substantiation of the challenges to the validity of the patent at the end of para. 162 do not constitute a defence in the sense described above; they are not covered by this application and do not require authorisation under Rule 36 of the RoP.

This application is being filed at the same time as the Claimant's rejoinder. It is not being submitted belatedly in response to an objection by the defendant."

19. Kronos (14 September 2026):

"Procedural applications under Rules 9.2 and 36 of the RoP, as well as applications on the merits

1. The claimant's application under paragraph 2 (p. 10) of the document dated

12 August 2026, pursuant to Rule 9.2 of the RoP, that the defendant's specific submissions, annexes and offers of evidence be disregarded, is dismissed;

in the alternative, we request

that the defendant's arguments, as set out in detail, the annexes and the offers of evidence should not be disregarded pursuant to Rule 9.2 of the RoP,

but that the Claimant be given the opportunity to submit further comments, insofar as such an opportunity has not already been provided.

2. The defendant and counter-claimant requests that the following arguments from the Claimant's document of 12 August 2026 be disregarded pursuant to Rule 9.2 of the RoP:

a) Section B.8 concerning the alleged infringement of granted sub-claims 2 to 14;

b) the independent defence of the combinations of claims specified in C.8.3 to C.8.8, in so far as it goes beyond the defence of the granted claims that was substantiated in due time;

c) the submissions in F.2, F.3 and F.5, in so far as they relate to the alleged infringement of the patent in its granted form.

3. In the alternative, in so far as the Court takes into account the additional submissions of the Claimant specifically referred to in paragraph 2, it is requested that the defendant's supplementary written statement relating thereto, which was already submitted with the pleadings filed at the same time, be admitted and taken into account in accordance with Rule 36 of the RoP. The scope of this statement is determined in particular by applications 15 and 17, as well as the relevant sections of the defendant's own Rule 36 application. Should a further response, not yet submitted, be required, a time limit confined to the subject matter is requested.

4. The defendant and counter-claimant moves that the challenge to the public accessibility of Annex B8 prior to 26 August 2016, raised for the first time in the Claimant's document of 12 August 2026, Section D.8.6, in particular paragraph 318, and referred to in Section D.9, paragraph 328, be disregarded as out of time pursuant to Rule 9.2 of the RoP, in so far as this challenge is relied upon in defence of the principal claim and the alternative claims 1 to 4.

5. *The defendant and counter-claimant requests that the independent defence of the combinations referred to in C.8.3 – first set out in detail in the document of 12 August 2026 – and their incorporation into D.2.2 be disregarded pursuant to Rule 9.2 of the RoP, in so far as this introduces independent fallback positions that have not yet been substantiated.*

6. *The defendant and counter-claimant requests that the applications for maintenance of the patent at issue in the versions HA1 to HA4, including the dependent claim combinations defended independently for these versions, be rejected. The application for the complete revocation of the patent at issue, filed with the counter-claim for revocation, is maintained.”*

and

“On behalf of the defendant and counter-claimant, it is requested that the Claimant’s and counter-defendant’s application for the admission of a further document pursuant to Rule 36 of the RoP be rejected.

In the alternative, in the event that the Board deems it necessary for the Claimant to submit a supplementary written statement regarding specific detailed facts or evidence presented for the first time in Annexes B62/B62DE, B63 and B64/B64DE, it is requested that any such statement be strictly limited to these specific new facts and evidence and that the application be dismissed in any event with regard to sections B.7 and B.8 of PART B of the Annex.

In the event of such a statement being admitted, it is further requested that the defendant’s reply relating thereto – identified by reference to the defendant’s own applications under Rule 36 of the RoP and filed at the same time – be admitted and taken into account; insofar as a further reply becomes necessary beyond this, a time limit for submission of comments, restricted to the same subject matter, is requested.”

and

“With regard to the defence to the reply to the rejoinder to the amendments, the defendant and counter-claimant maintains that the specifically identified submissions are admissible under Rule 32.3, second sentence, of the RoP. In the event that a separate requirement for leave is accepted in this respect, applications 1 to 11 and 14 are submitted as a precautionary measure. Insofar as these applications relate to evidence previously submitted and the arguments put forward at that time, their timeliness remains unaffected. Permission under Rule 36 of the RoP is expressly sought for the additional written submissions, each precisely specified in applications 12, 13, 15 to 17, regarding the summary issued. With regard to the alternative versions covered by applications 12, 13 and 16, the primary position under Rule 32.3, second sentence, of the RoP remains unchanged. The additional scope of use beyond the granted version is not derived from Rule 32.3. Applications 18 and 19 concern the separately designated submissions in Section

XVIII. The classification of the submissions relating to the procedural claims still pending and the permission sought as a precautionary measure in this regard are set out in Application 18(a). Permission under Rule 36 of the RoP is expressly sought for the additional submissions regarding the counterclaim for annulment referred to in Application 18(b) and for the statement regarding the original claims referred to in Application 19. The precise subject matter of any new evidence will be determined separately in each case. The defendant and counter-claimant maintains that the set of annexes B 56 was duly introduced into the proceedings as part of the rectification of defects in the defence, and that the annexes B 59, B 60/B 60 DE, B 61/B 61 DE, B 62/B 62 DE, B 63, B 64/B 64 DE, B 67/B 67 DE, B 68/B 68 DE and B 38/B 38 DE and B 69/B 69 DE, together with the arguments based thereon, form an admissible part of the rejoinder submitted within the time limit on 13 July 2026. The defendant and counter-claimant responds in the Reply, filed simultaneously, to the reply to the amendment to the claimant’s application under Rule 9.2 of the RoP, as set out in paragraph 2 of the document dated 12 August 2026. The response to the claimant’s application under paragraph 3 concerning Rule 171 2 of the RoP is set out in section

11.3 of this document. These are, in each case, responses to the Claimant's separate procedural requests. The defendant maintains that no separate permission under Rule 36 of the RoP is required for this.

The defendant's own applications for the plaintiff's submissions to be disregarded pursuant to Rule 9.2 of the RoP are set out in paragraphs 2, 4 and 5 of the rejoinder filed at the same time. The present applications for leave under Rule 36 of the RoP do not affect these applications. Solely as a precautionary measure and without admission of any delay, it is requested, in the event that the Division should deem separate leave to be necessary,

- 1. that the submission of the set of exhibits B 56 (written witness statement by Mr [REDACTED] together with photographic documentation) and the arguments based thereon,*
- 2. the submission already made of Annex B 62/B 62 DE (written statement by [REDACTED] [REDACTED] and the arguments based thereon;*
- 3. the submission of Annexes B 63 and B 64/B 64 DE, as well as the arguments based thereon;*
- 4. the submission of Annex B 59 (Product Catalogue 2024), which has already taken place, and the arguments based thereon;*
- 5. the submission, which has already taken place, of Annexes B 60/B 60 DE, B 61/B 61 DE, B 67/B 67 DE and B 68/B 68 DE, as well as the arguments based thereon concerning the defendant's SME status and corporate structure;*
- 6. the corrective submission and classification, made in the rejoinder, of Annexes B 38/B 38 DE and B 69/B 69 DE, as well as the arguments based thereon;*

7. the subsequent submission of the 2025/2026 product catalogue, already expressly announced on page 8 of the rejoinder of 13 July 2026 and designated as 'Exhibit B 70', and its inclusion as evidence in support of the arguments already set out in the rejoinder; and

8. the defence contained in the rejoinder to the Reply to the amendment application, filed at the same time, to the claimant's application under Rule 9.2 of the RoP under paragraph 2 of the document of 12 August 2026, and the statement contained in Section II.3 of this document regarding the claimant's application under paragraph 3 concerning Rule 171.2 of the RoP, as well as the defence to the further objections regarding late filing and admissibility raised in PART A, Section A.2.3, of the claimant's document;

9. the supplementary annexes referred to in the rejoinder to the Reply to the amendment application, which was filed at the same time, and submitted with that rejoinder, namely:

Annex B71: Wayback Machine record dated 6 May 2016 for the URL FARMA_DE.pdf, showing catalogue page 4; accessed on 14 September 2026.

Exhibit B72: Archived FARMA catalogue file FARMA_DE.pdf, recorded on 6 May 2016; accessed on 14 September 2026 (24 pages).

Appendix B73 Konepörssi, 'Fors MW – Generation 2 trailers and cranes', online article dated 20 April 2014, original in Finnish (9 screenshots). Working translation into German: Appendix B73DE.

Appendix B74 Koneviesti No. 12 of 27 August 2014, 'Maatilan Metsäkone', original in Finnish (3 PDF pages containing magazine pages 50–55). Working translation into German: Appendix B74DE.

Appendix B75 Printout of the Twitter post from the manufacturer's account FARMA/BIGAB (@forsmw) dated 12 September 2014, featuring a photograph of the Forestry Journal advert; accessed and printed on 14 September 2026.

B76 Email correspondence between [REDACTED] [REDACTED] Forestry Journal and the undersigned regarding the allocation and transmission of the FARMA advert and the supplementary data set for the September 2014 issue.

B77 Forestry Journal, September 2014 issue; [REDACTED] [REDACTED] submitted issue extract including cover page, page 1, table of contents, page 3, editorial on page 6 and the 'FARMA Generation 2' advertisement on page 84. Appendix B78 Spare parts catalogue 'Lumber Trailer T14 4WD G2 – Spare Parts', document reference S1.0-2014W08-en, English original (27 pages).

Exhibit B78DE: To admit the German translation of the spare parts list in accordance with Rule 36 of the RoP and to take it into account in the decision, or at any rate not to disregard it pursuant to Rule 9.2 of the RoP.

Supplementary applications pursuant to Rule 36 of the RoP:

Application 10

Summary defence regarding the alternative claim

The defendant and counter-claimant is granted, pursuant to Rule 36 of the RoP, permission to submit, together with its defence to the Reply to the amendment, the summary defence to the alternative 'with a thickening' in the claim versions K/1, L/1, M/1 and N/1; insofar as this content has already been submitted with the rejoinder, we request that it be taken into account. The scope of the requested admission is limited to the response to D.1.2 and D.6 to D.9 of the Reply of 12 August 2026: the scope of the outer-layer limitation according to the interpretation put forward by the Claimant; the

classification of the welded external reinforcements already discussed for Patu 80 and KRONOS 85H, as well as the internal pipe reinforcement for Pfanzelt RW 1177/RW 15100/RW 15100 4WD, as part of the thickening alternative; and the significance of this classification for the combinations set out in Annex B8 on 13 July 2026, taking into account the further features of the respective auxiliary claim. This concerns, in particular, Sections VI, VIII.1 and VIII.2, as well as the corresponding claim-related explanations under D.7 to D.9, including XI.1 and XI.5, of the rejoinder submitted at the same time. A further general defence of the main claim or its sub-claims, a new case of prior use and a new independent ground for invalidity are not the subject of this application.

Application 11

In the alternative, admission of the specified reply to the sub-claims

The defendant and counter-claimant is granted leave, pursuant to Rule 36 of the RoP, to submit the defence contained in Section XII of its simultaneously filed rejoinder to the defence of the sub-claims adopted in paragraphs 265–268 in respect of the subsidiary claims HA1 to HA4, as set out in D.2.2; in so far as this content has already been submitted, it is requested that it be taken into account. paragraphs 265–268, for the auxiliary applications HA1 to HA4; insofar as this content has already been submitted, it is requested that it be taken into account. This covers the combinations 2 + 1, 13 + 1, 13 + 2 + 1, 7 + 6 + 5

+ 1, 7 + 6 + 5 + 2 + 1, 12 + 1 and 12 + 2 + 1, each relating to the full claim 1 of the relevant auxiliary version. For M/1 and N/1, account is taken of the fact that the leading feature is already contained in claim 1 and that the fallback lines designated thereby are, to that extent, subsumed in claim 1 or 2 + 1 respectively. Also covered are the cross-references to the remaining sub-claims jointly defended in D.2.2, as individually specified in Section XII.6, in each case exclusively within K/1, L/1, M/1 and N/1. The application does not cover a response to the independent defence of the sub-claims of the main application, nor does it cover any new combination of claims beyond this which has not yet been specified. The additional statement regarding the granted combinations is submitted

17. Insofar as authorisation is required, a further application is made that the content precisely described above should in any event not be disregarded pursuant to Rule 9.2 of the RoP. Should the Board consider it necessary for the Claimant to be given a further opportunity to submit written comments on individual admitted amendments, we request that this be limited in scope to those amendments and that a time limit be set in accordance with the procedural timetable.

Application 12

In addition to Application 9, it is applied for – expressly in respect of the principal claim and, as a precautionary measure, in respect of the alternative claims 1 to 4, in so far as the submission is not already admissible under Rule 32.3, second sentence, of the RoP –

a) that the defendant and counter-claimant be permitted, in accordance with Rule 36 of the RoP, to submit the following supplementary written statement together with the Konepörssi article ‘Fors MW – Generation 2 -perävaunut ja -nosturit’ dated 20 April 2014, Annex B73 with a German working translation B73DE, and to take this submission, together with the annex, into account when deciding on the counterclaim for nullity against the granted version as well as on auxiliary claims 1 to 4;

b) in doing so, to use Annex B73 as supplementary evidence for the technical teaching already introduced by Annex B8 and its public availability prior to 26 August 2016, and, in the alternative, should the prior publication of the relevant version of Annex B8 not be regarded as proven, to permit its use as a separate additional publication in place of Annex B8 within the context of the obviousness arguments set out below. This use is limited to the octagonal central profile of the FARMA-G2 forestry trailers, its described resistance to impact loads and the protected hose routing inside this profile;

c) in the strictest alternative, in so far as the alternative use requested under (b) constitutes an amendment to the previous statement of facts within the meaning of

Rule 263 of the RoP, to permit this specifically defined amendment additionally under Rule 263.1 of the RoP;

d) in any event, not to disregard the annex and the submission so designated pursuant to Rule 9.2 of the RoP. In so far as the Board considers a supplementary statement from the Claimant to be necessary, the Claimant is requested to provide a statement, limited to the dating, the cited passages of disclosure and their use in the objections already referred to, within a time limit in accordance with the procedural timetable.

e) in addition to applications 9 and 16, to admit the submission concerning the publication of the 'FARMA G2' advertisement in the Forestry Journal, including Annexes B75 to B77 and the offer of evidence specified in Section XVIII.1.7 [REDACTED] [REDACTED] it into account when deciding on the counterclaim for revocation against the granted version and on auxiliary applications 1 to 4;

f) to admit the 'FARMA Generation 2' advertisement, Annex B77, as a supplementary and alternative submission, in the event that the prior publication of the relevant version of Annex B8 is not deemed to have been proven, as an independent combination citation in place of Annex B8 within the scope of the obviousness arguments set out in Section XIII.4. This use is limited to the octagonal central profile, its described resistance to impact loads and the protected hose routing within it. B73 and B77 are each cited independently as alternative sources of this teaching in this respect. In so far as the alternative use of B77 is regarded as a modification of the previous ground of opposition within the meaning of Rule 263 of the RoP, admission under Rule 263.1 of the RoP is additionally requested in the most subsidiary sense. For the purpose of affording the claimant the necessary opportunity to comment, application 12(d) applies mutatis mutandis.

g) In addition, the use of Annexes B74/B74DE and B77, in conjunction with B78/B78DE respectively and considered as a whole, to

as circumstantial evidence of the protected internal routing of the electrical rear light supply in the FARMA-G2 design documented for 2014. Also covered is the alternative ground that the adoption of the protected internal routing described in B77 was also standard practice and obvious for the electrical rear light supply within the scope of the obviousness arguments already set out. The application relates to the granted version, in particular combinations 13 + 1 and 13 + 2 + 1, as well as the corresponding claim features of auxiliary claims 1 to 4. The specific assessment of the evidence and the grounds for extension are explained in Section XIV.3 and in X.4 and XII.3 of the duplicate amendment application submitted at the same time. In so far as this is regarded as a modification of the previous ground of attack within the meaning of Rule 263 of the RoP, its admissibility is requested, in the strictest alternative, pursuant to Rule 263.1 of the RoP. Application 12(d) applies mutatis mutandis.

Application 13

In addition to Applications 9 and 12, it is expressly requested in respect of the granted version and, as a precautionary measure, in respect of the alternative applications 1 to 4 – insofar as the submission set out below is not already admissible under Rule 32.3, second sentence, of the RoP –

a) that the defendant and counter-claimant be permitted, in accordance with Rule 36 of the RoP, to submit the following supplementary written explanation together with the spare parts catalogue ‘Lumber Trailer T14 4WD G2 Spare Parts’, document reference S1.0-2014W08-en, 27 pages, file “S1.0-2014W08-en-T14 4WD G2.pdf”, Annex B78 – Annex B78DE in German translation, and to take it into account as supplementary evidence in the decision;

b) to permit the use of the catalogue as supplementary technical documentation for the electrical rear light wiring and hydraulic lines, as well as for the explicitly stated model assignments. This includes its use, together with B74/B74DE and B77, as circumstantial evidence for the internal routing of the

longitudinal electrical rear light supply and for the technical explanation of the alternative argument based on obviousness as set out in the application

12(g). Of particular relevance are page 3, items 26, 30 and 31; page 15, section 1.1.8; page 19, section 1.2.2; and pages 22 and 23, sections 1.2.5 and 1.2.6. The dates and the declaration of conformity on page 27 are taken into account as evidence of the documented level of equipment;

c) this use should be permitted within the scope of the claims already based on B8 and in connection with the use of B73 and B77 claimed in application 12. The supplementary evidence relates to the wiring configuration discussed in D.8.6, D.8.7 and D.9 of the Reply of 12 August 2026, the fallback combinations of the auxiliary versions adopted in D.2.2, and the corresponding granted combinations 13 + 1 and 13 + 2 + 1. The additional substantive response to the independent defence of the granted combinations is the subject of application 17;

d) the submission so designated and the evidence must not, in any event, be disregarded pursuant to Rule 9.2 of the RoP. Insofar as a supplementary written statement from the Claimant is required, an opportunity to comment, limited to this document, its chronological context and its stated evidential purpose, shall be granted within a time limit aligned with the procedural timetable.

Application 14

Provisional admission of the defence regarding non-infringement of the alternative claims

The defendant and counter-claimant is provisionally permitted, in accordance with Rule 36 of the RoP, to submit the defence regarding the non-infringement of auxiliary claims 1 to 4 contained in Section XIII of its rejoinder to the Reply to the amendment, which was filed at the same time; insofar as it has already been submitted, it is requested that it be taken into account.

This application is made solely in the event that the Division does not already regard certain of these submissions as an admissible response under Rule 32.3, second sentence, of the RoP. It concerns the response to D.10, paras. 331–333, D.8.8, para. 325, and D.2.2, para. 268, of the written submission dated 12 August 2026, including the arguments set out in B.2 to B.4 and B.6 to B.8, which were incorporated therein in relation to the alternative claims. This covers the platform and cross-sectional allocation, the reinforcement features, the objections regarding the documentation and the statement ‘ ’ concerning the axle bearing, as well as equivalence and sub-claim [REDACTED] h case exclusively for K/1, L/1, M/1 and N/1.

Application 15

Additional statement on the granted version

The defendant and counter-claimant requests that it be permitted, pursuant to Rule 36 of the RoP,

a) to submit the arguments set out in Sections XV.1a, paragraphs 1 to 9 of this document, taken from Sections XIII.2 to XIII.11 of the Reply filed simultaneously in response to the reply to the amendment request, as a supplementary written statement regarding the alleged infringement of the patent in its granted version, and, insofar as they have already been submitted, to have them taken into account to that extent;

b) that the arguments set out in XIII.8 of the aforementioned rejoinder, as delineated in XV.1a, point 5, also be used for the uniform interpretation of the granted features in the decision on the counterclaim for nullity, limited to their relevance to the challenges already raised. In so far as the arguments respond to additional submissions by the claimant, it is assumed that these will be taken into account; this applies in particular to the defence in XIII.10 and XIII.11 in response to B.7 and B.8.

In the alternative, a separate decision is sought on the matters set out in XV.1a, points 1 to 9, and in any event the

the application for the admission of the explanations referred to in points 3 and 4. Any further opportunity for the claimant to make representations must be limited to the scope of the permitted supplementary submissions.

Application 16

Internet references and Koneviesti also relating to the granted version

In addition to and by way of clarification of Application 9, and whilst maintaining Applications 12 and 13, it is requested expressly in respect of the granted version and, as a precautionary measure in respect of the alternative applications 1 to 4, in so far as separate admission is required, that

a) that the defendant and counter-claimant be permitted, pursuant to Rule 36 of the RoP, to submit the supplementary evidence specified in Section X.4 of the duplicate amendment submitted at the same time and in Section XVI of this document, using the following annexes, also in relation to the counter-claim for annulment against the granted version:

- Exhibit B71: Wayback Machine record of the archiving of Exhibit B8 on 6 May 2016;*
- Exhibit B72: the corresponding archived catalogue file;*
- Exhibit B74: Koneviesti No. 12 of 27 August 2014, article ‘Maatilan Metsäkone’, with a working translation into German (B74DE);*

b) to admit Annexes B71 and B72 as supplementary evidence of the public accessibility of the catalogue version already introduced as B8 prior to 26 August 2016 and of the alleged identity of this version with the archived file. This purpose of proof encompasses all previously identified challenges against the granted version that are based on B8, including the use of B8 challenged in C.8.5, para. 244, and C.8.7, para. 246, of the document of 12 August 2026;

c) to admit Annex B74 as supplementary evidence of the pre-priority market presence of the FARMAG2 series, the recognition of the octagonal

central frame and the standard road lighting of the tested FARMA T10 G2. This also covers the use of the illustrations and the description of the rear lights in conjunction with B78/B78DE and B77 as part of the circumstantial evidence explained in Section XIV.3. This supplementary scope of use is expressly requested for the granted alternative configurations and the corresponding features of the auxiliary versions;

d) to take into account the specified annexes and the submission, which is limited to these evidential purposes, insofar as they have already been submitted, within the scope of use expressly requested above, and in any event not to disregard them pursuant to Rule 9.2 of the RoP. Insofar as the claimant is required to make a further submission, we request that this be limited to the dating, the identity of the data, the specified disclosure passages and their use within the context of the objections already raised. We do not request the use of Koneviesti B74 in place of B8.

Application 17

Supplementary defence of the granted claim combinations defended as independent claims

In the event that the Panel takes into account the independent defence of the granted claim combinations set out in sections C.8.3 to C.8.8 of the document dated 12 August 2026, it is requested that

a) that the defendant and counter-claimant be permitted, pursuant to Rule 36 of the RoP, to submit the supplementary written statement contained in Section XVII below, together with the references to Section XII of the simultaneously filed rejoinder to the counter-claim for nullity against the granted version, as precisely specified therein, and that, insofar as it has already been submitted, it be taken into account;

b) that this permission be granted in respect of the combinations 2 + 1, 13 + 1, 13 + 2 + 1, 7 + 6 + 5 + 1, 7 + 6 + 5 + 2 + 1, 12 + 1 and 12 + 2 + 1 of the granted

claims, as well as to the cross-references to the remaining co-defended granted sub-claims specified individually in XVII.4;

c) to limit any further written submission required from the Claimant to the scope of the permitted amendment and to set a time limit for this that is consistent with the procedural timetable.

Application 18

The defendant and counter-claimant requests that it be permitted, pursuant to Rule 36 of the RoP,

a) as a precautionary measure, insofar as separate permission is required, to submit the statements in XVIII.1 to XVIII.4 regarding the claimant's applications 4 to 7 of 12 August 2026 and the associated explanations in A.4, A.5, E and G, and, insofar as they have already been submitted, to have them taken into account;

b) to submit the supplementary submissions in XVIII.5, XVIII.6, XVIII.8 and XVIII.9 concerning the acquisitions, prior uses and Annexes B37 and B44 already introduced, including in relation to the counterclaim for nullity against the granted version, and, where already submitted, to have them taken into account.

Application 19

The defendant and counter-claimant requests that she be permitted, pursuant to Rule 36 of the RoP, to submit the supplementary statement in XVIII.7 relating to the original claims 3 to 8 and, insofar as it has already been submitted, to have it taken into account."

20. Kronos (10 October 2026):

"a Scope and language pairs

The defendant and counter-claimant requests, pursuant to Article 51(2) of the UPC Agreement in conjunction with Rule 109.1 and Rule 109.2, first sentence, of the RoP, that simultaneous interpreting be ordered to the following extent and that the court registry be instructed to make the necessary arrangements:

– from German into Swedish during the discussion of the alleged infringement by the contested embodiments, including the allegations of infringement relating to auxiliary claims 1 to 4 of the amendment (claim versions K/1, L/1, M/1 and N/1). This covers the relevant issues concerning the construction, component function and allocation of evidence, as well as the related interpretation of the claims and taking of evidence, even if these are discussed in conjunction with questions of legal validity.

The Swedish–German translation is requested for statements admitted by the court or for a hearing of the Swedish-speaking company representatives;

– for the court examination of witnesses [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] from German into Swedish and from Swedish into German, in so far as the court permits the examinations and the use of Swedish as the language of testimony, irrespective of whether the examination in question concerns the infringement or the legal basis;

– for the court examination of the witness [REDACTED] [REDACTED] from German into English and from English into German, in so far as the court permits the examination and the use of English as the language of testimony.

This application does not presuppose that the proposed witnesses and their languages of testimony have already been admitted. Pursuant to Rules 112.6 and 178.6 of the RoP, it is requested that the aforementioned Swedish-speaking witnesses be permitted to give evidence in Swedish and

■■■■■ to give evidence in English. For the hearing of the managing director, which has already been re■■■■■ as the legal representative, as previously requested under Rule 170.2(a) of the RoP, a request is also made for the Swedish language to be admitted, with German–Swedish interpretation in both directions. A coordinated decision is requested regarding the examinations and the hearing, the respective languages and the interpretation required to ensure they are conducted in a comprehensible manner.

b Specific need and factual limitation

aa Underlying rationale: comprehensibility and reliability of the taking of evidence

The application for the court to organise interpretation in accordance with Rule 109.2 of the RoP is based primarily on ensuring that evidence is taken properly. Statements made in a foreign language must be recorded by the court in full and without distortion, and must be verifiable by both parties. This independent, procedure-related need for comprehension does not depend on the language skills of the company representatives or their desire to follow the proceedings. The witnesses must be able to understand the questions put by the court and both legal representatives; their answers must be fully accessible to the court and both parties in the language of the proceedings, namely German. The same applies insofar■■■■■ the hearing is conducted in Swedish. If the court permits testimony in another language pursuant to Rule 112.6 of the RoP, this procedural decision must be accompanied by the conduct of the examination in a manner comprehensible to all parties involved. Insofar as the necessary understanding cannot be guaranteed without interpretation, the need for it arises from the taking of evidence authorised by the court itself. Rule 109.2 of the RoP provides the mechanism for this in the form of a court order and organisation; Rules 177.2(f) and 178.6 of the RoP confirm the link between

witness examination, the language of testimony and interpretation. Legal representation by a lawyer proficient in the language does not replace this function. A summary of the testimony's content provided by one's own legal representative does not convey the full testimony to either the court or the other party, nor does it ensure that the witness correctly understands the questions from both sides. Rather, interpretation enables direct questioning, the clarification of ambiguities and the court's assessment of the testimony on a common linguistic basis. This is therefore a matter of conducting the taking of evidence in the interests of the court and both parties. Simultaneous interpreting is requested in order to ensure that the questioning and the flow between questions, answers and the relevant documents under discussion proceed as coherently as possible. A decision on its suitability and the required scope must be made on the basis of the specific plan for the hearing. Clarifications and follow-up questions remain necessary to ensure the reliable transmission of specific technical details. If consecutive interpreting sufficiently ensures full understanding, this is requested as an alternative; the independent requirement for comprehensible evidence-taking remains.

bb Connection with technical support for the defence against infringement

The requirements for the taking of evidence also form the starting point for assessing the scope of technical support requested. The technical support serves to ensure the complete and accurate recording of the witnesses' own observations as conveyed in their statements, including during the subsequent technical discussion of these. This relates in particular to follow-up questions, the allocation of CAD and manufacturing documents presented, and the clarification of incorrect assumptions regarding design and load transfer. Insofar as the same facts of perception and documents are the subject of the discussion, this need for support must be assessed in the context of the taking of evidence; the reference

Relying on the voluntary attendance of company staff does not meet this specific need. Where interpreters are appointed by the court for statements made in Swedish, the fact that these statements relate to the same matters of evidence as the subsequent technical discussions argues in favour of a coordinated approach. Pursuant to Article 42 and Article 51(2) of the UPC Agreement, a specific assessment must be made as to whether suitable and available interpreters can also cover these factually limited sections and what additional costs would be incurred. Such an extension can avoid the need for a second, separately organised interpreting service. The economic significance of this coordination is reinforced by the final cost implications of self-commissioning, as set out in paragraph 1(c), and the defendant's status as an SME. This provides further justification for the interpretation of the technical discussions; the scope of such interpretation, as requested in paragraph 1(a), is not limited to the duration of the witness examinations. The defendant and counter-claimant is a Finnish company in the legal form of an 'Osakeyhtiö', whose business language is Swedish. Reference is also made to the extract from the commercial register submitted in Swedish, as set out in Annex B60. The managing director and the development eng[REDACTED]

[REDACTED] do not possess sufficient knowledge of German to understand the technical discussions with confidence and to respond to them directly and appropriately. Their involvement is required for the specific defence against the infringement claim: both are expected to grasp the factual assumptions regarding the contested design, identify any misunderstandings and provide the legal representative with the information necessary to answer the court's questions and respond to the claimant's submissions. This need for support, which goes beyond merely ensuring the comprehensibility of their statements, is set out in detail below.

[REDACTED] led the development of the KARGO 121. He compiled the CAD drawings in B63 and B64/B64DE and explained their relationship to the contested design (document of 13 July 2026, VI-7a, pp. 32–33, and XI-2 No. 1, pp. 130–131).

Attribution of the documentation

It must also be clarified how the photographs and CAD drawings relate to the contested KARGO 121 with serial number 8620068 and the GRIPTO 709 with serial number 7850077. In doing so, the documents relating to this version must be distinguished from supplementary comparative photographs

of another demonstration vehicle. [REDACTED] The claimant's own knowledge of the ERP structure MT42497.20, the production order TY13948 and the underlying drawings is specifically referred to in this regard (duplicate of the amendment application of 14 September 2026, XIII.6–XIII.7, pp. 66–68).

Even after careful preparation, questions may arise during the examination and the subsequent discussion regarding individual components, views of drawings or classifications considered by the court. An incorrect factual premise can only be identified by the person who is familiar with the relevant design or document through their own work. If this remains initially hidden from the legal representative, they cannot specifically submit it for review during a break. A subsequent summary therefore does not guarantee the same prompt detection of errors. Ongoing interpretation within the specified topics enables immediate factual feedback to the legal representative.

Insofar as a targeted interruption during the specific stage of the proceedings is equally effective, it may be taken into account when determining the necessary scope.

The assessment of whether the defendant's product embodies the features of auxiliary claims K/1, L/1, M/1 and N/1 forms part of the defence against infringement. The inclusion of these claim versions in the amendment does not alter this. The defendant has set out separate grounds for its non-infringement defences in this regard (reply to the application for amendment of 14 September 2026, XIII, pp. 61–72). For those parts of the proceedings that relate exclusively to the legal basis of the claim and can be separated from the infringement issues, no independent need for continuous interpretation for the company representatives is asserted. The interpretation required for authorised witness examinations remains unaffected by this. In the event of a joint discussion of the interpretation of the claims, the legal basis of the claim and infringement, the application covers the

those parts that are relevant to the factual basis of the defence against infringement. This substantive limitation is in line with the requirement under Article 51(2) of the UPC Agreement and Rule 109.2 of the RoP to determine the appropriate scope, as well as with the principle of proportionality under Article 42 of the UPC Agreement.

██████████ His participation as a technical expert is requested only to the extent permitted by the court and whilst preserving his role as a witness. He is called to give evidence based on his own knowledge; the legal assessment of whether the claims are satisfied is reserved to the court. Reference is made to paragraph 2 regarding the order of his examination and subsequent attendance.

The witness ██████████ is to give evidence in German. He does not require an interpreter for his own communication with the court. Insofar as his examination concerns the design and documentation of the contested embodiment, translation into Swedish is requested to support the defence against the infringement claim, as justified above.

c Legal standard and distinction from previous case law

The primary line of reasoning follows the explicit distinction set out in Barco/Yealink. In the first headnote and in paragraph 13, the Court of Appeal makes its statement on the duty to state reasons subject precisely to the conditions that there is no consent to witness or expert evidence in a foreign language and no need for the judges to be interpreted (Order of 21 August 2025, UPC_CoA_317/2025 and UPC_CoA_376/2025). The considerations set out there regarding the representation and voluntary attendance of company representatives in paragraphs 14–17 therefore relate to a different situation from the comprehensible presentation of admissible foreign-language evidence sought in this case. If the requested foreign-language taking of evidence is admitted, the requirement for

cannot be applied unchanged to this separate need for communication.

In the defendant's view, this deliberate limitation implies, by implication, a distinct approach to assessment: if a foreign-language statement is admitted, the questioning and content of which cannot be fully understood without interpretation, the need for interpretation arises from this procedural decision of the court itself. The grounds for this lie in the specifically identified statements, languages and questioning situations; additional evidence of the defendant's mere personal difficulties in understanding is not decisive in this regard. The duty to provide evidence under Rule 109.1(b) of the RoP is thus not waived, but is fulfilled by this objective need. It must then be clarified how the court and both parties can fully understand and verify the admissible statement. A mere reference to representation by a linguistically competent person does not answer this question. The defendant does not infer from this an automatic entitlement to simultaneous interpreting for the entire hearing. Rather, it requests that the consent under Rule 112.6 of the RoP be effectively implemented by means of an order under Rule 109.2 of the RoP that is appropriate for the statement in question. Should the court refuse to organise this, it must therefore also be assessed by what other specifically appropriate measure the intelligibility of the admitted taking of evidence is . The general interests of company employees who voluntarily participate, as discussed in Barco/Yealink, do not in themselves justify rejecting this independent application. Nor do the grounds for rejection in CEAD/BEGO, based on legal representation with language proficiency and the general interest of the company's management in following the proceedings, justify a rejection of the application here, which is based on the taking of evidence (Central Division of Paris, Order of 10 May 2024, UPC_CFI_367/2023, paras. 16–21). These considerations related to the language skills within the legal team and the managing directors' monitoring of the proceedings. As regards the comprehensible conduct of the proceedings—

No decision was made there regarding the interpretation of statements made in a foreign language and the interpretation of the associated technical discussions. It is therefore not possible to infer from these considerations a general exclusion of interpretation simply because a legal representative is proficient in the language of the proceedings. Insofar as the foreign-language taking of evidence sought here is permitted, it must rather be examined what form of interpretation is necessary and appropriate to ensure its full comprehensibility and to facilitate the factual discussion of the same facts of perception and documents. This specific examination cannot be replaced by a reference to CEAD/BEGO. Nor does Amycel preclude this approach. The Court of Appeal requires an examination of the specific circumstances and emphasises that neither the examination of a witness nor a court-authorised personal hearing in another language had been proposed; the general interest in understanding and communicating with the representative was not sufficient in that case (Order of 3 September 2026, UPC_CoA_935/2025, paras. 10 and 16–17). The decisive factor here is the requested taking of evidence in a foreign language. Whether the party making the application is a natural person or a company does not, in itself, justify different treatment. Under Article 51(2) of the UPC Agreement, the Chambers shall, at the request of a party, provide for interpretation ‘to assist the parties concerned in oral proceedings’. The phrase ‘insofar as this appears appropriate’ requires a purpose-specific assessment of necessity, suitability, scope and proportionality. It does not entail a requirement of absolute indispensability and does not leave the application of the provision to the court’s discretion. If appropriateness is affirmed in light of the circumstances of the individual case, the corresponding support must be provided. Rule 109 of the RoP is to be applied in accordance with Article 41(1) of the EPGÜ, in line with this requirement. In the case of interpretation for technical support, appropriateness must be assessed in the overall context of the admissible taking of evidence, the related technical discussions and the interpretation arrangements required for this purpose.

Representation under Article 48 of the UPC Agreement and Rule 8.1 of the RoP, as well as the voluntary attendance of company representatives, must be taken into account in this regard. However, they cannot replace an assessment of specifically identified circumstances going beyond the general conduct of the proceedings. A categorical refusal to provide any support to represented parties would fail to fulfil the purpose expressly set out in Article 51(2) of the UPC Agreement.

Insofar as the court permits the requested foreign-language examinations and the hearing, the interpretation of the associated technical discussions in connection with this taking of evidence must be assessed. The named individuals have their own observations regarding precisely those facts which are the subject of the taking of evidence and the subsequent discussion. This context, the specifically identified topics, the economic circumstances and the proposed limitations justify the scope of assistance requested. The scenario of a lack of consent to foreign-language evidence-taking, expressly assumed in Barco/Yealink, does not constitute a standard of review that can be applied unchanged in this case.

The knowledge described in point 1(b) and the three areas of dispute indicate the facts in respect of which immediate feedback is required. This function must be taken into account in relation to the effective opportunity to be heard under Article 76(2) of the UPC Agreement and in the fair balancing of interests under Articles 41(3) and 42 of the UPC Agreement. No unconditional entitlement to a specific form of interpretation or cost arrangement is derived from the right to be heard. The application seeks the support required and appropriate in light of the actual course of events within the specified areas. CEAD/BEGO confirms that SME status must be taken into account in the balancing of interests. In that case, it was taken into account in favour of the applicants; however, the requested order was rejected following an assessment of further circumstances (Paris Central Division, Order of 10 May 2024, UPC_CFI_367/2023, paras. 13–14). Para. 22

also takes into account their status as applicants for a declaration of invalidity and their ability to prepare their case. Kronos is the defendant with regard to the allegations of infringement at issue here. This status and its SME status must be assessed here in conjunction with its independent need for the requested taking of evidence. The assessment of proportionality must also take into account the size of the undertaking and the defendant's economic resilience as specifically set out. Kronos Machinery Oy Ab is an SME; reference is made to the statements and documents submitted in this regard, as well as to the clarification regarding the group of undertakings in Section XVIII.4 of the application pursuant to Rule 36 of the RoP dated 14 September 2026, pp. 54–56. The defendant has applied for the upper limit of the legal representation costs to be reimbursed to the Claimant to be reduced to EUR 40,000 (reply of 13 July 2026, IX-4, p. 91; supplemented by the aforementioned document of 14 September 2026). The overall circumstances as most recently set out therein, including the expressly acknowledged improvement in the financial year 2025, are decisive. The legal basis for the application for a reduction is Article 2(2) of the Administrative Committee's decision of 24 April 2023 on the upper limits of reimbursable costs in conjunction with Rule 152.2 of the RoP; the criteria for weighing up the interests are set out in Article 2(3) of that decision. This rule directly concerns the ceiling on legal representation costs. However, its consideration of the economic viability—in particular that of an SME—and the circumstances of both parties is also relevant to the reasonableness of additional procedural costs within the framework of Articles 41(3), 42 and 51(2) of the UPC Agreement. This is in line with the interest of small and medium-sized enterprises, as referred to in the second recital of the UPC Agreement, in being able to defend themselves effectively against unfounded claims and patents that are to be declared invalid. A direct application of the cost cap provision to interpreting services is therefore not sought. Furthermore, if the defendant were to commission the service itself in accordance with Rule 109.4 of the RoP, it would ultimately have to bear the costs of simultaneous interpreting itself in accordance with Rule 109.5 of the RoP, even in the event of a

By contrast, the costs of simultaneous interpreting organised by the court pursuant to Rule 109.2 of the RoP are, in accordance with Rule 109.5 of the RoP are procedural costs, on which a decision must be made in accordance with Rule 150 of the RoP. The reference to the defendant's own commissioning therefore has an independent financial impact, which must be taken into account in a fair balancing of interests. In the present case, from the defendant's perspective, there are concrete indications that the infringement claim, despite significant shortcomings in its factual basis, is being used as a means of exerting competitive pressure. This assessment is based in particular on the fact that the crane tripod is not addressed either in the statement of claim or in the accompanying set of photographs, even though, according to the defendant's submission, it is precisely its structural independence and function that are decisive for the assessment of the alleged infringement. Particularly in the case of an SME, the mere burden of having to bear the necessary defence costs can create considerable economic pressure, even if the allegation of infringement ultimately proves to be unfounded. In the context of a fair balancing of interests under Article 41(3) of the UPC Agreement and in view of the requirement that proceedings be conducted in a manner that does not distort competition under Article 42(2) of the UPC Agreement, this financial burden must be taken into account in the assessment of reasonableness under Article 51(2) of the UPC Agreement. For the reasons set out in paragraph 1(b), an effective defence requires simultaneous interpretation to the extent requested. An exclusive reference to the defendant's own appointment of an interpreter under Rule 109.4 of the RoP would, pursuant to Rule 109.5 of the RoP, definitively impose these costs on the defendant even in the event of a complete victory. Taking into account the specific need for support, the financial circumstances of both parties and the appropriate practical and time-related restrictions, this would not be equitable. These considerations must already be taken into account when deciding on the court's organisation of the interpreting services pursuant to Article 51(2) of the UPC Agreement and Rule 109.2 of the RoP. Added to this is the significant financial imbalance between the parties, as already argued. According to the statement submitted with reference to the

Claimant's 2024 annual accounts, Annex B26, the Claimant's bank balances amounted to approximately EUR 20.2 million (Statement of Defence as amended on 12 March 2026, VI-2.3, pp. 59–60; Rejoinder of 13 July 2026, IX-4, p. 91). This contrasts with the defendant's limited financial scope, as alleged. This comparison relates to the documented circumstances as at the respective balance sheet dates; it is therefore not claimed that the Claimant currently has any bank balances that remain unchanged or are freely available. The claimant has not yet alleged any subsequent significant deterioration in its financial position. In its pleading of 12 August 2026, E.4, pp. 204–205, it itself referred to the aforementioned figures in order to counter the defendant's application for security. The passage of time alone therefore does not justify disregarding the information on hand. In so far as the claimant alleges a deterioration in the meantime, this would need to be substantiated by reference to current financial data, such as the 2025 annual accounts and current liquidity figures or other suitable documents. A merely hypothetical change does not replace an assessment of the evidence before the court. The financial circumstances set out thus reinforce the weight of the specific need for communication and support. Particularly in the case of an SME, the court should consider organising this to a reasonably limited extent, even taking into account the final cost implications of the claimant arranging this itself in accordance with Rule 109.4 and 109.5 of the RoP. For the purposes of this assessment, the actual expected interpreting costs and the additional costs of the requested technical support must also be specified. The procedure proposed below allows for this without prejudging the final reimbursement of costs. The organisational effort and costs must be assessed in concrete terms. Rule 109.5 of the RoP provides for court-organised interpreting to be treated as procedural costs; a service provided free of charge regardless of the outcome is not required. Insofar as interpreters are used for statements in Swedish, it must be examined whether their deployment can be extended to the directly related technical discussions. A minor additional burden is not assumed: in the case of

a separate earlier appointment, additional deployment times or minimum booking times may arise on 12 November. The times actually required, availability, any joint preparation and the respective additional costs must be compared.

Insofar as court-appointed interpreters are used for the examinations or the hearing, but supplementary technical interpreting is not organised by the court, we request that their names and professional contact details be provided, or that the law firm facilitate contact. The defendant should only commission the same interpreters for supplementary assignments in so far as their suitability, availability and a clear demarcation of assignments and costs make this possible. Where coordinated commissioning or integration into a video conference actually avoids additional travel, this can save time, costs, resources and CO₂ emissions. These advantages are also taken into account when selecting equally suitable organisational solutions; they do not replace either the specific need for interpreting or the assessment of appropriateness. For practical planning purposes, the rooms, interpreting equipment and video-conferencing facilities available at the court location are particularly decisive. The law firm may coordinate these conditions with the planned procedure and the interpreters. This offers a concrete advantage in terms of coordination, without implying that the court's location alone ensures better availability of suitable interpreters. The court decides on the need and scope; Rule 109.2 of the RoP assigns the necessary organisational arrangements to the law firm.

In the event that two separate teams of interpreters are deployed – a court-appointed team for the hearings and a team commissioned by the defendant for technical support – it must be borne in mind that both teams would have to use the same interpreting booths. Switching between the teams may, depending on local hygiene standards, require the booth to be cleaned and disinfected, which, given the brevity of the breaks in proceedings, would take additional time and disrupt the scheduled break schedule

may complicate matters. The coordinated use of the same team avoids this practical difficulty whilst at the same time ensuring continuity in the interpreting process. The decisive factor is an overall assessment of the communication requirements, the financial burden and the organisational arrangements that are actually feasible. A vague reference to administrative burden does not, in particular, address how an authorised foreign-language taking of evidence is to be conducted in a comprehensible manner. Concrete organisational obstacles must, however, be taken into account, as must suitable, less resource-intensive alternatives and the burden placed on the party by having to organise this separately.

Separate decisions are requested regarding the interpretation of the statements and the interpretation for technical support, as well as, where necessary, regarding the ancillary applications. In the event of a full or partial rejection, the grounds given pursuant to Article 77(1) of the UPC Agreement must make clear the relevant circumstances in each case. In the case of admissible foreign-language evidence, this concerns in particular the alternative measures taken to ensure its comprehensibility; in the case of technical support, it concerns the specified issues, proposed limitations, financial circumstances and actual additional costs. A rejection of this scope must not delay the timely organisation of the authorised taking of evidence.

Field of expertise

The technical field comprises forestry machinery and mechanised timber harvesting, in particular skidding trailers, loading cranes, crane supports, frame structures, load handling and the allocation of CAD and manufacturing documents. Further evidence topics already identified relate to procurement and sales processes. In [REDACTED]

[REDACTED], the focus is specifically on the origin, attribution and publication of the advertisement in the September 2014 issue of the Forestry Journal.

Alternative claims and organisational details

In the alternative, it is requested that the German–Swedish simultaneous interpreting be limited to time slots to be determined by the court for the topics specified under point 1(b): ‘crane stands and load handling’, ‘component limits and cross-sections’ and ‘allocation of documentation’. Where possible, these should be grouped together with the respective examinations and the subsequent discussion. In this regard, too, interpretation from Swedish into German is requested only for admissible statements or hearings. The applications for interpretation of the admissible witness examinations and an admissible hearing of the legal representative remain unaffected.

Furthermore, in the alternative, it is requested that the interpretation ordered for the admissible foreign-language examinations be extended, in any event, to the technical discussion directly related thereto, in so far as this serves to clarify, verify or accurately record the respective statement and the documents presented in this regard. This includes, in particular, follow-up technical questions and clarifications regarding the same observed facts, as well as the resolution of misunderstandings concerning the classification and significance of the components or documents under discussion. Interpretation for this purpose is requested in the relevant language pairs as required, as set out in point 1(a). Insofar as further answers from the witness are required, these are to be taken during his examination or during a supplementary examination ordered by the court, and interpreted in both directions. The interpretation is not to be terminated before the conclusion of this examination and clarification, which are factually interrelated.

At the interim hearing on 16 October 2026, we request that the order of witnesses, the estimated duration of the examination and the associated technical discussion slots be determined. On this basis, the necessary language pairs and working hours of the interpreters, as well as the available technical equipment and video conferencing connections, are to be coordinated. For the purposes of cost assessment, we request clarification of the estimated costs from the law firm or

an opportunity to submit relevant quotations, including any minimum booking periods and additional costs for a second session. Should the court deem further details regarding the specific financial burden to be necessary, we request timely notification and the opportunity to provide supplementary information.

Irrespective of the decision regarding interpretation to support the defence against the infringement claim, it is requested that, in any event, the interpretation required for the admissible Swedish- and English-language witness statements be ordered in both directions. A corresponding request is made for an admissible Swedish-language hearing [REDACTED]. The necessary language authorisations for this are expressly requested under point 1(a). In the alternative, consecutive interpreting in the requested language pairs is requested for these examinations and the hearing, provided that it ensures full understanding. To this end, provision may be made, in particular, for sufficiently short question-and-answer sections, time for follow-up questions and an orderly reference to the relevant documents presented.

As a further alternative, pursuant to Rule 109.2, second sentence, of the RoP, it is requested that, as far as practicable, the Registry make arrangements for the requested simultaneous interpreting – which may be subject to restrictions in terms of subject matter or duration – initially at the expense of the defendant and counter-claimant. The final decision on these costs pursuant to Rule 109.5 in conjunction with Rule 150 of the RoP is reserved. This application is also based on the circumstances relating to the taking of evidence and technical support set out in points 1(b) and (c), the financial circumstances, and the specific organisational options to be examined.

In the event that court-arranged interpretation is ruled out in whole or in part and the defendant herself engages interpreters in accordance with Rule 109.4 of the RoP, it is separately requested that, to the extent

as far as is practically possible, to permit the use of the court's existing simultaneous interpreting equipment and interpreting booths and to facilitate their integration into any video conference. We request early information regarding the available equipment and the technical requirements. The law firm will be notified of any appointment made by the defendant within the time limit set out in Rule 109.4 of the RoP. Rules 109.4 and 109.5 of the RoP apply to the costs thereof; the foregoing reservation regarding the decision on costs relates exclusively to the arrangements made by the court pursuant to Rule 109.2 of the RoP. With regard to the organisation, a decision is requested at short notice, if possible following the interim hearing on 16 October 2026. Insofar as the scope of the technical support requires further consideration, an early decision is requested regarding the hearings, the languages in which they are to be conducted, and the interpretation required for this purpose. Should the court be unable to organise this, either in whole or in part, we request early notification so that we may prepare our own appointment in accordance with Rule 109.4 of the RoP for 12 November 2026 and give notice of this by 29 October 2026 at the latest. Where necessary, the interpreters are to be included in the video conference for the separate examination.

Should a separate hearing take place less than one month after receipt of this application, a request is made, as a precautionary measure, for a reduction of the time limit under Rule 109.1 in accordance with Rule 9.3(b) of the RoP. No such date has yet been set; the request for interpretation is being made in advance of the date being set in order to enable evidence to be taken prior to the oral hearing. The organisational feasibility must be taken into account when setting the date.

Application for a separate examination of witnesses

The defendant and counter-claimant applies, pursuant to Rule 104(g) and (h) of the RoP, for a separate hearing prior to the oral hearing on 12 November 2026 for the examination of the witnesses already proposed [REDACTED] [REDACTED] [REDACTED] [REDACTED]

██████████ ██████████ ██████████ ██████████ and ██████████ ██████████
██████████ to be determined before the panel, and that the date for the oral hearing on 12 November 2026 be confirmed. The facts in evidence and the grounds for the examination are set out in particular in Section XI-2 of the document of 13 July 2026 and Section

XVIII.1 of the application under Rule 36 of the RoP dated 14 September 2026. The applications for leave set out therein are maintained. The court and the parties should be able to clarify the disputed facts of the case by means of targeted questions. A separate hearing facilitates the multilingual taking of evidence and allows scope for the subsequent discussion of the issues of infringement and invalidity.

Furthermore, pursuant to Rule 104(h) in conjunction with Rule 112.3(b) of the RoP, ██████████ ██████████ ██████████

██████████ ██████████ ██████████ ██████████ ██████████ ██████████ and ██████████ ██████████ that the witness be examined via video-
. In addition to limiting travel expenses and costs, the video conference promotes sustainability, as it can avoid journeys to the court location specifically required for this examination and the associated CO₂ emissions. The conservation of natural resources is also in the public interest. Provided the taking of evidence can be conducted in an equally suitable manner, this consideration therefore also supports the requested video conference. The examination and questioning by the court and the parties are to be transmitted to the courtroom via video and audio.

██████████ ██████████ and ██████████ ██████████ will be present in Munich on 12 November 2026. For the earlier separate hearing, the applicant has also applied ██████████ ██████████ the legal representative, in accordance with Rule 170.2(a) of the RoP, a request has been made for participation via video conference.

██████████ ██████████ is to be examined as a witness via video conference at this earlier hearing, so that his examination is completed before the oral hearing. His presence on 12 November is

to provide the technical support described in point 1(b), to the extent permitted by the court.

Should no earlier separate hearing take place, it is alternatively requested that the admitted witnesses be examined at the hearing on

12 November 2026. For

[REDACTED], it [REDACTED] is also requested in this case that the examination take place via video conference. [REDACTED], on the other hand, is to be examined in person as a witness whilst present in Munich. In view of the technical support he is subsequently scheduled to provide, it is suggested that his examination be conducted, if possible, at the start of the taking of evidence and that his continued presence be permitted. [REDACTED] is available on this date for a personal hearing as a legal representative. Kau@elege

With regard to the Claimant's and counter-defendant's request for the production of the original Kau@elege documents, it is suggested that, during their examination, the relevant witnesses also be questioned about the origin, receipt and safekeeping of the documents already submitted as scans, as well as their consistency with the documents known to them, in each case to the extent that this is based on their own perception. Insofar as paper originals are still in existence and available, it is suggested that they be kept ready for the examination and produced upon the court's order. Presenting them to the camera may serve to clarify matters. Should the court deem it necessary to examine the original paper documents, we request that it specify the relevant documents, the method of transmission and a reasonable timeframe. Where individual documents are available only in electronic form, the witnesses concerned should explain the origin and manner of storage of these documents."

21. Steindl (12 October 2026):

“The claimant requests:

1. The examination of witnesses shall be conducted as follows (Rule 104(a) and (e) of the RoP):

(a) No witnesses shall be examined in relation to the infringement.

(b) With regard to the alleged obvious prior use, witnesses shall only be examined in so far as the court considers such prior use to be relevant to the decision.

(c) Insofar as the court examines witnesses, even if this deviates from (a), the matters to be proved shall be definitively determined at the interim hearing on 16 October 2026 in accordance with Rule 104(e) of the RoP. They shall be limited to facts which the defendant has set out in documents up to its reply of 13 July 2026, which the claimant has disputed, and which the respective witness has personally observed. Additions from the defendant’s application under Rule 36 of the RoP dated 14 September 2026 shall only be included to the extent that the court admits this application. Issues of evidence based on Annexes B62/B62DE, B63 and B64/B64DE shall only be included to the extent that the court admits these annexes. The summonses shall be drawn up in accordance with Rule 177.2(c) of the RoP. The claimant proposes the annex ‘Comparison of Issues of Proof’ for the formulation of the issues of proof.

(d) Reply Application 9 (written witness statements insufficient, examination of witnesses) applies in the event that the court considers prior use to be relevant to the decision. Application 7(a) of the document dated 12 August 2026 applies to each examination.

2. Questions to witnesses regarding technical assessment, load-bearing capacity, the allocation of components to features of the claims, and design knowledge acquired at a later date shall not be permitted (Rule 104(e), Rules 112.5 and 178.5 of the RoP).

3. *As a precaution: any statement of facts which the defendant raises only during an examination shall be disregarded as out of time in accordance with Rule 9.2 of the RoP.*

4. *The defendant's application to allow [REDACTED] [REDACTED] to participate in the discussion of the infringement issue as a 'technical contact' (application, para. 1(b), p. 6) is dismissed. In the alternative, an order is made that [REDACTED] remain outside the courtroom until the conclusion of all witness examinations (Rules 104(g) and 112.1 of the RoP).*

5. *The application to set a separate date for the examination of witnesses prior to the oral hearing (Rules 104(g) and (h) of the RoP) is dismissed.*

6. *The application to examine the wit[REDACTED] [REDACTED] to be examined or heard via video conference (Rule 112.3(b) of the RoP) is dismissed.*

7. *The defendant is ordered to produce the original paper copies of exhibits B27, B29 and B55 by a date to be determined by the court prior to the oral hearing (Rule 172.2 of the RoP).*

The claimant makes no application regarding the requested interpretation. She leaves the decision to the judge-rapporteur and refers to the comments in section H.

H. Regarding the requested interpretation

The Claimant makes no application in this regard. Whether interpretation will be required for witness evidence depends on whether, and on which matters, the Court examines witnesses. Two premises of the application require correction. Firstly, the defendant contends that the considerations of the Court of Appeal in the order of 21 August 2025 (UPC_CoA_317/2025 and UPC_CoA_376/2025, Barco

v. Yealink) regarding representation and the voluntary attendance of company employees relate to 'a different set of circumstances' (application, p. 6). This may be left open as regards the interpretation of foreign-language witness statements that have been admitted. The claimant leaves this question to the court. It does not apply to the additionally requested interpretation for the 'technical support' of the company representatives. Whether witnesses give evidence in another language (Barco v Yealink, para. 13) concerns the intelligibility of their evidence. The Court of Appeal assesses the interest of company representatives in following the proceedings independently of this: 'Neither does the fact that persons employed by a party (for example, in-house counsel or company directors) will have considerable difficulties in following the oral submissions and the communications during the oral hearing generally make it appropriate to order simultaneous interpretation. The presence of company officials at the oral hearing is voluntary.' (para. 15). Instead, the party may engage an interpreter at its own expense (para. 16, Rule 109.4 of the RoP). Although the order was made in proceedings for interim measures, and paragraph 14 expressly refers to this. However, paragraphs 15 and 16 are not limited to this type of proceeding. The Court of Appeal has also already addressed the argument on which the defendant bases its 'technical support'. Yealink had argued that its company representatives 'may have better knowledge of (certain aspects of) this than its legal representatives', and that interpretation would enable them 'to communicate better during the oral hearing' (para. 3). The Court of Appeal replied that this submission 'does not make it appropriate to decide on simultaneous interpretation during the oral hearing' (para. 17).

Secondly, the German testimony of the witness [REDACTED] is to be translated into Swedish, 'in support of the defence against the infringement as set out above' (application, p. 6). This part serves solely to support the party. It has nothing to do with the comprehensibility of the taking of evidence, as [REDACTED] gives his

If the defendant appoints interpreters itself, it bears the costs thereof alone (Rules 109.4 and 109.5 of the RoP). The fact that the defendant wishes the costs of court-organised interpretation to be apportioned as procedural costs (application, p. 9) does not alter this allocation.”

22. Kronos (14 October 2026):

“It is requested that

1. that the arguments set out in detail in Section 2, first developed in the Reply

11 May 2026, in support of the allegation of infringement, including the factual assertions set out therein, as well as its subsequent repetitions and elaborations, be disregarded as out of time following the hearing of the Claimant;

2. in the alternative, should this argument be taken into account, to rule specifically on the defendant’s applications for leave to adduce evidence and for the taking of evidence relating thereto, and to grant the defendant the means of defence and evidence necessary for a factual rebuttal;

3. to dismiss the Claimant’s applications 1 to 4 of 12 October 2026 in so far as they seek to exclude the taking of evidence and technical support across the board or to restrict them to a single cut-off date of 13 July 2026 applicable to all matters in the proceedings;

4. to grant the applications of 10 October 2026, including their alternative claims regarding interpretation, a separate hearing date and video-conferencing, and to reject the Claimant’s conflicting applications 5 and 6.

The submission of the original supporting documents is to be specified in accordance with Section 8. For the determination of the matters of evidence, reference is made to the

enclosed annex 'Defendant's Issues of Evidence'. It is requested that Annexes B63 and B64/B64DE, together with the associated CAD and ERP explanations, be taken into account irrespective of the outcome of application 1. The subsidiary nature of application 2 does not cover this independent application; reference is made to Section 4 in this regard. We request that the issue of the adapter be discussed as a matter of priority and, if possible, that a decision be made on the admissibility of the adapter argument in the interim proceedings, so that its consideration and the resulting need for evidence are established prior to the oral hearing."

23. Steindl (14 October 2026):

"The claimant requests:

- 1. Application 1 of the statement of case be dismissed.*
- 2. In the alternative, in the event that the court does not already dismiss Application 1 on the basis of this statement and the discussion at the interim hearing on 16 October 2026: the Claimant be given the opportunity to submit supplementary written comments within a time limit to be determined by the court."*

PROCEEDINGS OF THE INTERIM HEARING AND GROUNDS

24. An interim hearing took place via videoconference on 16 October. The following participated:

On behalf of the court:

Dr Matthias Zigann (JR)

Samuel Granata (LQJ)

For Steindl:

Dr Markus Gangl

Florian Robl, PhD

31. Reduction of the court fee (Rule 370.8 of the RoP)

The judge-rapporteur states that the court fee for the counterclaim for nullity has already been reduced. Under the mechanism set out in Rule 370.8(c) of the Rules of Procedure, it would now be for the court to examine, of its own motion, the defendant's SME status. However, there is currently no reason to do so.

32. Reduction of the ceiling on recoverable costs (Rule 376A of the RoP)

The judge-rapporteur states that the application will not be successful. This is because a party seeking to have the upper limit for recoverable costs capped at EUR 40,000 on the grounds that bearing the full amount would jeopardise its economic survival can be expected to conduct its own litigation in an equally modest manner. Kronos has not yet fulfilled this obligation. According to the statement dated 13 July 2026, Kronos's own costs for legal representation, calculated from the date of receipt of the letter of formal notice, already amounted to EUR 101,029.67. Since then, Kronos has submitted a further 180 pages of documents. Kronos estimates the costs accrued as at 16 October 2026 at EUR 120,000. Furthermore, the interim hearing, the oral hearing and the requested separate witness examinations will increase the costs even further. The judge-rapporteur therefore exercises the discretion granted to him to reject the application.

33. Current prospects of success for the claim and the counterclaim

The judge-rapporteur states that, according to the current preliminary assessment, neither the claim nor the counterclaim is likely to succeed.

34. Against this background, the judge-rapporteur proposes a comprehensive settlement, for example to the effect that both claims are withdrawn and the parties reach an agreement on costs as well as on the future arrangements until the expiry of the patent in suit. Should this not be possible, the judge-rapporteur strongly advises that, at the very least, an agreement be reached on the claim for reimbursement of costs. The outcome of the attempts to reach a settlement must be communicated to the court by 30 October 2026.

35. Admissibility / inadmissibility of (late) submissions – exchange of further pleadings

The current prospects of success have been provisionally assessed on the basis of the full submissions of the respective party (including the equivalent patent infringement asserted in the alternative), so that the question of late filing may be irrelevant and can be left open. The judge-rapporteur therefore submits these questions to the panel.

36. Need for (separate) witness examinations

Furthermore, the current prospects of success were assessed on the assumption that the disputed facts were true. It is therefore possible that the witnesses need not be heard.

37. Necessity of orders for the production of documents

The same applies to the requested orders for the production of evidence.

38. Procedure for the oral hearing

Unless the parties reach an agreement, the oral hearing will take place on 12 November 2026. Given the current state of the case, one afternoon will suffice, so the parties are summoned for 1.30 pm.

The presiding judge will provide an introduction to the facts and the issues in dispute. Following a break, the parties will be given the opportunity to make oral submissions on the points outlined in the introduction.

39. Simultaneous interpreting of the oral hearing at the court's expense

There is currently no need to order simultaneous interpreting of the oral hearing at the court's expense. No witness examination has been ordered at this stage. According to the case law of the Court of Appeal, the fact that individual Kronos employees need to follow the hearing and may need to assist the UPC representatives with technical expertise is not sufficient grounds.

40. Simultaneous interpreting of the oral hearing at Kronos's expense

Kronos remains free to organise simultaneous interpreting itself. The interpreters may carry out their work online or in the overflow room, but not in the courtroom, as this would disrupt the oral hearing.

41. Aids such as PowerPoint

The parties may use PowerPoint presentations for ease of reference. The content is limited to that permitted under the CMS. The presentations must be submitted to the court and the opposing party one week in advance.

42. No translation of English-language documents

Documents originally in English do not need to be translated.

43. The interim proceedings are hereby concluded.

ORDER

1. The date for the oral hearing in person on 12 November 2026 in Room 212 and Overflow Room 220b, Denisstraße 3, Munich, is confirmed. The hearing will commence at 1.30 pm.
2. The parties are (once again) summoned to attend.
3. The parties are requested to notify the court by 30 October 2026 of the participants in the oral hearing, whether in person or via video conference.
4. Applications for (separate) witness examinations are hereby dismissed.
5. The application for the court to arrange interpretation is rejected. Kronos remains free to arrange its own interpretation. Private interpreters may participate in Overflow Room 220b or via video conference. They are not permitted to carry out their duties in Courtroom 212.
6. English-language documents do not need to be translated.
7. The parties may notify the court by 30 October 2026 whether they have reached a settlement regarding costs or a comprehensive settlement. If this is not the case, updated cost estimates must be submitted by 30 October 2026.

8. The judge-rapporteur shall submit the following applications to the panel. The panel shall, where necessary, rule on these in due course:
 - a. Applications to take into account or to disregard third-party submissions
 - b. Orders for the production of documents
9. The value in dispute for the infringement action and the counterclaim for annulment is set at EUR 700,000 in each case. The total value in dispute therefore amounts to EUR 1.4 million.
10. All other procedural applications are dismissed to the extent set out above.
11. The interim proceedings are hereby concluded.

INFORMATION ON REVIEW BY THE PANEL

Either party may apply for a review of this order by the panel in accordance with Rule 333 of the RoP. The order remains in force pending the review (Rule 102.2 of the RoP).

INFORMATION ON THE ORAL HEARING IN COURT

The oral hearing is open to the public, unless the court decides, to the extent necessary, to hold a hearing in camera in the interests of one of the parties or third parties, or in the general interest of justice or public order (Rule 115 of the RoP).

INFORMATION ON AUDIO RECORDING

An audio recording of the hearing will be made. The recording will be made available to the parties or their representatives on the court's premises after the hearing (Rule 115 of the RoP).

INFORMATION REGARDING THE ABSENCE OR LATE ARRIVAL OF A REPRESENTATIVE

Upon application, a default judgement may be made against a party if a party who has been duly summoned fails to appear at an oral hearing (Rule 355.1(b) of the RoP).

INFORMATION REGARDING A DEFAULT JUDGMENT

If a party fails to comply with this order within the prescribed time limit, a default order may be made in accordance with Rule 355 of the RoP (Rule 103.1, last subparagraph, and .2 of the RoP).

Matthias
ZIGANN

Digitally signed by
Matthias ZIGANN Date:
19 October 2026
13:55:54 +02'00'

Dr Zigann
Presiding Judge