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Central Division (Munich Section)
UPC_CFI_714/2025 (invalidity)
UPC_CFI_3019/2026 (costs)
UPC_CFI_3020/2026 (costs)

Decision

of the Court of First Instance of the Unified Patent Court, Central Division (Munich Section) issued on 27 October 2026

CLAIMANT

Beck Fastening GmbH (formerly Raimund Beck Nageltechnik GmbH), Raimund-Beck-Straße 1, 5270 Mauerkirchen, Austria.

Represented by: Ralf Albrecht, of the patent attorneys' firm Paul & Albrecht PartG mbB.

DEFENDANT

BAUSSMANN Collated Fasteners GmbH, Eibachstraße 15, 57413 Finnentrop, Germany.

Represented by: Jochen Bühling, KRIEGER MES Partnerschaft mbB.

Both parties have applied for an order for costs and are referred to in this decision, in accordance with their respective status as parties to the nullity proceedings, as
'Claimant' and 'Defendant'

respectively. PATENT AT ISSUE

EP 4 283 140
PANEL
Panel 1 of the Central Division (Munich Section).
DECISING JUDGE

This decision was issued by the presiding judge, András Kupecz, acting as judge-rapporteur.

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LANGUAGE OF THE PROCEEDINGS German.

SUBJECT MATTER OF THE PROCEEDINGS

Proceedings for the assessment of costs.

BRIEF STATEMENT OF THE FACTS

1. On 5 August 2025, the claimant filed an action for the revocation of patent EP 4 283 140 ('the patent at issue') with the Central Division, Munich Section, under action number UPC_CFI_714/2025 ('the invalidity proceedings'). By decision of 21 July 2026 ('the decision'), the Central Division declared the patent at issue partially invalid. The Court ruled that the defendant is to bear 70 per cent and the Claimant 30 per cent of the costs of the proceedings.

2. The value in dispute in the proceedings was set at EUR 500,000. In its decision, the court noted that this value in dispute corresponds to a ceiling on recoverable costs of EUR 56,000.

3. Both the claimant and the defendant filed an application for the assessment of costs on 21 August 2026 in accordance with Rule 151 of the RoP.

4. In pleadings dated 2 October 2026, the parties informed the court that they had since reached an agreement on the costs to be assessed for the proceedings at first instance. Under this agreement, the defendant is to pay the claimant the sum of EUR 37,212.92 (70 per cent of EUR 53,161.31) and the claimant is to pay the defendant the sum of EUR 9,458.61 (30 per cent of EUR 31,528.69).

APPLICATIONS OF THE PARTIES

5. The claimant now requests:

   that the costs to be reimbursed by the defendant to the Claimant be determined on the basis of the 70 per cent cost allocation set out in the judgment of 21 June 2026 [sic], in accordance with the settlement reached between the parties.

6. The defendant requests:

   that the recoverable costs be determined in accordance with sections III and IV of the court's decision.

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REASONS FOR THE DECISION

7. The respective applications for the assessment of costs are admissible. No objections as to their admissibility have been raised, nor are any apparent. The requirements of Rules 150 and 151 of the RoP are met. Accordingly, the judge-rapporteur decides on the costs to be reimbursed in accordance with Article 69 of the UPC Agreement (Rule 156.2 of the RoP).

8. The applications are also well-founded in so far as they correspond to the agreement between the parties. The agreement between the parties is consistent with the decision. Furthermore, in view of the value in dispute already set at EUR 500,000, the associated upper limit for recoverable legal representation costs, and the fact that the legal representation costs claimed by both parties fall below this upper limit, there are no objections to the requested assessment of costs at the amounts stated by the parties.

9. The parties were correct not to apply for reimbursement of the costs incurred in the cost assessment proceedings. This is in line with the principle that each party shall, as a general rule, bear its own costs incurred in the cost assessment proceedings (UPC Court of Appeal, decision of 6 June 2025, UPC_CoA_618/2024, *Hanshow v VusionGroup*). A decision on these costs is therefore not required.

10. Consequently, the claimant and the defendant are to be ordered to pay the costs in accordance with the operative part of this decision. The time limit for payment pursuant to Rule 156.3 of the RoP is set at four weeks.

DECISION

I. The claimant is to reimburse the defendant the sum of EUR 9,458.61.

II. The defendant is to reimburse the claimant EUR 37,212.92.

III. The costs set out in paragraphs I and II are to be paid within four weeks.

IV. In all other respects, the applications are dismissed.

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Issued on 27 October 2026

András KUPECZ
Judge-rapporteur and Presiding Judge

On behalf of the Deputy-Registrar:

INFORMATION ON APPEALS

A party aggrieved by a decision referred to in Rule 157 of the RoP may, within 15 days of service of the decision, lodge an application for leave to file an appeal with the Court of Appeal, Rule 221(1) of the RoP.