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UNIFIED PATENT COURT COURT OF FIRST INSTANCE MILAN LOCAL DIVISION

UPC CFI No. 4059/2026

ORDER FOR THE PRESERVATION OF EVIDENCE AND FOR AN INSPECTION filed on 12 November 2026

APPLICANT

MASCHIO GASPARDO S.P.A.

Via Marcello No. 73, 35011, Campodarsego (PD), Italy

represented and defended by

Guglielmo Milan, Davide Locas, Tommaso Cavallin, Stefano Cantaluppi, Michele De Giorgi and Edoardo Marzella, of *Cantaluppi & Partners s.r.l.*, Piazzetta Cappellato Pedrocchi No. 18, 35122 Padua, Italy

DEFENDANT

ŞAKALAK TARIM MAKINELERI SAN. VE TIC. A.Ş.

3. Organised Industrial Zone, Büyük Kayacık Neighbourhood, Evrenköy Avenue, 1st Street No. 4, 42250 Konya, Turkey

PATENT AT ISSUE

EP 3 823 432 entitled *'Adjustable distributor assembly for granular materials and the like'* (hereinafter 'EP'432')

DIVISION

Milan Local Division

DECIDING BODY

This order is made and signed by Pierluigi Perrotti, acting as presiding judge and standing judge, pursuant to Rules 1.2(b), 194, 345.5 and 351.1(a) of the Rules of Procedure.

LANGUAGE OF THE PROCEEDINGS

Italian

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SUMMARY OF THE FACTS OF THE CASE

On 11 November 2026, Maschio Gaspardo S.p.A. (hereinafter 'MG') filed an application pursuant to Article 60(5) of the UPCA and Rule 192 et seq. of the Rules of Procedure (RoP) seeking an *ex parte* order for the preservation of evidence and an inspection order against Şakalak Tarim Makineleri San. ve Tic. A.Ş. (hereinafter 'Şakalak'), prior to the commencement of the proceedings on the merits.

MG is the proprietor of patent EP'432. The applicant states that Şakalak – a Turkish company and its direct competitor in the agricultural machinery sector – intends to offer for sale on the European market, within the territories of the Member States of the Unified Patent Court, and in particular in Italy, two models of seed drills bearing, respectively, the trade names *SKPMD 6G* and *BERAT PHM-4*, which are likely to reproduce all the features of claim 1 of EP'432.

According to MG, the sales and promotional activities are already underway, as can be inferred from the defendant's presentation of this specific agricultural equipment at the EIMA International 2026 trade fair, one of the world's most important trade fairs in the agricultural mechanisation sector, taking place in Bologna from 10 to 14 November 2026. The claimant points out that it only discovered this fact on 7 November 2026, namely when one of its employees observed the presence of the two machines in question whilst setting up the exhibition stands in preparation for the imminent opening of EIMA International 2026. According to the claimant, a preliminary external examination reveals evidence that certain features of claim 1 of EP'432 have been reproduced. Only by inspecting the internal parts of the machine and subsequently describing the findings of that investigation would it therefore be possible to confirm the suspected patent infringement and gather conclusive evidence.

MG concluded by requesting the issuance of an order for the preservation of evidence and for inspection, justified by the need to (a) verify (i) the configuration of the dispensing opening and the manner in which the regulating element throttles it; (ii) the configuration of the internal rotor and its axis of rotation in the machines on display; (iii) the kinematic chain that drives the dispensers; (b) to obtain the technical documentation relating to the *SKPMD 6G* and *BERAT PHM-* machines

4. The results of these checks would enable it to assess whether to initiate subsequent proceedings on the merits to establish infringement of the patent it holds.

THE APPLICANT'S CLAIMS

The claimant has requested the Unified Patent Court – Court of First Instance – Milan Local Division to:

1) order the preservation of evidence by means of a detailed description (Rule 196.1(a) of the Rules of Procedure) of the seed drills fitted with the Distributors on display at Şakalak's stand at EIMA International 2026 (Bologna Exhibition Centre, Hall 35, Stand B/12), and in particular those referred to in point 2.2, to be carried out at the stand or at another location within the exhibition centre where the machines are situated, limited to the dispensers for granular material and their operation, with:
   a) photographic and video documentation;

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b) recording of the machines' identification details (model, serial number, year of manufacture);

c) removal of protective covers and opening or dismantling of one dispenser of each type, to the extent necessary and with subsequent reassembly, with Şakalak being entitled to carry this out using its own staff under the expert's supervision, in order to verify: (i) the discharge opening of the hopper and the element that regulates its flow, together with its guide, direction of flow and control mechanism; (ii) the internal metering mechanism, its chambers and its axis of rotation relative to the direction of flow;
(iii) the drive train operating the distributor, right up to the source of motion;

2) furthermore, pursuant to Article 60(3) of the UPCA and Regulation 199.1 of the RoP, to order an on-site inspection of the seed drills and distributors referred to in point 1), at the stand or at any other location within the exhibition grounds where they are situated, in accordance with the procedures and within the limits set out in points (a), (b) and (c) of point 1);

3) authorise the taking of copies, including photographic or digital copies, of the technical, promotional and commercial documentation relating to such machines present at the stand, in any format, including user manuals and spare parts catalogues;

4) appoint an expert in accordance with Rules 196.4 and 196.5 of the Rules of Procedure (RoP), chosen from among qualified industrial property consultants, with specific training in the field of mechanical engineering and independent of the parties, to carry out the measurements referred to in points 1), 2) and 3), even outside normal opening hours to the public, with the assistance of the bailiff from the Bologna Office for Notifications, Enforcement and Protests (UNEP) and, where necessary, the police, in accordance with Italian law, and to submit a written report, containing the findings and documents obtained, within the time limit set by the Court;

5) authorise Stefano Cantaluppi and Guglielmo Milan, as representatives of MG, to be present during the operations, excluding employees and directors of MG (Rule 196.3(a) and 196.5 RoP);

6) declare the order immediately enforceable (Rule 196.3 RoP) and order that the application and the order be served on the defendant at its stand at the time of enforcement (Rule 197.2 RoP);

7) not to make the order subject to security or, in the alternative, to proceed as set out in paragraph 8 of the application;

8) order that the report and its annexes be made available to MG's representatives, having heard the respondent on any confidentiality requirements, and that the time limit referred to in Article 60(8) of the UPCA and Rule 198.1 of the Rules of Procedure shall run from the date of such access.

GROUNDS FOR THE ORDER

1. Jurisdiction and competence

The Unified Patent Court has jurisdiction over the application filed by MG, in accordance with the provisions of Articles 32(1)(c) and 60(1) of the UPCA, given that:

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a) the intellectual property right relied upon by the claimant is a European patent granted on 8 November 2023, which is currently valid and in force, as specified by the claimant, in Italy, Germany and France, as well as in Spain and Turkey;
b) the application made in this case falls within the scope of the disputes referred to in Article 32(1)(c) of the UPCA (actions for provisional and protective measures and injunctions);
c) as regards international jurisdiction, the defendant is domiciled in Turkey. Article *71b*(2) of Regulation (EU) No 1215/2012 therefore applies, pursuant to which, where the defendant is not domiciled in a Member State and the Regulation does not otherwise confer jurisdiction over the defendant, the provisions of Chapter II shall apply, in so far as they are appropriate, irrespective of the defendant's domicile. The connecting factor set out in Article 7(2) of the same Regulation is therefore applicable, which confers jurisdiction on the court of the place where the harmful event occurred or may occur. In the present case, according to the claimant's allegations, the defendant exhibits and promotes the *SKPMD 6G* and *BERAT PHM-4* machines at the EIMA trade fair in Bologna, which allegedly infringe patent EP'432, which is also valid in Italy. The connection with Italian territory therefore stems from the conduct constituting the alleged infringement taking place there and from the harm that such conduct is capable of causing to the patent protection claimed in that territory. On this basis, the Unified Patent Court has international jurisdiction over the application for the preservation of evidence and for an inspection, filed prior to the commencement of proceedings on the merits, subject to subsequent verification of the validity of the allegations of infringement.

The Milan Local Division has jurisdiction pursuant to Articles 32(1)(c) and 33(1)(a) of the UPCA, since, according to the claimant's submission, the conduct attributed to Şakalak is alleged to be taking place in Italy during the EIMA trade fair scheduled to take place from 10 to 14 November 2026 in Bologna.
Finally, the appeal has been lodged with the Milan Local Division, where the appellant intends to commence the subsequent proceedings on the merits pursuant to Articles 32(1)(a) and 33(1)(a) of the UPCA, in accordance with the provisions of Rule 192.1 of the RoP.

2. Fulfilment of the requirements set out in Rule 192.2 of the Rules of Procedure

2.1. Content of the application

The application for the issue of an order for the preservation of evidence and for inspection contains:
(a) all the details required by Rule 13.1, sub-paragraphs (a) to (i), of the Rules of Procedure;
(b) a clear indication of the measures sought, including the exact location – as known or reasonably suspected – of the evidence to be preserved (namely the exhibition stand allocated to the defendant during the EIMA trade fair scheduled to take place from 10 to 14 November 2026 in Bologna);
(c) the reasons why the proposed measures are necessary to preserve the relevant evidence;
(d) the facts and evidence adduced in support of the application.

2.2. Brief description of the forthcoming proceedings on the merits

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On the basis of the evidence obtained following these proceedings, MG has made it clear that it intends to bring subsequent proceedings on the merits before the Milan Local Division against the defendant, with a view to (i) establishing infringement of patent EP'432, (ii) obtain the granting of a permanent injunction pursuant to Article 63 of the UPCA, (iii) obtain the granting of any other appropriate ancillary or corrective measures pursuant to Article 64 of the UPCA, and
(iv) to obtain compensation for damages and the publication of the decision pursuant to Articles 68 and 80 of the UPCA.
Consequently, the conditions set out in Rule 192.2 of the Rules of Procedure (RoP) are fully satisfied.

3. Burden of proof on the applicant pursuant to Article 60 of the UPCA – reasonably available evidence provided by the applicant

3.1. Ownership of a valid patent

MG has demonstrated that it is the current proprietor of patent EP'432 (see Exhibit 1), granted on 8 November 2023 and, as such, enjoying a presumption of validity (see Court of Justice C-44/21, 28 April 2022, para. 41).
The patent was initially subject to an opt-out, which was, however, withdrawn on 10 November 2026 (see Exhibit 4).
The applicant has documented that no opposition was filed with the European Patent Office (see Exhibit 3) and has not reported the existence of any revocation or invalidity proceedings, as required by Rules 13.1(h) and 192.2(a) of the Rules of Procedure (RoP), nor has it reported any other circumstances relating to the validity of the patent at issue that might influence the Court's decision on whether or not to issue an order *inaudita altera parte* (see Rule 192.3 of the RoP, second sentence).
As the case currently stands, the Court has no grounds to doubt the validity of the patent at issue, nor are there any grounds to doubt that the claimant has withheld relevant information.
The verification carried out by the clerks of the Sub-Registry at the Milan Local Division has also confirmed that no protective letters have been filed by the defendant.

3.2. The claimant's allegations regarding patent infringement

Patent EP'432, entitled *'Adjustable distributor assembly for granular materials and the* like', protects an adjustable distributor assembly for granular materials and the like, intended in particular for use on agricultural machinery such as seed drills and fertiliser spreaders. The invention stems from the need to achieve precise control over the quantity of material dispensed whilst, at the same time, avoiding the high power consumption required by systems in which the dispensing mechanism is driven directly by an electric motor. To this end, the patent provides for a hopper fitted with a lower opening that can be adjusted by means of a movable damper, and a distributor comprising a perforated drum designed to pick up and release the granular material. Whilst the drum is driven by a toothed belt drive or a hydraulic motor, the quantity of material dispensed is adjusted by moving the damper, preferably controlled by an electric actuator.

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According to the invention, the direction of movement of the damper is substantially parallel to the axis of rotation of the perforated drum. This configuration makes it possible to modify the interaction between the hopper opening and the perforations in the drum, thereby regulating the quantity of material that is picked up and subsequently dispensed.

The aim is to combine the precision of adjustment achieved by the electric actuator with the reduced energy consumption resulting from driving the drum via a toothed belt drive or hydraulic motor, thereby overcoming the drawbacks associated with systems that require the continuous use of electric motors to drive the distribution mechanism.

Claim 1 of EP'432 reads as follows:

Adjustable distribution unit (1) for granular materials and the like, comprising

1.1. a hopper (2) with a discharge opening (3);

1.2. a damper (4) on said hopper (2) for partially closing (5) said outlet (3); and

1.3. a volumetric dispenser (6) mounted on said hopper (2) in line with the outlet (3) and motorised to dispense granulated materials from the hopper (2) in measured quantities through the outlet (3)

1.4. said volumetric dispenser (6) being actuated by means of a driven feed mechanism (11) or by means of a hydraulic motor

1.5. wherein the gate (4) is slidably guided on the hopper (2) along a linear direction defining a sliding axis of said gate (4);
characterised in that

1.6. said volumetric distributor (6) comprises a drum (8) driven to rotate about an axis of rotation (X) substantially parallel to said sliding axis of said slide gate (4).

As regards the documentary evidence, it appears that Şakalak promotes, on its website www.sakalak.com – which is available in English and German – agricultural machinery under the trade name *SK PBD* (see, in particular, the English-language catalogue attached as Exhibit 10; see also Exhibit 13). The designation given in the catalogue is generic compared to the more specific one found on the external bodies of the machines exhibited at the trade fair – *SKPMD 6G* and *BERAT PHM-4* – which are used to identify the equipment covered by the request for inspection. The defendant is also accredited as an exhibitor at the EIMA trade fair, scheduled to take place from 10 to 14 November 2026 in Bologna (see Exhibit 6)

MG reports that it only discovered this fact on the eve of the trade fair, through one of its employees, whilst the stands were being set up (see Exhibits 9 and 12). The claimant therefore had very little time to carry out a technical analysis, which was inevitably limited solely to the characteristics visible from an examination of the photographs of the machines on display at the trade fair and the images in the catalogue (see Exhibit 10, p. 12).

Following this initial, cursory investigation, the following findings were made (see the comparative table attached as Exhibit 11 for further details).

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The dispensing units are fitted to the base of the fertiliser hopper and the auxiliary hoppers. The dosing unit is connected to a downpipe, and the material enters it from the hopper through an opening. The hopper and the dispensing unit are visible. The dispensing opening, however, is not visible from the outside (feature 1.1.).

A flat element is positioned along the wall between the hopper and the metering unit: a metal plate in the fertiliser dispensers and an element linked to a rack in the auxiliary hoppers. The catalogue caption states that the metering unit allows the flow of fertiliser to be adjusted. The flat element and its control mechanism are visible. However, the movement of the element and its function of partially opening the outlet are not directly observable (feature 1.2).

A cylindrical metering body is visible, fitted to the bottom of the hopper, traversed by a transverse prismatic shaft and connected to a downpipe. The cross-section in the catalogue shows a bevel gear pair between the shaft and the lower end of the cylindrical body. The metering body and the shaft are therefore visible, whilst the bevel gear pair is shown in the catalogue. However, the internal metering mechanism is not visible, nor is it possible to ascertain its configuration, in particular, the possible presence of cells (feature 1.3).

The distributor shaft passes through the hub of an arm. The catalogue states that, in Şakalak seed drills, power is taken from the wheels and transmitted via shafts to the sowing units. The photographs also show a wheel on the ground and part of the transmission components. The wheels and transmission components are therefore at least partially visible. However, the connection between the power source and the distributor shaft requires further verification (feature 1.4).

The flat component is arranged along the wall of the hopper. In the auxiliary hoppers, it is connected to a rack running parallel to the axis of the metering unit, meshing with a pinion fitted with a knob; in the fertiliser dispensers, the plate enters a toothed support mounted on a crossbar. The arrangement of the element along the hopper wall, as well as the presence of the rack and pinion, are visible. However, the element’s sliding motion, its guidance and its stroke must be checked (feature 1.5).

The cylindrical dosing body has its axis aligned along the wall of the hopper, that is, in the same direction as the rack. In the cross-section shown in the catalogue, one of the wheels of the bevel gear pair is situated at the lower end of the cylindrical body and is coaxial with it; from this illustration, it can be inferred that the shaft drives an internal component rotating about the axis of the body. The orientation of the metering body and the rack is therefore visible. However, the internal metering component, the drum and its axis of rotation are not visible (feature 1.6).

In summary, the hopper, the dispensing unit, the metering body, the shaft, the flat adjustment element, the rack, the pinion and at least part of the transmission components are visible from the outside. However, the following remain to be ascertained: the discharge opening; the partial opening of the discharge opening by the damper; the sliding of the damper; the connection between the source of motion and the distributor shaft; the internal metering mechanism; the presence of cells; and the presence of a rotating drum with an axis substantially parallel to the axis of the damper’s sliding motion.

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As the case currently stands, the Court observes that the claimant has provided reasonable evidence in support of a well-founded suspicion that the defendant has infringed the patent held by the claimant. The externally observable features described above support this suspicion, whilst the characteristics not directly visible are the subject of the requested investigations. This assessment does not, therefore, amount to a finding that all the features of claim 1 have been reproduced. The burden of proof on the claimant must be determined in accordance with the content of the application, which, in the present case, concerns a procedural right – the right to adduce evidence – and not a substantive right, as in the case of an injunction and/or compensation for damages

The claimant has also clarified that: (i) it is not known whether the machines have already actually been placed on the market in the contracting Member States; (ii) there are no known retailers where the machines can be viewed or purchased, nor any distributors supplying them as spare parts; (iii) a direct purchase from the defendant would be neither reasonable nor timely for the purposes of proving the case. On this last point, the Court observes that the direct competitive relationship between the parties to the proceedings makes it entirely implausible that a business-to-business sales channel could be established for the sole purpose of obtaining one or more samples of the equipment in question.
The Court therefore considers that the inspection and description of the dispensing units and their operation, together with the acquisition of technical and promotional documentation, are indispensable for verifying whether the suspected patent infringement is substantiated. The authorised operations include opening and/or dismantling within the limits set out in the operative part of the judgment, followed by the restoration and preservation of the integrity of the machines, and do not include the prior taking of product samples.

4. Requirements set out in Rules 194.2 and 197 of the Rules of Procedure

Pursuant to Rules 194.2 and 197 of the Rules of Procedure (RoP), the Court, in exercising its discretion to rule on the application without hearing the defendant – as provided for in Rule 194.1(d) of the RoP – must take into account the urgency of the application and the grounds for granting an order *without the other party being heard*.
In accordance with Rule 197 of the Rules of Procedure, the Court may order measures for the preservation of evidence *'without the defendant having been* heard', in particular *'where there is a demonstrable risk of evidence being destroyed or otherwise ceasing to be available*'.
In the present case, the existence of such a risk has been established.

4.1. Urgency

The technical analysis was carried out by the applicant at very short notice, just before the start of the trade fair, immediately following the discovery of the facts set out above.
As already explained, MG is not in a position to make a direct purchase of further samples of machinery, not least because of the direct competitive relationship between the parties to the proceedings.

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It is also clear that the claimant has no possibility of independently obtaining further technical documentation relating to the machines identified by the trade names *SKPMD 6G* and *BERAT PHM-4*.

The defendant is taking part in the EIMA trade fair, currently being held in Bologna from 10 to 14 November 2026. Participation in the fair is, by its very nature, intended for the purpose of carrying out promotional and marketing activities, including in relation to the machines/components known as SKPMD 6G and BERAT PHM-4.

The claimant therefore needs to obtain confirmation, within a reasonably short timeframe, of the suspected infringement of EP'432, so as to initiate any subsequent proceedings on the merits.

4.2. Reasons for granting an order without hearing the defendant – risk of evidence being concealed

Although the machinery in question is of a certain size, there nevertheless appears to be a real risk that the equipment referred to above, intended for display at the trade fair, may be removed and moved to an unknown location should the defendant be summoned to a hearing or otherwise informed of the existence of these proceedings prior to the enforcement of the order.

Above all, however, there is no certainty as to the actual existence of a commercial distribution network outside Turkey, and it is therefore possible that the machinery will no longer be available for inspection once the trade fair has ended, given the aforementioned difficulty in establishing a direct purchasing channel between parties in direct competition with one another.

Consequently, taking into account all potentially relevant factors, this order must be granted *without a hearing*, as there is a demonstrable risk that the evidence may cease to be effectively available (Article 60(5) of the UPCA).

5. Payment of court fees

The claimant has filed a bank receipt confirming payment of the court fees due in respect of these proceedings. As the Court is not currently in a position to verify that the relevant bank transaction has been successfully completed, it can, at this stage, only take note of the payment on the basis of the claimant's declaration. The claimant assumes full responsibility for the truthfulness and accuracy of that declaration.

6. Balancing of conflicting interests and method of enforcement

6.1. Balancing of interests

Having weighed up the conflicting interests, the Court has decided to grant the interim measure, taking into account the potential risk of harm to each of the parties should the measure be granted — for the defendant — or if the measure is refused — at the claimant's expense.

Taking into account the principle of proportionality, the threat to which MG is exposed of evidence becoming permanently unavailable must be regarded as outweighing the risks arising from the enforcement of the measures against Şakalak. These measures are aimed at gathering evidence

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and do not entail a prohibition on the defendant's commercial activities. Their material impact is limited by restricting the inspections to the distribution units and their operation, the obligation to restore and safeguard the integrity of the machinery, and the timeframes for execution set out in the operative part.

In this case, the Court considers that the application for an *ex parte* order for the preservation of evidence is adequately justified and must therefore be granted.

6.2. Objective scope of the measure

The Court considers that the measure should be granted solely in respect of technical and promotional documentation, to the exclusion of commercial documentation, since the application is primarily aimed at verifying and substantiating the suspicions regarding the patent infringement, as a purely preliminary step towards a subsequent, further and possible claim for damages, to which the request for the production of commercial documentation is instrumental.

6.3. Methods of implementation

Pursuant to Rule 196.4 of the Rules of Procedure (RoP), authorised measures must be carried out by an expert appointed by the Court – specifically named in the operative part – in accordance with the national law of the place where the measures are carried out, namely Italian law.

The appointed expert is included in the list of patent experts who regularly collaborate with national courts, so that the selection ensures competence, independence and impartiality, as required by Rule 196.5 of the Rules of Procedure. The expert is subject to professional confidentiality obligations in relation to all information to which they have access in the performance of their duties.

The task entrusted to the expert is to inspect the specified machinery, describe the results of the inspection and safeguard the evidence. This order is issued *without a hearing*, and the expert appointed by the Court is only in a position to act on the basis of the information provided by the claimant. The duty to act independently and impartially fundamentally precludes the provision of any advisory support to the applicant, as the expert must adhere solely to the instructions issued by the Court for the implementation of this order.

The appointed expert shall proceed with the assistance of the competent bailiff.

Representatives of the applicant, whose names are set out in the operative part of this order, may be present during the execution of the authorised measure. No other representative, employee or associate of the applicant is therefore authorised to be present during the execution of the measures.

The respondent against whom the requested measure is authorised is entitled to contact their lawyers and technical advisers so that they may take part in the execution of the order for the preservation of evidence, with the express warning that – in any event – the actual execution of the order may not be delayed in any way.

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The expert appointed by the Court must submit a written report, together with a complete copy of all documents obtained as a result of the execution of the measures, immediately and no later than three days after the completion of the execution of the measures.
For the sake of clarity, it is hereby specified that the expert appointed by the Court pursuant to Rule 196.4 of the Rules of Procedure (RoP) cannot be equated with the role of the Court Expert provided for in Article 57 of the UPCA and Rules 185 et seq. of the RoP; consequently – in particular – the costs of his professional services are to be advanced by the applicant, subject to a subsequent final settlement of the costs of the proceedings upon the conclusion of the proceedings on the merits.

6.4. Protection of confidential information

As this Court has repeatedly stated (see, most recently, UPC CFI No. 342/2025, LD Milan, order of 19 May 2025), the principles of law established by the Court of Appeal of the Unified Patent Court in its decision of 23 July 2024 (see UPC CoA No. 177/2024), which provided a systematic interpretation of the subject of orders for the preservation of evidence. The most relevant passages from the grounds are reproduced in full in the original English text.
An application for the preservation of evidence or inspection of premises within the meaning of Article 60 of the UPCA and Rules 192 et seq. of the Rules of Procedure (RoP) implies a request to disclose to the applicant the outcome of the measures, including the report drawn up by the person who carried out the measures. This follows from the fact that the legitimate purpose of the measures is the use of the evidence in proceedings on the merits of the case (Rules 196.2 and 199.2 of the Rules of Procedure), which includes the use of the evidence to decide whether to initiate proceedings on the merits and to determine whether and to what extent the evidence will be submitted in those proceedings.
Disclosure of the evidence to the applicant or to certain persons acting on the applicant's behalf is essential for that purpose. Furthermore, Rules 196.1 and 199.1 of the Rules of Procedure provide that the Court may decide in its order that the evidence shall be disclosed to certain named persons and shall be subject to appropriate confidentiality conditions. This confirms that the procedure initiated by an application under Article 60 of the UPCA is aimed not merely at the preservation of evidence and the inspection of premises as such, but also at the disclosure of the evidence to the applicant.
However, the granting of an application for the preservation of evidence or the inspection of premises does not imply an unconditional order to disclose the evidence to the applicant. Pursuant to Article 60(1) of the UPCA, the order must be subject to the protection of confidential information (see also Article 7(1) of Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights). Where the evidence may contain confidential information, this means that the Court must hear the other party before deciding whether and to what extent to disclose the evidence to the applicant. In this context, the Court must grant the other party access to the evidence and must provide that party with the opportunity to request the Court to keep certain information confidential and to give reasons for such confidentiality. If the other party makes such a request for confidentiality, the Court must provide the applicant with the opportunity to respond in a manner that respects the other party's potential confidentiality interests. The Court may do this, for example, by granting

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access only to those representatives of the applicant whom the Court, pursuant to Rule 196.3(a) of the Rules of Procedure, has authorised to be present during the execution of the measures, subject to appropriate non-disclosure terms.
The opportunity for the other party to make a confidentiality request must be distinguished from the remedies available against the order for the preservation of evidence or the inspection of premises, such as the review of an order for the preservation of evidence without hearing the defendant pursuant to Rule 197.3 of the Rules of Procedure. Therefore, the Court must hear the other party on the request for disclosure even if that party has decided not to lodge a remedy against the order to preserve evidence or inspect premises. For the same reasons, a failure to apply for a review of an order for the preservation of evidence or for the inspection of premises cannot be regarded as tacit approval of the disclosure of evidence. 4. Pursuant to Article 60(8) of the UPCA, the Court shall ensure that measures to preserve evidence or to inspect premises are revoked or otherwise cease to have effect, at the defendant's request, if the applicant does not, within a period not exceeding 31 calendar days or 20 working days, whichever is longer, proceedings leading to a decision on the merits of the case before the Court (see also Article 7(3) of Directive 2004/48/EC and Article 50(6) of the Agreement on Trade-Related Aspects of Intellectual Property Rights). Rules 198.1 and 199.2 of the Rules of Procedure (RoP) specify that the time limit runs from the date specified in the Court's order, taking into account the date on which the report referred to in Rule 196.4 of the RoP is to be submitted. These rules must be interpreted in the light of the purpose of the measures for the preservation of evidence or the inspection of premises, which is to use the outcome of these measures in the proceedings on the merits of the case (Rules 196.2 and 199.2 of the Rules of Procedure). In view of this, the Court must, as a general principle, specify in its order a time period that begins to run from the date on which the evidence is disclosed to the applicant or from the date on which the Court has made a final decision not to grant the applicant access to the evidence.

It is clear that the authorised seizure of technical documentation relating to the products alleged to infringe the patent entails a real risk of confidential information being obtained.
For this reason, the Court considers that a high standard of caution must be applied, temporarily preventing access to the contents of the expert's report and its annexes, even by the claimant's representatives, and making such access conditional upon the actual verification of the existence of confidential information worthy of protection.

As clarified by the Court of Appeal, the application pursuant to Article 60 of the UPCA and Rule 192 of the RoP constitutes a request by the applicant for access to the contents of the documents obtained following the execution of the measures. The applicant is not required to submit any further request for access after the measure has been executed. The expert's report and its annexes will be filed with the Sub-Registry of the Milan Local Division, and the applicant will have full access to them from 2 December 2026, unless the respondent avails itself of the option to request protection of confidential information, regardless of whether other remedies – such as a review or an appeal – are actually lodged.

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The claimant shall gain access by collecting a copy (previously made available by the expert, as already provided for in this order) at the Sub-Registry's offices, under the supervision of the judge-rapporteur / standing judge and with the assistance of a clerk. The proceedings shall be recorded in a specific report, which shall then be uploaded to the CMS.

If, by 1 December 2026, the respondent has in fact submitted a request for the protection of confidential information, the Court shall determine, by means of a specific order and after consulting the parties, whether access shall be granted, to whom, and to what information.

Applications for review and appeal may be lodged independently of the application for protection of confidential information, as set out in paragraphs 6.8 and 6.9 below. This is without prejudice to compliance with any decisions adopted in those proceedings.

Pursuant to Article 60(8) of the UPCA and Rule 198 of the Rules of Procedure (RoP), the order for the preservation of evidence and inspection shall be revoked or shall otherwise cease to have effect, upon application by the defendant, if the claimant does not commence proceedings on the merits before the Tribunal within a period not exceeding 31 calendar days or 20 working days, whichever is the longer, commencing from the date on which the claimant actually gains access to the content of the evidence or from the date on which the Tribunal makes a final decision not to grant the claimant access to the evidence.

6.5. Restrictions on the use of the report by the Court-appointed expert

The expert's written report and any other document obtained following the execution of the order for the preservation of evidence may only be used in the subsequent proceedings on the merits, in accordance with the provisions of Rule 196.2 of the Rules of Procedure.

6.6. Service

Having regard to the need to ensure the element of surprise, service of the appeal – together with this order – shall be effected by the applicant in accordance with Italian national law at the stand occupied by Şakalak at the *EIMA International 2026* trade fair taking place in Bologna from 10 to 14 November 2026, immediately upon the execution of this order, in accordance with Rule 197.2 of the Rules of Procedure.

6.7. Security

Pursuant to Rule 196.6 of the Rules of Procedure (RoP), the Court considers that there are 'special circumstances' justifying that the enforceability of this order should not be made conditional upon the payment of security by the applicant.

The EIMA trade fair will take place from 10 to 14 November 2026, with extremely tight deadlines for the enforcement of this order. The imposition of a security deposit would therefore entail the risk of an objective and irreparable impairment of the possibility of effectively implementing this order.

Furthermore, the inspection and collection of evidence must be carried out whilst ensuring that the machinery is restored to its original condition.

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The claimant is, in any case, known to be one of the leading companies in the sector of the manufacture and sale of agricultural machinery. MG should therefore be in a position to compensate the defendant for any damage caused by the enforcement of the order.
The order is therefore immediately enforceable.

6.8. Review

The respondent may apply for a review of this order, as provided for in Article 60(6) of the UPCA and Rule 197.3 of the RoP.

6.9. Appeal

The parties may lodge an appeal within fifteen days of service of this order, in accordance with Article 73(2)(a) of the UPCA and Rule 220.1 of the RoP.

ORDER

The Unified Patent Court – Court of First Instance – Milan Local Division:

1. orders that the claimant be permitted, in relation to Şakalak Tarim Makineleri San. ve Tic. A.Ş. at the *EIMA International 2026* trade fair taking place in Bologna from 10 to 14 November 2026:
   a) to obtain, collect and retain, at the exhibition stand operated by Şakalak Tarim Makineleri San. ve Tic. A.Ş., or at any other premises at the EIMA exhibition in Bologna used by the defendant, all technical and promotional documentation, in any format, relating to the agricultural machines designated *SKPMD 6G and BERAT PHM-4*;
   b) to carry out an inspection and detailed description of the machines identified by the trade names *SKPMD 6G* and *BERAT PHM-4*, limited to the granular material distribution units and their operation, insofar as they are present at the exhibition stand operated by Şakalak Tarim Makineleri San. ve Tic. A.Ş., or at any other premises at the EIMA trade fair in Bologna used by the defendant, by opening and/or dismantling one dispenser of each type, taking photographs and videos, and in any event in such a way as to ensure their restoration and integrity, in order to ascertain, in particular: (i) the hopper's discharge opening and the component that regulates its flow, together with its guide, direction of flow and control mechanism; (ii) the internal metering mechanism, its cells and its axis of rotation relative to the direction of flow; (iii) the kinematic chain driving the distributor, right up to the source of motion;
2. orders Şakalak Tarim Makineleri San. ve Tic. A.Ş. to allow the persons appointed to carry out this order (i) to access the exhibition stand premises under its control and to carry out the necessary activities to preserve the evidence; (ii) to inspect and describe the *SKPMD 6G* and *BERAT PHM-4* machines; (iii) to take photographs and film videos for documentary purposes, where deemed relevant to the preservation of evidence as ordered; (iii) to grant full and complete access to all technical and

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promotional material, in any format, in its possession and at its disposal relating solely to the *SKPMD 6G* and *BERAT PHM-4* machines;

3. orders that, should the defendant fail to comply voluntarily with these instructions, the persons responsible for enforcing this order are authorised – in accordance with the provisions of Italian law governing the enforcement of court orders – to request the assistance of the police where deemed necessary;
4. orders that this order be enforced by Mr Paolo Provvisionato, an engineer with a practice in Bologna – [redacted] tel. [redacted] as the Court's Expert, with the assistance of the bailiff with territorial jurisdiction;
5. orders that, on behalf of the claimant, only the representatives Stefano Cantaluppi and Guglielmo Milan are authorised to be present during the execution of this order, with the strict exclusion of any other representative, employee or associate of the claimant; the authorised persons are required not to disclose any confidential information of which they may become aware in the course of the execution of this order;
6. acknowledges that the respondent is entitled to contact its lawyers and technical advisers so that they may be present during the execution of the measures, provided that this right does not result in any delay in the actual execution of the order;
7. orders the Expert appointed by the Court to submit to the Sub-Registry of the Milan Local Division of the Unified Patent Court a written report on the results of the execution of the order for the preservation of evidence and inspection, attaching all the documents collected, immediately after the completion of the requested activities and, in any event, no later than three days after the conclusion of all operations; three copies of the aforementioned report and documents shall be filed, one for the Court and one for each of the parties, it being understood that the copy intended for the claimant may be released exclusively under the conditions and within the time limits set out in point 11;
8. orders that the written report and any other findings arising from the execution of the order for the preservation of evidence may be used only in the subsequent proceedings on the merits;
9. notes that this order is immediately enforceable;
10. notes that the order for the preservation of evidence shall be revoked or otherwise cease to have effect, at the defendant's request, if the claimant does not bring the proceedings on the merits before the Court within a period not exceeding 31 calendar days or 20 working days, whichever is the longer, commencing from the date on which the claimant actually gains access to the content of the evidence gathered or from the date on which the Court has adopted the final decision not to grant the claimant access to the evidence;
11. orders that the claimant be granted access to the Expert's written report and its annexes from 2 December 2026, at the premises of the Sub-Registry of the Milan Local Division, under the supervision of the judge-rapporteur / standing judge, with the assistance of a clerk; minutes of this procedure shall be drawn up and uploaded to the CMS, unless the respondent exercises the right to file an application for the protection of

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confidential information by 1 December 2026; should such a motion be filed in good time, the claimant's access shall remain suspended until the Court has ruled, having heard the parties in a manner that respects confidentiality requirements, and shall determine whether, to which persons, to what information and under what conditions access is to be granted;

12. orders that this order, together with a copy of the application and its annexes, as well as the letter of service and the instructions for accessing the proceedings via the CMS, be served by the claimant at the exhibition stand allocated to the defendant at the *EIMA International 2026* trade fair to be held in Bologna – Italy from 10 to 14 November 2026, immediately upon the execution of this order, in accordance with Italian law governing the service of judicial documents;
13. orders that the service and enforcement of this order take place, where possible, at a time other than during public opening hours, or – where this is not possible – at a time coinciding with the lowest foreseeable number of visitors;
14. orders the claimant to advance the costs of the professional services of the expert appointed by the Court and defers the final determination of costs to the subsequent proceedings on the merits;
15. acknowledges that the respondent may request a review of this order within thirty days of the measures being carried out, in accordance with Article 60(6) of the UPCA and Rule 197.3 of the RoP;
16. acknowledges that the parties may lodge an appeal within fifteen days of service of this order, in accordance with Article 73(2)(a) of the UPCA and Rules 220.1(c) and 224.2(b) of the RoP.

Milan, 12 November 2026.

Pierluigi Perrotti Presiding Judge and Standing Judge	Digitally signed Perrotti Pierluigi 11 November 2026 17:20:33 +0100 Unified Patent Court Einheitliches Patentgericht Juridiction unifiée du brevet
on behalf of the Deputy Registrar	Digitally signed Maddalena Ferretti 12 November 2026 08:51:38 +0100 Unified Patent Court Einheitliches Patentgericht Juridiction unifiée du brevet