Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

Düsseldorf Local Division
UPC_CFI_541/2025
UPC_CFI_1313/2025

Decision
of the Court of First Instance of the Unified Patent Court
delivered on 24 November 2026
concerning EP 3 859 566

CLAIMANT:

Leap Tools Inc., represented by its CEO Pawel Rajszel, 1255 Bay St., Unit 200A, Toronto, ON M5R 249, Canada

represented by:	Attorney-at-law Dr Henrik Timmann, Attorney-at-law Dr Melanie Strobel, rospatt Rechtsanwälte PartGmbB, Emanuel-Leutze-Straße 11, 40547 Düsseldorf, Germany
contributing:	Patent attorney Dr Manuel Schrader, Patent attorney Dr Volker Mergel, Blumbach Zinngrebe Patentanwälte PartG mbB
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DEFENDANT:

Wizart Inc., represented by its CEO Vasili Yavarchuk, 919 North Market St, Suite 950, Wilmington, 19801-3036, DE, United States of America

represented by:	Patent attorney Oskar Gińko, Czerniakowska 36a/66, 00-714, Warsaw, Poland
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PATENT IN SUIT:

European Patent n° 3 859 566

PANEL/DIVSION:

Panel 1 of the Local Division in Düsseldorf

DECIDING JUDGES:

This decision is delivered by Presiding Judge Thomas, legally qualified judge Dr Schumacher acting

as judge-rapporteur, legally qualified judge Johansson and technically qualified judge Dr Duhme.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT OF THE PROCEEDINGS: Infringement action and counterclaim for revocation

DATE OF THE ORAL HEARING: 13 October 2026

SUMMARY OF THE FACTS:

1. The Claimant is suing the Defendant for infringement of the European Patent with unitary effect EP 3 859 566 (Exhibit rop 1, hereinafter: patent in suit).

2. The patent in suit was filed on 1 February 2021, claiming the priorities of US 202016777697 of 30 January 2020 (Exhibit CC11), of US 202016947817 of 19 August 2020 (Exhibit CC12) and of US 202063199096 P of 7 December 2020 (Exhibit CC13). The patent application was published on 4 August 2021. Mention of the grant of patent was published on 13 September 2023.

3. The unitary effect was registered on 11 October 2023. It took legal effect on 13 September 2023.

4. The Claimant is the registered and authorised proprietor of the patent in suit.

5. No opposition was lodged against the patent in suit.

6. The patent in suit is titled 'Systems and methods for product visualization using a single-page application' . Claim 1 of the patent in suit read as follows:

   'A method for visualizing products in a single-page application, comprising:

   > receiving, by an application system (130) from a client system (110) during rendering of a webpage received by the client system from a host system (120), a request for a script associated with the host system, the script executable by the client system to perform operations comprising:
   >
   > modifying the webpage to include a visualization application in response to a selection of a visualization control in the webpage by a user of the client system;
   >
   > receiving, by the application system from the visualization application, a request to display an image of a product in a first image;
   >
   > identifying a location in the first image; and
   >
   > providing instructions to the visualization application for displaying the image of the product at the location.'

7. For the wording of all other claims, reference is made to the patent in suit.

8. The Defendant and Wizart, Inc., the former Defendant 2, own the website 'https://wizart.ai/,' through which they offer the Wizart visualisation solution (hereinafter also referred to as 'challenged embodiment') within the UPC territory. Part of this solution is the 'Wizart Visualizer', which can be installed in a customer's web store. According to the

Defendant's website, this product is offered and sold to customers worldwide and supports more than 15 languages, including English, French, Spanish, Arabic, Russian, Portuguese, German and Turkish (see Exhibit rop 3).

9. One of the Defendant's customers is Schäfer Tapeten GmbH, a German wallpaper company which uses the Wizart Visualizer on its website, www.schaefer-tapeten.de. On this website, which is in German, customers can find information on wallpaper designs and buy wallpaper through an online shop (see Exhibit rop 4).

MAIN STEPS OF THE PROCEEDINGS:

Withdrawal of the action against former Defendant 2

10. The infringement action was originally also directed against the former Defendant 2, Wizart LLC. Attempts to serve the statement of claim on Defendant 2 were unsuccessful.

11. By brief dated 20 October 2025, the Claimant applied to withdraw the infringement action against Defendant 2.

12. On 17 November 2025, the Court permitted the withdrawal of the infringement action against Defendant 2 and declared the proceedings closed in this regard. It was ordered that with regard to Defendant 2, the costs of the infringement action are to be borne by the Claimant.

Request for security for costs

13. In its statement of defence and counterclaim for revocation, the Defendant requested an order for security of costs.

14. This request was rejected as unfounded by an order dated 19 February 2026.

Defendant's requests for admission of responsive rebuttal evidence

15. In the rejoinder to the application to amend the patent, the Defendant requested:

    - Exhibits D-INF-1 to D-INF-5 be admitted as responsive rebuttal evidence;

    - in the alternative, leave to change the claim or amend the claim under R. 263.2 RoP is granted.

16. It was stated that, to the extent that the Claimant's new claim construction in the submission dated 2 April 2026 (rejoinder to the counterclaim for revocation/reply to the application to amend the patent) is relied upon or taken into account for infringement purposes, the Defendant applies for the admission of compact architectural rebuttal evidence directed only at the consequences of infringement of those new constructions. The Defendant points out that the Claimant's new claim construction submissions are not confined to validity in substance. Rather, they concern the meaning of claim features upon which the Claimant also relies for infringement purposes. According to the Defendant, if those constructions are relied upon or taken into account for infringement, procedural fairness requires that the Defendant must be permitted to address their infringement consequences by way of limited rebuttal evidence.

17. The Defendant clarifies that its primary position is that the submissions in Part I of the rejoinder to the application to amend the patent are admissible as responsive rebuttal material. These submissions relate to the interpretation of the claim, which was presented by the Claimant in its response to the counterclaim on 2 April 2026 for the first time. In particular, this concerns the following arguments of the Claimant:

- the narrowed construction of 'the webpage',
- the alleged same-system identity requirement,
- the 'synergistic dual role' of the application system,
- the proposition that the claimed invention does not involve post-deployment host-system involvement.

18. According to the Defendant, the evidence does not introduce a new infringement defence. Rather, it specifies and substantiates objections already raised by the Defendant, including those relating to non-infringement, the burden of proof, single-entity/split-entity issues, and the failure to attribute retailer-side acts to the Defendant.

19. However, if leave is deemed necessary, the application relates exclusively to Exhibits D-INF-1 to D-INF-5, as well as the limited infringement consequences of the Claimant's new claim construction submissions. The requirements of R. 263.2 RoP are met. It could not reasonably be expected of the Defendant to anticipate and provide evidence of the infringement consequences of claim constructions that the Claimant had not yet advanced. Admitting the evidence causes no undue prejudice to the Claimant. The evidence is also prima facie relevant.

INDICATION OF THE PARTIES REQUESTS:

Infringement action

20. In its submission dated 5 October 2026, the Claimant amended its motion III.2 following a Court order in the interim procedure. The changes are indicated by strikethroughs and underlining.

21. The Claimant requests that the Court orders as follows:

I. It is declared that European patent EP 3 859 566 has been infringed by Defendant.

II. Defendant is ordered to cease and desist from

1. using or offering for use in the territories of the Contracting Member States to the UPCA, i.e. in Austria (AT), Belgium (BE), Bulgaria (BG), Denmark (DK), Estonia (EE), Finland (FI), France (FR), Germany (DE), Italy (IT), Latvia (LV), Lithuania (LT), Luxembourg (LU), Malta (MT), The Netherlands (NL), Portugal (PT), Romania (RO), Slovenia (SI) and Sweden (SE)

a method for visualizing products in a single-page application, comprising:

receiving, by an application system from a client system during rendering of a webpage received by the client system from a host system, a request for a script associated with the host system, the script executable by the client system to perform operations comprising:

modifying the webpage to include a visualization application in response to a selection of a visualization control in the webpage by a user of the client system;

receiving, by the application system from the visualization application, a request to display an image of a product in a first image;

identifying a location in the first image; and

providing instructions to the visualization application for displaying the image of the product at the location

– direct infringement of claim 1 of EP 3 859 566 B1 –

2. supplying or offering to supply, within the territory of the Contracting Member States to the UPCA, i.e. in Austria (AT), Belgium (BE), Bulgaria (BG), Denmark (DK), Estonia (EE), Finland (FI), France (FR), Germany (DE), Italy (IT), Latvia (LV), Lithuania (LT), Luxembourg (LU), Malta (MT), The Netherlands (NL), Portugal (PT), Romania (RO), Slovenia (SI) and Sweden (SE)

products which are suitable for putting into effect a method for visualizing products in a single-page application, comprising:

receiving, by an application system from a client system during rendering of a webpage received by the client system from a host system, a request for a script associated with the host system, the script executable by the client system to perform operations comprising:

modifying the webpage to include a visualization application in response to a selection of a visualization control in the webpage by a user of the client system;

receiving, by the application system from the visualization application, a request to display an image of a product in a first image; identifying a location in the first image; and providing instructions to the visualization application for displaying the image of the product at the location,

– indirect infringement of claim 1 of EP 3 859 566 B1 –

in particular software applications, such as the Wizart Visualizer, application system and visualization app.

III. Defendant is ordered, within 30 days from service of the notice according to R. 118.8, 1st sentence RoP and, where applicable, of the translation, to

1. provide Claimant with information in a complete and orderly list in electronic form which can be analysed using a computer, on the extent to which Defendant has committed the acts referred to in item II above since 13.09.2023 specifying, structured by each month of a calendar year and by each infringing product and/or each infringing method application,

   a) the origin and distribution channels of the products referred to in item II 2 above and application of the method referred to in item II 1 above;

   b) the quantities delivered, received and/or ordered as well as the prices obtained for the products referred to in item II 2 above, as well as the amount of events where the method has been performed according to item II 1 above;

c) the identity, including names and addresses, of any third person involved in the production or distribution of the products in item II 2 above or in the application of the method in item II 1 above;

2. to ~~lay open its books~~ render accounts to Claimant in support of the information provided in accordance to item III.1 as well as information on the profit achieved, by making available for each month of the calendar year and for each infringing product and/or for each infringing application of the method in electronic form which can be evaluated using a computer the following documents:

a) invoices or, if these are not available, delivery notes of the individual deliveries, breaking down the respective deliveries by quantities offered, offering periods, prices and type designations of the goods and methods offered, as well as the names and addresses of the commercial recipients of the offers for all products sold or otherwise disposed of;

b) evidence of the advertising carried out, including evidence of these advertising activities, broken down by advertising medium, circulation, distribution period and distribution area;

c) evidence of the costs, breaking down the costs by individual costs factors and profits made;

d) invoices or, if these are not available, delivery notes and corresponding statements of all costs incurred, which Defendant relies on to calculate its profits;

~~the accuracy of which may, at the request of Claimant be verified and confirmed by a sworn auditor named by Claimant at Defendant's expense, whereby the auditor is bound to secrecy vis-à-vis Claimant beyond the aforementioned information.~~

IV. Any failure to comply with the order

1. under item II will render Defendant liable to pay to the Court a penalty of up to EUR 250,000.00 per day for each day Defendant fail to comply with this injunction,

2. under item III will render Defendant liable to pay to the Court a penalty up to EUR 2,000.00 for each day Defendant fails to comply with these orders.

V. Defendant is liable to compensate Claimant for all damages Claimant has suffered and will suffer as a result of the acts specified in item II above, and committed since 13.09.2023.

VI. Defendant is ordered to pay to Claimant the amount of EUR 127,000.00 as interim award of damages, which will be adjusted if the acts referred to in item II continue;

VII. Defendant is ordered to pay the legal costs in a provisional amount to be specified in the course of these proceedings and any further legal costs of these proceedings to be further specified in separate cost proceedings.

VIII. The permanent injunction in accordance with item II is immediately enforceable. The orders in items III, IV, VI and VII are enforceable after Claimant has notified the court which part of the orders it intends to enforce, Claimant has provided a certified translation of the orders into the official language of the Contracting Member State in which the enforcement shall take place, and the said notice and the certified translation of the order have been served on Defendant by the registry.

IX. In the event that security will be ordered for the execution of these orders, it is requested

to set partial amounts of the security separately for (1) the respective operative clause of the decision, i.e. for each of the awarded claims and (2) the decision on costs, and to authorize Claimant to provide such security by guarantee of a bank or savings bank accredited to do business in the territory of a member state of European Union, or by a cash deposit.

22. The Defendant requests:

I. The Court orders that the infringement action is dismissed.

II. The Court orders the Claimant to bear the costs of the infringement action.

In the alternative, the Defendant requests:

III. enforcement of the decision is made subject to the prior provision of security by the Claimant to the other parties in an amount set by the Court but of at least EUR 1,000,000 (R. 352.1, 354.2 RoP), which may be provided by a written, irrevocable, unconditional and unlimited guarantee from a credit institution authorised to do business in the territory of a Member State of the UPC;

IV. the Defendant is allowed to avert the enforcement of the decision by providing security, which can be provided by a written, irrevocable, unconditional and unlimited guarantee from a credit institution authorised to do business in the territory of a Member State of the UPC, without regard to the provision of security by the Claimant (R. 9.1 RoP).

Additionally, the Defendant requests:

V. The request for information under Section III (p. 3 et seq.) of the statement of claim is dismissed regardless of the further outcome of this case.

Counterclaim for revocation

23. The Defendant requests:

I. European patent EP 3 859 566 B1 is revoked in its entirety.

II. The Claimant bears the costs of the counterclaim for revocation.

24. The Claimant requests:

I. The counterclaim for revocation of EP 3 859 566 is dismissed and EP 3 859 566 is maintained.

II. The Defendant shall bear the costs for the counterclaim for revocation.

Application to amend the patent

25. The Claimant requests:

II.1 In the alternative, in case the request sub I (dismissal of the counterclaim) is not granted, the counterclaim for revocation is partially dismissed and EP 3 859 566 is maintained in the form of auxiliary request 1.

II.2 Further in the alternative, in case auxiliary request sub II.1 is not granted, the counterclaim for revocation is partially dismissed and EP 3 859 566 is maintained in the form of auxiliary request 2.

II.3 Further in the alternative, in case auxiliary request sub II.2 is not granted, the counterclaim for revocation is partially dismissed and EP 3 859 566 is maintained in the form of auxiliary request 3.

II.4 Further in the alternative, in case auxiliary request sub II.3 is not granted, the counterclaim for revocation is partially dismissed and EP 3 859 566 is maintained in the form of auxiliary request 4.

26. Concerning the infringement action, the Claimant requests correspondingly:

> To issue a decision on infringement as requested in the statement of claim of 13 June 2025, in each case with reference to the version of the patent claims as granted according to the main request, and, in the alternative, in the version according to the respective auxiliary requests 1 to 4 (in that order).

27. The Defendant requests that the Court:

> refuse the auxiliary requests AR1–AR4.

POINTS AT ISSUE:

28. The parties essentially argue as follows:

Claim construction

Single-page application

29. The Claimant states that the term 'single-page application' (SPA) is to be construed in light of the patent specification (paras. [0003], [0008]) requiring user interaction without reloading the webpage or navigating to a new webpage. According to the Claimant, it is the visualization application that is run as a single-page application on one webpage provided by the host system. The invention does not require that the website provided by the host system originally supports single-page functionality.

30. The Defendant points out that if there are two loading steps, this is in stark contrast to the avoidance of re-loading according to the definition of a 'single-page application'.

Specific sequence of steps

31. The Defendant is of the opinion that claim 1 defines a certain sequence of actions that occur with or within the webpage received from the host system, i.e.

a) A webpage is rendered, which includes a 'visualization control' (e.g. a button).

b) **During** rendering of the webpage, a script is requested from the application system.

c) The visualization application is – by execution of the script – started **upon selection** of the visualization control.

32. Thus, in the Defendant's view, the start of the application occurs **after** the script request.

33. The Defendant points out that, according to the example of Figs. 4A to 4L, the script is loaded when a product page is loaded on the web shop, inter alia in order to use the script also for verifying availability of the particular product in the visualization application. In the example of Figs. 4A to 4L, the 'webpage' is the product webpage and the visualization control is the 'See in my room' button. The application starts upon selecting the button.

34. The claim requires that the visualization application is loaded only as a reaction ('response') to a selection of a user.

35. The Claimant disagrees to Defendant's interpretation concerning the specific steps in the sequence in the claimed method.

36. It points out that the claim does not specify that the visualization control already needs to be part of the original webpage. The visualization control could just as well be provided on the webpage in an intermediary step, for example after a JavaScript application has been included. Thus, 'step a)' according to the Defendant's contentions is not in line with the claim language.

37. According to the Claimant, the same is true for 'step c)' as the Defendant sees it. The term 'started' with respect to the visualization application cannot be found at all in the claim language. The claim simply leaves open when the visualization application is launched for the first time.

38. The Claimant states that the patent in suit does not prescribe any specific requirements for the visualization control, neither in terms of content or in visual design nor in terms of when exactly the visualization control needs to appear. Where the description of the patent in suit gives concrete examples of a visualization control, these are exemplary and explanatory only and are not restrictive of the disclosed embodiments. The same is true for the exact timing when the visualization control appears. The patent in suit is, particularly, not limited to an exemplary embodiment where the visualization control is displayed together with the original website that is provided by the host system. Since the visualization application is 'included' in the original webpage and only 'modifies' the webpage, the webpage naturally remains active in the browser, that is, it is still present after the visualization application is loaded and executed. It does not suddenly disappear.

39. As claim 1 does not impose any limitation with respect to the origin of the first image, it does not require that the visualization application itself must provide an image selection or how it must provide an image selection. Rather, after the webpage has been modified to include the visualization application the application system receives, from the visualization application, a request to display an image of a product in a first image and then identifies a location in the first image. An image must therefore already by available for these steps. However, the claim does not specify whether or when this image was selected. The application can then provide instructions to the visualization application for displaying the image of the product at the location.

40. When using the visualization application, there is an image in which the product is supposed to be placed according to the protected method steps. However, the patent in suit leaves explicitly open whether this image was defined in the visualization application before it was

started. It also leaves room for a JavaScript application consisting of two parts, one for selecting the room and one for displaying a modified image of the room including the production. The room selection is clearly an intermediary step which can be implemented by the skilled person however he or she likes.

41. Furthermore, the claim leaves open at what point the visualization application is loaded into the client system, as the term 'loaded' is not present in the claim. The claim only requires that the webpage is 'modified' to 'include' the visualization application.

Sequence of further steps

42. According to the Defendant, the sequence of the further steps can be summarized as follows:

    - At first a certain 'first image' (here: the image of a room) is displayed on a website.

    - There are certain locations within that 'first image' where the 'product' (here: the wallpaper) can be visualized; and

    - Within that first image (here: the image of the room) an image of the product (here: the wallpaper) is shown.

43. The Claimant states that the features in question do not require any additional steps to be performed by the client system. The client system is only required to provide a request to display an image of a product in a first image through the visualization application. The client system is neither required to identify a location in the first image (this can be performed, e.g., by the application system), nor is it required to display the first image before the image of the product is displayed at the location in the first image (e.g., the selected room without the product). The three steps named by the Defendant have no foundation whatsoever in the claim language.

Direct Infringement, Art. 25(b) UPCA

44. The Claimant is of the opinion that the Defendant directly infringes the patent in suit by offering for use in the Contracting Member States a visualization solution that makes use of claim 1 of the patent in suit. It points out that the visualization solution directly executes the method of claim 1 and is not merely a means for its use.

45. During the oral hearing, the Claimant clarified that it also relies on Art. 25(b), first alternative, UPCA. It argued that a script provided by the Defendant is used on the Schäfer Tapeten website, which is a German website. It should be noted that only the receiving part is on the Defendant's side. The CDN system from Amazon Web Services is located in Germany. The server that provided the script is located in Germany, namely in Frankfurt am Main.

46. The Defendant argues that the Defendant as such does not perform any acts that could be considered as patent infringement. If at all, then the patent infringement arises out of a plug-in that is embedded on the website of 'Schäfer Tapeten'. As a result, there is no direct infringement of the patent in suit. It points out that direct infringement requires that a single entity performs all features of the claimed invention.

47. In the Defendant's view, the Claimant has neither alleged nor demonstrated that the Defendant directs the 'Schäfer Tapeten' website operator's acts or that there is any form of

joint operation. Rather, the Claimant's position of indirect infringement rests on artificial aggregation of acts performed by independent entities, namely:

- The independent 'Schäfer Tapeten' website operator,
- The end user operates the client browser,
- And certain backend infrastructure allegedly operated by the Defendant.

48. In particular, the Claimant has not demonstrated that the Defendant performs each and every feature of claim 1. In particular:

- The alleged 'single-page application' is implemented within the environment of the third-party website – the Defendant does not operate the website architecture.
- Any modification of the webpage is executed client-side by the browser.
- The identification of locations within an image is inferred solely from visual output, not from evidence of the underlying technical implementation.

49. The Defendant points out that the Claimant has not demonstrated that the Defendant controls the website, configures the embedding of the plug-in or determines when and how the alleged visualization control is presented. It should be noted that the Defendant is not controlling the whole system. Rather, the plug-in embedded on the 'Schäfer Tapeten' website is configured and controlled by the website operator. The Defendant does not control the website environment nor determine how the plug-in is embedded.

50. With regard to the second alternative of Art. 25(b) UPCA, the Defendant argues that the Claimant has not shown that the Defendant offers the patented process as such, as opposed to a general visualization tool. Offering a general visualization service is not equivalent to offering a specific patented process.

51. It has not been demonstrated that selecting a predefined image triggers any request to a backend server or that any data is transmitted from the client to a server at that stage. Screenshots do not reveal network traffic. Such screenshots may make something plausible, but definitely not proved. Without technical evidence of actual data transmission, it cannot be inferred that any 'application system' receives a request within the meaning of claim 1.

52. The Defendant did not object to the location of the servers, as submitted by the Claimant during the oral hearing.

Indirect infringement, Art. 26(1) UPCA

53. The Claimant claims that the Defendant indirectly infringes claim 1 of the patent in suit. The software applications provided by the Defendant are means suitable for carrying out the patented method. Since the software applications are not only suitable but also intended by the Defendant to carry out the patented method of claim 1, the Defendant had not only knowledge of the invention but also intended that the software applications are offered and distributed and used within the territory of the Contracting Member States to implement the invention.

54. The Defendant states that the Claimant has failed to demonstrate the requirements of indirect infringement. In the infringement rejoinder, the Defendant contends that the software solution is capable of numerous configurations and uses, including visualization workflows that do not fall within the scope of the asserted claims. Where a product has substantial non-infringing uses, indirect infringement cannot be established merely because a customer could configure it in a potentially infringing way. The Claimant has not demonstrated that the software is specifically designed or exclusively intended to implement the patented method.

55. In addition, the Claimant has not proven knowledge or intention in the Defendant's acts. There is no evidence that the Defendant intended the patented method to be implemented or instructed the customers to do so.

Realisation of the features of claim 1

Single-page application

56. The Defendant points out that, according to the Claimant's own explanation, there are two loading steps on the Schäfer Tapeten website.

Certain sequence of actions

57. The Defendant states that, according to the Claimant's own explanation, on the 'Schäfer Tapeten' website, scripts are downloaded when the button 'Im eigenen Raum ansehen' ('see in my room') is selected, i.e. during the rendering of the following overview. This overview, however, is already the visualization application and is not the webpage being received from the host system, in particular not with a visualization control. Thus, already, when the overview is loaded, the application has been started too. The visualization application is not loaded as a reaction ('response') to a selection of the user, as required by the patent in suit. Rather, the script is loaded with the start of the application. Against the Claimant's statement, the application does not appear (for the first time) upon upload of a room picture by the user, but is already there at the moment.

Location of the images of the product within the first image

58. In the defence to the counterclaim, the Defendant asserted that the Claimant has left it open where the 'images' of the 'product' within the 'first image' (which obviously is the picture of the room with the fireplace on the left side of pages 11 and 12) are located, nor that the 'product' (here: the wallpaper) is visualized within the first image. All that can be seen is the 'first image' (= the picture of the room), especially since the pictures of pages 10 and 11 of rop 4 are completely identical. It is therefore completely open where there are 'locations' of the 'product' within the 'first image' and that an image of the product is visualized.

Script executable by the client system to perform operations

59. The Defendant is of the opinion that it is not sufficient for the Claimant to refer to a script loaded from a server associated with the Defendant (including a CloudFront URL and later a wizart.ai.domain.). Even if a script is retrieved from infrastructure linked to the Defendant, this does not establish that the Defendant performs the patented method. It should be noted that the host system may simply analyse and instruct the client system to act accordingly by means of, for example, providing information where to change one object with another or

where to apply a carpet. The Claimant has neither shown any proof that the Defendant is performing all steps of the claimed method nor has it indicated that the claimed method is the only way of implementing such functionality.

60. According to the Defendant, the technical reality is that the host website determines whether and how a script is embedded and that any modification of the webpage occurs within the client environment. Providing a downloadable script is not equivalent to performing each step of a patented method.

Validity

61. In the counterclaim for revocation, the Defendant has brought forward the following validity attacks:

- Insufficiency of disclosure, Art. 83 EPC

- Lack of novelty over the following prior art documents:

  . CC2 (YouTube video 'Belgard Dream Home Photo Upload' of 20 December 2018; hereinafter: CC2 or 'chameleonpower')

  . CC5 (website capture of the homepage https://docs.8thwall.com/web/ as it was online on 22 August 2019), hereinafter: CC5 or '8th Wall')

  . CC7 (YouTube video 'Visualizer My Room Tool – Milliken Floor Covering' of 26 June 2020, hereinafter: CC7 or 'Milliken')

- Lack of inventive step over the following combinations of prior art documents:

  . CC2 and CC3 (Wikipedia article on 'single-page application' as edited on 30 December 2019)/CC4 (YouTube video 'What is a single page application?' of 23 December 2015)

  . CC7 and CC5

  . CC8 (YouTube video 'Carpet Visualization – Chameleon Power' of 30 July 2019 and CC5

  . CC10 (US 2012/231424 A1) and CC5

62. In the reply to the defence to the counterclaim, the Defendant presents new arguments and requests that the late-filed arguments and prior art documents be submitted into the proceedings on the basis of R. 9.1 RoP, in case the Court would be of the opinion that arguments and/or prior art are late-filed. It states that due to the particular circumstances surrounding the cooperation with the previous representative, and given that the currently appointed representative was only mandated after the filing of the counterclaim for revocation, the Defendant was not in a position to submit the present evidence and arguments at an earlier stage of the proceedings.

63. The following validity attacks and arguments are presented only in the reply to the defence to the counterclaim for revocation:

- The claimed solution is not an invention.

- The claimed solution extends beyond the content of the application as filed.

- When assessing novelty and inventive step, it has to be taken into account that the claimed solution comprises both technical and non-technical features. According to the EPO Guidelines, only features which contribute to the technical character are taken into consideration for the assessment of patentability.

- There is a lack of inventive step following the fact that the claim contains a pure aggregation of features.

64. The Claimant points out that the Defendant's arguments raised in the reply are belated and must, for that reason alone, be disregarded. According to the Claimant, a change of representative does not, in itself, constitute a valid justification for the admission of late-filed arguments.

65. In any case, the Claimant considers the patent in suit is in any case valid over the Defendant's attacks.

Legal consequences

66. The Defendant argues that the requested rendering of accounts is not covered by the UPCA. Parts of the requested information relate to potential damages proceedings. The Claimant will only need such information for the calculation of its damages claim. Therefore, such information may be provided as part of potential damages proceedings in which the Defendant could be ordered to produce evidence according to the Rules of Procedure. The request to provide information about advertisement and the read of the advertisement by the Defendant is clearly beyond what is needed for the Claimant in order to calculate its damages.

67. Furthermore, the Defendant considers a time limit of 30 days to be excessively short, provided the large territory covered by the Claimant's request. Since the information needs to be highly accurate, a time period of at least three months is necessary to collect, verify and curate the information for its presentation to the Claimant.

GROUNDS FOR THE DECISION:

68. Both, the infringement action and the counterclaim for revocation, are admissible. The infringement action is predominantly well-founded, whereas the counterclaim is unfounded.

A. Admissibility

I. Infringement action

69. The infringement action is admissible. In particular, it must be assumed that the UPC has international jurisdiction for the infringement action, since the Defendant has not lodged an objection under R. 19 RoP nor raised the issue of jurisdiction in the statement of defence (see UPC_CoA_409/2025, Decision of 27 March 2026, headnote 3 – NUC v Hurom).

II. Counterclaim for revocation

70. The counterclaim for revocation is admissible as well.

1. International jurisdiction

71. The UPC has international jurisdiction for the counterclaim for revocation on the basis of Art. 24(4) in conjunction with Art. 71b(1) and 71a(2)(a) of the Brussels Ibis Regulation.

2. Valid submission of the counterclaim for revocation

72. The counterclaim for revocation, which was signed by hand by the Defendant's former representative and submitted electronically via the CMS, has been validly lodged.

73. According to R. 4.1 RoP, written pleadings and other documents shall be signed and lodged at the Registry or relevant sub-registry in electronic form.

74. The Court of Appeal has clarified that in the interest of legal certainty, to guarantee the authenticity of that procedural document and to exclude the risk that it is not in fact the work of the person authorized for that purpose, the procedural document itself must bear an (electronic) signature. It is not sufficient for the party's representative to log in to the CMS via a secure authentication and thereby confirm their identity (CoA_21/2026, Order of 22 May 2026, para. 11/12 – SharkNinja v Groupe SEB; UPC_CoA_894/2025, Decision of 21 August 2026, para. 21 – Windhanger v bellisa HAAS; UPC_CoA_73/2026, Decision of 8 October 2026, para. 23 et seq. – ESKO v IN(K)CONTROL).

75. However, the signature does not have to be in the form of a qualified or advanced electronic signature (UPC_CoA_73/2026, Decision of 8 October 2026, para. 26 – ESKO v IN(K)CONTROL). A scan of the handwritten signature – as was the case here – is sufficient (UPC_CoA_73/2026, Decision of 8 October 2026, para. 28 – ESKO v IN(K)CONTROL).

B. Person skilled in the art

76. With regard to the skilled person, the Panel has adopted the Claimant's definition, to which the Defendant did not object.

77. The skilled person is a computer scientist or software engineer with a university degree (or equivalent practical experience) and routine professional experience in developing web-based applications, in particular single-page applications and client-server systems. The skilled person is familiar with standard web technologies (HTML/CSS/JavaScript, DOM manipulation, asynchronous communication), is able to implement session and cookie mechanisms as well as script integration into webpages, and possesses applied knowledge of image processing and computer graphics (rendering, perspective, scaling, 2D/3D models). In addition, the skilled person is capable of integrating established machine-learning and, where applicable, augmented-reality frameworks for image analysis and object placement.

C. Scope of the patent in suit

78. With regard to the scope of the patent in suit, the following applies:

I. Technical background to the invention

79. The invention relates to a computer-implemented method for visualizing (showing) products on an internet webpage.

80. The patent in suit states in its introduction that a webpage may display an image of a product. However, the user of the webpage may wish to see how the product would appear in a particular location, such as the user's home (para. [0001]).

81. According to the patent in suit, adding such functionality to the webpage may be a difficult task. Relying on an external visualization application (e.g., by providing a parameterized link in the webpage to the external visualization application) may be problematic for both the user and the operator of the website. When using such parameterized link, bots and crawlers may be able to access the external visualization application through the link, corrupting user data of interest to the website operator. Furthermore, the operator must design the website to correctly handle communication with the external visualization application. Incorrect communication can result in errors affecting the user experience, such as visualizations of incorrect products or incorrectly localized interfaces. In addition, the operator may not be able to track user interactions with the external visualization application, such as what users viewed, how often they viewed it, and how long they viewed it for. Such information can be of considerable importance to the operator of the website (para. [0001]).

82. The patent in suit refers to US 2012/231424 A1 (Exhibit CC 10). This prior art document discloses a system in which a real-time image server provides a mobile device with visualization data. The visualization functionality is provided in the real-time image server (para. [0002]).

83. The patent in suit does not explicitly define an object. However, it can be inferred from the above explanations, that it is directed at overcoming the known disadvantages from the prior art.

84. In the summary portion, the patent in suit states that disclosed systems and methods can enable a webpage to provide interactive visualization of products (more specifically: of an image of a product) in images selected or provided by users (para. [0003]).

85. Claim 1 of the patent in suit protects a method for visualizing products in a single-page application. Following the parties' joint feature analysis, claim 1 can be broken down into features as follows:

    1. A method for visualizing products in a single-page application, comprising:

        1.1 receiving, by an application system (130) from the client system (110) during rendering of a webpage received by a client system from a host system (120), a request for a script associated with the host system;

        1.2 the script executable by the client system to perform operations comprising:

            1.3 modifying the webpage to include a visualization application in response to a selection of a visualization control in the webpage by a user of the client system;

            1.4 receiving, by the application system from the visualization application, a request to display an image of a product in a first image;

1.5 identifying a location in the first image; and

1.6 providing instructions to the visualization application for displaying the image of the product at the location.

II. Claim Construction

1. Principles

86. The patent claim is not only the starting point but the decisive basis for determining the protective scope of a European patent under Art. 69 EPC in conjunction with the Protocol on the Interpretation of Art. 69 EPC. The interpretation of a patent claim does not depend solely on the strict, literal meaning of the wording used. Rather the description and the drawings must always be used as explanatory aids for the interpretation of the patent claim and not only to resolve any ambiguities in the patent claim. The patent claim is to be interpreted from the point of view of a person skilled in the art. In applying these principles, the aim is to combine adequate protection for the patent proprietor with sufficient legal certainty for third parties (UPC_CoA_335/2023, Order of 26 February 2024, Headnote 2 and p. 26 seq. – 10x Genomics v Nanostring; UPC_CoA_1/2024, Order of 13 May 2024, para. 26 – VusionGroup v Hanshow; UPC_CoA_182/2024, Order of 25 September 2024, para. 82 – Mammut v. Ortovox; UPC_CoA_528/2024, Decision of 25 November 2025, para. 39 – Amgen v Sanofi; UPC_CoA_464/2024, Decision of 25 November 2025, para. 50 – Meril v Edwards).

2. Assessment

a) Structure of the claim

87. Claim 1 is a method claim. However, it comprises only a single method step, namely the step set out in feature 1.1 (receiving a script).

88. The further steps of features 1.3 to 1.6 further define the script which is executable to perform operations comprising these steps. Claim 1 does not require that the method steps of features 1.3 to 1.6 are executed. It is sufficient that the requested script allows such method steps to be executed.

b) Feature 1

Single-page application

89. Feature 1 provides for ‘a method for visualizing products in a single-page application’.

90. A ‘single-page application’ within the meaning of the patent in suit is a webpage, which is neither reloaded nor navigated away from.

91. This becomes clear from para. [0003], which summarizes the invention as follows:

> *‘… In some embodiments, the webpage can provide (or be modified to provide)* ***single-page application functionality****, allowing the user to select products for which visualizations are available and interact with the visualizations in the selected or provided images,* ***without refreshing the webpage, opening a new webpage, or navigating away from the webpage.*** *…’*
>
> *(emphasis added)*

92. Para. [0008] takes up the same description and, in addition, sets out the advantages of such an arrangement. It reads as follows:

> *'… The disclosed embodiments can be structured as **single-page applications**, **with the webpage modified as-needed to support interactive visualization, without reloading the webpage or navigating to a new webpage.** Such a single-page application framework can **improve the user experience, as reloading the webpage or navigating to a new webpage can disrupt the user experience, and may also reduce bandwidth.**'*
>
> *(emphasis added)*

93. The advantage is therefore an enhanced user experience and also the possible reduction of bandwidth. The patent in suit aims to allow the user to visualize products without having to leave or reload the webpage (see para. [0024]). This makes it possible to avoid the problems described in the prior art that can occur when using an external function.

94. Para. [0015] describes the single-page functionality with reference to the embodiment of Fig. 1 as follows:

> *'… The webpages can be configured to provide single-page application functionality. For example, the webpage can include data and instructions enabling a web browser of a client to modify the webpage without reloading a new webpage from host system 120. …'*

95. Lastly, para. [0024] reads as follows:

> *'… A webpage received from host system 120 and displayed by client system 110 can be modified using data and instructions received from application system 130 to display the visualization application. In this manner, the visualization application can be integrated into webpage provided by a host website, allowing the user to visualize **products without having to leave or reload the website**. In this manner, the visualization application can modify a webpage (which need not originally support single-page application functionality) **to provide single-page functionality**. …'*
>
> *(emphasis added)*

The original website does not have to fulfil single-page functionality

96. The single-page application functionality, as addressed by the patent in suit, refers to the claimed method 'for visualizing products'. The 'single-page application' functionality in feature 1 therefore relates to the visualizing of products, as described in the claim. The original website, prior to receiving the request as described in feature 1.1, does not have to fulfil single-page functionality. The claimed process only begins when a request for a script is received (feature 1.1).

97. Para. [0024] clarifies that the website is not required to provide this functionality prior to the commencement of the claimed method. It reads:

> *'… In this manner, the visualization application can modify a webpage **(which need not originally support single-page application functionality)** to provide single-page application functionality. …'*
>
> *(emphasis added)*

c) Feature 1.1

'Three-system architecture'

98. Feature 1.1 introduces three systems that interact and communicate with one another over a network. These three systems are referenced again to in claim 1. These are: The client system (features 1.1, 1.2, 1.3), the host system (feature 1.1) and the application system (feature 1.1).

99. Whenever the three systems are mentioned again in the subsequent features, they always refer to one and the same system as explained in feature 1.1 (client system, host system, application system). Consequently, the patent claim consistently uses the definite article 'the' in the subsequent features.

100. The client system displays the webpages in a browser. It can be or include an interactive computing device with a display, for example a desktop, laptop, smart phone, tablet, or a wearable device (para. [0011], [0062]). The client system can include different devices, for example a desk-top PC and a mobile device (see para. [0087]).

101. The host system provides a webpage (see para. [0011], [0015]). It can be or include a computing system, such as a desktop, workstation, server, server cluster, cloud computing environment (e.g. Amazon Web Services™ (AWS), Microsoft Azure™, IBM Cloud™, Google Cloud Platform™, Cisco Metapod™, Joyent™, vmWare™, or the like), or other suitable computing systems (para. [0015]).

102. Fig. 4A illustrates a possible interface of the client system when visiting the host system. In this example, the host system is a website for a home supplies store and the client system is a smartphone with a camera:



FIG. 4A

103. The application system is a third and separate entity that, according to feature 1.1, receives a request for a script from the client system during rendering of a webpage, i.e. while a webpage is displayed on the client system.

104. The patent specification explains that the application system provides a script to the client system and enables the client system to modify an image to include a product. It can be or include a computing system, with the same examples as with regard to the host system (para. [0016], [0017]).

105. The host system and the application system interact with the client system.

106. Fig. 1 shows the three-system-architecture:

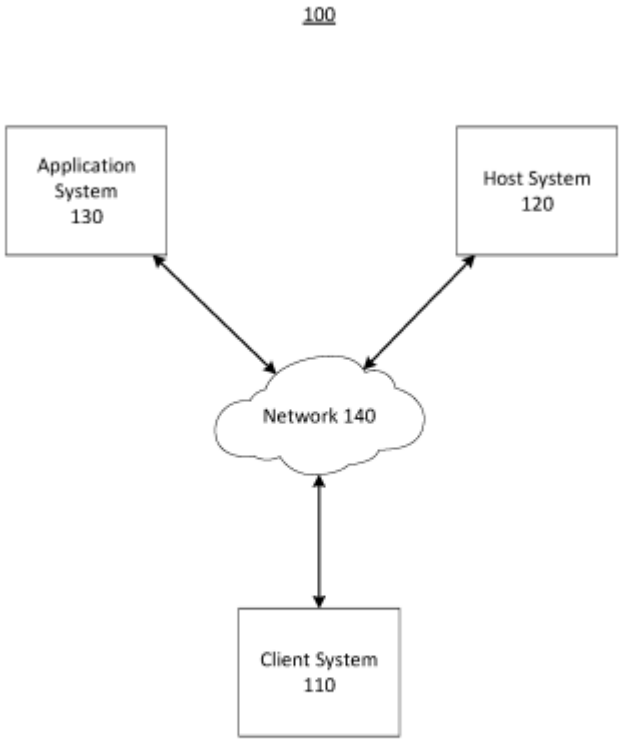


FIG. 1

107. Fig. 1 explains the interaction as follows:

> *'… As depicted in FIG. 1, system 100 can include client system 110, host system 120, and application system 130. Client system 110, host system 120, and application system 130 can be configured to communicate using network 140. Client system 110 can be configured to retrieve the webpage from host system 120 and retrieve the script and visualization application from application system 130. …'*

108. In summary, feature 1.1 defines a three-system architecture as a structural basis for the claimed method.

The script

109. According to feature 1.1, in conducting the claimed method, the application system receives a request for a script associated with the host system. The script is executable by the client system to perform the operations describes in features 1.3 to 1.6.

110. The script can be used to integrate the webpage and the visualization application, removing from the developer of the webpage the burden of integrating the webpage and visualization application (para. [0010]).

111. Feature 1.1 relates to a 'script associated with the host system'. This means that the script is customized to the (specific) host system (see para. [0009]). In this respect, it differs from a generic script, which still needs to be adapted to the specific page (see para. [0083]).

d) Feature 1.2

112. Feature 1.2 requires the script (from feature 1.1) to be executable by the client system to perform operations that are defined by the remaining features 1.3 to 1.6. Therefore, the script must be capable of initiating these operations from the client system.

113. As mentioned above, the execution of these steps is not part of the claimed method.

114. The parties discuss the question of whether steps 1.3 to 1.6 must be carried out by the application system. While feature 1.4 assigns the receipt of a request to display an image of a product to the application system, the other features do not specify the system that carries out the respective operation.

115. In its description of the preferred embodiments, the patent in suit mentions, e.g., that modifying the webpage (feature 1.3) can be executed by the client system (see para. [0041]). Identifying a location in the first image (feature 1.5) can be performed by the application system (see para. [0051]) et seq.; [0057]). The instruction to the visualization application for displaying the image (feature 1.6) can be provided by the application system as well (see para. [0047]). However, the preferred embodiments do not limit the scope of the invention. The claim itself does not mention the application system in features 1.3, 1.5 and 1.6.

116. Furthermore, it should be noted again that claim 1 does not claim these steps as procedural steps. According to the claim, the script must be executable by the client system to perform the operations. This, too, argues against interpreting the claim as requiring implementation by the application system.

e) Feature 1.3

117. Feature 1.3 defines that the webpage (which is rendered by the client system and received from the host system according to feature 1.1) is modified to include a visualization application in response to a selection of a visualization control in the webpage by a user of the client system.

Visualization application

118. The purpose of including a visualization application is to provide the interactive visualization. The inclusion is implemented via the script, as is already clear from feature 1.2. Para. [0009] describes this as follows:

> *'A visualization application can be integrated into the webpage to provide the interactive visualizations. Integration of the visualization application into the webpage can be handled using a script, which can be customized for the webpage. …'*

119. The visualization application allows users to modify an image to display products, and more specifically images of products, depicted or referenced in the webpage (para. [0010]).

Visualization control

120. The visualization control can be an interactive element in the webpage, for example, a button, a toggle, or the like (see para. [0039]). With reference to the embodiment of Fig. 2, the patent specification describes the possibilities of including the control in the webpage. Para. [0039] describes this as follows:

> *'In step 250, when visualization information is available for a product and according to the script obtained in step 220, client system 110 can modify the webpage to display a control.* ***The control can be an interactive element in the webpage, for example, a button, a toggle, or the like.*** *In some embodiments,* ***the control may have been included in the webpage received from the host system 120, but may be inactive (e.g., disabled, hidden, or the like).*** *When the query indicates that visualization information is available for the product,* ***client system 110 can modify the webpage to activate the control (e.g., permitting the control to be interacted with by a user).*** *In some embodiments****, the control may not have been included in the webpage received from the host system 120. The control may then be added to the webpage.*** *For example, client system 110 can be configured by the script to modify the webpage or include a selectable button at a location associated with the product. As the script may be specific to the webpage or to host system 120, the modification can preserve the look and feel of the webpage. Thus the control can be displayed in a manner that appears natural to the user and without disrupting the user experience.'*
>
> *(emphasis added)*

In response to a certain user interaction

121. Modifying the webpage to include a visualization application takes place 'in response to a selection of a visualization control in the webpage by a user of the client system'.

122. With the term 'selection of a visualization control', the patent in suit in particular refers to clicking on such control (see para. [0082]: *'when a user selects (e.g., clicks on) a visualization control …)'*. It is therefore a user interaction that leads to modifying the website to include the visualization application. Para. [0040] describes this as follows for the example shown in Fig. 2:

> *'… In some embodiments, client system* ***can retrieve a visualization application in response to selection of the control (e.g., by a user interaction)*** *in the modified website. For example, selection of the control can trigger an event. The script can handle the event, causing client system 110 to retrieve the visualization application from application system 130****. For example,***

when the webpage is modified to display a button control, a selection of the button by a user can cause client system 110 to retrieve the visualization application.'

(emphasis added)

123. Using the example shown in Figs. 4A-L, the patent in suit describes that each webpage has been modified to include 'See in My Room' buttons beneath each product. For each webpage, the user can click the button to start the visualization application (para. [0063]).

Certain sequence of steps

124. In the Defendant's view, the visualization application may only start after the script request. As a consequence, feature 1.3 is not fulfilled if the script is loaded with the start of the application (see statement of defence, p. 9 et seq.)

125. The Panel does not agree to this. As explained above, feature 1.3 requires a direct link between a user interaction (selection of a visualization control, e.g., clicking a button) and the modification of the website to include the visualization application. The feature does not specify when the script should be executed.

126. Furthermore, the structure of the claim must be considered again. As explained above, features 1.3 to 1.6 do not describe procedural steps. Rather, they describe the operations that the script enables to be performed. Loading the script is not even part of the claim. For this reason alone, there can be no temporal sequence between the loading of the script and the start of the visualization application.

127. The Defendant refer to Figs. 4A to 4L and points out that the script is loaded when a product page is loaded on the web shop, inter alia in order to use the script also for verifying availability of the particular product in the visualization application. In the example of Figs. 4A to 4L, the 'webpage' is the product webpage and the visualization control is the 'See in my room' button. The application starts upon selecting the button.

128. However, the preferred embodiments do not limit the scope of the claim. Furthermore, claim 1 is not related to the verification of product availability.

f) Feature 1.4

129. Feature 1.4 describes an interaction between the application system and the visualization application. It requires the application system to receive a request from the visualization application (precisely: the script to be executable this way).

130. The request is to be distinguished from the request mentioned in feature 1.1 and is directed at displaying an image of a product (e.g., furniture like a table, decorative objects or decorations like a vase, functional objects like a lamp, construction or finishing materials like wallpapers, see para. [0008]).

g) Feature 1.5

131. Feature 1.5 does not disclose specifically which system identifies a location in the first image (see above).

132. The patent in suit mentions semantic segmentation, in particular using machine learning models, as a possible way of identifying a location in the image (see para. [0050] et seq.; [0057]; [0065], [0096]). However, claim 1 is not limited in this way. It is only sub-claims 5, 6 and 7 that describe the operation of identifying a location in the first image in more detail.

h) Feature 1.6

133. Feature 1.6 refers to providing instructions back to the visualization application. The instructions can include, for example, the image modified to display the product (para. [0021]).

D. Counterclaim for revocation

134. The counterclaim for revocation is unfounded.

I. Attacks raised in the counterclaim for revocation

1. Insufficient disclosure, Art. 83 EPC

a) Principles

135. In the decision of 25 November 2025 (UPC_CoA_528/2024, headnotes 5–9 – Amgen v Sanofi), the Court of Appeal has set out the following principles for examining the sufficiency of disclosure:

136. Sufficiency has to be examined on the basis of the patent as a whole, thus on the basis of the claims, description and drawings, from the perspective of the skilled person with his or her common general knowledge at the filing or priority date.

137. The test to be applied is whether the skilled person is able to reproduce the claimed subject matter on the basis of the patent without any inventive effort and without undue burden. An invention is sufficiently disclosed if the patent specification shows the skilled person at least one way – and in case of functional features: one technical concept – of performing the claimed invention.

138. Where a claim contains one or more functional features, it is not required that the disclosure includes specific instructions as to how each and every conceivable embodiment within the functional definition(s) should be obtained. A fair protection requires that variants of specifically disclosed embodiments that are equally suitable to achieve the same effect, which could not have been envisaged without the invention, should also be protected by the claim. Consequently, any non-availability of some embodiments of a functionally defined claim is immaterial to sufficiency, as long as the skilled person through the disclosure is able to obtain suitable embodiments within the scope of the claim.

139. A reasonable amount of trial and error does not prevent the invention from being enabled.

140. The burden of presentation and proof lies with the party invoking invalidity of the patent.

b) Case at hand

141. Based on the aforementioned principles, the Defendant's arguments are insufficient to demonstrate an insufficient disclosure, Art. 83 EPC.

142. As a preliminary remark, it should be noted that the Defendant bases its arguments largely on EPO case-law. Although the Defendant does refer to the Court of Appeal's case-law in its reply, it does not carry out an examination in accordance with the principles set out therein. This point was also addressed by the Court during the oral hearing.

143. The Defendant raises several lines of attack alleging insufficiency of disclosure. In particular, the Defendant asserts that the patent in suit claims the crucial step of 'identifying a location in the first image' (feature 1.5), but provides no concrete algorithm or method for doing so. According to the Defendant, the patent relies on machine learning but fails to disclose the training data or process to make the system work. It refers to EPO case-law stating that merely invoking a machine learning model, without explaining its internal workings, leaves the skilled person without guidance. According to the Defendant, identification of a location in an image and the subsequent placement of a product at that location are not ancillary implementation details. Rather, they constitute the very core of the claimed solution and are indispensable for achieving the alleged technical effect. In summary, the patent provides only an abstract functional promise of AR visualization, without the technical disclosure required to enable the skilled person to realize that result in practice.

144. This line of attack is not convincing. While it is true that the patent mentions, in the context of feature 1.5, using a machine learning model (e.g. para. [0050]), the Defendant is wrong in asserting that this is the very core of the claimed solution. As set out above, the subject-matter of claim 1 is directed to a method involving a three-system-architecture and a step of receiving a request for a script within this three-system-architecture. The script must be executable to perform operations involving the client system and the application system, which form two elements of the three-system-architecture. Feature 1.5 defines just one of four operations beside features 1.3, 1.4 and 1.6. The Panel does therefore not follow the Defendant's assertion that feature 1.5 constitutes the very core of the claimed solution. Rather, feature 1.5 is just one of several features which all together define the subject-matter of claim 1.

145. Applying the principles established by of the Court of Appeal, it is the claimed subject-matter that must be assessed based on the skilled person's knowledge and capabilities. The Defendant has not asserted and the Panel has no reason to doubt that the skilled person, as defined above, is able to reproduce the claimed method by establishing the three-system architecture and providing a script as defined by features 1.2 to 1.6.

146. Using a machine learning model for identifying the location in the first image according to feature 1.5 is specified in dependent claim 6. Accordingly, using a machine learning model is not an essential or mandatory element of the subject-matter of claim 1, but a preferred embodiment or refinement of the invention. Even though the patent in suit does not disclose other ways for identifying a location in the first image, the Panel has no reason to doubt that the skilled person, as defined, is able to find a suitable implementation of this operational step. The skilled person may or may not follow the guidance in the disclosure and consider one of the convolutional neural networks mentioned in para. [0050] of the patent in suit. Taking into account the skill level of the skilled person defined, the Panel is convinced that the skilled person is able to configure and train such a neural network without inventive effort and undue burden. A reasonable amount of trial and error does not prevent the invention from being enabled and at least one way for performing the claimed invention is

sufficient. According to the Court of Appeal, it is not required that the disclosure includes specific instructions as to how each and every conceivable embodiment within the functional definition(s) should be obtained.

147. Finally, the burden of proof for lack of sufficiency lies with the Defendant, who has neither purported nor shown that the skilled person, as defined, would not be able to select and train a suitable machine learning model for identifying locations for visualizing wallpapers or carpets in an image of a room.

148. The same applies to the Defendant's further lines of attack alleging insufficiency of disclosure. The subject matter of claim 1 involving the three-system architecture is neither an overbroad, result-defined claim nor an invitation to a research program. Taking into account the skill level of the skilled person defined above, no protocol for the host-client-application interaction events must be specifically disclosed in the patent in contrast to the Defendant's assertion. The skilled person, as defined, will either not have a problem with the disclosure of the visualization application as a 'black-box component', as asserted by the Defendant.

149. The Defendant further argues that even if only one embodiment is unworkable or unsupported, the claim fails the sufficiency requirement. On this basis, the Defendant refers to claim 6 and argues that the patent in suit provides no enabling disclosure for identifying the location by determining a perspective and scale of the image. According to the Defendant, the patent in suit never concretely describes how a single 2D image's perspective or scale can be determined to place a product accurately. This argument is not convincing, because it contravenes the principles of the Court of Appeal set out above. An invention is sufficiently disclosed if the patent specification shows the skilled person at least one way – and in case of functional features: one technical concept – of performing the claimed invention, which is the case here.

2. Novelty

a) Principles

150. According to Art. 54(1) EPC, an invention shall be considered to be new if it does not form part of the state of the art. Assessing novelty within the meaning of Art. 54(1) EPC requires determining the overall content of the prior publication. The decisive factor is whether the subject-matter of the patent in suit, with all its features, is directly and unambiguously disclosed in the prior art document (UPC_CoA_182/2024, Order of 25 September 2024, para. 123 – Mammut v Ortovox).

151. The disclosure of the prior art document as a whole must be considered. However, the content of a prior art document must not be treated as a reservoir from which features may be drawn to create a particular embodiment, but rather different passages in a document may only be combined if there is a clear and unmistakable teaching suggesting this (UPC_CoA_473/2025, Decision of 13 July 2026, para. 151 – Fujifilm v Kodak).

b) Assessment

152. Applying these principles leads to the conclusion that the subject-matter of claim 1 is new in relation to the prior art documents submitted by the Defendant. Consequently, the same applies to the dependent claims.

aa) CC2 ('chameleonpower')

153. CC2 is a YouTube video showing, according to the description on the YouTube website, a process for uploading, mapping, and placing 3D objects in a photograph.

154. The video shows how an image of a house including a garden is uploaded to a website having the URL 'belgarddreamhomestaging.chameleonpower.com'. Thereafter, a paver product, a grill, a fireplace and a wall are selected from a menu, virtually placed in the garden and virtually shown in the image.

155. In favour of the Defendant, it can be assumed that CC2 was publicly available before the priority date of the patent in suit and therefore constitutes prior art within the meaning of Art. 54(2) EPC. It is therefore not necessary to examine in detail whether, as the Defendant argues for the first time in the reply in the counterclaim proceedings, CC10 provides an independent disclosure of the same general technical concept before the priority date. Even if this were the case, CC10 does neither refer to CC2, nor does CC2 refer to CC10. CC10 does therefore not qualify as a document or any other evidentiary means suitable for determining the publication date of CC2.

Three-system architecture (feature 1.1)

156. CC2 does not disclose feature 1.1, namely the three-system model in which the client interacts with a host system (acting as web server) and an application system (providing the script and visualization functionality).

157. Rather, CC2 discloses a two-system model. The visualizer of CC2 is hosted on a subdomain of Chameleon's server. A photo is uploaded from a directory on a local computer, which can be considered as a client system. However, the client system, as shown in the video, interacts with the host system only. No third system is shown or mentioned. Accordingly, the client system retrieves a visualizer from a single server of Chameleon.

158. The Defendant argues that even if CC2 does not explicitly describe the system architecture in detail, the skilled person implementing the disclosed visualization tool would, in line with common general knowledge, inevitably arrive at an architecture in which the client system requests a script during webpage rendering, the script being provided by a system operated by the visualization provider. From this, the Defendant concludes that feature 1.1 does not involve an inventive contribution as it reflects standard and well-known web integration practice.

159. Although the Defendant raises this argument in the context of challenging the novelty of the invention, it is essentially an attack on the inventive step. This attack has been filed late. It was raised for the first time in the reply to the counterclaim, without any reasons being given. In any case, it does not constitute a sufficient challenge to inventive step as defined by the principles established by the Court of Appeal. Further explanations are provided below.

Script (feature 1.2)

160. The Defendant asserts that the application shown in the YouTube video CC2 runs as a single-page application in the browser because the URL shown in the video remains the same, while different content is manipulated and/or changed on the webpage as it appears on the client system's browser (counterclaim for revocation, p. 28). It further asserts that it was known to the person skilled in the art that the single-page application must be associated with a script as this was at the priority date of the patent in suit the standard method to include single-page applications in web browsers. To support this argument, the Defendant refers to CC3, CC4 and CC6.

161. CC3, however, discloses that there are various techniques available that enable a browser to retain a single page even when the application requires server communication (CC3, first paragraph). JavaScript frameworks are just one technique. Other techniques comprise IFRAMES, Websockets or Browser plugins (CC3, p. 2/3), which are thus alternatives to a script. Accordingly, CC2 does not directly and unambiguously disclose feature 1.2.

Script executable to perform feature 1.4

162. Feature 1.4 is not disclosed either as it relates to the application system, which is not disclosed in CC2.

bb) CC5 ('8th Wall')

163. CC5 is an excerpt from the wayback machine www.archive.org, showing the content of the website https://docs.8thwall.com/web/ at the date of 22 August 2019.

164. 8th Wall, Inc. is a technology company that enables developers to create augmented reality (AR) brand experiences that live on the mobile web. In August 2019, as shown by CC5, 8th Wall was operating a commercial platform called '8th Wall Web' allowing a developer to download a sample project, create an account, create an app key, and add the app key to a web project via a script (CC5, page 2). Under the headline 'Serve Application', CC5 discloses three options, namely from a web server, locally from Mac or locally from Windows (CC5, page 3). CC5 further discloses that the 8th Wall Console is a web-based portal that allows a developer to generate and manage app keys for both native and Web applications, create new Web applications, create new web-based AR camera applications among others (CC5, p. 4).

165. The Defendant based its challenge to novelty in the counterclaim for revocation on CC5. The Claimant contested this in its defence to the counterclaim and questioned the disclosure of each feature. In its reply, the Defendant did not refer to CC5 again as prior art that destroys novelty. In particular, it did not address the Claimant's arguments.

Method for visualizing products in a single-page application (feature 1)

166. CC5 does not directly and unambiguously disclose a method for visualizing products in a single-page application. While the Defendant asserts that 8th Wall offers a complete platform that enables furniture retailers to show their products in customers' rooms and wallpaper companies to show their patters on customer's walls, CC5 does not disclose such applications nor any other concrete application involving a product visualization. CC5 also does not mention a single-page application. Therefore, CC5 does not disclose feature 1.

Three-system architecture (feature 1.1)

167. CC5 discloses web browser requirements for iOS and Android devices (page 1). Such devices can be understood as client devices. The reference to a web server on page 3 can be understood as a reference to a host system. 8th Wall Web enabling to create a console account and an app key can be understood as an application system that enables an AR experience on a phone under iOS or Android. CC5 therefore discloses, at least in some variants, a three-system architecture. However, CC5 does not directly and unambiguously disclose that a request for a script associated with the host system is received by the application system from the client device. CC5 does not provide any specific information regarding the host system and does therefore not hint to any adaptation or customization of the script, as required by feature 1.1.

Script executable to perform feature 1.3

168. CC5 does not disclose that the script is executable to modify the webpage to include a visualization application in response to a selection of a visualization control in the webpage by a user of the client system.

169. In the statement of defence, the Defendant explained that feature 1.1 defines, together with feature 1.3, a sequence, wherein the script is loaded with the rendering of the webpage, which includes a 'visualization control' to start the application. According to the Defendant, a skilled person would offhand implement such a solution if he wants to include a usual 'start application'-button on his homepage, e.g., within an according subpage of his webshop. The Defendant argues that by implementing this, the skilled person would inevitably come to a solution including the sequence defined by features 1.1 and 1.3. Furthermore, with regard to feature 1.3, the Defendant points out that CC5 discloses that the visualization application is included in the host's webpage upon activation of the script, which may e.g. be usually done with a particular button.

170. The Claimant asserts that CC5 describes the integration of the script into the HTML source code utilizing async or defer attributes. These tags are mechanisms for loading scripts during the initial page load process, which is the direct opposite of a loading process triggered by a specific user selection of a control element as required by the patent in suit. Although the Claimant's reference to the async attribute is not convincing in view of the fact that the patent in suit also proposes the async attribute in para. [0017], the Panel does not regard the Defendant's submission as constituting a direct and unambiguous disclosure, as required for a challenge on the grounds of lack of novelty. To establish a lack of novelty it is not sufficient that the skilled person would offhand implement such a solution if they want to include a usual 'start application'-button on their homepage. Rather, it has to be assessed if CC5 actually discloses such implementation, which is not the case here.

171. In any case, the Defendant has not addressed this issue further after the Claimant's defence to the counterclaim for revocation.

172. On p. 6, CC5 explicitly explains loading image targets immediately upon page load:

You may designate up to **5 "Autoloaded"** image targets per App Key. An Autoloaded image target is enabled immediately as the page loads. This is useful for apps that use 5 or fewer image targets such as product packaging, a movie poster or business card.

173. Therefore, a script executable to perform a loading process triggered by a user interaction ('in response to a selection of a visualization control') is not directly and unambiguously disclosed.

Script executable to perform feature 1.4

174. As already stated with respect to feature 1, CC5 does not directly and unambiguously disclose product visualization. Consequently, CC5 does either not directly and unambiguously disclose feature 1.4, which defines a request to display an image of a product in another image, namely in the first image mentioned in feature 1.4.

cc) CC7 ('Milliken')

175. CC7 is a video showing how a user can use the website of the retailer 'Milliken' to select a floor covering from a variety of floor coverings offered on the website, and to visualize the selected floor covering in an image of a room that the user also can select or upload.

176. CC7 was published on the YouTube platform on 26 June 2020, which is after the priority date established by CC11, but before the priority dates established by CC12 and CC13. Therefore, CC7 would only constitute prior art within the meaning of Art. 54(2) EPC if the priority of CC11 had not been validly claimed under Art. 87 EPC.

177. However, the question whether the priority from CC11 is validly claimed can be left open. CC7 does not directly and unambiguously disclose all features of claim 1.

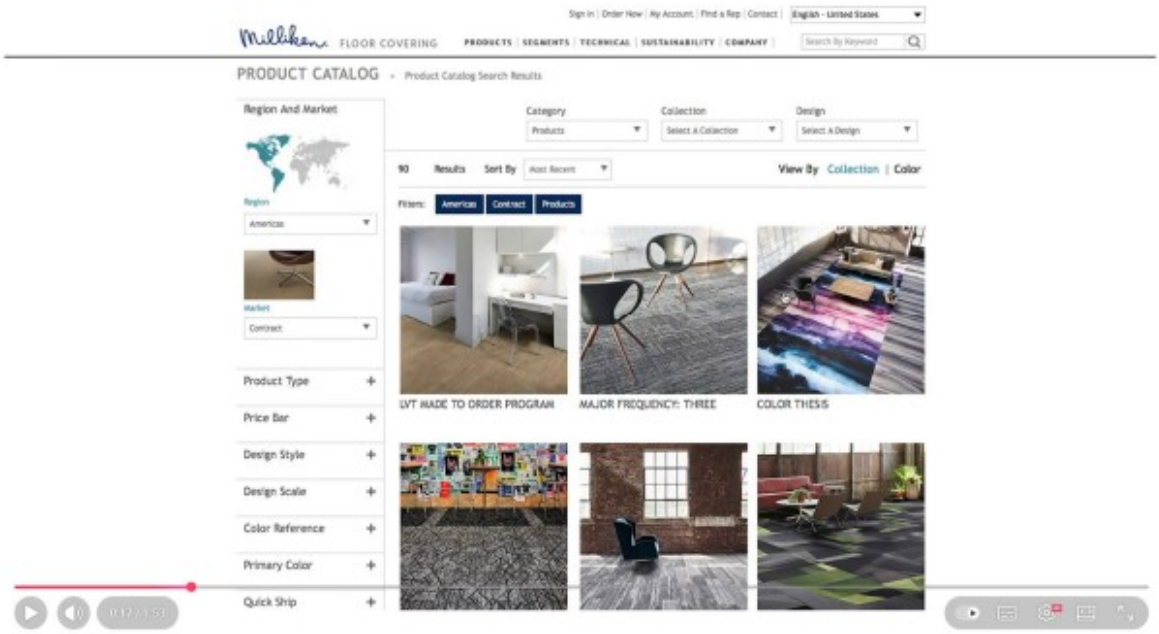
178. As with regard to CC5, the Defendant based its challenge to novelty in the counterclaim for revocation on CC7. The Claimant contested this in its defence to the counterclaim. In its reply, the Defendant did not refer again to CC7 again as a novelty-destroying prior art document. Notably, it did not address the Claimant's arguments.

Single-page application

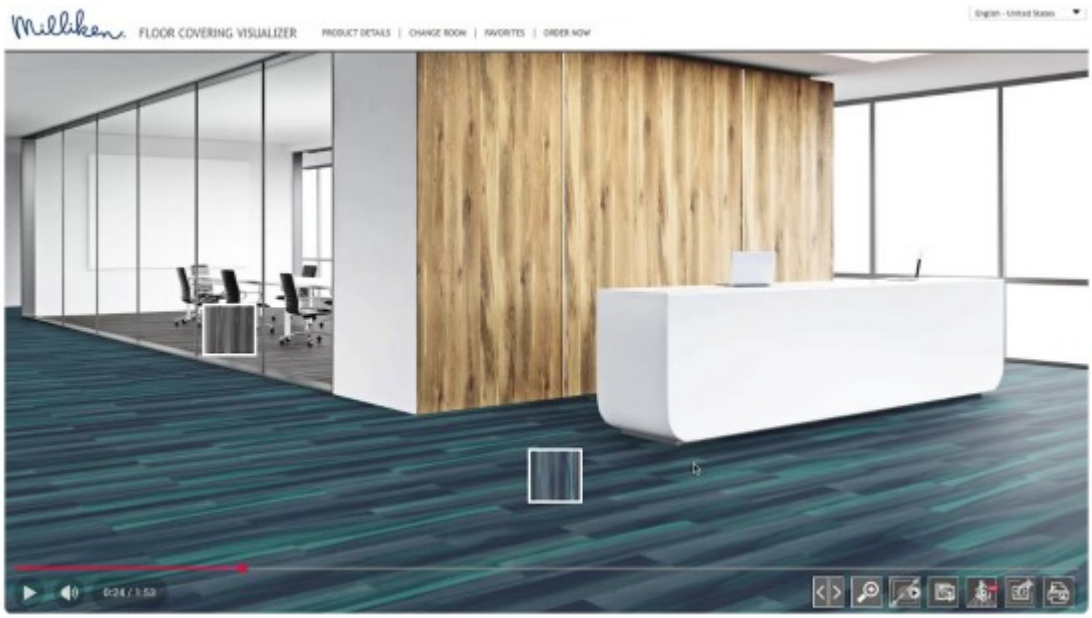
179. CC7 does not directly and unambiguously disclose a method for visualizing products in a 'single-page application'.

180. In the defence to the counterclaim, the Claimant pointed out that the visual structure (particularly static elements like headers) of the website changes distinctly, which is an indication that a reload has occurred. The Claimant refers to the position of the 'English – United States' selector, which changes its location between the two states shown as follows:

181. Timestamp 0:18



182. Timestamp 0:23 after clicking the ‘visualize now’ button:



183. The Court agrees with the Claimant that this gives rise to doubts as to whether the method is run as a single-page application. The Defendant has not addressed this issue further. In any event, there is therefore no direct and unambiguous disclosure.

Three-system-architecture

184. There is also no direct and unambiguous disclosure of the three-system architecture according to feature 1.1. In particular, there is no disclosure that an application system is involved in addition to a host system provided by the website.

185. The Defendant only argues in this regard that the skilled person would inevitably arrive at such a result which is not enough for a direct and unambiguous disclosure. Moreover, the Claimant has convincingly argued that is technically feasible for a retailer like Milliken to host a visualization tool on their own server (i.e., the host system). Therefore, CC7 does not directly and unambiguously disclose the three-system architecture of feature 1.1.

186. As there is no application system, feature 1.4 is not disclosed as well.

Script associated with the host system

187. The Defendant has not shown a direct and unambiguous disclosure of a script associated with a host system (features 1.1, 1.2). In particular, it has not sufficiently shown that the functionality shown in CC7 could not be implemented in any other way, for example, as the Claimant has pointed out, via compiled code or browser plugins.

3. Inventive step

a) Principles

188. According to the case law of the Court of Appeal, the approach taken by the Unified Patent Court when establishing inventive step is as follows (see UPC_CoA_464/2024, Decision of 25 November 2025, headnotes 4–13, paras. 128–136 – Meril v Edwards; UPC_CoA_528/2024, Decision of 25 November 2025, headnotes 10–22, paras. 122–138 ff. – Amgen v Sanofi):

189. It first has to be established what the object of the invention is, i.e. the objective problem. This must be assessed from the perspective of the skilled person, with his or her common general knowledge, as at the application or priority date (also referred to as the relevant date) of the patent. This must be done by establishing what the invention adds to the state of the art, not by looking at the individual features of the claim, but by comparing the claim as a whole in context of the description and the drawings, thus also considering the inventive concept underlying the invention (the technical teaching), which must be based on the technical effect(s) that the skilled person on the basis of the application understands is (are) achieved with the claimed invention.

190. In order to avoid hindsight, the objective problem should not contain pointers to the claimed solution.

191. The claimed solution is obvious when at the relevant date the skilled person, starting from a realistic starting point in the state of the art in the relevant field of technology, wishing to solve the objective problem, would (and not only: could) have arrived at the claimed solution.

192. The relevant field of technology is the field relevant to the objective problem to be solved as well as any field in which the same or similar problem arises and of which the person skilled in the art of the specific field must be expected to be aware.

193. A starting point is realistic if the teaching thereof would have been of interest to a skilled person who, at the relevant date, wishes to solve the objective problem. This may for instance be the case if the relevant piece of prior art already discloses several features similar

to those relevant to the invention as claimed and/or addresses the same or a similar underlying problem as that of the claimed invention. There can be more than one realistic starting point and the claimed invention must be inventive starting from each of them.

194. The skilled person has no inventive skills and no imagination and requires a pointer or motivation that, starting from a realistic starting point, directs them to implement a next step in the direction of the claimed invention. As a general rule, a claimed solution must be considered not inventive/obvious when the skilled person would take the next step prompted by the pointer or as a matter of routine, and arrive at the claimed invention.

195. A claimed solution is obvious if the skilled person would have taken the next step in expectation of finding an envisaged solution of his or her technical problem. This is generally the case when the results of the next step were clearly predictable, or where there was a reasonable expectation of success.

b) Case at hand

196. Based on the aforementioned principles, the Defendant's arguments are insufficient to demonstrate a lack of inventive step.

aa) Preliminary remark

197. In its written pleadings, the Defendant has not assessed whether, starting from a specific realistic starting point and wishing to solve the objective problem, the skilled person would (and not only 'could') have arrived at the claimed solution, i.e. would have taken the next step, prompted by a pointer or as a matter of routine, and arrived at the claimed invention. The Defendant's reasoning appears to be based on the EPO's Problem-Solution-Approach.

198. The Court raised this issue during the oral hearing. The Defendant pointed to the high skill level of the person skilled in the art. However, the Defendant has not explained the attack in accordance with the Court of Appeal's case-law.

bb) Objective problem of the invention

199. The Defendant failed to define the objective problem of the invention in accordance with the principles set out by the Court of Appeal. Instead, based on the Problem-Solution-Approach, the Defendant considered the objective problem in light of the state of the art.

200. In the counterclaim for revocation, the Defendant argued that there are three groups of features, each with a different technical effect. It stated that these groups merely form a juxtaposition of features, not a true combination, as they do not achieve a combined technical effect that differs from the sum of the technical effects of the individual features. The Defendant therefore considered it sufficient to show that the individual features were obvious in order to prove that the aggregation of features did not involve an inventive step.

201. However, in the reply to the counterclaim, the Defendant argued that the correct application of the Problem-Solution-Approach demonstrates that the claimed method does not solve one unified problem, but rather comprises features directed towards distinct and technically independent aspects. According to the Defendant, there are two independent partial technical problems with no synergistic effect:

1) How to enable the integration and execution of an application within a webpage provided by a host system during webpage rendering without reloading or leaving the webpage.

2) How to display a selected product within a user provided image.

202. The Court considers the latter submission to have been filed late. In accordance with R. 9.2 RoP, it shall be disregarded. The Defendant has not explained why the aggregation of features is defined and justified differently.

203. In any case, the Panel does not agree with the Defendant's assertion that there is a mere aggregation of features. Rather, the features of claim 1 are technically and functionally interlinked and together define the method of claim 1 for visualizing products. As already stated, the method involves a three-system architecture, and a script must be received in accordance with feature 1.1. According to feature 1.2, the script must be executable by the client system, defined in feature 1.1, to perform the operations defined in features 1.3 to 1.6. Feature 1.3 requires modifying the webpage received by the client system from the host system, also defined in feature 1.1, to include a visualization application, which must be able to communicate with the application system in accordance with feature 1.4. Features 1.5 and 1.6 are technically related to feature 1.4 by reference to the image of the product and the first image. Finally, the product visualization must occur in a single-page application as prescribed in feature 1.

204. In the Panel's opinion, the objective problem could be formulated as how can a user of a webpage be enabled to interactively visualize a product in a particular location, such as in the user's home, in a manner that maintains usage data of interest to the website operator and is easy to implement for the website operator.

cc) CC2 and CC3/CC4

205. The Defendant relies on a combination of CC2 with CC3 (an explanation of the term 'single-page application' from Wikipedia) and CC4 (a YouTube video explaining the term 'single-page application').

206. It does not follow from the Defendant's submission that CC3 or CC4 disclose the features missing in CC2, in particular the three-system-architecture of feature 1.1 and the capability of the script to operate in accordance with feature 1.3 (modifying the webpage … in response to a selection of a visualization control ….).

207. Furthermore, the Defendant does not explain why the skilled person would and not only could have taken CC3 or CC4 in account when starting from CC2.

dd) CC2 and CC5

208. Although the Defendant mentions the combination of CC2 and CC5 in the counterclaim for revocation, it does not provide any further explanation. This does not constitute a valid challenge to the inventive step.

ee) CC7 and CC5

209. The Defendant does not examine the inventive step starting from CC7 in combination with CC5 in accordance with the principles set out by the Court of Appeal.

210. In particular, the Defendant does not show any pointer starting from CC7. Furthermore, the Defendant has not demonstrated, nor is it apparent, that this is a matter of routine (UPC_CoA_678/2025, Decision of 28 August 2026, para. 72 – Hurom v NUC).

211. Furthermore, as discussed with respect to novelty, neither CC7 nor CC5 directly and unambiguously disclose that a request for a script associated with a host system is received by the application system. As set out, CC5 does not provide any specific information regarding the host system and does therefore not hint to any adaptation or customization of the script, as required by feature 1.1 Nor does CC7.

ff) CC8 and CC5

212. CC8 is another YouTube video uploaded and therefore published on the YouTube platform on 30 July 2019. The video CC8 shows an image of a hotel room interior with a floor. The scene can be varied by using a Dynamic Interactive Visualizer. It is shown how the carpet can be selected from a menu or even designed by clicking on buttons within the image.

213. The Defendant does not show any pointer for the skilled person, starting from CC8, to take into account CC5. Moreover, a measure of routine cannot be established either (UPC_CoA_678/2025, Decision of 28 August 2026, para. 72 – Hurom v NUC).

214. Furthermore, neither of CC8 and CC5 disclose a request for a script associated with a host system and received by the application system from a client system in the three-system-architecture of feature 1.1.

gg) CC10 and CC5

215. CC10 is the published US patent application cited in paragraph [0002] of the patent in suit. As indicated there, CC10 discloses a system in which a real-time image server provides a mobile device with visualization data.

216. The Defendant does not provide any indication, based on CC10, as to why CC5 should be taken into account.

217. Moreover, neither of CC10 and CC5 disclose a request for a script associated with a host system and received by the application system from a client system in the three-system-architecture of feature 1.1. CC10 discloses a two-part system with a mobile device 204 and a real-time video image server 208. There is no disclosure of a separate host system serving a webpage in addition to the real-time video image server, or the host system of claim 1, and a visualization functionality provider as separate entities.

II. Attacks only raised in the reply to the defence to the counterclaim

1. Request to accept late-filed arguments and prior art

218. In the reply to the counterclaim, the Defendant puts forward new arguments and requests that the late-filed arguments and prior art documents be submitted into the proceedings on the basis of R. 9.1 RoP, in case the Court deems the arguments and/or prior art to be late-filed. The Defendant states that, due to the particular circumstances surrounding cooperation with the previous representative and the fact that the current representative was only appointed after the counterclaim for revocation was filed, it was not in a position to submit the present evidence and arguments at an earlier stage of the proceedings.

219. The Defendant further explains that the change of representation occurred at an advanced stage of the case. The newly appointed representative required time to review the case file, analyse the counterclaim for revocation and evaluate the factual and legal issues raised. The Defendant should not face any adverse procedural consequences resulting from circumstances relating to the previous representation, especially since the delay was neither deliberate nor intended to obstruct or delay the proceedings.

220. Furthermore, the Defendant asserts that the newly submitted arguments do not change the subject-matter of the dispute, but rather provide further substantiation and clarification of the defence that has already been presented. These arguments are based either on evidence already on file, or on legal provisions and matters of common general knowledge. The new prior art has been introduced in reply to the application to amend the patent.

221. Lastly, it argues that admitting the present submissions would serve the interests of procedural economy as it may prevent the need to file a new revocation action.

222. The Panel rejects the Defendant's requests.

223. A change of legal representation does not constitute justification for late-filed arguments or prior art. During the oral hearing, the Defendant claimed that this was a special case, as the change in legal representation had occurred shortly before the deadline for submitting the statement of defence. However, this does not alter the fact that the statement of defence and the counterclaim for revocation were filed by the Defendant's initially instructed representatives. The Defendant has not argued that the representatives were no longer authorised to do so. Regardless of a change in representation, the actions of its representatives are attributed to the Defendant.

224. Attacks and arguments that are only filed in the reply in the counterclaim proceedings are therefore inadmissible under R. 263 RoP (new prior art attacks), or are late-filed under R. 9.2 RoP. They are therefore not taken into account. This applies to the following attacks:

- The claimed solution is not an invention.

- The claimed solution extends beyond the content of the application as filed.

- When assessing novelty and inventive step, it has to be taken into account that the claimed solution comprises both technical and non-technical features. According to the EPO Guidelines, only features which contribute to the technical character are taken into consideration for the assessment of patentability.

- The invention contains two partial problems without synergistic effect, which are obvious (see above).

- A novelty attack based on CC10, should the Defendant's arguments be understood in this way.

2. New attacks in detail

225. In any case, the late-filed attacks remain unsuccessful.

a) Lack of invention, Art. 52 EPC

226. According to Art. 52(2)(c) and (d) EPC, programs for computers and presentations of information shall not be regarded as inventions within the meaning of Art. 51(1) EPC.

227. The Defendant asserts that the subject-matter of the patent relates to a presentation of information and to computer systems and computer programs. According to the Defendant, the invention is aimed at providing a visualization for a user which may convince the user which product to buy. The Defendants considers this to be purely a business idea that does not contribute to solving a technical problem.

228. The Panel does not agree with this argument. The subject-matter of claim 1 is not directed towards the presentation of information or a computer program as such. Rather, it is directed to a specific implementation of a method of visualizing products within a webpage in a three-system arrangement.

b) Added matter, Art. 123(2) EPC

229. As a feature relating to the machine learning model or the neural network is absent from claim 1, the Defendant believes that claim 1, as granted, extends beyond the content of the application as filed. Therefore, in the Defendant's view, the patent has been granted in contravention of Art. 123(2) EPC.

230. The attack is unfounded. The Defendant has not identified any amendment that could trigger a further evaluation in this regard. The mere fact that the subject-matter of claim 1 is broader than the embodiment presented in the description does not contravene Art. 123(2) EPC.

c) Technical/non-technical features

231. The Defendant asserts that claim 1 of the patent in suit comprises both technical and non-technical features. It points out that according to the EPO Guidelines only features which contribute to the technical character are taken into consideration for the assessment of patentability. The Defendant states that, in this case, the software is simply changing one data set into another on a basis of user input. This should be considered as a typical interaction between the program and the computer, and this part of the claim should not be taken into account for the purpose of novelty and inventive step invention.

232. The argument is not convincing. According to the Court of Appeal case-law, a feature should not be excluded from the assessment of inventive step merely because it is a non-technical feature, i.e., a feature which, on its own, would be considered a 'non-invention' under Art. 52(2) EPC. A feature that is non-technical as such may still contribute to the technical

character of the claimed invention as a whole by its interaction with the other claim features. Therefore, the interrelationship and functioning of the claim features must be assessed together (CoA_901/2025, Order of 17 April 2026, headnote 1 and para. 112 – Abbott v Sinocare; citing Technical Board of Appeal EPO, 22 September 2002, T 641/00 (COMVIK); Enlarged Board of Appeal EPO, 10 March 2021, G1/19).

d) Two partial problems without synergistic effect/inventive step attack based on CC2 and CC10/CC6

233. With regard to the Defendant's argument concerning the two partial problems that do not have a synergistic effect, reference is made to the above explanations regarding the objective technical problem.

234. As explained above, the Court does not agree that there are partial problems. Consequently, there is no need to discuss the further argument that the solution to each of the first two technical problems was obvious.

E. Defendant's requests for admission of responsive rebuttal evidence

235. The Defendant's request, set out in its rejoinder to the application to amend the patent to admit Exhibits D-INF-1 to D-INF-5 as responsive rebuttal evidence, or alternatively to grant leave to change or amend the claim under R. 263.2 RoP, is rejected.

236. As explained above (see 'Main steps of the proceedings'), the Defendant seeks the admission of this new evidence on the grounds that the Claimant has submitted new claim construction arguments in its rejoinder to the counterclaim for revocation/reply to the application to amend the patent. In case the Court would rely on this new claim construction with regard to infringement, the responsive rebuttal evidence should be admitted. In particular, the Defendant refers to the following arguments of the Claimant:

- the narrowed construction of 'the webpage',
- the alleged same-system identity requirement,
- the 'synergistic dual role' of the application system,
- the proposition that the claimed invention does not involve post-deployment host-system involvement.

237. The Panel sees no reason to admit the evidence or grant leave under R. 263.2 RoP.

238. The Defendant's request is conditional upon the Claimant being permitted to rely on the allegedly new claim construction for infringement (see application to amend rejoinder, mn. 16). However, it is not at all apparent that the Claimant even wishes to rely on any new claim construction for the infringement case.

239. In any case, the Claimant's submissions were merely a response to those of the Defendant in its reply to the counterclaim. It was the Defendant who, in its reply to the counterclaim, raised a whole host of new arguments and attacks. This applies, e.g., to the 'synergistic dual role' of the application system. This was a response to the Defendant's argument that there are no synergistic effects between the features.

240. Furthermore, the Defendant also fails to specify clearly what is alleged to be new in the Claimant's submission, and the consequences of this for the question of infringement. In particular, the 'three-system-architecture' had already been explained by the Claimant. The question of which webpage should have the single-page application functionality of feature 1.1 was a matter of claim construction from the outset.

F. Infringement of claim 1

I. 'Schäfer Tapeten' website as an example

241. By way of example, the Claimant cites the website of the German wallpaper company Schäfer Tapeten GmbH, which uses the Wizart Visualizer.

242. In the statement of defence, the Defendant argues that the Claimant has failed to show that there is a connection between the website of 'Schäfer Tapeten' and the Defendant's visualization software. However, the Court does not consider this to amount to a specific denial of the fact that the Schäfer Tapeten website uses the Defendant's visualization software. Therefore, the Claimant was not required to provide any further evidence. In any case, the Claimant has substantiated its allegation in the reply, referring to the screenshots submitted as Exhibit rop 4, p. 10 and 11. The Defendant's logo is displayed in the lower left corner of these screenshots.

II. Operating principle of the challenged embodiment in case of 'Schäfer Tapeten'

Claimant's submission

243. The Claimant has submitted the following operational principle:

244. When a user of a client system (e.g. desktop computer) accesses the homepage of Schäfer Tapeten, they can click on 'Tapeten' and choose one of the sub-categories displayed in a menu. The browser then loads a new webpage.

245. The user can then choose a specific wallpaper design of that sub-category by clicking on the corresponding tile. The browser again loads a new webpage with the specifics of that wallpaper.

246. When the user then clicks the button 'Im eigenen Raum sehen' below the pictures on the left-hand side (translation: see in my own room), an overview opens, displaying various room images.

247. During rendering of this overview, the content of the webpage triggers the download of multiple associated scripts, including the java script 'rooms.chunk.min.gzip.js' to the client system.

248. This script associated with the Schäfer Tapeten website is loaded at the request of the client system from a server under the control of the Defendant.

249. Upon selection of a room image in the overview mentioned above (including the possibility to upload the image of an own room of the user under 'Laden Sie Ihr Zimmer hoch' – Upload your room), the client system modifies the webpage to include a visualization application by loading a further screen and further script files to operate the visualization application.

250. Within the visualization application, the user can select a product from the overview in the sidebar, in the example: a wallpaper. By clicking on buttons marked in red in the image of the room, the user can select a wall on which the selected wallpaper is displayed.

Not contested by the Defendant

251. The Defendant has not specifically contested this operating principle of the website. The Claimant's submission shall therefore be held to be true as between the parties, R. 171.2 RoP.

252. This also applies with regard to the script that is performed on the 'Schäfer Tapeten' website and is under control of the Defendant. In this respect, too, the Defendant merely objects to the Claimant's submission on the grounds that it is insufficient evidence.

253. With regard to the server, the Defendant argues that the cloud server (operated by Amazon Web Services) is a rental server available for use by anyone. According to the Defendant, the Claimant would have had to demonstrate a connection to the Defendant (see statement of defence, p. 8). This does not constitute a denial either. Furthermore, the server was changed at a later date (see below).

III. Realisation of all features of claim 1

254. The Defendant's visualization solution fulfils all features of claim 1. This is demonstrated by the example of the 'Schäfer Tapeten' website.

255. Only the aspects particularly discussed by the parties are explained. The remaining features or elements of the features are also satisfied, a point which the Defendant rightly does not dispute.

Single-page application

256. The challenged embodiment operates as single-page application within the meaning of feature 1.

257. The Claimant has demonstrated that the modification of the webpage to include the Defendant's visualization application does not require the webpage to be reloaded or the user to navigate to a different webpage. Rather, the HTTP address remains the same (see Exhibit rop 4, p. 9 and 10). A reload or further navigation to a different webpage is not required during the entire use of the visualization application, e.g., when selecting another product, when choosing another location in the image in which the product is supposed to be displayed and when the application displays the product at the selected location in the image.

258. It is irrelevant to the realisation of the feature that the initial navigation on the Schäfer Tapeten website to reach the product page requires loading new webpages. At this stage, the user is navigating on the host's website, which does not originally need to support a single-page functionality. Reference is made to the claim construction as explained above.

259. The '#visualize' appendix in the URL of the browser does not indicate that the claimed visualization application has been loaded, but it is only a client-side marker associated with the single-page application. The Claimant has explained in the reply in the infringement

proceedings that the suffix in the URL has no significance in terms of the loaded webpage. When starting the visualization process from the shop landing page (and not via a specific product page), the URL does not contain the suffix when the room overview opens after clicking the button ‘See in your own room’.

Application system

260. The Claimant has demonstrated that the Defendant provides an application system within the meaning of feature 1.1.

261. During rendering of the overview page, the content of the webpage triggers the client system to place a request for a JavaScript file with the name ‘rooms.chunk.min.gzip.js’ with the application system.

262. The application system was (in case of rop 4) a server with the address

‘http://d35so7k19vd0fx.cloudfront.net/production/1737630195855/’

(Exhibit rop 4, p. 9, right-hand side, ‘Request URL’). This server is a rentable Amazon Cloudfront server, which was under the control of the Defendant, who paid a lease to Amazon cloudfront as the content delivery network.

263. In the infringement reply, the Claimant asserted that the Defendant had changed the URL of the application server and moved it to a domain owned by the Defendant. The JavaScript is now downloaded from

‘https://static.wizart.ai/production/1762163094580/rooms.chunk.min.gzip.js’.

264. The Defendant has not contested this.

Identifying a location in the first image

265. In the statement of defence, the Defendant argued that the Claimant had not shown where the ‘images’ of the ‘product’ within the ‘first image’ are located, nor that the product (the wallpaper) is visualized within the first image. According to the Defendant, the locations of the product within the first image and the fact that an image of the product is visualized are therefore completely open.

266. In any case, the Claimant substantiated its submission with regard to feature 1.5 in the reply. Referring to Exhibit rop 4, p. 10, it argued that the application system had identified and marked several areas in the selected image of a room – in the case of Schäfer Tapeten, these were different walls, the ceiling, and the floor. This identification is displayed to users of the client system in the form of small symbols in circles within the image so that the user can see which locations are available for product visualization (see reply, p. 13 et seq.). The Defendant did not respond further after that.

267. Therefore, it can be determined that the script of the challenged embodiment is executable to perform an operation to identify a location in the first image within the meaning of feature 1.5.

IV. Direct infringement (Art. 25(b) UPCA)

268. Art. 25(b) UPCA provides for two forms of direct infringement of a process claim:

- using a process which is the subject matter of the patent, or
- where the third party (defendant) knows, or should have known, that the use of the process is prohibited without the consent of the patent proprietor, offering the process for use within the territory of the Contracting Member States in which that patent has effect.

269. The Claimant relies on both alternatives, as was made clear during the oral hearing.

1. Using a process

270. The Defendant uses the process within the meaning of Art. 25(b), first alternative, UPCA.

271. The first alternative of Art. 25(b) relates to the infringer using the patented process themselves (see UPC_CoA_901/2025, Order of 17 April 2026, para. 155 – Abbott v Sinocare). This means that the Defendant must carry out all procedural steps itself. That is the case here.

272. The Defendant's server (application system) provides the script not on its own, but in response to the user interaction on the client system. The client system must inform the Defendant's server about the script request and, consequently, the Defendant's server must receive such script request.

273. As purported by the Claimant in the statement of claim and further confirmed during the oral hearing, the Defendant's server providing the script is run using the content delivery network (CDN) named Amazon Cloudfront run by Amazon Web Services. The Defendant did not contest that the server providing the script is located in Frankfurt am Main, Germany. The Panel therefore concludes that the Defendant provides and operates an application system in accordance with feature 1.1 within the Contracting Member States. The application system receives a request for a downloadable script.

274. The Defendant points out that, in practice, it is the host website that determines how and whether a script is embedded, and that any modification to the webpage occurs within the client environment. According to the Defendant, providing a downloadable script is not equivalent to performing each step of a patented method. However, given the way the claim has been interpreted, this argument does not change the assessment. It is not necessary for the Defendant to fulfil features 1.3 to 1.6. As explained above, it is sufficient that the script provided by the Defendant is capable of initiating the performance of these operations, and that a corresponding script request is received by the Defendant's system.

2. Offering a process for use

275. Art. 25(b), second alternative, UPCA, is also fulfilled.

276. Offering the process for use in the sense of the second alternative means making the method available for others to carry out. Additionally, the subjective criteria set out in Art. 25(b) UPCA must be met in this case. That is, the third party (the Defendant) must either know or

should have known that the use of the process is prohibited without the consent of the patent proprietor (the Claimant).

277. For the aforementioned reasons, this is the case. By offering the challenged embodiment, the Defendant is offering to carry out the process itself. This process is used within the Contracting Member States, as explained above.

278. The subjective requirements of Art. 25(b), second alternative, UPCA are also met. The Defendant has not sufficiently contested its knowledge that the use of the process is prohibited without the Claimant's consent.

3. Summary

279. Consequently, both alternatives of Art. 25(b) UPCA have been fulfilled.

280. However, even if only one of the alternatives had been met, the Defendant would not be permitted to carry out either. Therefore, both alternatives had to be mentioned in the operative part, even if only one of them was considered fulfilled.

V. Indirect infringement

281. According to Art. 26(1) UPCA, a patent shall confer on its proprietor the right to prevent any third party not having the proprietor's consent from supplying or offering to supply, within the territory of the Contracting Member States in which that patent has effect, any person other than a party entitled to exploit the patented invention, with means, relating to an essential element of that invention, for putting it into effect therein, when the third party knows, or should have known, that those means are suitable and intended for putting that invention into effect.

282. The visualization solution provided by the Defendant is a means relating to an essential element of claim 1. It constitutes the application system within the meaning of feature 1.1 and provides the script which is executable to perform the operations under features 1.3 to 1.6.

283. The visualization solution is suitable for carrying out the claimed method. The Defendant intended that the software applications be used to implement the claimed method. The Defendant has not disputed this. It merely points to insufficient evidence provided by the Defendant.

284. It can also be established that using the protected method is the only possible way to use the software. The Claimant stated that the sole purpose of the software applications was to implement the patented method and that they could not be used for anything else. Only in its rejoinder, the Defendant argued that its software solution is capable of numerous configurations and uses, including visualization workflows that do not fall within the scope of the asserted claim. However, this does not constitute a sufficient denial. The Defendant has raised this argument for the first time in its rejoinder, without providing a reason for doing so. Nevertheless, the objection remains too vague. It is unclear exactly which configurations are involved, or whether any reprogramming is required.

285. Therefore, the Court sees no reason to impose any restrictions on the legal consequences.

G. Legal consequences

I. Injunction

286. An injunction can be based on Art. 25(b) and Art. 26(1) UPCA in conjunction with Art. 63(1) UPCA.

287. Where the proprietor files an infringement action and the Court finds that an intellectual property right has been infringed or is threatened to be infringed, it shall issue an order prohibiting the continuation of the infringement unless there are special reasons for not doing so. A special reason for denying an injunction may apply if, in the circumstances of the particular case, granting an injunction does not comply with the general obligations of Art. 3 of the Enforcement Directive, in particular the obligation that the remedies shall be appropriate. When considering the proportionality of injunctive relief and corrective measures, not only the interests of the parties to the litigation but also the interests of third parties may be taken into account (UPC_CoA_464_2024, Decision of 25 November 2025, Headnotes 14-16 – Meril v Edwards Lifesciences).

288. Following these principles, there is no reason to refrain from an injunction in the case at hand. The Defendant does not rely on this either.

II. Declaration of infringement

289. The finding of patent infringement can be based on Art. 64(2) UPCA.

III. Determination of liability for damages

290. A finding of liability for damages can be based on Art. 68(1) UPCA. The Defendant had at least reasonable grounds to know that it engages in an infringing activity. It does not dispute this.

IV. Information and accounting

291. The request for information is reasonably justified.

292. The Claimant has a right to information pursuant to Art. 25(b) and Art. 26(1) UPCA in conjunction with Art. 67 UPCA. Furthermore, pursuant to Art. 68(3)(a) and (b) UPCA in conjunction with R. 191.1 and 2 RoP, for the purpose of asserting its legal rights, the Claimant may request all information which it reasonably requires for the purpose of asserting its legal rights and which also enables it to verify the accuracy of the information provided and to obtain evidence for the calculation of its damages (UPC_CFI_7/2023 (LD Düsseldorf), Decision of 3 July 2024, p. 29 – Kaldewei v Bette).

293. Within the scope of its right to information and accounting, pursuant to Art. 67 UPCA, the patent proprietor may request supporting documents, namely invoices and delivery notes if invoices are not available. Apart from the interest in the information itself, the patent proprietor has an interest in being able to verify its accuracy, at least on a random basis (UPC_CFI_7/2023 (LD Düsseldorf), Decision of 3 July 2024, p. 29 – Kaldewei v Bette).

294. The information and evidence requested by the Claimant does not extend beyond this.

295. The Panel considers 30 days to be an appropriate time limit for providing the requested information. The Defendant's objection that this timeframe is too short, given the extensive territory covered by the Claimant's request and the requirement for highly accurate information, does not change this assessment. The Defendant has not provided any specific reasons why a period of at least three months is necessary.

V. Interim award of costs

296. The Claimant request for EUR 127,000 is justified.

297. The claimed amount is justified as an interim award of costs under R. 150.2 RoP. The Claimant has submitted that it will incur legal fees and court costs amounting to at least this sum. The Defendant has not contested this.

298. There is no need to apply a limit of 50% of the ceiling. In principle, the Court cannot assume that the successful party is entitled to more than 50% of the applicable ceiling before the conclusion of the cost proceedings according to Chapter 5 of Part 1 RoP. However, an exception may apply if parties have submitted and discussed cost specifications during the proceedings or have agreed on the costs to be reimbursed (UPC_CFI_16/2026, Order of 2 July 2026, para. 166 – Guardant Health v Sophia Genetics). This is the case here. During the oral hearing, the parties agreed on a limit of EUR 175,000.

299. Contrary to the Claimant's motion, the addition stating that the amount will be adjusted if the acts continue, was not to be included in the operative part.

300. Claimant's motion VII, according to which the Defendant shall be ordered to pay the legal costs in a provisional amount to be specified in the course of these proceedings and any further legal costs of these proceedings to be further specified in separate cost proceedings, has become redundant due to the above explanations.

VI. Payment of legal costs in a provisional amount to be specified in the course of the proceedings

301. Regarding the Claimant's motion VII, it is unclear whether it is directed at an interim award of costs as well, or if it is merely a request for a decision on costs (see statement of claim, mn. 64).

302. In any case, there is no room for another provisional reimbursement of costs. Moreover, the claim is drafted too vague, and the Claimant has not substantiated it either.

VII. Threat of penalty payments

303. The threat of penalty payments for non-compliance does not give rise to concern.

304. The threatened penalty payment of up to EUR 250,000 per day in the event of a violation of the injunction and of up to EUR 2,000 per day for each day of non-compliance with the order for providing information provides the Court with flexibility to consider the circumstances, including the behaviour of the infringer when determining an appropriate penalty payment pursuant to Art. 63(2), Art. 82(4) S. 2 UPCA in conjunction with R. 354.4 RoP.

H. No order for security

1. Principles

305. Pursuant to Art. 82(2) UPCA, R. 118.8 S. 2 RoP, the Court may impose any order or measure subject to the lodging of a security to be determined by the Court.

306. As the wording of the above provision makes clear, the Court has discretion when ordering security. The interest of the Claimant in the effective enforcement of its patent must be weighed against the interest in effective enforcement of possible claims for damages in the event of a subsequent reversal of the judgment.

307. Each case must therefore be examined individually. When deciding whether to order security, factors to be taken into account include the financial situation of the claimant, as this may give rise to legitimate and real concerns that a possible claim for damages cannot be enforced and/or executed, or can only be enforced and/or executed at disproportionate expense, if the initial decision is overturned or amended. Whether and to what extent such factors exist, must be determined on the facts and arguments presented by the parties, as with an application for security under R. 158 RoP. If the Court makes an order or measure dependent on security, this protects the defendant's position and potential rights. This protection must be weighed against the burden, placed on the claimant, by the order to provide security. Against this background, it is incumbent on the defendant to present facts and arguments as to why it appears appropriate, in this specific case, to make the order or measure pursuant to R. 118.8 RoP dependent on security as determined by the Court. Once the defendant has done so, the claimant must substantiate its challenge to these facts and reasons, especially since it generally has knowledge of and evidence regarding their financial situation. The claimant must also explain, why their interest in enforcing its intellectual property right outweighs the need for security, despite the reasons put forward by the defendant (see UPC_CoA_328/2024, Order of 26 August 2024 – Ballino v Kinexon Sports; UPC_CFI_16/2024 (LD Düsseldorf), Decision of 14 January 2025, p. 40 – Ortovox v Mammut; UPC_CFI_373/2024 (LD Düsseldorf), Order of 5 August 2024 – SodaStream v Aarke; UPC_CFI_514/2023 (LD Munich), Order of 23 April 2024 – Volkswagen v NST).

2. Case at hand

308. The Defendants have not provided sufficient grounds for making enforcement in this case dependent on the provision of security. Reference is made to the order concerning security for legal costs. The Defendant has not submitted any further arguments regarding security for enforcement.

309. The same applies to the application to avert enforcement.

I. Cost decision

310. Pursuant to Art. 69(1) UPCA, reasonable and proportionate legal costs and other expenses incurred by the successful party shall, as a general rule, be borne by the unsuccessful party, unless equity requires otherwise. Pursuant to Art. 69(2) UPCA, where a party succeeds only in part or in exceptional circumstances, the Court may order that the costs be apportioned equitably or that the parties bear their own costs. If one party is partially unsuccessful, the costs do not always have to be apportioned proportionately. In particular, where a party's

unsuccessful claim was relatively minor and did not cause further costs, its entire costs may be awarded against the other party (see UPC_CoA_768/2024, Order of 30 April 2025, para. 135 f. – Insulet Corporation v EOFlow).

311. This is the case here with regard to the infringement action. The amendments that were detrimental to the Claimant were relatively minor in relation to the successful motions, and no additional costs were incurred.

312. As the Defendant was unsuccessful with the counterclaim for revocation, it must bear the costs in this regard.

J. Ceiling

313. Pursuant to Art. 69(1) UPCA, the costs are to be borne up to a maximum amount determined in accordance with the Rules of Procedure. The maximum limit for reimbursable costs amounts to EUR 200,000.

314. During the oral hearing, the parties agreed on a limit of EUR 175,000.

K. Enforceability

315. The orders referred to in section II (injunction) and III (information and rendering of accounts) of the operative part shall be enforceable on the Defendant only after the Claimant has notified the Court which part of the orders he intends to enforce, a certified translations of the orders in accordance with R. 7.2 RoP, where applicable, into the official language of a Contracting Member State in which the enforcement shall take place has been provided by the Claimant and the said notice and, where applicable, a certified translation of the orders have been served on the Defendant by the Registry, R. 118.8, first sentence, RoP.

316. Insofar as the Claimant seeks to deviate from this requirement in relation to the injunction (see motion VIII), there is no basis for doing so.

L. Value of the dispute

317. The Panel considers an amount of EUR 1,000,000 as an appropriate amount for each, the infringement action and for the counterclaim for revocation.

DECISION:

I. It is declared that European patent EP 3 859 566 has been infringed by Defendant.

II. Defendant is ordered to cease and desist from

1. using or offering for use in the territories of the Contracting Member States to the UPCA, i.e. in Austria (AT), Belgium (BE), Bulgaria (BG), Denmark (DK), Estonia (EE), Finland (FI), France (FR), Germany (DE), Italy (IT), Latvia (LV), Lithuania (LT), Luxembourg (LU), Malta (MT), The Netherlands (NL), Portugal (PT), Romania (RO), Slovenia (SI) and Sweden (SE)

   a method for visualizing products in a single-page application, comprising:

   receiving, by an application system from a client system during rendering of a webpage received by the client system from a host system, a request for a script associated with the host system, the script executable by the client system to perform operations comprising:

   modifying the webpage to include a visualization application in response to a selection of a visualization control in the webpage by a user of the client system;

   receiving, by the application system from the visualization application, a request to display an image of a product in a first image;

   identifying a location in the first image; and

   providing instructions to the visualization application for displaying the image of the product at the location;

2. supplying or offering to supply, within the territory of the Contracting Member States to the UPCA, i.e. in Austria (AT), Belgium (BE), Bulgaria (BG), Denmark (DK), Estonia (EE), Finland (FI), France (FR), Germany (DE), Italy (IT), Latvia (LV), Lithuania (LT), Luxembourg (LU), Malta (MT), The Netherlands (NL), Portugal (PT), Romania (RO), Slovenia (SI) and Sweden (SE)

   products which are suitable for putting into effect a method for visualizing products in a single-page application, comprising:

   receiving, by an application system from a client system during rendering of a webpage received by the client system from a host system, a request for a script associated with the host system, the script executable by the client system to perform operations comprising:

   modifying the webpage to include a visualization application in response to a selection of a visualization control in the webpage by a user of the client system;

   receiving, by the application system from the visualization application, a request to display an image of a product in a first image; identifying a location in the first image; and providing instructions to the visualization application for displaying the image of the product at the location,

in particular software applications, such as the Wizart Visualizer, application system and visualization app.

III. Defendant is ordered, within 30 days from service of the notice according to R. 118.8, first sentence RoP and, where applicable, of the translation, to

1. provide Claimant with information in a complete and orderly list in electronic form which can be analysed using a computer, on the extent to which Defendant has committed the acts referred to in item II above since 13. September 2023 specifying, structured by each month of a calendar year and by each infringing product and/or each infringing method application,

   a) the origin and distribution channels of the products referred to in item II 2 above and application of the method referred to in item II 1 above;

   b) the quantities delivered, received and/or ordered as well as the prices obtained for the products referred to in item II 2 above, as well as the amount of events where the method has been performed according to item II 1 above;

   c) the identity, including names and addresses, of any third person involved in the production or distribution of the products in item II 2 above or in the application of the method in item II 1 above;

2. to render accounts to Claimant in support of the information provided in accordance to item III.1 as well as information on the profit achieved, by making available for each month of the calendar year and for each infringing product and/or for each infringing application of the method in electronic form which can be evaluated using a computer the following documents:

   a) invoices or, if these are not available, delivery notes of the individual deliveries, breaking down the respective deliveries by quantities offered, offering periods, prices and type designations of the goods and methods offered, as well as the names and addresses of the commercial recipients of the offers for all products sold or otherwise disposed of;

   b) evidence of the advertising carried out, including evidence of these advertising activities, broken down by advertising medium, circulation, distribution period and distribution area;

   c) evidence of the costs, breaking down the costs by individual costs factors and profits made;

   d) invoices or, if these are not available, delivery notes and corresponding statements of all costs incurred, which Defendant relies on to calculate its profits.

IV. Any failure to comply with the order

1. under item II will render Defendant liable to pay to the Court a penalty of up to

EUR 250,000.00 per day for each day Defendant fail to comply with this injunction;

2. under item III will render Defendant liable to pay to the Court a penalty up to EUR 2,000.00 for each day Defendant fails to comply with these orders.

V. Defendant is liable to compensate Claimant for all damages Claimant has suffered and will suffer as a result of the acts specified in item II above, and committed since 13 September 2023.

VI. Defendant is ordered to pay to Claimant the amount of EUR 127,000.00 as interim award of damages.

VII. The infringement action is dismissed in all other aspects.

VIII. The counterclaim for revocation is dismissed.

IX. The Defendant shall bear the costs of both the infringement and the counterclaim for revocation.

X. The value in dispute of the infringement action is set at EUR 1,000,000.

The value in dispute for the counterclaim for revocation is also set as EUR 1,000,000.

XI. The ceiling of recoverable representation costs is set at a total of EUR 200,000 for the infringement action and the counterclaim for revocation.

XII. The orders under sections II and III shall only be enforceable after the Claimant has informed the Court which part of the orders it intends to enforce and, if necessary, has submitted a certified translation of the orders into the official language of the Contracting Member State in which enforcement is to take place, after the Defendant has been served with the notification and the (respective) certified translation.

Düsseldorf on 24 November 2026

NAMES AND SIGNATURES

Presiding Judge Thomas	Digitally signed Thomas Ronny 2026-11-19 06:44:08 +0100 Unified Patent Court Einheitliches Patentgericht Juridiction unifiée du brevet
Legally qualified judge Dr Schumacher	Digitally signed Schumacher Jule Kathrin 2026-11-19 08:16:15 +0100 Unified Patent Court Einheitliches Patentgericht Juridiction unifiée du brevet
Legally qualified judge Johansson	Stefan Erik Johansson Digitally signed by Stefan Erik Johansson Date: 2026.11.17 13:59:36 +01'00'
Technically qualified judge Dr Duhme	Digitally signed Duhme Torsten 2026-11-17 15:53:35 +0100 Unified Patent Court Einheitliches Patentgericht Juridiction unifiée du brevet
For the sub-registrar	LAURA CHANTAL DANIEL Digital unterschrieben von LAURA CHANTAL DANIEL Datum: 2026.11.19 08:21:26 +01'00'

INFORMATION ON APPEAL:

An appeal against this decision may be brought before the Court of Appeal by any party whose claims have been unsuccessful, in whole or in part, within two months of service of the decision (Art. 73(1) UPCA, R. 220.1(a) RoP, 224.1(a) RoP).

INFORMATION ON ENFORCEMENT (Art. 82 UPCA, Art. 37(2) UPCS, R. 118.8, 158.2, 354, 355.4 RoP):

An authentic copy of the enforceable order will be issued by the Deputy-Registrar upon request of the enforcing party, R. 69 RegR.

INSTRUCTION TO THE REGISTRY:

A certified copy of the decision shall be sent to the European Patent Office and the German Patent and Trade Mark Office as soon as the decision on the revocation action has become legally binding.

This decision was read in open court on 24 November 2026.

Presiding Judge Thomas

Digitally signed
Thomas Ronny
2026-11-24 09:00:30 +0100

Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet