

**UPC CFI, Central Division Paris, 9 August 2024,  
Aiko Energy v Maxeon Solar**

*Trench process and structure for backside contact solar cells with polysilicon doped regions*

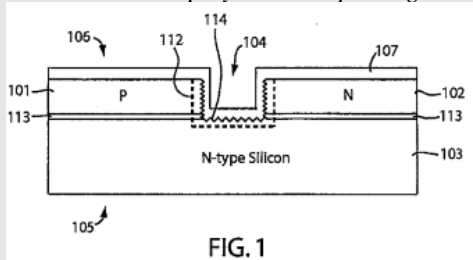


FIG. 1

**PATENT LAW – PROCEDURAL LAW**

**Withdrawal of Statement for Revocation before being served has the same legal effect as if it had not been lodged at all. No legitimate interest for the Defendant to participate (Rule 265 RoP)**

- **Reimbursement of 60% of Court fees** (Rule 370(9) RoP)

Source: [Unified Patent Court](#)

**UPC Court of First Instance,  
Central Division, Paris Seat, 9 August 2024**  
(Catalozzi, Zhilova, Tilmann)

**DECISION**

of the Court of First Instance of the Unified Patent Court

Central Division (Paris Seat)  
in Revocation Action UPC\_CFI\_122/2024  
ACT\_13835/2024  
App\_39077/2024

issued on 09 August 2024

**HEADNOTES:** [Rule 265](#) Rules of procedure ('RoP')

**KEYWORDS:** Withdrawal

**PARTIES IN THE PROCEEDINGS:**

**Claimant:**

**Aiko Energy Germany GmbH,**  
Niederlasser Lohweg 18 – 40547, Düsseldorf,  
Germany

represented by Georg Dr. Anetsberger

**Defendant:**

**Maxeon Solar Pte. Ltd.**  
8, Marina boulevard #05-02, Marina Bay Financial  
Centre, 018981, Singapore

**PATENT AT ISSUE:**

[EP 3065184](#) Trench process and structure for backside contact solar cells with polysilicon doped regions

**DECIDING JUDGES:**

Presiding Judge: Paolo Catalozzi  
Judge-Rapporteur: Tatyana Zhilova  
Technically Qualified Judge: Max Tilmann

**LANGUAGE OF PROCEEDINGS:** English

**SUMMARY OF FACTS:**

1. On 14/03/2024 the Claimant brought a revocation action against the Defendant at the Paris Central Division of the Unified Patent Court (ACT\_13835/2024,

UPC\_CFI\_122/2024), requesting the Court to revoke the European Patent No. [EP3065184](#).

2. On 1/07/2024 the Claimant withdrew the claim (App\_39077/24) and requested the Court fees paid to be reimbursed according [Rule 370 \(9\) \(b\) \(i\) 'RoP'](#).

3. No service of the Statement for Revocation on the Defendant had been effected by the time of the withdrawal.

3. By the Procedural Order no. ORD\_41495/2024 in related proceedings Application No.: 40356/2024 the Judge-Rapporteur instructed the registry to suspend further service of the Statement of Claim and the withdrawal on the Defendant.

**GROUND FOR THE DECISION:**

1. The withdrawal of the Statement for Revocation before it has been served has the same legal effect as if it had not been lodged at all.

2. As the claim was withdrawn before it was served, no rights and obligations arose for the Defendant. Therefore the Defendant has no legitimate interest in participating in these proceedings and need not be heard according [R 265 \(1\) 'RoP'](#).

3. There are no impediments to permitting the withdrawal and declaring the proceedings closed under [Rule 265 \(2\) \(a\) 'RoP'](#).

4. The Claimant's request for reimbursement of part of the Court fees paid is well founded. According [R. 370 \(9\) \(b\) \(i\) 'RoP'](#) 60% of the Court fee is to be reimbursed if the action is withdrawn before the closure of the written procedure.

**DECISION:**

Based on [R 265 \(2\) \(a\) \(c\)](#) and [R 370 \(9\) \(b\) \(i\) 'RoP'](#), the Court:

1. permits the withdrawal of the Statement for Revocation registered under ACT\_13835/2024.

2. declares all the proceedings in case UPC\_CFI\_122/2024 closed.

3. reimburses 60% of the Court fees paid to the Claimant.

Presiding Judge: Paolo Catalozzi

Judge-Rapporteur: Tatyana Zhilova

Technically Qualified Judge: Max Tilmann

Clerk: [...].

**Information about appeal**

An appeal against the present Decision may be lodged at the Court of Appeal within two months of the date of its notification (Art. 73(1) UPCA, R. 220.1(b), 224.1(a) 'RoP').

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