

UPC CFI, Local Division Düsseldorf, 20 September 2024, Valeo Electrification v Magna



PROCEDURAL LAW – PATENT LAW

Access to Confidentiality club and demarcating confidential information ([Rule 262A RoP](#))

Source: [Unified Patent Court](#)

UPC CFI, Local Division Düsseldorf, 20 September 2024

(Thomas)

UPC_CFI_347/2024

Procedural Order

of the Court of First Instance of the Unified Patent Court issued on 20 September 2024 concerning [EP 3 320 602 B1](#)

APPLICANT:

Valeo Electrification, 14 avenue des Béguines, 95800 Cergy, France, represented by the President Thierry Kalanquin, with the same address,

Represented by: Attorney-at-law Felix Rödiger, Attorney-at-law Jonas Smeets, Attorney-at-law Fabian Saube, Bird & Bird LLP, Carl-Theodor-Straße 6, 40213 Düsseldorf, Germany,

Electronic address for service: felix.roediger@twobirds.com

Contributing European patent attorneys: Nicolas Cardon, Amandine Ricard, Florian Saadi, Valeo Electrification, Cergy

DEFENDANTS:

1. Magna PT B.V. & Co. KG, Herrmann-Hagenmeyer-Str. 1, 74199 Untergruppenbach, Germany, represented by its general partner, Magna PT Management B.V., with the same address, which is jointly represented by the managing directors Thomas Klett and Sandro Gildo Morandini, with the same address,

2. Magna PT s.r.o., Perinska cesta 282, Kechnec 044 58, Slovakia, represented by its managing directors Martin Hluchý und Katarína Vaškovičová, with the same address,

3. Magna International France, SARL, 4 route de Gisy Bâtiment 26, Bièvres 91570, France, represented by its managing directors Thierry Servouse and Franz Trummer, with the same address,

All Defendants represented by: Attorney-at-law Klaus Haft, Attorney-at-law Sabine Agé, Attorney-at-law Sebastian Kratzer, Hoyng, ROKH, Monegier, Steinstraße 20, 40213 Düsseldorf, Germany,

Collaborating attorney: Attorney-at-law Dr Wolfgang Kellenter, Hengeler Müller, Benrather Straße 18-20, 40213 Düsseldorf, Germany,

Collaborating European Patent attorney: European Patent Attorney Jan Ackermann, Cohausz & Florack, Bleichstraße 14, 40211 Düsseldorf, Germany,

PATENT IN SUIT:

EUROPEAN PATENT NO. [EP 3 320 602 B1](#)

PANEL/DIVISION: Panel of the Düsseldorf Local Division

DECIDING JUDGES:

This order was issued by Presiding Judge Thomas acting as judge-rapport.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT: [R. 262A RoP](#) – Protection of confidential information

GROUNDINGS FOR THE ORDER:

The Court refers to the Orders of [21 August 2024 \(App 46219/2024\)](#) and 9 September 2024 (App_49443/2024) in order to avoid repetition.

To the extent that the Applicant requests access for Thierry Lautier, there is no need to grant such access. Either this additional lawyer for whom access is requested is actively involved in the case. In this event, it is already up to the Applicant's representatives to grant access as part of their team, with the consequence that they are also responsible for ensuring that this additional lawyer keeps the information confidential. Or that lawyer is not actively involved in the case. In this situation, there is no need to grant access to the information classified as confidential. Rather, the Defendant's interest in confidentiality will prevail.

Insofar as the Applicant refers to Sabine Agé, she was not granted access only because of the proceedings in Paris. Rather, she was one of the Defendant's representatives from the outset and was therefore originally entitled to access. This is not the case with Thierry Lautier.

ORDER:

I. The information contained in the Rejoinder (dated 16 September 2024) including exhibits HRM 24a, HRM 24c, HRM 24j and HRM 24k and listed in more detail in the following table (and which are highlighted in grey in the briefs and in case of exhibits are named correspondingly) are classified as confidential within the meaning of [Art. 58 UPCA](#), [R. 262.2 RoP](#):

Para./Exhibit of the Rejoinder	Description
Para. 49, 50	Confidential Information submitted by Claimant (see order of the Court of September 9, 2024)
Para. 378, 391, 393	manufacturing and production data, expectations of damages, data regarding Defendants' customers, data and information regarding Defendants' personnel and material costs and possible compensation payments and consequences and costs of production stop.
Exhibit HRM 24a	Affidavit and attachment to affidavit concerning sensitive and confidential details of collaboration between Defendant 1 and third party.
Exhibit HRM 24c	Information regarding sensitive and confidential details of collaboration between Defendant 1 and third party.
Exhibit HRM 24j	Affidavit regarding Defendants' business data and internal information
Exhibit 24k	Affidavit regarding confidential information on expected customer and supplier compensation.

II. Access to the Rejoinder (dated 16 September 2024) including exhibits HRM 24a, HRM 24e, HRM 24j and HRM 24k shall be restricted, on part of the Applicant, to the following persons:

1. the following representatives of the Applicant:

- Attorney-at-law Felix Rödiger
- Attorney-at-law Jonas Smeets
- Attorney-at-law Fabian Saupe
- Patent Attorney Nicolas Cardon
- Patent Attorney Amandine Ricard
- Patent Attorney Florian Saadi

and their teams, actively involved in these proceedings, including other attorneys-at-law, patent attorneys and support staff;

2. the following natural reliable persons of the Applicant: [...]

3. the following attorneys-at-law:

- Attorney-at-law Kristina Maria Weiler, Freshfields Bruckhaus Deringer, Hamburg
- Attorney-at-law Dr. Michael Rohls, Freshfields Bruckhaus Deringer, Munich.

III. Information classified as confidential in paragraph I. shall be treated as such by the Applicant's representatives and their teams and by the Applicant's natural reliable persons until further notice and shall not be used or disclosed outside of these court proceedings, except to the extent that it has come to the knowledge of the receiving party outside of these proceedings, provided that the receiving party has obtained it on a non-confidential basis from a source other than the Defendants or their affiliates, provided that such source is not bound by a confidentiality agreement with or other obligation of secrecy with the Defendants or their affiliates.

IV. In the event of a culpable breach of this Order, the Court may impose a penalty payment for each breach, to be determined having regard to the circumstances of each case.

V. If the Applicant's representatives named in paragraph II. 1. above make use of the possibility of giving access to confidential information to other members of their team, it is their responsibility to ensure that their team maintains the confidentiality of the information. In the event of a culpable breach of the confidentiality obligations, Felix Rödiger, Jonas Smeets, Fabian Saupe, Nicolas Cardon, Amedine Ricard and Florian Saadi would therefore be liable. This also applies to any breach of the duty of confidentiality by any member of their team to whom they have granted access.

DETAILS OF THE ORDER:

App_51893/2024 under main file reference ACT_37931/2024

UPC number: UPC_CFI_347/2024

Type of procedure: Application for provisional measures

Issued in Düsseldorf on 20 September 2024

NAMES AND SIGNATURES

Presiding Judge Thomas
