

UPC CFI, Local Division Düsseldorf, 10 January 2025, Valeo Electrification v Magna



PROCEDURAL LAW – PATENT LAW

Withdrawal parties bearing own costs. No partial reimbursement of court fees applied for

- [The decision follows the parties' jointly expressed will](#). Insofar as [R. 265.2 \(c\) RoP](#) requires a decision on costs in accordance with Part 1, Chapter 5 RoP, the decision takes into account the agreement reached between the parties.
- [At present, no party has filed an application for a partial reimbursement of court fees \(R. 370.11 RoP\)](#) in conjunction with [R. 370.9 \(b\) \(i\) RoP](#), so that no such order could be made.

Source: [Unified Patent Court](#)

UPC CFI, Local Division Düsseldorf, 10 January 2025

(Thomas, Thom, Bessaud, Sanchini)

UPC_CFI_459/2024

UPC_CFI_657/2024

Decision

of the Court of First Instance of the Unified Patent Court issued on 10 January 2025

concerning [EP 3 320 602 B1](#)

CLAIMANT

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 Saupe, 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, r 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 decision was issued by Presiding Judge Thomas acting as judge-rapporteur, legally qualified judge Dr Thom, legally qualified judge Bessaud and technically qualified judge Sanchini.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT: [R. 265 RoP](#) – Application for leave to withdraw an action

SUMMARY OF THE FACTS:

On 2 August 2024, the Claimant filed a patent infringement action against the Defendants. The Defendants' counterclaim for revocation is dated 8 November 2024.

Prior to the closure of the written procedure, the Claimant, by brief dated 30 December 2024, withdrew the infringement action (App_68589/2024) and informed the Court that the parties have agreed that neither party shall file an Application for reimbursement of costs.

On 2 January 2025, the Defendants agreed to the withdrawal and also stated that the parties have agreed that neither party shall file an application for reimbursement of costs versus the other party.

By brief submitted at the same day, the Defendants withdrew the counterclaim for revocation(App_68642/2024) and informed the Court that the parties have agreed that neither party shall file an application for reimbursement of costs versus the other party. In addition, Defendants have reserved the right to apply for a reimbursement of court fees according to [R. 370.9 \(b\) \(i\)](#), [370.11 RoP](#).

The following day, the Claimant has consented to the withdrawal and confirmed that the parties have agreed that neither party shall file an application for reimbursement of costs versus the other party.

GROUND FOR THE DECISION:

The decision follows the parties' jointly expressed will. Insofar as [R. 265.2 \(c\) RoP](#) requires a decision on costs in accordance with Part 1, Chapter 5 RoP, the decision takes into account the agreement reached between the parties.

At present, no party has filed an application for a partial reimbursement of court fees (R. 370.11 RoP in conjunction with R. 370.9 (b) (i) RoP), so that no such order could be made.

ORDER:

1. The withdrawal of the infringement action is allowed at the application of the Claimant and with the consent of the Defendants.
2. The withdrawal of the counterclaim for revocation is allowed at the application of the Defendants and with the consent of the Claimant.
3. All proceedings referred to in points 1. and 2. are declared closed.
4. This decision shall be entered in the register.
5. The value in dispute for the infringement action and the counterclaim for revocation is set at EUR 1,500,000 each.

DETAILS OF THE ORDER:

App_68589/2024 and App_68642/2024 under main file references ACT_44727/2024 and CC_59743/2024

UPC number: UPC_CFI_459/2024 and
UPC_CFI_657/2024

Type of procedure: Infringement Action and
Counterclaim for Revocation

Issued in Düsseldorf on 10 January 2025

NAMES AND SIGNATURES
