

Order
of the Court of First Instance of the Unified Patent Court
Local Division The Hague
delivered on 11/09/2025
concerning: provisional measures

CLAIMANTS

- 1) **Washtower IP B.V.** Represented by Peter van
(Applicant) - Enschedesestraat 300 - 7552 CN - Schijndel
Hengelo - NL

- 2) **Washtower B.V.** Represented by Peter van
(Applicant) - Enschedesestraat 300 - 7552 CN - Schijndel
Hengelo - NL

DEFENDANT/S

- 1) **Wasombouw B.V.** Withdrawn
(Defendant) - Frankrijkstraat 3 – 5171 PR -
Kaatsheuvel - NL

- 2) **INDUSTRIEBETEILIGUNGS- UND BERATUNGS** Represented by Volkmar Henke
GMBH
(Defendant) - Pyrmonter Straße 78 - 32676 -
Lügde - DE

- 3) **BEGA CONSULT INTERNATIONALE
HANDELSAGENTUR GMBH & CO. KG**
(Defendant) - Siemensstraße 2 - 32676 -
Lügde - DE
Represented by Volkmar Henke
- 4) **BEGA BBK SP. Z O.O. SP. K.UL.**
(Defendant) - Poznańska 113A - PL 62-052 -
Komorniki - PL
Represented by Volkmar Henke
- 5) **NEG NOVEX WHOLESALE COMPANY FOR
ELECTRICAL AND BUILDING SERVICES
ENGINEERING GMBH**
(Defendant) - Chenover Straße 5 - 67117 -
Limburgerhof - DE
Represented by Volkmar Henke

PATENT AT ISSUE

<i>Patent no.</i>	<i>Proprietor/s</i>
EP3522755B1	Washtower IP B.V.

DECIDING JUDGES

Presiding judge and Judge-rapporteur	Edger Brinkman
Legally qualified judge	Margot Kokke
Legally qualified judge	Samuel Granata
Technically qualified judge	Alessandro Sanchini

LANGUAGE OF PROCEEDINGS: English

Applicants are hereinafter collectively referred to as **Washtower** or “**Applicants**”. The application against defendant 1, ‘Wasombouw’, was withdrawn (settled) shortly after the application was filed. Defendants 2-5 are hereinafter collectively referred to as “**Defendants**”. Defendants 2-5 are individually also referred to as IBBH, BEGA Consult, BEGA BBK and NEG Novex, respectively.

PROCEDURE

- The following submissions of the parties are in the main case file:
 - Application for preliminary measures of 28 May 2025, with exhibits A01-A39,

- Objection to the Application for preliminary measures of 16 July 2025, with exhibits BP1-BP28 and 2 video files,
- Statement of reply to the objection of 29 July 2025, with exhibits A40-A44
- Rejoinder to reply to objection to the application for preliminary measures, with exhibits BP29-BP31.

1.1. The oral hearing took place on 14 August 2025.

SUMMARY OF FACTS

2. The application is based on the following facts:

2.1. Applicants

2.1.1. Applicants are part of a family-owned and -operated business selling washing machines and dryer cabinets based in Hengelo, The Netherlands. The company was founded by Mr. [REDACTED] who has a long history in the kitchen furniture industry. With his background in the design and the construction of cabinets, Mr. [REDACTED] developed a cabinet that can safely house a washing machine (and/or washer dryer machine) at waist level. Such a cabinet allows for more ergonomic use. With the cabinet, a user does not have to bend down when loading and unloading the washing machine. The cabinets also allow for a tidy organization of the washing room with storing space under the washing machine.

2.2. Defendants

2.2.1. Defendants 2, 3 and 4 belong to the BEGA group, a furniture wholesaler which consists of several parallel subsidiaries, and which is particularly active in the segments of young living, self-service and take-away furniture and which offers a range of products in various price segments. The BEGA Group was founded over 20 years ago and employs over 300 people. Defendant 2) is a company which, in addition to holding individual shareholdings, takes care of administrative matters for the BEGA group. Defendant 5) is a client and partner of the BEGA group.

2.2.2. Defendant 3, BEGA Consult, had a prior relationship with Washtower. From 11 July 2019 to 31 July 2024, the BEGA group manufactured washing machine cabinets under a license from Washtower. In the past, the BEGA group manufactured the cabinets of Washtower, for Washtower. In addition, BEGA Consult was licensed, with permission to grant sublicenses to its subsidiaries, to have other cabinets manufactured and sell those cabinets through brick-and-mortar retail channels.

2.2.3. On 14 July 2023 the license agreement was terminated by Washtower, with a termination term of 1 year and a sell-out period of 6 months. BEGA has acknowledged the termination of the license agreement. Therefore, as from 1 August 2024 there is no longer a license in place between BEGA Consult and Washtower. The sell-out period for product manufactured before 1 August 2024 ended on 1 February 2025.

2.2.4. IBBH operates the website of the BEGA Group (bega-gruppe.de) and is the parent company of BEGA Consult and BEGA BBK (among others). Furthermore, BEGA BBK operates the website

www.laundreezy.de. Defendant 5, NEG Novex, operates the website www.respekta.de, which offers kitchen solutions and owns the EU and German (and other) Respekta trademarks.

2.2.5. Defendants 2-4 are involved in the manufacture, offer and placing on the market of the “Laundreezy” cabinets, pictured here:



Defendants are (also) involved in the manufacture, offer and placing on the market of the “Respekta Clara” washing machine cabinet, pictured below.



2.3. *The patent*

2.3.1. The patent EP 3 522 755 B1 (hereinafter “**the patent**” or “**EP 755**”), in the name of Wash-tower IP B.V., was filed on 9 October 2017 as a PCT application in the English language, claiming priority from EP application EP16192967 of 8 October 2016. The grant of the patent was published by the European Patent Office (“EPO”) in the Patent Bulletin on 2 April 2025. Unitary effect was registered on 6 May 2025. The opposition period before the EPO is still running: at the time of drafting this order, no opposition has been filed against the grant and the patent has not been

subject of proceedings before the UPC or any national courts. Unitary effect for the patent was registered on 6 May 2025. At the oral hearing of 14 August 2025, following a written communication submitted the day before, Defendants 2-5 announced that they had lodged a revocation action against the patent on 13 August 2025 before the Central Division in Milan.

2.3.2. The patent is titled *“Piece of furniture in which a washing machine can be placed and method for manufacture thereof”*. The patent has 14 claims: 13 product claims and one method claim. Applicants assert product claims 1-5 and 9-11.

2.3.3. The patent discloses a cabinet with two compartments placed one on top of the other. The top compartment is designed to accommodate a washing machine. The bottom compartment is a storage compartment.

2.3.4. The independent claim 1 reads as follows, divided into features:

Claim 1:

1. Piece of furniture (1) in which a washing machine (2) can be placed, comprising:
 - 1.1 - two substantially vertical side walls (3),
 - 1.2 - a substantially horizontal bottom wall (4),
 - 1.3 - a substantially horizontal top wall (5), and
 - 1.4 - a substantially horizontal carrier (6) for the washing machine (2), placed between the bottom wall (4) and the top wall (5),
 - 1.5 wherein the side walls (3) are placed on top of the bottom wall (4)
 - 1.6 and wherein the carrier (6) is fixed at a distance above the bottom wall (4), thus forming a storage space between the bottom wall (4) and the carrier (6)

characterized in that

- 1.7 one or more support means (12) for transmitting vertical forces are placed between the bottom wall (4) and the carrier (6);
- 1.8 in that the support means (12) are plate-like and placed substantially parallel to the side walls (3) and/or the rear side;
- 1.9 and in that a retaining member (24) is arranged at a front side of the carrier (6),
 - 1.9.1 wherein the retaining member (24) is formed by an L-shaped metal strip having an upright leg (17) extending in front of the carrier (6), and a horizontal leg (25) extending below the carrier (6),
 - 1.9.2 and wherein the horizontal leg (25) is fixedly connected to the carrier (6) by a number of connectors (26), e.g. screws.

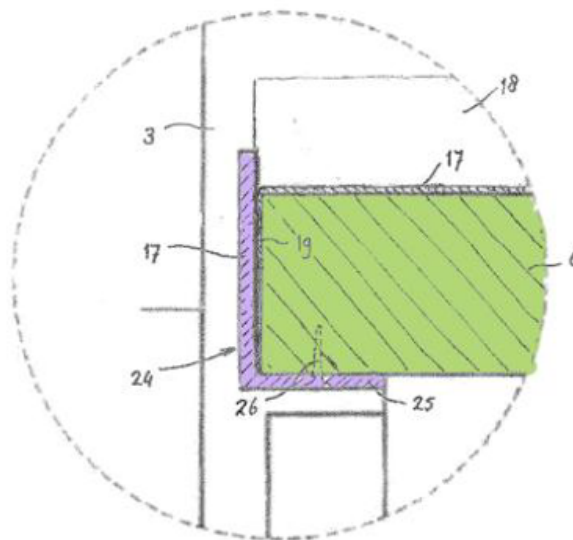
2.3.5. The following table and pictures, taken from the patent and annotated by Applicants with colours, provide a visual reference of each feature of claim 1, as visible in Figures 2 and 5 of the patent:

Claim 1	Feature
1	Piece of furniture (1) in which a washing machine (2) can be placed, comprising:
1.1	- two substantially vertical side walls (3),
1.2	- a substantially horizontal bottom wall (4),
1.3	- a substantially horizontal top wall (5), and
1.4	- a substantially horizontal carrier (6) for the washing machine (2), placed between the bottom wall (4) and the top wall (5),
1.5	wherein the side walls (3) are placed on top of the bottom wall (4)
1.6	and wherein the carrier (6) is fixed at a distance above the bottom wall (4), thus forming a storage space between the bottom wall (4) and the carrier (6)
characterized in that	
1.7	one or more support means (12) for transmitting vertical forces are placed between the bottom wall (4) and the carrier (6);
1.8	in that the support means (12) are plate-like and placed substantially parallel to the side walls (3) and/or the rear side;
1.9	and in that a retaining member (24) is arranged at a front side of the carrier (6),
1.9.1	wherein the retaining member (24) is formed by an L-shaped metal strip having an upright leg (17) extending in front of the carrier (6), and a horizontal leg (25) extending below the carrier (6),
1.9.2	and wherein the horizontal leg (25) is fixedly connected to the carrier (6) by a number of connectors (26), e.g. screws.

2.3.6. The top figure (annotated Figure 2 of the patent) is a front view of the cabinet, showing features 1.1 through 1.8; the bottom figure (annotated Figure 5 of the patent) is a lateral view showing group of features 1.9.

2.3.7. More in detail, Figure 2 shows a piece of furniture (1) destined to accommodate a washing machine in the top compartment. The piece of furniture has two vertical side walls (3), a horizontal bottom wall (4) and a horizontal top wall (5). Between the two horizontal walls, a third horizontal shelf, the carrier (6), is placed, to hold the washing machine. The distance of the carrier 6 from the bottom wall is such to form a storage space. The side walls of the cabinet are placed on top of the bottom wall.

2.3.8. Figure 5, reproduced in a larger size below, shows a longitudinal sectional view of an embodiment of the invention. It illustrates a retaining member 24 in the form of an L-shaped metal strip, with an upright leg 17 (purple) and a horizontal leg 25 (green) extending below the carrier 6. In Figure 5, reference number 17 is erroneously used twice: the reference number at the top of the figure, pointing to the cover, should be 16, not 17. This typo does not affect the intelligibility of the figure or the patent (and no party made a point of it).



2.3.9. The description contains the following:

[0001] The invention relates to a piece of furniture according to the preamble of claim 1.

[0002] Such a piece of furniture is per se known as a cabinet for a washing machine and is sometimes also referred to as washer cabinet. In such a washer cabinet the bottom wall, the top wall, the side walls and the carrier are generally manufactured from a high-grade, usually wood (fibre)-based, pressed board material. Because a washing machine may vibrate during use, the piece of furniture comes to be under high load.

[0003] It is an object of the invention to improve the per se known piece of furniture of the type stated in the preamble. The object of the invention can in particular be to improve the strength of the per se known piece of furniture.

[0004] This object is achieved with a piece of furniture according to claim 1. Placing the side walls on top of the bottom wall instead of adjacently of and against the bottom wall, as in usual construction methods, results in a structure which is able to bear a load and transmit this load to the bottom wall without fixing means between the side walls and the bottom wall concentrating the load. Distributing the load over a larger surface area of the bottom wall results in a lower pressure at the same load, which does not result in damage to the piece of furniture, even if the load is so high that in usual construction methods this would be the case.

(...)

[0009] According to the invention the carrier is fixed at a distance above the bottom wall, thus forming a storage space between the bottom wall and the carrier. The distance can amount to more than 40 centimetres and is preferably in the order of 50 centimetres, whereby the upper surface of the carrier is situated about 55 centimetres above the ground surface. Placing the carrier higher than the bottom wall makes the washing machine more easily accessible to a user, who is then required to bend down less far in order to load and unload the washing machine, and creates an extra storage space below the carrier. Moreover, this placement allows the carrier, which is fixedly connected to the side walls on opposite sides, to act as a brace and provide additional stiffness and stability to the piece of furniture.

[0010] According to the invention one or more support means for transmitting vertical forces are placed between the bottom wall and the carrier. Placing support means between the bottom wall and carrier enables vertical forces to be transferred from the carrier to the bottom wall in effective manner, without heavily loading the side walls herein.

[0011] The one or more support means between the bottom wall and the carrier are plate-like and placed substantially parallel to the side walls and/or the rear side. Giving the support means a plate-like form results in a distribution of the vertical forces over a relatively large surface area, while only a small amount of the storage space is taken up by the support means.

(...)

[0014] In an embodiment of the piece of furniture according to the invention this is achieved partly in that the carrier is provided on its upper side with a cover plate, particularly a metal cover plate. Providing the carrier with a (metal)

cover plate protects the plate material of the carrier against moisture, while the carrier constructed of plate material and metal is at the same time strong enough to carry the load of the washing machine. The extra weight of the metal cover plate provides additional resistance against vibrations. The metal cover plate itself of course also has to be protected against moisture, for instance by a coating or other surface treatment. A fibre- reinforced plastic could also be used as material for the cover plate, instead of metal. Such a plastic is likewise strong and stiff and well able to withstand moisture.

[0015] The piece of furniture according to the invention is provided with a retaining member arranged at a front side of the carrier. Owing to the presence of such a retaining member, a washing machine which is placed on the carrier cannot slide off the plate due to vibrations and consequently fall. The retaining member is substantially L-shaped and may include an upright edge which also provides additional stiffness. The cover plate can also be provided with upright edges along the sides, which prevents moisture penetrating into the plate material of the side walls and/or of the support means.

(...)

[0027] In Figure 5 an alternative arrangement of the piece of furniture 1 according to the invention is shown, in which the carrier 6 is covered by a plate 16 which not only has a downward bent edge 19 at the rear, but also at the front. In this embodiment the retaining member 24 is formed by an L-shaped metal strip having an upright leg 17 extending in front of the carrier 6 and the bent edge 19 of the cover plate 16, and a horizontal leg 25 extending below the carrier 6. This horizontal leg 25 is fixedly connected to the carrier 6 by a number of connectors 26, e.g. screws.

STATEMENT OF FORMS OF ORDER SOUGHT BY APPLICANTS

3. Applicants are seeking the following orders

I. Injunction:

I.B Against Defendants 2 – 4

to hand down an injunction against **Defendants 2 – 4**, effective as of the day of service on the defendants, ordering them to cease and desist any infringement of EP 3 522 755 B1, and in particular the making, offering, placing on the market or using, or importing or storing the product for those purposes, of the Laundreezy washing machine cabinets falling within the scope of the Patent, as described in this application, or any other washing machine cabinet that implements the invention as protected by EP 3 522 755 B1, in all UPC Contracting Member States for which the Patent has effect;

I.C. Against Defendants 2 – 5:

to hand down an injunction against **Defendants 2 – 5**, effective as of the day of service on the defendant, ordering them to cease and desist any infringement of EP 3 522 755 B1, and in particular the making, offering, placing on the market or using, or importing or storing the product for those purposes, of the Respekta washing machine cabinets falling within the scope of the Patent, as described in this application, or any other washing machine cabinet that implements the invention as protected by EP 3 522 755 B1, in all UPC Contracting Member States for which the Patent has effect;

II. Information:

II.B. to order Defendant 2 – 4, to provide counsel for Washtower, within 4 weeks after service of the order rendered in this matter, with a written statement, substantiated with appropriate documentation for the washing machine cabinets according to rec. I. in all UPC Contracting Member States for which the Patent has effect, of:

- i. the origin and distribution channels of the washing machine cabinets (including the full names and addresses of the legal entities that are involved);
- ii. the quantities delivered, received or ordered, as well as the price obtained; and
- iii. the identity of any party involved in the production or distribution of the washing machine cabinets according to rec. I.I.B (including the full names and addresses of the legal entities that are involved).

II.C. to order Defendant 2 – 5, to provide counsel for Washtower, within 4 weeks after service of the order rendered in this matter, with a written statement, substantiated with appropriate documentation for the washing machine cabinets according to rec. I.C, in all UPC Contracting Member States for which the Patent has effect, of:

- i. the origin and distribution channels (including the full names and addresses of the legal entities that are involved);
- ii. the quantities delivered, received or ordered, as well as the price obtained; and
- iii. the identity of any party involved in the production or distribution of washing machine cabinets according to rec. I.I.C., (including the full names and addresses of the legal entities that are involved).

III. Recall

to order the Defendants to send, within 7 (seven) days after service of the order rendered in this matter, a registered letter to all its professional customers, resellers and stockists in in all UPC Contracting Member States for which the Patent has effect, to whom it has supplied Infringing Products, in the language of the relevant party or in English, containing only the following text and no caption:

“The UPC, Local Division The Hague has ruled in an order on provisional measures dated [insert date] that it is more likely than not that by marketing [Laundreezy/Respekta/Wasombouw] washing machine cabinets, we are infringing the patent rights of Washtower IP B.V. and Washtower B.V. These products may not be offered, sold, delivered, used, or kept in stock by

[Laundreezy/Respekta/Wasombouw]¹ for the time for which the provisional measures are in place. The order of the UPC, Local Division The Hague is not final and can be appealed by [Laundreezy/Respekta/Wasombouw]².

We hereby request that you return all products of the following models [insert models] in your possession to us within seven days of the date of this letter. We will reimburse you for the purchase price and all costs associated with returning the products to us.”

or a letter with such content or form as the court in good justice will determine, all this under the obligation to provide simultaneous digital copies of all letters sent to Washtower's lawyers;

IV. Penalty sums

to order that:

- i. for each individual case of violation of the order under I. the respective Defendant must pay to the Court a recurring penalty payment of up to EUR 10,000 (repeatedly if necessary); and
- ii. for each individual case of non-compliance with the orders under II-III, the respective Defendant must pay to the Court a recurring penalty payment of up to EUR 10.000 per day, or part of a day counting as an entire day, or up to EUR 50,000 per day, or part of a day counting as an entire day, that the noncompliance continues.

These penalties will be determined by the Local Division in The Hague upon request by Applicants (Art. 62(1) UPCA; R. 354.3 RoP).

V. Cost award:

V.A. to order that Defendants are jointly and severally liable to pay Washtower an interim award on the legal costs as provided under Article 69 of the Unified Patent Court Agreement jo Rule 211.1(d) of the Rules of Procedure, with the proviso that any amount paid by one Defendant shall discharge the other Defendants for that same amount; and

V.B. to set the amount of the interim costs award to the sum of the court fees (EUR 6,600) plus the recoverable legal fees of Applicants, in accordance with the Annex to the Scale of ceilings for recoverable costs.

¹ The Court understands: Defendants

² idem

VI. Direct enforceability

VI.A. to declare the above orders directly effective and enforceable.

DEFENDANTS' POSITION

4. Defendants argue that Applicants' request for preliminary measures is unfounded in several respects. They allege that the challenged embodiments do not realize feature 1.7, nor do they make use of feature 1.9.1 (metal L-shape), either literally or by equivalence. They also claim the patent is invalid. The revocation action to be filed by the Defendants has a high chance of success on the grounds of added matter and lack of inventive step. They also argue that the request is not urgent, either objectively or temporally, and that their interests outweigh those of Applicants. Finally, Defendants request security.

GROUND FOR THE ORDER**Validity: Added matter**

5. Defendants contend that the L-shaped retaining member as introduced into claim 1 during the examination phase of the patent constitutes an impermissible amendment, since it introduced subject-matter that extends beyond the content of the application as originally filed.

5.1.1. This objection mirrors the position previously taken by the Examination Division of the EPO, which relied on Article 123(2) EPC to refuse the grant of the patent. Applicants appealed the decision, and the Technical Board of Appeal of the EPO reversed the Examination Division's decision. Already from this, it can be deduced that it is more likely than not that the patent will not be found to contain added matter. In as far as necessary, the Court finds as follows.

5.1.2. On the substance, it is noted that the L-shaped retaining member of group of features 1.9 is first mentioned on page 3, lines 20-26 of the application for EP755 (WO 2018/065631), which text is identical to paragraph [0015] of the patent:

In one embodiment, the piece of furniture according to the invention is provided with a retaining member arranged at a front side of the carrier. Owing to the presence of such a retaining member, a washing machine which is placed on the carrier cannot slide off the plate due to vibrations and consequently fall. The retaining member is substantially L-shaped and may include an upright edge which also provides additional stiffness. The cover plate can also be provided with upright edges along the sides, which prevents moisture penetrating into the plate material of the side walls and/or of the support means.

This paragraph discloses a stand-alone retaining member, separate from the cover plate. The retaining member is L-shaped. Since the retaining member must prevent the washing machine from sliding off the shelf, the skilled in the art understands that, as shown in the figures of the patent, the upright leg extends above the carrier shelf. This paragraph is silent about how the L-shaped retaining member is connected to the carrier 6.

5.1.3. The patent application goes on to disclose two embodiments: in a first embodiment, shown in Figure 3, the retaining member is part of a cover plate 16 covering the carrier. In an alternative embodiment, shown in Figure 5, the cover plate 16 and an L-shaped retaining member are shown as separate elements. In this respect, page 6, lines 26-31 of the application (paragraph [0027] of the patent) describes the embodiment of the retaining member as shown in Figure 5.

In Figure 5 an alternative arrangement of the piece of furniture 1 according to the invention is shown, in which the carrier 6 is covered by a plate 16 which not only has a downward bent edge 19 at the rear, but also at the front. In this embodiment the retaining member 24 is formed by an L-shaped metal strip having an upright leg 17 extending in front of the carrier 6 and the bent edge 19 of the cover plate 16, and a horizontal leg 25 extending below the carrier 6. This horizontal leg 25 is fixedly connected to the carrier 6 by a number of connectors 26, e.g. screws

In this “alternative arrangement”, the upper leg of the L-shaped metal strip is said to cover the bent edge of the cover plate 16. Additionally, connectors 26 (screws) are mentioned, to fixedly connect the horizontal leg of the strip to the carrier 6.

5.1.4. Defendants argue (page 40 of the Objection) that, in the embodiment of Figure 5

“the retaining member is fixed to the carrier. Figure 5 shows that the horizontal leg 25 of retaining member 17 can only be fixed to the underside of the carrier 6. Because of the cover plate 16 and especially the downward bent edge 19 it is not possible to connect the horizontal leg 25 of the retaining member to the upper side of the carrier and this is why “the horizontal leg 25 extends below the carrier”.

Defendants also refer to Figure 3 to submit that an additional structural link exists between the cover plate and the retaining member, including the position and fixation of the retaining member to the carrier. Accordingly, it is Defendants’ opinion that claim 1, which requires a retaining member in the form of an L-shaped metal strip, but is silent about the cover plate, breaks such structural link and violates Art. 123(2)EPC.

5.1.5. The Court concurs with the reasoning adopted by the Board of Appeal of the EPO, finding that the retaining member is disclosed independently of the cover plate, both in the general description and in the original claim structure. Specifically, page 3, lines 20-26 of the application as cited above provides a general disclosure of the retaining member without establishing a necessary connection to the cover plate. This interpretation is further supported by the original claim set: sub-claim 11 referred to the cover plate, while sub-claim 12 introduced the retaining element. Claim 12 depended on any of the preceding claims, not exclusively on claim 11. As noted in Exhibit A18, section 1.5, this drafting structure reinforces the notion that the retaining member is not inherently linked to the presence of a cover plate.

5.1.6. The Court finds provisionally that there is no inextricable link between the retaining member and the cover plate. This conclusion applies also to the specific embodiment illustrated in Figure 5, where the retaining member is depicted as an L-shaped metal strip screwed to the bottom face of the carrier shelf. While the embodiment foresees the inclusion of a cover plate (16), this is described as intended to protect the carrier from moisture, and the skilled person would readily understand that this cover is technically not essential to the function of the retaining member.

5.1.7. The purpose of the retaining member is to prevent the washing machine from sliding off the carrier, a function it performs independently of any moisture-protection features provided by the cover plate.

5.1.8. In conclusion, according to the Court, it is more likely than not that the patent in suit does not violate Art. 123(2)EPC.

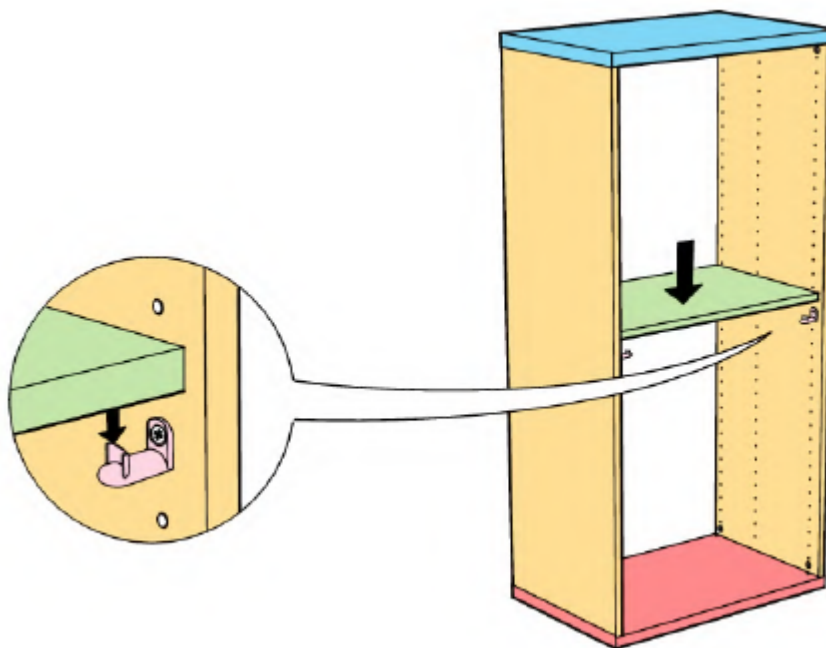
Novelty

6. Novelty is not disputed.

Inventive step

Inventive step starting from D1

7. Defendants refer to **D1** which was used by the EPO to establish the two part-form of the claim. D1 is the assembly manual of the "BESTA Shelf unit - AA-199377-12" of Inter IKEA Systems B.V., as published on 7 June 2012, which was retrieved in the search phase by the EPO.



7.1.1. Defendants have annotated document D1 using Applicants' colour scheme to show that it discloses all the features of claim 1 except for features 1.7-1.8 (plate-like element for force transmission) and group of features 1.9 (L-shaped retaining member). Applicants contest that **D1** is a realistic point for discussing inventive step, since it refers to a cabinet that could never hold a washing machine, both because of its dimensions and because of its framework and structure. A conventional washing machine would not fit in the cabinet, and the weight of the washing machine would make it collapse. Defendants note that washing machine exist in different sizes, including small sizes.

7.1.2. While the Court tends to agree with Applicants that D1 is not a realistic starting point, it also notes that D1 was identified by the EPO as the closest prior art document. The issue can be left undecided in these preliminary relief proceedings.

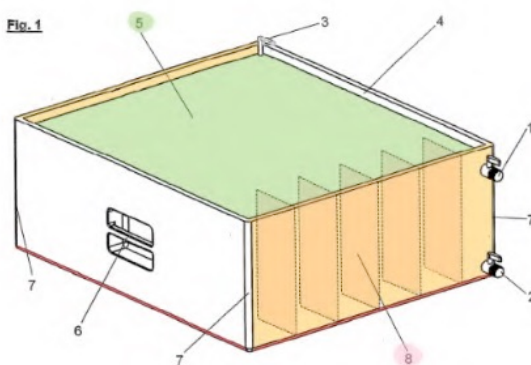
7.1.3. Irrespective of whether D1 should be or should not be considered as a realistic starting point, the court believes that D1, combined with any of the prior art documents submitted by Defendants, does not prejudice inventiveness of the claim.

7.1.4. In paragraphs 108–109 of their Objection, Defendants argue that features 1.8 (vertical plate for force transmission) and 1.9 (L-shaped retaining member) address distinct technical

problems, and therefore may be anticipated independently through the combination of separate prior art documents.

7.1.5. The Court disagrees: it finds with Applicants that the two features work synergistically to address the challenge of properly supporting a washing machine during operation. Specifically, the Court observes that feature 1.8 ensures that vertical forces and vibrations, generated during the spinning cycle of a washing machine in operation, are effectively transmitted and absorbed; feature 1.9 prevents horizontal displacement, acting as a barrier to horizontal movement that could otherwise cause the appliance to slide off the carrier shelf. These two mechanisms are not a mere aggregation. The vertical plate provides the necessary load-bearing capacity, while the retaining member secures the appliance against dynamic lateral forces. Together, they form a synergistic solution to the problem of stabilising a heavy, vibrating appliance (a washing machine) within a cabinet structure. Accordingly, the Court concludes that the claimed invention cannot be separated into isolated features for the purpose of inventive step analysis.

7.1.6. Defendants identify features 1.7 and 1.8 in D2 (WO 2004/099485 A1), which provides vertical ribs in a substructure for washing machines. Below in a figure annotated by Defendants.



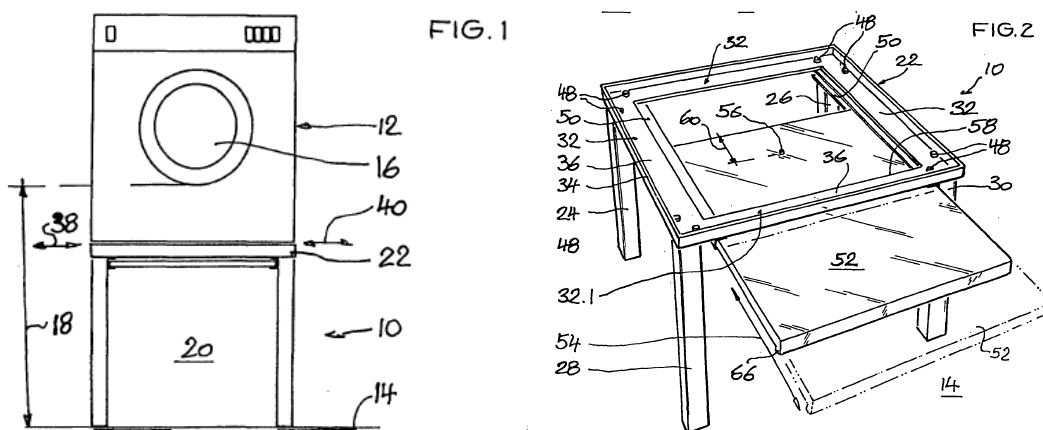
D2 also teaches (in translation from German) that the “The side walls extend slightly beyond the top plate 5, forming lateral stops 4. These prevent the machine from being moved past the side edges of the top plate 5 and potentially falling off” (para 117 of the Objection”). Applicants note that D2 is a hollow, sealed box on top of which a washing machine can be placed. The box can be filled with water, to give it substantial weight, which is important, because a washing machine needs a solid and sturdy support especially during the spin cycle.” (Reply, para 61). Applicants further note that “D2 is not a cabinet, and the washing machine is not placed in it, but on top of it. There is also no separate retaining member”. Defendants reply at paras 51-53 of the Rejoinder stating that Applicants read in the claim additional limitations that are not part of the claim, like form and size of the storage place.

7.1.7. The Court finds Applicants’ arguments more convincing than those of Defendants. D2 discloses a water ballast tank. It is not evident why a person skilled in the art would be motivated to consider a water filled ballast tank when seeking for improvements to the cabinet of D1 for the purpose of supporting a washing machine in operation. Even if such a combination were pursued, it would not result in the invention defined in claim 1. Notably, combining D1 and D2 would eliminate the storage space described in feature 1.6, deviating from the claimed solution.

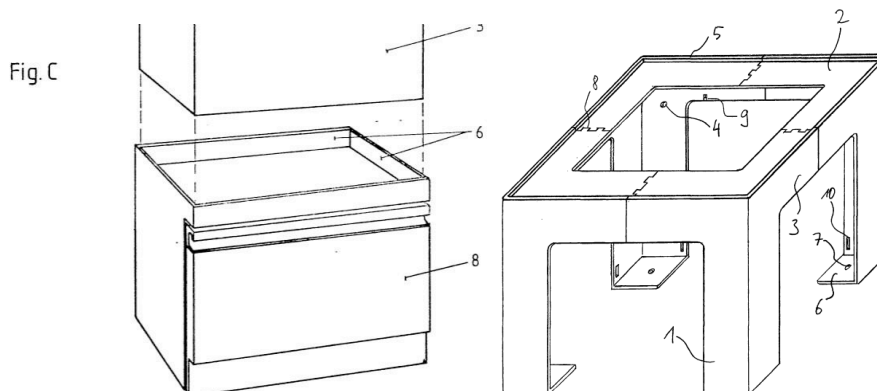
7.1.8. D2 also fails to disclose a retaining member. In particular, the L-shaped metal strip described in group of feature 1.9 —which serves to prevent the washing machine from sliding off the front edge — is absent. Defendants argue that incorporating such a retaining element and securing

it to the carrier shelf would be obvious to a person skilled in the art. To support this, they cite several prior art documents featuring L-shaped members. However, the Court finds no reason for the skilled person to combine any of these references with **D1** and **D2**. Moreover, the Court does not consider that such a combination would result in the invention as defined in claim 1.

7.1.9. D3 (EP 1 227 182 A2), as illustrated below by Figures 1 and 2, discloses a carrier for a washing machine composed of four L-shaped profiles designed to accommodate the appliance. However, it does not disclose a retaining member within the meaning of group of features 1.9, which specifically refers to an L-shaped retaining element mounted on the carrier to prevent the washing machine from sliding off the support. Furthermore, the four-sided L-shaped structure described in D3 does not appear to be compatible with the configuration of D1, and thus cannot be readily applied or combined with it.



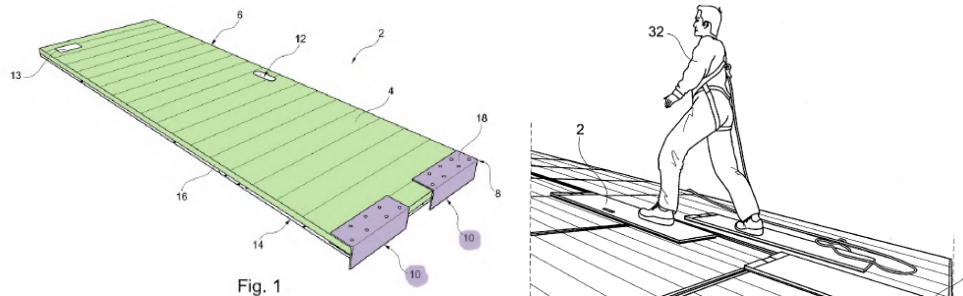
7.1.10. Similar supporting structures and similar considerations apply to the pedestals of D4 (DE 32 13 420 A1) and D5 (DE 10 2005 008 438 A1) (figures 1 of D4 and D5 shown below).



7.1.11. D6 (DE102011080193A1) does not relate to washing machines, but rather to household cooking appliances, such as microwave ovens placed side by side. While D6 mentions L-shaped strips, paragraph [0037] of the description clarifies that these strips are fastened to both the appliance and the carrier, and appear to serve primarily aesthetic purposes. This arrangement is unsuitable for a vibrating appliance like a washing machine, which is subject to dynamic forces that can cause displacement. Moreover, the configuration disclosed in D6 differs fundamentally from the arrangement required by the invention as defined in the claim of the patent in suit.

7.1.12. D7 (EP2631382A2) discloses an L-shaped metal member attached to the edge of a plate. However, the context of D7 pertains to platforms designed for workers to stand on, not to appliances such as washing machines. The L-shaped members serve to prevent the board from sliding

when placed on inclined surfaces, such as rooftops. This function is fundamentally different from that of a retaining member as defined in EP755. Accordingly, the Court does not provisionally consider the element disclosed in D7 to constitute a retaining member within the meaning of group of features 1.9. The figures below show Figure 1 of D7, as annotated by Defendants, and Figure 6 from the original disclosure.

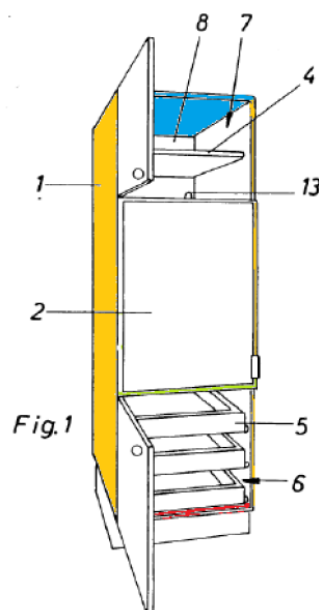


Inventive step starting from D8

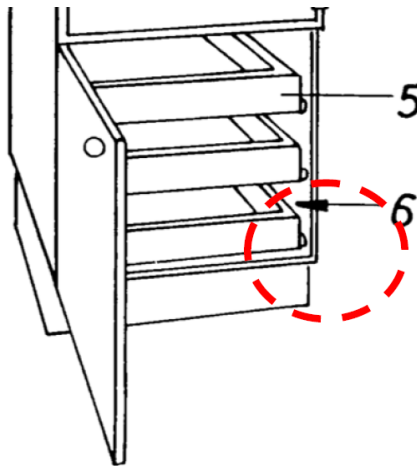
7.1.13. In the Objection, Defendants referred to D8 (DE 39 41 687 A1) with reference to dependent claims 9, 10 and 11. Additionally, in Section V of the Objection, Defendants briefly introduced an alternative inventive step attack for claim 1 based on the combination of D8 and D6. This argument was presented without substantial elaboration and merely referred to explanations previously provided in a separate protective letter. The Court notes the lack of detailed reasoning in the current submission and considers that, in the absence of a clear and substantiated argument, this line of attack does not convincingly challenge the inventive step of the claimed invention. The protective letter cannot be incorporated by reference, given the word limitations given by the JR (to which Defendants did not object).

7.1.14. In the Reply to the Objection and at the oral hearing, Applicants accepted the discussion also with respect to this combination of prior art documents, which are therefore hereby considered by the Court.

7.1.15. D8 is a cabinet for a fridge, as shown in the picture below, annotated by Defendants:



7.1.16. In this regard, Applicants note that D8 contains no explicit disclosure indicating that the side walls are positioned on top of the bottom wall. Defendants rely solely on the figure above to support their interpretation. However, as illustrated in the annotated figure below, Applicants contend that the visual representation does not unambiguously demonstrate such a structural arrangement. Consequently, the alleged configuration cannot be derived from D8.



7.1.17. The Court agrees. The figure does not depict any line or structural demarcation between the side walls and the bottom wall. As a result, it remains ambiguous whether the side walls are positioned beside, above, or integrally formed with the bottom wall. This prevents a conclusion regarding the actual arrangement of the components. Applicants therefore rightly argue that feature 1.5 is not disclosed in D8.

7.1.18. Applicants further note that **D8** lacks any plate-like elements supporting the carrier according to features 1.7-1.8. In this respect, Defendants make reference to the rear walls as disclosed in the paragraphs bridging column 2 and 3 of D8 (paras 62 and 63 of the Rejoinder). These paragraphs, in English machine translation, recite:

The rear walls (8) are each manufactured from a blank in the dimensions of the associated cupboard compartment (6 or 7) and are connected to support stops (12) (Fig. 3) provided on the furniture body sides of the cupboard compartments (6, 7). The support stops (12) are designed as magnetic catches or the like, with each removable rear wall (8) being provided with a handle element (13). The handle element (13) can be realized by a simple hole that can be gripped behind with the finger, which is expediently provided in the lower cupboard compartment area in the rear wall (8). For aesthetic reasons, this hole can also be closed with a cover cap (15) in the colour of the rear wall (8).

During the oral hearing, Applicants stressed that the rear walls described in D8 are not structural components capable of bearing weight. Rather, they are described as panels secured by magnets, serving merely to close off the rear side of the structure. As such, these panels cannot support any load or transfer forces, particularly those generated by a vibrating appliance such as a washing machine.

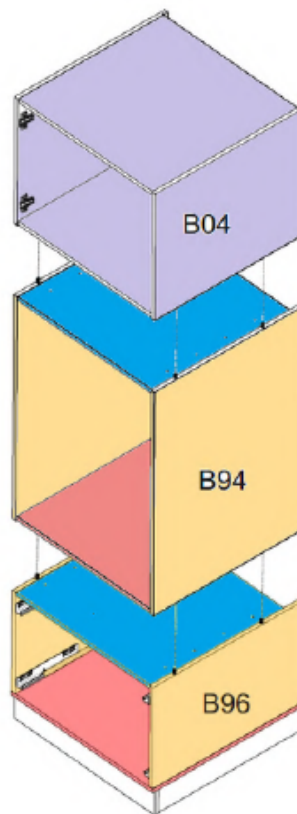
7.1.19. The Court agrees. In conclusion, D8 does not appear to disclose at least features 1.5, 1.7, 1.8 and 1.9. The combination of D8 with D6, previously discussed with reference to the D1+D2+D6 combination, would therefore fail to anticipate, without inventive skill, all the features of claim 1.

Infringement

8. The cabinets manufactured and/or distributed by Defendants and challenged by Applicants are referred to as Respekta-Clara and Laundreezy.

Respekta-Clara

8.1.1. The picture below shows Defendants' representation of Respekta-Clara, as depicted at page 17 of the Objection:

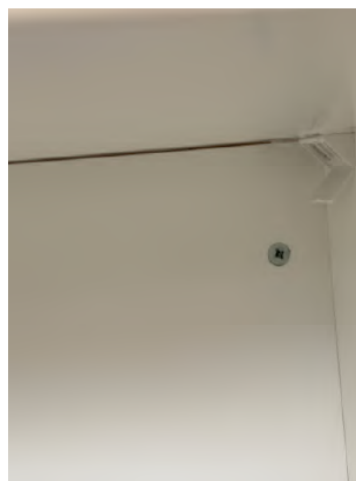


With respect to features 1.4 and 1.6, Defendants argue that the Respekta-Clara comprises two parallel horizontal plates— a lower blue plate and an upper red plate — rather than a single carrier. They assert that only the blue bottom plate is connected to the side walls (B96), which themselves are joined to the red bottom wall. The side walls (B94 and B96) are structurally distinct, with B94 resting on top of B96, thereby forming separate compartments.

8.1.2. According to Defendants, no horizontal plate in this configuration corresponds to the carrier defined in Claim 1. Specifically, they contend that the lower blue plate serves as a storage compartment but does not support the washing machine, while the upper red plate supports the washing machine but does not provide storage space. Furthermore, they note that the top wall of the lower compartment (blue) and the bottom wall of the upper compartment (red) are merely supported by the side walls—a solution known in the prior art—with no transmission of vertical forces through the rear wall.

8.1.3. In contrast, Applicants submit that the two horizontal plates (red and blue) are fastened together by eight screws, thereby forming a single structural element. This integrated configuration, according to Applicants, satisfies the requirements of features 1.4 and 1.6, as it both supports the washing machine and provides a storage compartment.

8.1.4. With respect to features 1.7 and 1.8, Defendants argue that vertical forces are not transmitted through a plate-like element, but rather through dowels and specialized plastic corner elements, as stated in paragraphs 67 and 68 of the Objection. Although a vertical plate is present and aligned parallel to the rear of the cabinet, Defendants maintain that a visible gap (slit) exists between the carrier and the vertical plate. According to their submission, this gap/slit indicates that the carrier does not rest on the plate, and therefore the plate does not contribute to the transmission of vertical forces. In support of this position, Defendants have submitted photographs and a video showing the gap.



8.1.5. Additionally, Defendants submitted a video depicting a partially assembled Respekta-Clara cabinet loaded with approximately 80 kilograms of bottles. In the video, a strip of paper is visibly passed between the carrier and the rear vertical plate, with the purpose of demonstrating the existence of a gap between these components. This visual evidence is presented to support Defendants' assertion that the carrier does not rest on the vertical plate and, consequently, that no vertical force is transmitted through it.



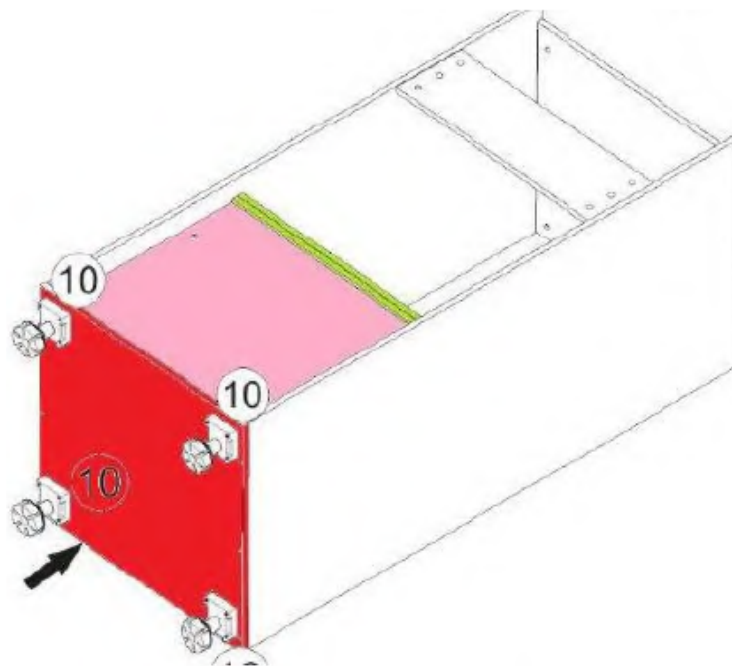
8.1.6. Conversely, Applicants assert that the rear vertical plate is in direct contact with the carrier and effectively transmits vertical forces to the bottom wall. To support this position, Applicants submit video evidence demonstrating the absence of any gap between the carrier and the rear plate. In particular, Annex A41 is a video file showing that a thin strip of paper cannot be inserted between the two components — especially when the washing machine is in operation. Applicants further note, as stated in paragraphs 27–28 of the Reply, that full contact between the back wall and the carrier is maintained both during and after the spin cycle.

8.1.7. With reference to feature group 1.9, Defendants argue that the L-shaped retaining element in the Respekta-Clara cabinet is made of plastic rather than metal. They further note that a thick rubber sheet is placed on top of the carrier to assist in preventing the washing machine from sliding or falling during operation. In response, Applicants contend that the plastic used is sufficiently rigid and functions as a technical equivalent to a metal strip. Applicants maintains that the material substitution does not alter the structural or functional characteristics of the retaining element. Moreover, the rubber sheet is considered an auxiliary component, which does not replace or modify the core retaining function provided by the L-shaped strip. Therefore, Applicants assert that the configuration still satisfies the requirements of group of features 1.9 by way of equivalence.

8.1.8. At page 33 of Objection Defendants admit that “it is not disputed that the L-shaped strip of feature 1.9,1 on the one hand and the plastic strips of Respekta Clara and Laundreezy are intended to solve the same problem (preventing falling of the machine)” but stress that “they do not solve the problem with the same efficiency”.

Laundreezy

8.1.9. The Laundreezy as annotated on Page 22 of the Objection, with the plate-like support means in pink located at the rear side, is a cabinet that appears to be very similar to the Respekta Clara. Apparently, it differs from Respekta Clara in that the side walls are continuous (one wall per side):



Defendants' arguments largely reiterate previously submitted points regarding the Respekta Clara and focus on similar mechanical and structural aspects of the cabinet design. In particular, they refer to:

- Force transmission occurring via dowels and triangular supports, as illustrated in the images at paragraphs 79–80 of the Objection;
- The presence of gaps between the carrier and the rear plate, with the assertion that the rear plate does not transmit vertical forces;
- The L-shaped retaining strip, constructed from plastic, which is supplemented by a thick rubber sheet placed atop the carrier to prevent the washing machine from sliding or falling.

8.1.10. Again, Defendants have submitted a video showing that, in a static configuration — i.e., with no washing machine placed on the carrier and in operation— a thin strip of paper can be inserted through the gap between the vertical rear plate and the horizontal carrier. This, similarly, is intended to illustrate the absence of contact and, by implication, the lack of vertical force transmission through the rear plate.



Applicants support their position in the same way, with a video showing contact between the vertical plate and carrier shelf, both when a washing machine is in operation and when the machine is turned off (Annex A42).

Decision of the Court

8.1.11. The discussion between the parties focuses on the plate-like support means of features 1.7-1.8 for transmitting vertical forces, placed between the carrier and the bottom wall, and the group of features 1.9, concerning a retaining member in the form of an L-shaped strip made of metal.

Plate-like support means

8.1.12. With reference to features 1.7 -1.8, one or more plate-like elements are placed parallel either to the side walls or the rear side. The patent shows vertical “plates” (highlighted in pink)

that extend between the carrier shelf and the bottom shelf. In the patent, it seems clear that this plate-like element must be in contact both with the (upper face of the) red bottom wall and with the (lower face of the) green carrier. Vertical forces induced by the weight of the washing machine resting on the carrier can therefore be sustained and transmitted by the vertical plate(s). According to Defendants, however, features 1.7-1.8 should be interpreted to match the embodiment of Figure 2 of EP755, where three different vertical plates, one at the rear and two at the sides, create a U-shaped support to hold and support the carrier shelf (page 17 of the Objection). Conversely, Applicants notes that claim 1 requires one or more plate-like support means for transmitting vertical forces. Accordingly, Applicants submit that the requirement is satisfied by the presence of a single plate-like support element, irrespective of any additional support structures such as dowels or triangular reinforcements.

8.1.13. The Court agrees with Applicants. Indeed, the claim recites that one or more plate-like means should support the carrier. It can therefore also be just one. While of course affording more support, a U-shaped set of support means like in Figure 2 is not required. The purpose of the support means is that it transmits vertical forces in a meaningful way. Of course, these support means are not the only things supporting the carrier. The side walls will also take an important part of the vertical forces as is made plain in [0009]-[0010]:

[0009] According to the invention the carrier is fixed at a distance above the bottom wall, thus forming a storage space between the bottom wall and the carrier. The distance can amount to more than 40 centimetres and is preferably in the order of 50 centimetres, whereby the upper surface of the carrier is situated about 55 centimetres above the ground surface. Placing the carrier higher than the bottom wall makes the washing machine more easily accessible to a user, who is then required to bend down less far in order to load and unload the washing machine, and creates an extra storage space below the carrier. Moreover, this placement allows the carrier, which is fixedly connected to the side walls on opposite sides, to act as a brace and provide additional stiffness and stability to the piece of furniture.

[0010] According to the invention one or more support means for transmitting vertical forces are placed between the bottom wall and the carrier. Placing support means between the bottom wall and carrier enables vertical forces to be transferred from the carrier to the bottom wall in effective manner, without heavily loading the side walls herein.

8.1.14. From these paragraphs, it can be taken that the carrier is “fixedly connected to the side walls” and that the side walls are not heavily loaded. A skilled person would therefore not assume that the support means is/are such in the patented cabinet that they would take all the vertical forces, but rather that they would take a meaningful amount to ensure that the side walls are not “heavily loaded”. The fact that the side walls also take a substantial load is made clear by the feature of the claimed invention (Feature 1.5) whereby the side walls are placed on top of the bottom wall:

[0004] This object is achieved with a piece of furniture according to claim 1. Placing the side walls on top of the bottom wall instead of adjacently of and against the bottom wall, as in usual construction methods, results in a structure which is able to bear a load and transmit this load to the bottom wall without fixing means between the side walls and the bottom wall concentrating the load. Distributing the load over a larger surface area of the bottom wall results in a lower pressure at the same load, which does not result in damage to the piece of furniture, even if the load is so high that in usual construction methods this would be the case.

8.1.15. Furthermore, it is clear from the description that the “load” is especially heavy when the

washing machine vibrates during use, see [0002]: “*Because a washing machine may vibrate during use, the piece of furniture comes to be under high load*”. Claim features 1.7 and 1.8 should therefore be interpreted that the one (or more) plate-like means support the carrier in the sense of transmitting a meaningful part of the vertical forces, including those during vibration.

8.1.16. Having so interpreted claim features 1.7 and 1.8, taking into account the figures and the description³, it is sufficiently clear to the Court that both in Respekta-Clara and the Laundreezy, the back wall supports the carrier in the sense of transmitting a meaningful part of the vertical forces, including those during vibration, in the sense of the patent. The photographs and videos provided by Defendants show a gap between the carrier shelf and vertical plate. However, the Court observes that this gap is minimal — barely sufficient to allow the insertion of a thin strip of paper — and does not conclusively demonstrate the absence of contact in operational conditions. At the oral hearing, Defendants acknowledged that their tests were conducted solely under static conditions, using approximately 80 kg of water bottles to simulate the weight of a washing machine. No tests were performed while a washing machine was running or following a completed spin cycle, during which dynamic/vibrating forces are significantly greater. Additionally, it cannot be ruled out that the observed gap is a result of the way the cabinet is assembled, as the Applicants argued. Applicants submitted videos in turn showing no gap exists. Even if a minor gap were present under static load, the dynamic operation of a washing machine generates vertical forces sufficient to eliminate such a gap. Under these conditions, the carrier shelf comes into firm contact with the vertical plate, which then transmits vertical forces to the bottom wall of the cabinet, thereby fulfilling the structural and functional requirements of the claimed features.

8.1.17. As correctly noted by Applicants, without such plate, the carrier supporting the weight of the washing machine would bend or deform. The dowels and triangular support elements, while contributing to the overall assembly, appear insufficient to bear the entirety of the load induced by the machine, particularly during dynamic phases such as spin cycles. Their limited surface area and mechanical engagement do not provide the same degree of load distribution or resistance to vertical force as the vertical plate.

8.1.18. Defendants contested that Applicant’s tests were flawed, since the challenged cabinets had not been assembled properly. In particular, triangular supports connecting the carrier to the vertical walls had not been mounted and a foam mat, which comes with the cabinet, had not been placed on top of the carrier, under the washing machine. While Defendants have a point, the Court is not convinced that the triangular supports or the foam mat would prevent the (supportive) contact between the carrier and the rear vertical plate. The Court further observes that Defendants had the opportunity to rebut Applicants’ findings by conducting equivalent tests. Specifically, they could have demonstrated that a gap persisted between the carrier and the rear vertical plate during machine operation and following the completion of a spin cycle. Their failure to do so leaves Applicants’ evidence uncontested in this important regard.

8.1.19. Additionally, as emphasized by Applicants, the vertical rear plate is constructed from the same rather thick wood used throughout the cabinet’s vertical and horizontal walls. This choice of material suggests a load-bearing function. If the rear plate were merely decorative or non-functional, one would expect the use of a lighter, less expensive material — such as cardboard — or the inclusion of a simple brace between the lateral walls. At the hearing, the Defendants’ CEO stated that the choice of using the same material for the vertical plate was taken because it simplifies the manufacturing process. The Court has no reason to believe this statement untrue. However, this reason behind the manufacturing choice does not take away that the vertical plate, so

³ Court of Appeal of 26 February 2024, UPC_CoA_335/2023 (*NanoString v. 10x Genomics*)

made, reflects the teachings of features 1.7 and 1.8 as it is suitable for transmitting vertical forces.

8.1.20. As a result, the Court finds that it is more likely than not that both challenged embodiments make use of features 1.7 and 1.8.

Retaining element

8.1.21. With respect to group features 1.9, the challenged embodiments comprise an L-shaped strip that is made of plastic and not of metal. Applicants submit that it is an equivalent embodiment. Defendants insist that the plastic strip does not have the same characteristics as a metal strip. In particular, a plastic strip is not as rigid as a metal strip, and Defendants demonstrated, at the hearing, that the plastic strip can be twisted quite easily. Defendants further submitted that the purpose of the L-shaped plastic strip is merely aesthetic: to cover the double plate of the carrier and the foam mat. Referring to the test for equivalence adopted in *Plant-e v. Arkyne*⁴, Defendants also contested that a fair protection of the patentee would entail extending protection to a plastic strip while still maintaining reasonable certainty for third parties.

8.1.22. Both parties referred to the test for equivalence adopted in *Plant-e v. Arkyne*. This test entails that a variation is equivalent to an element specified in the claim if the following four questions are answered in the affirmative.

- 1) Technical equivalence: does the variation solve (essentially) the same problem that the patented invention solves and perform (essentially) the same function in this context?
- 2) Fair protection for the patentee: Is extending the protection of the claim to the equivalent proportionate to a fair protection for the patentee?
- 3) Reasonable legal certainty for third parties: does the skilled person understand from the patent that the scope of the invention is broader than what is claimed literally?
- 4) Is the allegedly infringing product novel and inventive over the prior art?

As a preliminary observation, the Court points out that a harmonised approach within the UPC is certainly desirable⁵, inspired on the doctrines of equivalence applied across UPC Contracting Member States which all share a common foundation. In particular, the bottom line is that a finding of equivalent patent infringement is excluded where there is no technical-functional equivalence — meaning the substituted means do not perform essentially the same function to achieve essentially the same result. Or, in the positive, finding of equivalent patent infringement always requires that the variant performs essentially the same function as the element recited in the claim, with essentially the same result. The same applies to the assumption that protection cannot extend to what is not new or inventive over the prior art. Similarly, legal certainty for third parties and a fair protection for the patentee are mentioned in Art. 1 of the Protocol on the interpretation of Art. 69 EPC and usually return in the doctrines of equivalence in some way or form as developed in the case law of the UPC Contracting Member States. In view of the above and in the absence of a decision by the Court of Appeal and given that both parties referred to this test without proposing or even debating an alternative, the Court sees no reason to deviate from the test it applied in

⁴ Local Division The Hague of 22 November 2024, UPC_CFI_239/2023 (*Plant-e/Arkyne*).

⁵ Local Division of Paris of 1 August 2025, UPC_CFI_363/2024 (*N.J DIFFUSION SARL v. GISELA MAYER GmbH*) and Local Division of Mannheim of 6 June 2025, UPC_CFI_471/2023 (*Dish/Aylo*), Local Division Brussels 17 January 2025, UPC_CFI_376/2023 (*X v OrthoApnea*)

Plant-e v. Arkyne. The Court will therefore now answer these questions.

1) Technical equivalence: does the variation solve (essentially) the same problem that the patented invention solves and perform (essentially) the same function in this context?

8.1.23. The Court answers this question in the affirmative.

8.1.24. Firstly, Applicants rightly contested Defendants' torsion test: it is true that the L-shaped plastic strip is of a softer material compared to a metal strip, but Defendants' tests only show that it offers less resistance to torsion. Offering little resistance to torsion is irrelevant to the function of the L-shaped strip when mounted on the cabinet, i.e. of retaining a washing machine. When mounted on the cabinet, pressure would apply to the vertical leg of the L-shape strip as screwed on the carrier (with the horizontal part), and the L-shaped strip would not be subject to torsional forces but to horizontal forces pushing against the vertical leg of the L-shaped strip. Once assembled on the cabinet, the L-shaped strip will provide sufficient resistance to accomplish this purpose.

8.1.25. Secondly, the Court is not convinced by Defendants' contention that their strip is purely for aesthetic reasons. It contradicts their statement at page 33 of Objection, where Defendants admit that *"it is not disputed that the L-shaped strip of feature 1.9,1 on the one hand and the plastic strips of Respekta Clara and Laundreezy are intended to solve the same problem (preventing falling of the machine)"*. Additionally, the Court notes that the vertical leg of the L-shaped retaining member extends sufficiently above the surface of the carrier shelf. While the design may serve an aesthetic purpose, its physical dimensions and position also fulfil the functional purposes of group of features 1.9, namely, preventing the washing machine from sliding off the carrier during operation.

2) Fair protection for the patentee: is extending the protection of the claim to the equivalent proportionate to a fair protection for the patentee?

8.1.26. The Court answers this question in the affirmative as well.

Applicants assert that extension is warranted as the material concerned does not have a specific function. Defendants argue that conversely the material is particularly important. The Court finds that as long as the strip in the Defendants' cabinets ensures that the washing machine, even while vibrating, is prevented from falling, indeed the material used for the retaining member is not important. That the strip has an aesthetic purpose, even if true, does not affect this. Also, it would be very easy for third parties to circumvent the patent by simply using a non-metal strip, while taking advantage of all its teachings.

3) Reasonable legal certainty for third parties: does the skilled person understand from the patent that the scope of the invention is broader than what is claimed literally?

8.1.27. The Court answers also this question in the affirmative.

8.1.28. Applicants argue that third parties will understand it is not important that the retaining member is made of metal. What matters is that the used material is strong enough to prevent a washing machine from falling off. Hence, this can also be achieved with (sturdy) plastic. Defendants content that it must be clear what is protected. Here, the patent specification does not mention the material of the strip just cursorily. Rather, the specification signals that the patent is precisely concerned with the materials of the elements, such as, for instance in [0014] where the specification discusses in detail the advantages and disadvantages of metal in connection with a possible (but not claimed) cover plate of the *carrier*:

... Providing the carrier with a (metal) cover plate protects the plate material of the carrier against moisture, while the carrier constructed of plate material and metal is at the same time strong enough to carry the load of the washing machine. The extra weight of the metal cover plate provides additional resistance against vibrations. The metal cover plate itself of course also has to be protected against moisture, for instance by a coating or other surface treatment.

Additionally, in connection with this cover plate, the specification also discusses that specific plastic materials could also be used:

A fibre reinforced plastic could also be used as material for the cover plate, instead of metal. Such a plastic is likewise strong and stiff and well able to withstand moisture.

8.1.29. As this discussion is absent in connection with the *L-shaped strip*, the claimed metal material is to be interpreted narrowly, still according to Defendants.

8.1.30. The Court finds that Applicants rightly contend, as such also not contested, that a skilled person would in principle understand that a material different from metal would work to retain the washing machine, provided the used material is strong enough to prevent a washing machine from falling off. While for the cover plate, both metal and fibre reinforced plastic are contemplated, the description as such does not give a clue as to why the retaining member, despite this understanding by the skilled person, can only be of metal. Absent such indications, a third party can not genuinely believe that he/she can take advantage of the claimed invention, by simply using a non-metal strip to circumvent literal infringement.

4) Is the allegedly infringing product novel and inventive over the prior art?

8.1.31. Defendants referred to their invalidity arguments in this respect. As they are dismissed, the equivalent embodiment should be held novel and inventive.

Conclusion on infringement

8.1.32. In view of the above, the Court finds that it is more likely than not that claim 1 of the patent is infringed by Defendants with their cabinets, the Laundreezy and the Respekta Clara. It need not look at the other claims asserted.

Necessity (“objective urgency”)

9. Applicants argue that:

- i) the products of the Defendants are in direct competition with the products of Washtower. Each customer that purchases an infringing product, will be a lost customer for Washtower. A household generally has no need for several washing cabinets, and the products at issue – due to the infringing implementation of the invention – have a long life and will not be soon replaced. Losses will typically not be limited to the cabinet as such. The cabinet is regularly part of a series of furniture items. The sale of Defendants’ cabinets therefore has a strong lock-in effect. Customers who

- purchase a cabinet will tend to complement their furniture with matching products of the infringer. Such customers will be lost for Washtower permanently.
- ii) the resulting lost opportunities cannot be recovered in the course of the main proceedings, especially regarding intangible losses such as brand equity, customer loyalty and product reputation.
 - iii) the presence of multiple infringing parties is likely to lead to a complicated, and in any event inaccurate, assessment of the damages and allocation of those damages to each of the involved infringers. The infringers are likely to point to each-other, or potentially to other – as yet unknown – parties, to frustrate the determination of which party is liable for which number of damages. The result is that Washtower will be left with – to a large extent – unrecoverable damages.
 - iv) the presence of Defendants’ products leads to price erosion.⁶ The infringing cabinets are sold at a significant discount to the original products of Washtower. The observed price undercutting by the Defendants undermines both Washtower’s pricing strategy and its carefully established brand position. Also, it leads to lock-in effects for the addressed audiences, which are almost impossible to be retrieved by Washtower with ongoing infringements.
 - v) given that the technology in question is relatively simple, the risk of commoditization is acute if not already existent. If the present infringers are allowed to continue their infringing activity, this will encourage other parties to do the same. A swift and timely action against the present companies will have a preventative effect and will avoid further – unnecessary – litigation.

9.1.1. Defendants dispute Applicants’ allegation that *“Each customer that purchases an infringing product, will be a lost customer for Washtower.”* They allege that the parties in fact supply largely different market segments. First, the materials used for Applicants’ products differ from the materials used for Defendants’ products. In addition, the overall design of the “wall cabinets” also diverges noticeably from the appearance offered by Applicants as the aesthetic and design concept of Defendants’ product lines contrasts clearly with that of Applicants’. Finally, Applicants’ products are to a great part positioned in a different market segment than those of the Defendants, who offer more affordable products. Defendants assert that the cheapest product of Applicants from the category “complete wall cabinet” costs € 1,395 (currently discounted by 20% to € 1,116) ranging to € 2,710 (currently discounted at € 2,168) for the most expensive one. In contrast, Laundreezy models that are comparable in functionality (with regard to available storage and space for washing machine and dryer) can be bought for € 799,50 (non-discounted price) and the most expensive model available via laundreezy.de/en costs € 1,399.20. These price differences do not serve to undercut Applicants’ pricing strategy as claimed by the Applicants (Application mn. 142), but are a consequence of the different market segments addressed by the parties. It is obvious that the respective customer bases of Applicants and Defendants are likely to have fundamentally different purchasing preferences and expectations. It is therefore very improbable that an average consumer interested in the Applicants’ furniture would consider purchasing from the Defendants, or vice versa, given the significant divergence in materials, price point and design. Defendants therefore conclude there is no urgent need for relief and Applicants can be expected to wait for a decision on the merits.

9.1.2. The Court is sufficiently convinced that a preliminary measure is necessary. The price difference is not sufficiently large to underpin Defendants’ claim that the markets are so separate that Applicants will not economically “feel” the continued sales by Defendants. To the contrary,

⁶ Court of Appeal, Order of 3 March 2025, UPC_CoA_523/2024 – *Sumi Agro/Syngenta*.

the price difference is such that it will undercut Applicants' pricing, giving rise to a risk of irreparable price erosion while proceedings on the merits take place. Equally, Applicants are right to indicate (as such not contested by Defendants) that these cabinets are not purchased often by a consumer. This means serious irretrievable loss of sales and market share are likely. Also, Applicants have indicated that after their commercial relationship ended in which Defendants manufactured the cabinets of Applicants exclusively for important segments of the market, Applicants now have to build up their own market share in these segments, and Defendants' cabinets irreparably harm that effort.

Temporal urgency

10. Contrary to Defendants' position, the Court is sufficiently convinced that Applicants acted without undue delay. Applicants acted swiftly after the grant of the patent was published on 2 April 2025 by ordering Defendants' cabinets, delivery of which took several weeks, examine the cabinets, send a cease-and-desist letter on 19 May 2025 and file the Statement of Claim on 28 May 2025. The fact that Applicants knew from 23 December 2024 onward that their patent would be granted on receipt of the EPO's "intention to grant" does not mean the delay was undue. Even if Defendants' assertion could be followed that as of 23 December 2024 Applicants could have ordered the cabinets and examine them, in an effort to be ready to go once the mention of the grant was published, the delay was less than 2 months from the publication of the grant of the patent to start these proceedings, not counting some time for an out of Court settlement attempt by mail. This Court does not deem such delay undue.

Balance of interests

11. The Court is sufficiently convinced that Applicants' interests outweigh those of Defendants. As indicated above, Applicants face irreparable harm in the form of price erosion and loss of market (share). This is the more damaging as these washing machine cabinets are their only product and they need to build up their own market share. While Defendants will face disruption in the sales of their cabinets for washing machines, they have many more other furniture items they sell, as undisputedly stated by Applicants. The impact on their business is therefore relatively small, as is any impact on their reputation. In a similar vein, the potential damages should an injunction be overturned are rather limited and will be further mitigated by imposing a security deposit as more detailed below.

Outcome, relief and costs

12. The Court is sufficiently convinced that it is more likely than not that in proceedings on the merits, the patent is found to be valid and infringed. Applicants filed their application for preliminary relief without delay and the injunction sought, with penalties (up to a maximum), is necessary and proportionate, given the circumstances. Defendants requested a security be imposed of € 500,000 on the injunction. Since the Applicants are an SME, and given the relatively minor impact on Defendants' overall sales, the Court will order a security of € 25,000 to be deposited at the Court.

12.1.1. As such a recall is also necessary to mitigate the effects of past infringement, however only covering cabinets sold since the patent was in force (2 April 2025). Given the potentially more disruptive nature of a recall, costs involved and damage to reputation, the Court on balance will impose a security of € 75,000 by deposit for the enforcement of this order.

12.1.2. An order for information will be awarded in as far as necessary to stop further infringement. In far as the information pertains to obtaining information for the calculation of damages (such as prices and numbers of cabinets sold), such order is rejected for lack of urgency/necessity.

12.1.3. The orders will be deemed directly enforceable according to R. 354 subject to R. 118.8 and R. 352 RoP.

12.1.4. As the largely unsuccessful party, Defendants will bear the costs of these proceedings. Regarding an interim cost award, parties – encouraged by the Court – came to an agreement on the legal costs for the amount of € 56,000 (see App 34670/2025) to be awarded to the successful party. So will be ordered, with the addition of court fees. Defendants did not object to joint liability.

ORDER

The court:

I. Injunction:

I.B Against Defendants 2 – 4

hands down an injunction against **Defendants 2 – 4**, effective as of the day of service on the defendants, ordering them to cease and desist from any infringement of EP 3 522 755 B1, and in particular the making, offering, placing on the market or using, or importing or storing the product for those purposes, of the Laundreezy washing machine cabinets falling within the scope of EP 3 522 755 B1, or any other washing machine cabinet that implements the invention as protected by EP 3 522 755 B1, in all UPC Contracting Member States;

I.C. Against Defendants:

hands down an injunction against **Defendants 2 – 5**, effective as of the day of service on the defendant, ordering them to cease and desist any infringement of EP 3 522 755 B1, and in particular the making, offering, placing on the market or using, or importing or storing the product for those purposes, of the Respekta Clara washing machine cabinets falling within the scope of EP 3 522 755 B1, as described in this application, or any other washing machine cabinet that implements the invention as protected by EP 3 522 755 B1, in all UPC Contracting Member States;

II. Information:

II.B. orders Defendants 2 – 4 to provide counsel for Washtower, within 4 weeks after service of this order, with a written statement, substantiated with appropriate documentation for the washing machine cabinets according to rec. I.B in all UPC Contracting Member States of:

- i. the origin and distribution channels of the washing machine cabinets (including the full names and addresses of the legal entities that are involved);
- ii. the identity of any party involved in the production or distribution of the washing machine cabinets according to rec. I.I.B (including the full names and addresses of the legal entities that are involved).

II.C. orders Defendants to provide counsel for Washtower, within 4 weeks after service of this order, with a written statement, substantiated with appropriate documentation for the washing machine cabinets according to rec. I.C, in all UPC Contracting Member States, of:

- i. the origin and distribution channels (including the full names and addresses of the legal entities that are involved);
- ii. the identity of any party involved in the production or distribution of washing machine cabinets according to rec. I.I.C., (including the full names and addresses of the legal entities that are involved).

III. Recall

orders the Defendants to send, within 14 (fourteen) working days after service of this order, a registered letter to all its professional customers, resellers and stockists in all UPC Contracting Member States to whom it has supplied Laundreezy and/or Respekta Clara washing machine cabinets, in the language of the relevant party or in English, containing only the following text and no caption:

“The UPC, Local Division The Hague has ruled in an order on provisional measures dated 11 September 2025 that it is more likely than not that by marketing Laundreezy and Respekta Clara washing machine cabinets, we are infringing the patent rights of Washtower IP B.V. and Washtower B.V. These products may not be offered, sold, delivered, used, or kept in stock by [insert name of relevant Defendant(s)] for the time for which the provisional measures are in place. The order of the UPC, Local Division The Hague is not final and can be appealed by [insert name of relevant Defendant(s)].

We hereby request that you return all products of the following models Laundreezy and Respekta Clara in your possession to us within fourteen days of the date of this letter. We will reimburse you for the purchase price and all costs associated with returning the products to us.”

all this under the obligation to provide simultaneous digital copies of all letters sent to Washtower's lawyers;

IV. Penalty sums

orders that:

- i. for each individual case of violation of the order under I. the respective Defendant must pay to the Court a recurring penalty payment of up to EUR 10,000 (repeatedly if necessary); and
- ii. for each individual case of non-compliance with the orders under II.-III., the respective Defendant must pay to the Court a recurring penalty payment of up to EUR 10,000 per day, or part of a day counting as an entire day, or up to EUR 50,000 per day, or part of a day counting as an entire day, that the non-compliance continues.

These penalties will be determined by the Local Division in The Hague upon request by Applicants up to a maximum of one million euros (Art. 62(1) UPCA; R. 354.3 RoP).

V. Cost award:

V.A. orders that Defendants 2-5 are jointly and severally liable to pay Washtower an interim award on the legal costs as provided under Article 69 of the Unified Patent Court Agreement jo Rule 211.1(d) of the Rules of Procedure, with the provision that any amount paid by one Defendant shall discharge the other Defendants for that same amount; and

V.B. sets the amount of the interim costs award to the sum of the court fees EUR 6,600 plus the recoverable legal fees of Applicants to the amount of EUR 56,000, in total EUR 62,600.

VI. Direct enforceability

declares the above orders directly effective and enforceable, subject to R. 118.8 and R. 352 RoP, by way of a security deposit for each of the orders under I to the amount of EUR 25,000 and the order under III to the amount of EUR 75,000;

VII. Further requests

rejects any further requests made by Applicants.

INFORMATION ABOUT APPEAL

An appeal to this order may be brought in accordance with Art. 73 (2) (a) UPCA and R. 220.1 (c) and 224.1(b) RoP within 15 calendar days of the notification of the order to the parties.

INFORMATION ON ENFORCEMENT (ART. 82 UPCA, ART. 37(2) STATUTE, 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 Rules governing the Registry of the Unified Patent Court).

Brinkman	Edger Frank BRINKMAN  Digitally signed by Edger Frank BRINKMAN Date: 2025.09.11 14:38:22 +02'00'
Kokke	Margot Elsa KOKKE  Digitally signed by Margot Elsa KOKKE Date: 2025.09.11 15:32:19 +02'00'
Granata	Samuel Rocco M Granata  Digitally signed by Samuel Rocco M Granata Date: 2025.09.11 14:41:44 +02'00'
Sanchini	Alessandro Sanchini  Firmato digitalmente da Alessandro Sanchini Data: 2025.09.11 14:55:36 +02'00'
On behalf of the registry	Larissa Donata Hageman  Digitally signed by Larissa Donata Hageman Date: 2025.09.11 15:38:42 +02'00'

ORDER DETAILS

Order no. ORD_36708/2025 in ACTION NUMBER: Not provided

UPC number: UPC_CFI_479/2025

Action type: Not provided

Related proceeding no. Application No.: 25599/2025

Application Type: Application for provisional measures (RoP206)