



UPC_CFI_1963/2025
Procedural Order
of the Court of First Instance of the Unified Patent Court,
made on 23 March 2026
(R333 RdP revision of an order)

HEADING

The condition laid down in Article 33.1(b) of the AJUB concerning the commercial link between the defendants does not require a direct commercial link between the so-called ‘anchor’ defendant and each of the other defendants, but rather a commercial link between all the defendants.

The condition laid down in Article 33.1(b) of the AJUB, relating to ‘the action concerns the same infringement’, which is required to establish the internal jurisdiction of a Local Division in cases involving multiple defendants, refers to the infringement of the same patent by all the defendants, and does not require that the products alleged to have been infringed be identical across all the defendants.

KEYWORDS

Internal jurisdiction of the JUB – Art. 33.1(b) AJUB – multiple defendants – dual condition

PLAINTIFF

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PATENT DISPUTE

Patent No. *Patentee*

EP4144599 Valeo Wiper Systems

COMPOSITION OF THE CHAMBER

Presiding Judge
Reporting Judge
Judge qualified in legal matters

Camille Lignieres
Carine Gillet Rute
Lopes

LANGUAGE OF THE PROCEEDINGS: French

ORDER

On 17 February 2026, the presiding judge dismissed the preliminary objections raised on 27 January 2026 by five of the Bosch companies and on 6 February 2026 by Bosch Automotive Products (Changsha) Co Ltd, in the infringement proceedings brought by Valéo Systèmes d'Essuyage against the Bosch companies, on the basis of its patent EP 4144599, before the Paris Local Division. The order concerns the internal jurisdiction of the Paris Local Division and the language of the proceedings, which were contested.

The reporting judge refused to grant leave to appeal against the decision.

On 4 March 2026, the Bosch companies applied for a review of this order, pursuant to R333 RdP, requesting the court to:

- I. Review and set aside the procedural order of the reporting judge dated 17 February 2026,
- II. Ruling again on the Preliminary Objection, to hold that the Paris Local Division does not have jurisdiction to hear the infringement action,

III. To note that the Claimant has not designated a competent referral division or a new language of proceedings within the 14-day time limit provided for in Rule 19.5 of the Rules of Procedure, Consequently, dismiss the infringement claim,

IV. In the alternative, in the event that one or more of the Defendants' claims referred to in points I to III above are dismissed, to allow the Defendants to appeal.

In its reply of 19 March 2026, Valéo seeks the dismissal of the application for review of the order of 17 February 2026, the confirmation of the order of 17 February 2026, and the dismissal of the defendants' application for leave to appeal.

GROUNDS FOR THE DECISION

Where the reporting judge has not granted leave to appeal, as in the present case, a party may apply for a review of the order dismissing the preliminary objection.

In this instance, the request for the panel to review the order of 17 February 2026 on the grounds of R.333 Rdp was filed on 4 March 2026, within fifteen days of the order being served. The application for review is therefore admissible.

Arguments of the parties

The Bosch companies contest the decision with regard to the conditions set out in Article 33.1(b) of the AJUB, arguing that the Paris Local Division lacks jurisdiction, on the grounds that the commercial link between the defendants referred to in Article 33.1 (b) of the AJUB must be assessed for each defendant in relation to the so-called 'anchor' defendant, arguing that, failing this, the internal jurisdiction of the division within whose jurisdiction one of the defendants is domiciled could be extended indefinitely, which would be likely to undermine the intended mechanism.

They also consider that the reporting judge misinterpreted the second condition, relating to 'the action concerns the same alleged infringement', and that, in fact, it is appropriate that the anchor defendant and each of the other defendants brought into the proceedings should have committed at least one of the acts referred to in Articles 25 and 26 of the AJUB, in relation to the same patent and the same product or process. Failing that, it is for the right holder to split their action and to choose another anchor defendant who will be implicated in the same alleged infringement as that alleged against each of the other defendants. Furthermore, at the stage of the preliminary objection, the actual commercial activities of each of the defendants and the products or processes alleged to be infringed cannot be entirely disregarded.

However, in the present case, the defendants are not being sued in respect of the same products, and Robert Bosch France SAS (Defendant 2) cannot serve as the anchor defendant in the infringement action against Defendant 6, as there is no commercial link between these defendants and the alleged infringement against them is not the same. The only defendant that meets the two conditions set out in Article 33.1.(b) of the aforementioned AJUB is Robert Bosch GmbH, domiciled in Germany, a fact of which Valeo cannot be unaware, since it has designated the local division in Düsseldorf in parallel proceedings.

Finally, the Bosch companies submit that the claimant deliberately failed to remedy the deficiencies in his statement of claim within the 14-day time limit and did not designate a competent local division within Germany or a language of proceedings, with the result that the infringement action must be dismissed.

In the alternative, the Bosch companies seek leave to appeal, arguing that it is in the interests of the case for the Court of Appeal to determine the conditions laid down in Article 33.1(b) of the AJUB.

Valeo argues that:

-The first condition for the application of Article 33(1)(b) of the AJUB (the commercial link) requires only that the defendants have a commercial relationship between them, and not that each defendant has an individual and direct relationship with the defendant acting as the so-called 'anchor' defendant.

-the second condition of 'the same alleged infringement' provided for in Article 33(1)(b) of the AJUB refers to the identity of the alleged infringement of the same claims of the same patent, and not to the formal identity of the products or acts of infringement.

Valeo argues that, in this case, BOSCH GmbH, as the parent company, has a commercial relationship with all the defendants (its subsidiaries), so that all the defendants necessarily have a commercial relationship with one another within the meaning of Article 33(1)(b) of the AJUB. The BOSCH companies dispute the sufficiency of the commercial link between the defendants, which they argue must be direct, whilst conflating this with the concept of 'the same product'. However, an overly narrow interpretation of the first condition, as suggested by the Bosch companies, would lead to a proliferation of proceedings, whereas an interpretation that takes into account commercial links within the same group of companies is confined to that group and does not confer unlimited jurisdiction.

The second criterion of 'the same infringement' does not refer to the formal identity of the products and acts of infringement, but to the identity of the alleged infringement of the claims of the same patent, unless conditions not provided for in the text are added. According to Valeo, this condition must be assessed legally, in relation to the infringed rights, including where different products reproduce the same features of the same patent. The condition must not be assessed commercially in relation to the product names. Otherwise, the patent owner would be unable to bring a joint action against several defendants belonging to the same group who are infringing the same patent, solely on the grounds that they are exploiting products with different trade names or names that differ slightly in form. Furthermore, the court of first instance must conduct a cursory review of the allegations and evidence provided in order to assess its jurisdiction.

Response to the parties' submissions

1- On the internal jurisdiction of the Paris Local Division

As stated in the contested order – a point which, moreover, is not disputed – Article 33.1(b) of the AJUB provides that, where there are multiple defendants, an infringement action may be brought before the local division of the Member State on the basis of the domicile of one of them within that territory, subject to the dual condition, as set out in the aforementioned provision, that, firstly, the defendants have a commercial connection between them and, secondly, that the action relates to the same alleged infringement.

This is an arrangement based on the principle that, where there are multiple defendants, the defendant must be sued in the court of the jurisdiction in which they have their domicile or principal place of business. In such cases, considerations regarding the court's close proximity to the litigant are no longer relevant. The rights holder has a choice, which they may exercise at their discretion, provided that the two aforementioned conditions are met.

In this case, as stated in the contested order, the commercial link is assessed flexibly in order to avoid a proliferation of parallel proceedings and the risk of conflicting decisions. It is established, in particular and especially in cases such as the present one, where all the defendants belong to the same group of companies, and where the respective activities of each of the defendants are related and pursue the same objective, namely the research and development, manufacture, sale and distribution of the same products or the same range of products.

It is not the case, as the defendants contend, that every other defendant must have a special commercial relationship with the anchor defendant, unless one were to conclude that all proceedings should systematically be brought before the division at the parent company's registered office; this follows in no way from the wording of the aforementioned provision, nor from its spirit, nor even from the objectives of the Unified Patent Court.

Furthermore, the panel endorses the reporting judge's assessment regarding the interpretation of the second condition, relating to 'the action concerning the same infringement', which is understood to refer to the infringement of a patent and not to the products or processes alleged to be infringing.

Indeed, even though the text refers to 'the same infringement' and not 'the same patent', as pointed out by BOSCH, reference is made not to the identity of the alleged products or commercial channels, but to the identity of the infringed rights, due to the infringement of the claims of the same patent, regardless of whether the products have different trade names or different forms, provided that it is alleged that the same patent claims are reproduced by each of the disputed products. It is therefore immaterial that not all the defendants are concerned with strictly identical products, provided that these products are from the same range and are alleged to infringe the patent belonging to the claimant. On this point, and as stated in the contested order, Valeo has put forward sufficient allegations and evidence to justify, at this stage, the involvement of the defendant companies in the alleged acts of infringement.

Finally, the analysis put forward by the Bosch companies runs counter to the objectives of the Unified Patent Court, which allows a patent holder to bring proceedings against several defendants in a single set of proceedings, each of whom is involved in the infringement of the same patent.

In view of these factors, and given that the claimant's previous procedural choices in separate proceedings cannot be relevantly invoked, the Panel considers that the two conditions justifying the internal jurisdiction of the Paris Local Division are met and that there are no grounds to review the contested order on this point.

2- On the dismissal of the infringement claim

As the preliminary objection has been dismissed, the application to dismiss the infringement claim—in the event that the claimant has failed to amend their statement of claim—is now moot. Furthermore, it lacks any legal basis, as the provisions of Rule 19.5 are in no way applicable, since they grant the claimant the right to amend their statement of case within 14 days or, alternatively, to submit observations on the preliminary objection, as in the present case. Furthermore, failure to amend is in any event not subject to any penalty, let alone the dismissal of the infringement claim.

Consequently, there is no legitimate ground for revising the order of the reporting judge.

3- On leave to appeal

The issue in dispute is of legal significance in relation to the conditions set out in Article 33.1(b) of the AJUB, which justifies the granting of leave to appeal.

This application is granted.

For all these reasons,

The panel, having heard the parties,


-Rejects the application for review of the order of 17 February 2026,

-Rejects the application to dismiss the infringement claim,


-Holds that leave to appeal is granted. Done at

Paris, 23 March 2026

Camille Lignières, Presiding Judge

 Date:
23/03/2026
10:21:42 +01:00

Carine Gillet, Reporting Judge

Carine  **23 March 2026**
10:34:20
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Rute Lopes, legally qualified judge

RUTE
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Signed by
digital by RUTE ANDRA
ALEXDA SILVA
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Data: 23/03/2026
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Information on the appeal

This decision is subject to appeal under the conditions set out in R.220.2 RdP.

DETAILS OF THE ORDER

Case No.: UPC-CFI-0001963/2025

Type of action: Infringement action

Type of application: R333 RdP – review of an order on a preliminary objection Date of the order: 23 March 2026