

**Procedural Order
of the Court of First Instance of the Unified Patent Court
delivered on 14 April 2026
concerning: confidentiality (R. 262/262A)**

Date of receipt of Statement of claim : 17/11/2025

CLAIMANT/S

- 1) **UMICORE N.V./S.A.** Represented by Tjibbe
Rue de Marais 31, B-1000, Brussels, BE DOUMA

(hereinafter also “ Umicore”)

DEFENDANT/S

- 1) **Elemental Benelux B.V.** Represented by Philipp RASTEMBORSKI
Fahrenheitstraat 21 A, 6003 DC, Weert, NL
- 2) **Elemental Holding S.A.** Represented by Philipp RASTEMBORSKI
20, rue Eugène Ruppert, L-2453, Luxembourg,
LU
- 3) **RECAT GmbH**
Ochsenburger Strasse 19, 75056, Sulzfeld, DE
- 4) **Kat-Metal Oy** Represented by Philipp RASTEMBORSKI
Vanhankyläntie 2, 66440, Tervajoki, FI

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|----|--|-------------------------------------|
| 5) | Elemental Global Services S.A
ul. Traugutta 42A, 05-825, Grodzisk Mazowiecki, PL | Represented by Philipp RASTEMBORSKI |
| 6) | Elemental Strategic Metals SP. z o.o.
ul. Traugutta 42A, 05-825, Grodzisk Mazowiecki, PL | Represented by Philipp RASTEMBORSKI |
| 7) | Elemental Catalyst Recycling Sp. z o.o.
ul. J. Słowackiego 22, 05-825, Grodzisk Mazowiecki, PL | Represented by Philipp RASTEMBORSKI |
| 8) | PGM Group Sp. z o.o.
ul. J. Słowackiego 22, 05-825, Grodzisk Mazowiecki, PL | Represented by Philipp RASTEMBORSKI |

(hereinafter also jointly “Elemental”)

PATENT AT ISSUE

<i>Patent no.</i>	<i>Proprietor/s</i>
EP4087952	Umicore

DECIDING JUDGE

Presiding judge	Edger Brinkman
Judge-rapporteur	Edger Brinkman

LANGUAGE OF PROCEEDINGS: English

SUBJECT-MATTER OF THE PROCEEDINGS

Infringement claim – Counterclaim for Revocation

PROCEDURE

- The following submissions of the parties in the main case files are of relevance for this order:

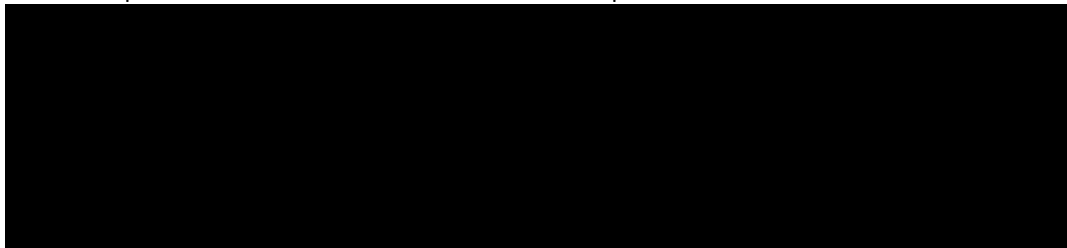
- Statement of Defence and Counterclaim for revocation of 6 March 2026, with exhibits ES00-ES05 and ESCC01-15,
- Request for protection of confidential information and for the exclusion of confidential information from (JR: from) public access (R.262A, R. 262.2 RoP) by Elemental, of 6 March 2026,
- Communication of the Court, of 15 March 2026
- Reply to defendants' confidentiality request according to rule 262a.4 RoP of 27 March 2026.

RELIEF SOUGHT

2. The applications are as follows

2.1. Defendants request the Court order:

- I. The following information highlighted in grey in the Statement of Defence" of 6 March 2026 and Exhibit ES 5 thereto are, together and independently, classified as "Confidential Information" pursuant to Art. 58 UPCA and excluded from public access:



- II. Access to the Confidential Information shall be limited, on the part of Claimant, to the following persons:

1. Claimant's external legal representatives in the proceedings, namely

and other members of their team actively involved in the present proceedings, including other lawyers, patent attorneys and support staff

2. The following natural person of the Claimant



- III. The Confidential Information referred to in I. above shall be treated as strictly confidential by the Claimant's legal representatives and their team and by the natural person named in Section II.1 above until further notice and shall not be used or disclosed outside of these court proceedings. These obligations shall continue even after the proceedings have concluded.

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

- V. If the Claimant's legal representatives make use of the possibility to grant access to confidential information to other members of their team, they are responsible for ensuring that their team maintains the confidentiality of the information.

- VI. If the Claimant's representatives repeat the Confidential Information pursuant to Section I. in their own pleadings or submissions, this must be clear at the time of submission by filing a request for confidential treatment pursuant to R. 262A, 262.2 RoP.
- VII. The Confidential Information referred to in I. shall be excluded from publication in accordance with R. 262.1 and R. 262.2 RoP.
- VIII. In the event of a request from a member of the public in accordance with R. 262.3 RoP, the Confidential Information referred to in I. shall not be made available to that person.

2.2. *Claimant requests the Court:*

1. to reject Defendants's confidentiality request in as far as it limits access by the following persons from Claimant:
 - Natural persons: [REDACTED] [REDACTED] and [REDACTED]
 - Other persons: Any technical experts to be engaged.
2. to confirm that Umicore's deadlines under R. 29(a) RoP only start from the day it receives access to the full (unredacted) Statement of defense. *In the alternative*, the Court shall grant a respective extension of the deadline, equivalent to the time between the service of the redacted statement of defense and the service of the unredacted statement of defense.

GROUNDS FOR THE ORDER

3. The grounds for the order are as follows

3.1. *Information in SoD and Exhibit ES 5*

3.1.1. Umicore has not contested the confidential nature of this information, that pertains to "technical details of the attacked process of Defendant 6, including the process steps performed and the materials, chemical compounds and ratios used" and "that they constitute sensitive trade secrets, which are of high economic value for Defendant 6". In fact, Umicore has acknowledged that this information was exchanged earlier to a certain extent, subject to an NDA. The Court sees no reason to judge otherwise at this point in time, subject to any order upon an application based on R. 262.3. The request under VIII is to be dismissed as it unduly precludes on such order and on the possible grounds a member of the public may invoke for the application.

3.1.2. Umicore asserts that while this information as such is considered by the parties to be confidential vis-à-vis third parties, it is not confidential vis-à-vis other persons within Umicore because of the earlier exchange under an NDA that was not limited to certain persons. It submits therefore to expand the number of persons having access to those mentioned above. The Court accepts this assertion. Indeed, when information was already made available on a wider NDA to the other party, it does not make sense to limit in these proceedings. Also, while Elemental filed a submission on other points on 30 March 2026, it did not contest this point nor the apparently wider NDA. So will be ordered.

3.2. *Extension of the term for Umicore's reply*

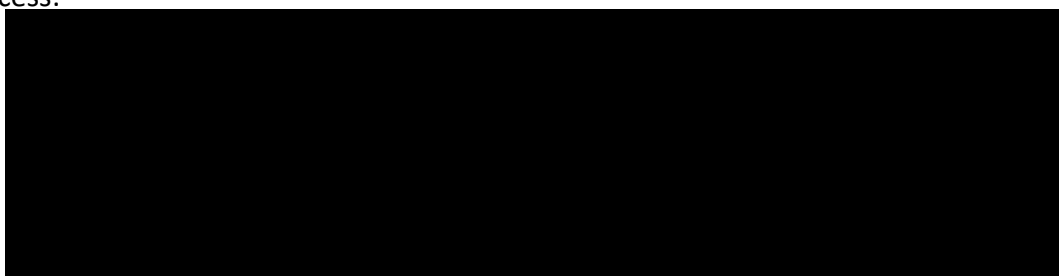
3.2.1. Umicore asserted that "As Umicore has not yet received the full, unredacted Statement of

Defence and Exhibit ES5, it is not yet in a position to prepare a full respective reply” and “in particular, Umicore requires its technical experts and UPC representatives to be able to access the “confidential information”, to further prove that the Defendants infringe the Patent.”. The Court accepts this and like above, this was not contested by Elemental. The Court will set the code for all relevant submissions today from “HC” to “R” and hence the period shall start from today.

ORDER

3.3. The Court orders:

3.3.1. that the following information highlighted in grey in the Statement of Defence” of 6 March 2026 and Exhibit ES 5 thereto, together and independently, classify as “Confidential Information” pursuant to Art. 58 UPCA and excluded from public access:



3.3.2. that access to the Confidential Information shall be limited, on the part of Claimant, to the following persons:

- Natural persons: [REDACTED] [REDACTED] and [REDACTED]
- Other persons: Any technical experts to be engaged.

3.3.3. that the Confidential Information referred to in 3.3.1 above be treated as confidential by the Claimant’s legal representatives and their team and by the natural persons named in 3.3.2 above until further notice and shall not be used or disclosed outside of these court proceedings. These obligations shall continue even after the proceedings have concluded.

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

3.3.5. that if the Claimant’s legal representatives make use of the possibility to grant access to confidential information to other members of their team, they be responsible for ensuring that their team maintains the confidentiality of the information.

3.3.6. that any use of the Confidential Information pursuant to Section 3.3.1 throughout these proceedings be subject to the same confidentiality as laid down in this order, and therefore a redacted and unredacted version be submitted, and that such party file a request for confidential treatment pursuant to R. 262A, 262.2 RoP (which is deemed awarded *ex ante* in this order, negating the need for a subsequent order).

3.3.7. that the Confidential Information referred to in 3.3.1 be excluded from publication in accordance with R. 262.1 and R. 262.2 RoP, subject to an order on an application of the public according to R. 262.3 RoP.

3.3.8. that Umicore's deadlines under R. 29(a) RoP start from the day it receives access to the full (unredacted) Statement of Defence and exhibits.

Presiding Judge and Judge Rapporteur	Edger Frank BRINKMAN Digitally signed by Edger Frank BRINKMAN Date: 2026.04.14 15:36:02 +08'00'
For the Deputy Registrar	Larissa Donata Hageman Digitally signed by Larissa Donata Hageman Date: 2026.04.14 10:06:47 +02'00'