Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

Düsseldorf Local Division
UPC_CFI_807/2024
UPC_CFI_334/2025

Decision
of the Court of First Instance of the Unified Patent Court
delivered on 27 May 2026
concerning EP 1 905 615

Headnotes:

1. The criteria set out by the Local Division The Hague form a coherent whole and are, as such, suitable for examining patent infringement by equivalent means. The present case does not give rise to any grounds for applying a different standard.

2. In order to determine technical equivalence, the claimant must not focus solely on the objective task of the patent in suit. Instead, it must demonstrate the function of each exchanged feature in achieving this objective and explain why the variation essentially performs the same function.

3. In general, it is not obvious to a skilled person how to apply the equivalent element if a complete redesign of the claimed device is required.

Keyword:

Equivalence

CLAIMANT:

Wonderland Nurserygoods Co., Ltd., represented by the president, 10F, No. 433 Rui Kwang Road, Neihu, 114 Taipei, Taiwan

represented by:	Attorney-at-law Dr Jan Philipp Rektorschek, Attorney-at-law Julia Fischer, Attorney-at-law Tobias Baus and all professional representatives admitted to practice before the Unified Patent Court of PENTARC Rechtsanwälte PartGmbB, Schmellerstraße 4, 80337 Munich, Germany
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contributing:	Patent Attorney Dr Tim Oppermann and all professional representatives admitted to practice before the Unified Patent Court of Pfenning, Meining & Partner mbB, Joachimsthaler Str. 12, 10719 Berlin, Germany

DEFENDANTS:

1. **Cybex GmbH**, Riedinger Strasse 18, 95448 Bayreuth, Germany

2. **Cybex Retail GmbH**, Riedinger Strasse 18, 95448 Bayreuth, Germany

3. **Columbus Trading-Partners GmbH & Co. KG**, Riedinger Strasse 18, 95448 Bayreuth, Germany

Defendants 1-3 represented by:	Attorney-at-law Dr Michael Nieder, Patent Attorney Tilman Pfrang, LL.M., Attorney-at-law Niels Schuh and all professional representatives admitted to practice before the Unified Patent Court of Meissner Bolte Patentanwälte Rechtsanwälte Partnerschaft mbB, Widenmayerstraße 47, 80538 Munich, Germany
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PATENT AT ISSUE:

European patent n° EP 1 905 615

PANEL/DIVISION:

Panel 1 of the Local Division in Düsseldorf

DECIDING JUDGES:

This decision is issued by Presiding Judge Thomas, the legally qualified judge Dr Schumacher acting as judge-rapporteur, the legally qualified judge Bessaud and the technically qualified judge Roselinger.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT OF THE PROCEEDINGS: Infringement action and counterclaim for revocation

DATE OF THE ORAL HEARING: 23 April 2026

SUMMARY OF THE FACTS:

1. The Claimant is suing the Defendants for infringement of the European Patent EP 1 095 615 (Exhibit TW 1, hereinafter: patent in suit).

2. The patent in suit was filed on 26 September 2007, claiming the priority of CN 200620136918 U dated 28 September 2006. The patent application was published on 2 April 2008. Mention of the grant of patent was published on 31 March 2010.

3. The Claimant is the registered and sole authorised proprietor of the patent in suit.

4. The patent in suit is in force in Germany, France, Italy, The Netherlands and Sweden.

5. No opposition was lodged against the patent in suit.

6. The patent in suit had been opted-out from the exclusive competence of the Court. The opt-out was withdrawn on 18 December 2024.

7. The patent in suit is titled 'Swivell locking device for stroller wheel'. Claim 1 of the patent in suit read as follows:

> 'A swivel locking device (14) for stroller wheel, comprising:
>
> a seat (22);
>
> a wheel bearing assembly (20) coupled to the seat, capable of rotating with respect to the seat and comprising a wheel bearing (30) and a base (32) coupled to the wheel bearing;
>
> a locking pin (26) disposed on the wheel bearing assembly (20) so as to move between a first position where the locking pin (26) is coupled to the seat (22) and the wheel bearing assembly (20) is unable to rotate around the seat (22) and a second position where the locking pin (26) is decoupled to the seat (22) to allow the rotation between the seat and the wheel bearing assembly (20);
>
> a biasing member (28), which normally biases the locking pin to the first position; and
>
> an operating member (24) coupled to the wheel bearing assembly (20) so as to move between a locked position and an unlocked position, wherein the operating member (24) is operatively coupled to the locking pin (26) such that movement of the operating member (24) toward the locked position causes the locking pin (26) to move toward the first position, and the movement of the operating member (24) toward the unlocked position causes the locking pin (26) to move toward the second position, **characterized in that** a cavity (51) is formed on the base of the wheel bearing assembly (20)

for receiving the seat (22) and comprises a clasping mechanism (53) therein for restricting the movement of the seat (22) along an axis of the cavity (51).'

8. For the wording of all other claims, reference is made to the patent in suit.

9. The Defendants are members of the Chinese Goodbaby group offering baby and infant products of the brand 'Cybex' and others.

10. With its infringement action, the Claimant targets in particular the following stroller models (challenged embodiments):

    1) 'Cybex Priam' (challenged embodiment 1):

    2) 'Cybex e-Priam' (challenged embodiment 2):

3) ‘Cybex Mios’ (challenged embodiment 3):

4) ‘Cybex Balios S Lux’ and ‘Cybex Balios S 2-in-1’ (challenged embodiment 4):

5) ‘Cybex Talos S Lux’ (challenged embodiment 5):

6) ‘Cybex Eos Lux’ (challenged embodiment 6):

7) ‘Cybex Gazelle S’ and ‘Cybex e-Gazelle S’ (challenged embodiment 7):

a) Cybex Gazelle S:

b) Cybex e-Gazelle S:

11. Defendant 1 imports the products from China and resells them to the distribution companies.

12. Defendant 2 operates an online shop for consumers on its website (B2C) and offers the challenged embodiments on it. Offers can be placed with Defendant 2 from Germany, France, Italy, Netherlands and Sweden.

13. Defendant 3 acts as the sales company of the Defendants' group in the European region, distributing the entire product range including the challenged embodiments in the B2B segment.

MAIN STEPS OF THE PROCEEDINGS:

R. 263 RoP request regarding the equivalence argument

14. In the statement of claim, the Claimant alleged that the challenged embodiments use two features of independent claim 1 by equivalent means (features 1.4 and 1.6, as set out in the feature analysis below), while all other features are implemented literally.

15. The Defendants filed a statement of defence and a counterclaim for revocation. They contested, inter alia, the infringement with regard to further features (features 1.9 and 1.10).

16. On 16 June 2025, the Claimant filed a reply to the statement of defence, a defence to the counterclaim for revocation, and an application to amend the patent. In the reply to the statement of defence, the Claimant further discussed the presence of features 1.9 and 1.10. In addition, if the Court were to find that the challenged embodiment did not infringe features 1.9 and 1.10 literally, the Claimant argued that infringement by equivalence would also apply to these features.

17. On the same day, the Claimant filed a corresponding application for leave to change claim pursuant to R. 263 RoP.

18. The Defendants were invited to comment on the application. They responded with a submission dated 25 August 2025.

19. On 29 August 2025, the judge-rapporteur denied the Claimant's application, stating that the issues addressed in the application do not require leave to change the claim. In particular, R. 263 RoP does not apply to the extension of the equivalence argument. The order explicitly states that restrictions on new arguments with regard to R. 9.2 RoP are not subject of the application and will have to be decided at a later date.

20. The Defendants requested a panel review of the judge-rapporteur's order. On 14 October 2025, the panel upheld the order.

R. 263 request regarding the public prior use of the child stroller 'Speedi SX'

21. On 1 October 2025, the Defendants filed a further submission and requested leave to amend the case pursuant to R. 263 RoP. The application concerned the public prior use of the 'Speedi SX' child stroller. The Defendants argued that this prior use could not have been introduced at an earlier time, as full information regarding the product's public availability had only been made available as of 25 September 2025.

22. The substantive arguments concerning the public prior use of the 'Speedi SX' child stroller were included in the submission of 1 October 2025.

23. The Claimant responded with a submission dated 13 October 2025, requesting that the Court reject the Defendants' submission as late-filed.

24. In a submission dated 20 October 2025, the Defendants requested permission to file a further brief regarding the public prior use of the 'Speedi X' pursuant to R. 36 RoP.

25. In a procedural order dated 25 March 2026, the judge-rapporteur postponed the decision on the Defendants' submissions dated 1 and 20 October 2025 until at or after the oral hearing. At the same time, as a precautionary measure, the Claimant was given the opportunity to respond in writing to the Defendants' submission.

26. The Claimant filed its response on 10 April 2026.

The rejoinder to the reply to the defence to the application to amend the patent

27. The deadline for filing the rejoinder to the application to amend the patent expired on 20 October 2025. There is no record of any such submission in the CMS file portfolio for that date.

28. On 31 October 2025, the Defendants filed a 'request for acknowledgement' that the rejoinder had been filed on 20 October 2025. On the same day, they filed the rejoinder, which was signed on 20 October 2025.

29. In their request, the Defendants stated that the timely receipt of the rejoinder had been confirmed by a CMS-generated ZIP file containing the submission and receipt confirmation. The Defendants claim that they do not have the power to investigate why the rejoinder did not find its way into the CMS portfolio portal.

30. In a submission dated 7 November 2025, the Claimant requested to dismiss the Defendants' request and to dismiss the rejoinder as late-filed.

31. On 14 January 2025, the Defendants informed the Court that the UPC IT team had requested them to (re-)submit the rejoinder. They submitted the rejoinder dated 20 October 2025, emphasising that this resubmission should not be interpreted as an admission that it had not been submitted previously.

32. In response to this submission, the Claimant again requested that the rejoinder be regarded as late-filed, as set out in its submission dated 30 January 2026. As an alternative, the Claimant requested permission to file an additional written submission should the rejoinder be admitted.

33. In a procedural order dated 25 March 2026, the judge-rapporteur postponed the decision on the Defendants' request of 31 October 2025 for acknowledgement that the rejoinder to the application to amend the patent was filed on 20 October 2025 until at or after the oral hearing.

INDICATION OF THE PARTIES' REQUESTS:

Infringement action

34. The amendments made by the Claimant in its reply are shown in italics in the following reproduction of the motions.

35. During the oral hearing, the Claimant stated that two corrections, resulting from typing errors, needed to be made to the auxiliary request (II.a.). These corrections are indicated by strikethroughs and underlining.

36. The Claimant requests that the Court decides as follows:

I. The Defendants are infringing EP 1 905 615 by offering to sell and distributing strollers having swivel locking devices which use patent claims 1, 4, 6, 8, 9, 10 and 11.

II. The Defendants are ordered to cease and desist from

making, offering, placing on the market or using, or importing or storing for those purposes, in the territory of the Contracting Member States[1],

swivel locking devices for a stroller wheel, if they comprise

a seat;

a wheel bearing assembly coupled to the seat, capable of rotating with respect to the seat and comprising a wheel bearing and a base coupled to the wheel bearing;

a locking pin disposed on the wheel bearing assembly so as to move between a first position where the locking pin is coupled to the seat and the wheel bearing assembly is unable to rotate around the seat and a second position where the locking pin is decoupled to the seat to allow the rotation between the seat and the wheel bearing assembly, wherein the locking pin is disposed, instead of on the wheel bearing assembly, on the seat to as to move between a first position where the locking pin is coupled to the base instead of to the seat and the wheel bearing assembly is unable to rotate around the seat and a second position where the locking pin is decoupled to the base instead of the seat to allow the rotation between the seat and the wheel bearing assembly,

a biasing member, which normally biases the locking pin to the first position; and

an operating member coupled to the wheel bearing assembly so as to move between a locked position and an unlocked position, wherein the operating member is coupled

[1] The Claimant defines the term 'Contracting Member States' in its motions as those UPCA Contracting Members States in which the patent is in force (Germany, France, Italy, The Netherlands and Sweden).

to the seat instead of to the wheel bearing assembly

wherein the operating member is operatively coupled to the locking pin such that movement of the operating member toward the locked position causes the locking pin to move toward the first position, and

the movement of the operating member toward the unlocked position causes the locking pin to move toward the second position;

wherein a cavity is formed on the base of the wheel bearing assembly for receiving the seat and

comprises a clasping mechanism therein for restricting the movement of the seat along an axis of the cavity;

[claim 1 by doctrine of equivalence]

in particular if

the operating member comprises a horizontal portion to be coupled to the locking pin in the wheel bearing assembly, *wherein the locking pin is located in the seat instead of in the wheel bearing assembly;*

[claim 4]

and/or

a positioning slot is disposed on the seat, the locking pin is held on the first position by the partly locking pin inserted into the positioning slot, and the locking pin completely exits the positioning slot when the locking pin is on the second position, the locking pin being disposed on the base instead of on the seat;

[claim 6]

and/or

the wheel bearing assembly comprises a wheel bearing and a base coupled to the wheel bearing, the seat and the base are coupled so as to rotate with respect to each other, and the operating member is movably coupled to the base, wherein the operating member is movably coupled to the seat instead of to the base;

[claim 8]

and/or

the wheel bearing assembly further comprises a shock absorber disposed between the wheel bearing and the base;

[claim 9]

and/or

a trench for receiving the biasing member and partial locking pin has an opening near a front edge of the wheel bearing assembly, the opening is spaced communication in the front and the top side of the front edge, wherein a trench has an opening, instead of near a front edge of the wheel bearing assembly, near a front edge of the seat and wherein the opening is spaced communication in the front and, instead of the top side, the bottom side of the front edge;

[claim 10]

and/or

the locking pin is coupled to the biasing member mounted within the trench;

[claim 11]

II.a In the alternative:

The Defendants are ordered to cease and desist from

making, offering, placing on the market or using, or importing or storing for those purposes, in the territory of the Contracting Member States,

swivel locking devices for a stroller wheel, if they comprise

a seat;

a wheel bearing assembly coupled to the seat, capable of rotating with respect to the seat and comprising a wheel bearing and a base coupled to the wheel bearing;

a locking pin disposed on the wheel bearing assembly so as to move between a first position where the locking pin is coupled to the seat and the wheel bearing assembly is unable to rotate around the seat and a second position where the locking pin is decoupled to the seat to allow the rotation between the seat and the wheel bearing assembly, wherein the locking pin is disposed, instead of on the wheel bearing assembly, on the seat to as to move between a first position where the locking pin is coupled to the base instead of to the seat and the wheel bearing assembly is unable to rotate around the seat and a second position where the locking pin is decoupled to the base instead of the seat to allow the rotation between the seat and the wheel bearing assembly,

a biasing member, which normally biases the locking pin to the first position; and

an operating member coupled to the wheel bearing assembly so as to move between a locked position and an unlocked position, wherein the operating member is coupled to the seat instead of to the wheel bearing assembly

wherein the operating member is operatively coupled to the locking pin such that movement of the operating member toward the locked position causes the locking pin to move toward the first position, and

the movement of the operating member toward the unlocked position causes the locking pin to move toward the second position;

wherein a cavity is formed on the base of the wheel bearing assembly for receiving the seat, wherein the cavity is formed on the seat instead of the base of the wheel bearing assembly for receiving the base of the wheel bearing assembly instead of the seat, and

comprises a clasping mechanism therein for restricting the movement of the ~~seat~~ base along an axis of the cavity, wherein, instead of the cavity of the base of the wheel bearing assembly, the cavity of the seat comprises a clasping mechanism,

[claim 1 by doctrine of equivalence]

in particular if

the operating member comprises a horizontal portion to be coupled to the locking pin in the wheel bearing assembly, wherein the locking pin is located in the seat instead of in the wheel bearing assembly;

[claim 4]

and/or

a positioning slot is disposed on the seat, the locking pin is held on the first position by the partly locking pin inserted into the positioning slot, and the locking pin completely exits the positioning slot when the locking pin is on the second position, the ~~locking pin~~ positioning slot being disposed on the base instead of on the seat;

[claim 6]

and/or

the wheel bearing assembly comprises a wheel bearing and a base coupled to the wheel bearing, the seat and the base are coupled so as to rotate with respect to each other, and the operating member is movably coupled to the base, wherein the operating member is movably coupled to the seat instead of to the base;

[claim 8]

and

the wheel bearing assembly further comprises a shock absorber disposed between the wheel bearing and the base;

[claim 9]

and/or

a trench for receiving the biasing member and partial locking pin has an opening near a front edge of the wheel bearing assembly, the opening is spaced communication in the front and the top side of the front edge, wherein a trench has an opening, instead of near a front edge of the wheel bearing assembly, near a front edge of the seat and wherein the opening is spaced communication in the front and, instead of the top side, the bottom side of the front edge;

[claim 10]

and/or

the locking pin is coupled to the biasing member mounted within the trench.

[claim 11]

[Auxiliary Request]

III. The Defendants are ordered

1. to recall from the channels of commerce any products according to II. which have been placed on the market since 1 April 2010, by informing in writing any commercial customers that are in possession of such products that the court seized of the matter in the judgment to be designated found for infringement of the European patent EP 1 905 615 and inviting them to return the products to the Defendants, and to promise the commercial customers that, should the products be returned, any previously made purchase price payments will be refunded and the transportation or shipping costs including any customs or storage charges incurred by the return will be covered; and to definitively remove from the channels of commerce any such products by repossessing the recalled products; and

2. to destroy any products according to II. which are in the Defendants' direct or indirect possession or property in the Contracting Member States and to submit proof of their destruction to the Claimant, or, at their discretion, release to a bailiff to be appointed by the Claimant, for purposes of destruction at the Defendants' expense, any products according to II. which are in the Defendants' direct or indirect possession or property in the Contracting Member States;

IV. The Defendants are ordered to disclose information to the Claimant about the extent to which the Defendants have committed the acts described in II. since 1 April 2010, by specifying

1. the origin and distribution channels of the infringing products, including the names and addresses of the manufacturers, suppliers and other prepossessors of the products, of the commercial customers and the points of sale for which the products were intended,

2. the quantities of products manufactured, delivered, received and ordered as well as the prices obtained for the products in question, the costs including the purchase prices, and the profit generated with the products; and

3. the identity of every third person involved in the manufacture or distribution of the infringing products;

the information shall be submitted in the form of a chronological list (including quarterly summaries) including individual deliveries, itemised by delivery times, quantities, prices, type designations and invoice numbers; and

the information additionally shall be submitted a computer evaluable electronic format; and

as proof of the information, copies of the supporting documents (invoices or, where no invoices where issued, order confirmations or delivery notes and customs documents) shall be submitted, wherein confidential details other than the data to be disclosed may be redacted.

V. If the Defendants fail to comply with the orders to cease and desist (II.), to recall, to definitively remove from the channels of commerce and to destroy the products (III.) and to disclose information (IV.), the Defendants will be obliged to pay to the Court a coercive fine in an amount to the fixed by the Court at its discretion.

VI. The Defendants are obliged to compensate the Claimant for any and all losses which the Claimant has sustained since 1 April 2010 or will sustain as a result of the patent infringement.

VII. The cease and desist order is provisionally enforceable.

VIII. The costs of the proceedings are awarded against the Defendants.

37. The Defendants request:

I. The action is dismissed.

II. The Court orders the Claimant to pay the costs.

In the alternative, the Defendants request:

I. to make the enforcement of the decision subject to the prior provision of security by the applicant in an appropriate amount (R. 352.1, 354.2 RoP), which may be provided by a written, irrevocable, unconditional and unlimited guarantee from a credit institution authorised to do business in the territory of a Member State of the UPC, the amount of which is left to the discretion of the Court;

II. to allow the Defendants to avert the enforcement of the decision by providing security, which may be provided by a written, irrevocable, unconditional and unlimited guarantee from a credit institution authorised to do business in the territory of a Member State of the UPC, without regard to the provision of security by the Claimant (R. 9.1 RoP),

Counterclaim for revocation

38. The Defendants request:

that the European patent EP 1 905 615 be declared invalid in the scope of claims 1, 4, 6, 8, 9, 10 and 11 for the territory of the UPC contracting states in which the patent is effective and that the Counterdefendant be ordered to pay the costs of the proceedings.

. The Claimant requests:

I. The Defendants' counterclaim for revocation be dismissed in its entirety.

II. The Defendants bear the costs for the counterclaim for revocation.

Application to amend the patent

39. The Claimant requests:

in the alternative (should the counterclaims not be dismissed):

the patent in suit be maintained based on one of the Auxiliary Requests 1–13a (in that particular order) filed with the application to amend the patent.

40. The Defendants oppose the application to amend.

POINTS AT ISSUE:

41. The arguments put forward by the parties are set out below, insofar as they are relevant to the decision.

Claim construction

42. The Claimant essentially argues as follows:

43. The seat may contain subparts that are non-rotatably fixed to the wheel bearing assembly. It is not relevant whether all components participate in the rotation, as long as it is ensured that the wheel bearing assembly rotates with respect to the seat as a whole.

44. In the context of the patent in suit, the term 'cavity' obviously refers to an omission of material within a component. Whether the cavity is filled by material or another component is irrelevant for the presence of a cavity. The patent claim does not exclude the possibility of the cavity being formed by applying a liquid substance around the seat. In that case, the cavity still constitutes an omission of material, regardless of whether it is left empty.

45. The patent in suit is not limited in such a way that movement of the seat within the cavity may only be restricted, but not completely prevented. According to the Claimant, a complete prevention of movement is still a (100 %) restriction of movement.

46. It cannot be inferred from the patent in suit that the cavity cannot be part of the clasping mechanism. The cavity 'comprises' the clasping mechanism, which is therefore part of the cavity. For instance, surfaces that define the cavity, are surely inside the cavity.

47. The Defendants essentially argue as follows:

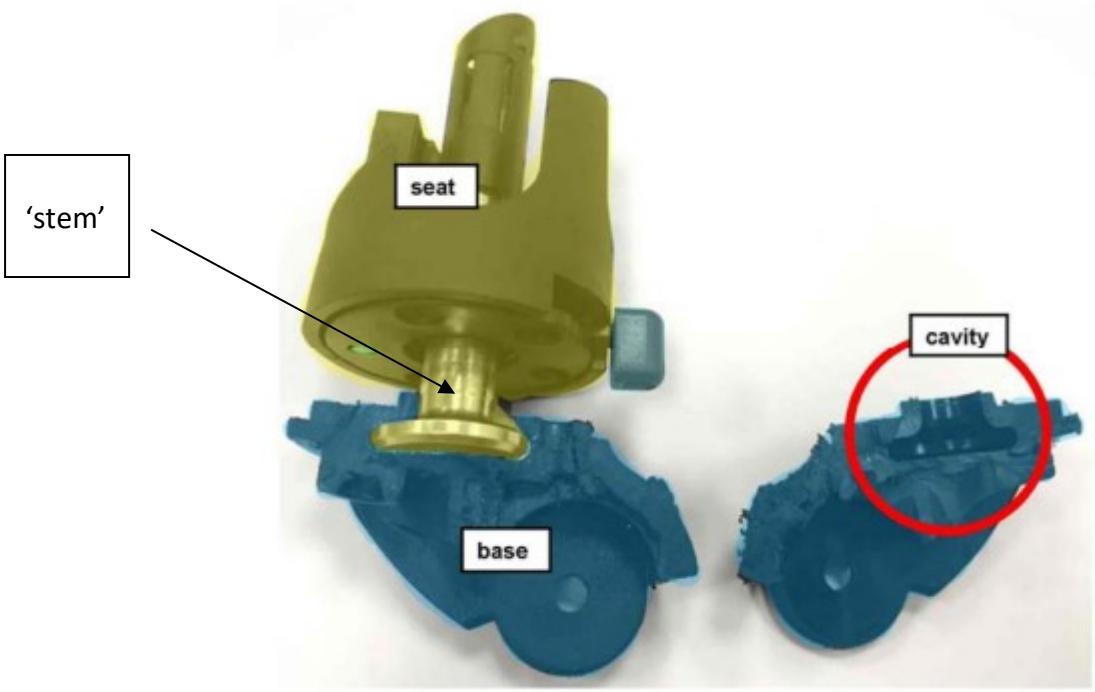
48. The seat is to be understood as a component that is both structurally and functionally separate from the wheel bearing assembly. This distinction is clear from the fact that the wheel bearing assembly is 'capable of rotating with respect to the seat'. Consequently, any portions or structures that rotate together permanently must not belong to both the 'wheel bearing assembly' and the 'seat'.

49. The cavity must define a free space or volume. As the clasping mechanism is located in the cavity, the cavity itself (or any surfaces that define it) cannot be considered part of the clasping mechanism.

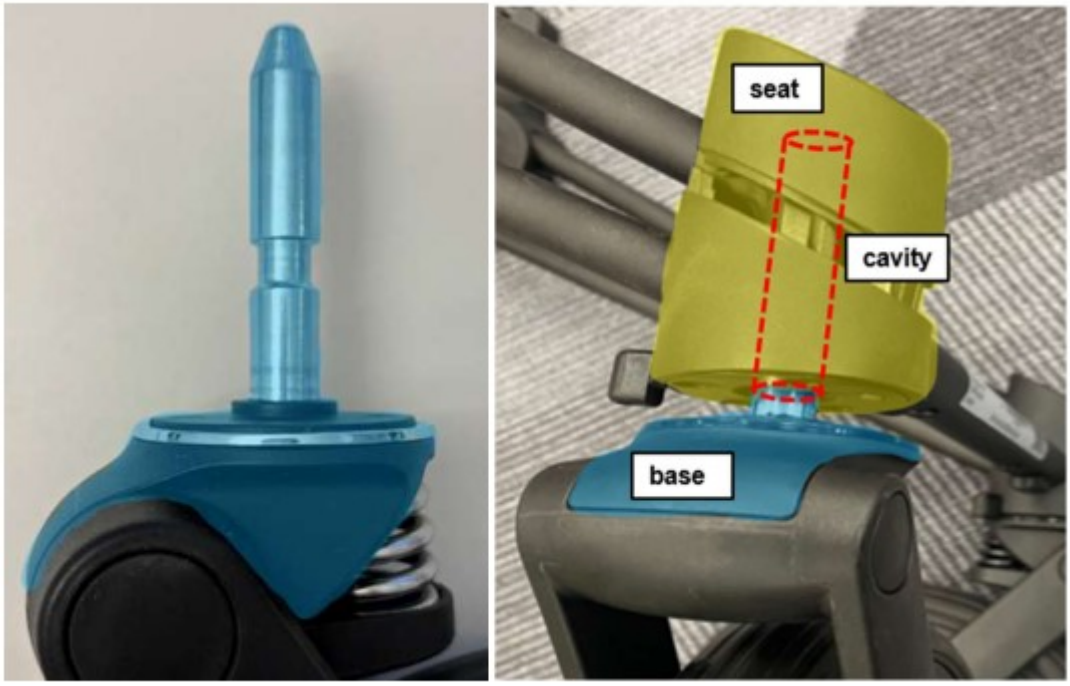
50. 'Restricting' the movement of the seat requires a certain degree of movement. Therefore, movement of the seat within the cavity must not be completely prevented.

Infringement

51. In the statement of claim, the Claimant argued that two features (features 1.4 and 1.6, as set out in the feature analysis below) are infringed by equivalent means, while all other features are literally infringed ('main request'). The literal infringement is based on the reasoning that the so-called 'stem' forms part of the seat. According to the Claimant, this part of the seat is received by the cavity of the base, as can be seen in the illustration below (marking of the 'stem' added by the Panel):



52. In the reply, the Claimant stated that two further features (1.9 and 1.10) are infringed by equivalent means ('auxiliary request'). The auxiliary request is based on a different feature allocation. In particular, the 'stem' is regarded as part of the base, with the cavity located as illustrated in the figure below:



53. With regard to equivalence, the Claimant essentially argues that the design has simply been reversed in the challenged embodiment. According to the Claimant, it does not matter from a technical point of view whether:

- the locking pin is disposed on the wheel bearing assembly (feature 1.4 – literal meaning) or on the seat (equivalent means);

- the operating member is coupled to the wheel bearing assembly (feature 1.6 – literal meaning) or to the seat (equivalent means);

- the cavity is formed on the base of the wheel bearing assembly for receiving the seat (feature 1.9 – literal meaning) or on the seat for receiving the base (equivalent means);

- the clasping mechanism is located within the cavity of the wheel bearing assembly for restricting the movement of the seat (feature 1.10 – literal meaning) or within the cavity of the seat for restricting the movement of the base of the wheel bearing assembly (equivalent means).

54. According to the Defendants, the features that the Claimant believes to be literally fulfilled have not been realised. Furthermore, the requirements for infringement by equivalence have not been met.

55. Regarding the Claimant's main request, the Defendants argue that the so-called 'stem' cannot be considered part of the seat. It is an integral part of the alleged wheel bearing assembly and, as such, cannot rotate relative to the rest of the wheel bearing assembly.

56. Furthermore, according to the Defendants, there is no cavity in the sense of an 'empty space'. The challenged embodiments are manufactured by first providing a metal 'stem', which is then over-moulded with a plastic part. However, even if one were to assume that the portion of the over-moulded plastic part surrounding the metal stem could be considered as defining a cavity, this cavity would not receive the seat for two reasons. First,

the ‘stem’ is already within the alleged cavity, which is formed around it and never receives it. Secondly, since the plastic is over-moulded onto the stem, the two parts always remain in a fixed rotational relationship.

57. Even if one were to consider that the plastic part of the alleged wheel bearing assembly forms a cavity, at best, the surface of the walls defining this cavity might serve an engaging function. However, there is no structure in the cavity that performs any such function, let alone a ‘clasping’ function. Therefore, there is no clasping mechanism.

58. Regarding the auxiliary request, the Defendants argue that there is no clasping mechanism at all, and any ‘engaging mechanism’ which is identified as ‘clasping mechanism’ by the Claimant is not within the cavity, but essentially outside of it.

Validity

59. The Defendants base their counterclaim for revocation on the following grounds:

60. The claim amendment has resulted in an inadmissible intermediate generalisation. It has taken isolated elements from a disclosure that is connected both structurally and functionally, but has not incorporated the remaining interdependent features.

61. If one follows the Claimant’s interpretation, at least, the patent in suit does not sufficiently disclose how to implement a swivel locking device in which a permanently fixed part of the wheel bearing assembly can be attributed to the seat.

62. The patent in suit lacks validity in relation to the prior art, which is also considered in light of the Claimant’s incorrect interpretation of the patent in suit. Under this interpretation, the subject matter of the challenged patent claims is neither novel nor inventive in relation to the prior art.

63. The Defendants have based their novelty attack on the following prior art:

- MB 7 (GB 2 143 729 A);
- MB 9 (US 6,163,924);
- MB 2 (DE 93 12 830 U1);
- MB 2a (US 5,351,364);
- MB 12 (DE 20 2004 011 586 U1).

64. In their counterclaim for revocation, the Defendants mentioned the following prior art as the basis for their attack on the inventive step of claim 1 of the patent in suit:

- Starting from MB 11 (CN 2 179 285 Y) in combination with MB 2, MB 7, MB 9, MB 12 or common general knowledge as demonstrated by MB 4 (US 2006/0103114 A1), MB 5 (CN 2 601 911 Y; English translation submitted as MB 5a) and MB 8 (DE 20 2004 014 685 U1).

- Starting from MB 5, alone or in combination with MB 15 (WO 00/10816 A1) , MB 16 (WO 2006/041356 A1) or MB 17 (GB 1 391 965) or – as an alternative reasoning – in combination with MB 12, MB 2, MB 7 or MB 9.

- Starting from MB 13 (WO 2006/079012 A1) in combination with a large number of prior art representing common knowledge (MB 2, MB 4, MB 5, MB 7, MB 9, MB 11, MB 12) or in combination with MB 4, MB 8, MB 9, MB 12.

- Starting from MB 14 (US 2006/0214397 A1), which was published on the patent in suit's priority date. The Defendants argue that the priority cannot be validly claimed. They refer to the explanations provided in connection with MB 13.

- Starting from MB 4 (US 2006/0103114 A1) in combination with MB 12, MB 2, MB 7 or MB 9 or – as an alternative reasoning – with MB 15 or MB 16, or – as another alternative reasoning – with MB 17.

- Starting from MB 8 in combination with MB 15, MB 16 or MB 17 or with MB 12, MB 2, MB 7 or MB 9

- Starting from MB 18 (TW 211208 U; English translation submitted as MB 18a) in combination with MB 12, MB 2, MB 7 or MB 9

- Starting from MB 19 (US 4,759,098) in combination with MB 12, MB 2, MB 7 or MB 9

- Starting from MB 10 (US 5,361,454) in combination with each of MB 7, MB 9, MB 2, MB 12, MB 11, MB 5, MB 13, MB 14, MB 4 or MB 8 or with common general knowledge

- Starting from MB 3 (US 4,897,895) in combination with each of MB 7, MB 9, MB 2, MB 12, MB 11, MB 5, MB 13, MB 14, MB 4, MB 8

- As an auxiliary argumentation, starting from MB 7, MB 9, MB 2 or MB 12, in combination with MB 3 or MB 10. The Defendants present these prior art documents as starting points in case any of the documents provided with respect to the question of novelty or used as a starting point for inventive step discussion should not disclose a 'clasping mechanism'.

65. In the reply to the defence to the counterclaim, the Defendants named the following further combinations:

- Starting from MB 5 in combination with MB 4, MB 8, common general knowledge, MB 11, MB 10 and/or MB 3.

- Starting from MB 13 in combination with MB 18, MB 10, MB 3.

- Starting from MB 14 in combination with MB 9, MB 18, MB 10, MB 3.

- Starting from MB 4 in combination with MB 3, MB 10.

- Starting from MB 8 in combination with MB 11, MB 21, MB 23, MB 35, MB 28, MB 33, MB 3, MB 10

- Starting from MB 10 in combination with MB 11a.

- Starting from MB 9 in combination with MB 11.

66. With regard to the further claims, reference is made to the written submissions of the parties.

67. The Claimant considers the patent in suit to be valid. According to the Claimant, none of the arguments raised by the Defendants is sufficient. Insofar as the Defendants only raised specific attacks in their reply, these are late-filed and should be disregarded.

GROUNDS FOR THE DECISION:

68. The counterclaim for revocation is admissible, but unfounded. The infringement action is also admissible and unfounded.

A. Admissibility

I. Infringement action

69. The infringement action is admissible.

70. In particular, the UPC has international jurisdiction. It is a common court within the meaning of Art. 71a(1) of the Brussels Ibis Regulation (Art. 71a(2)(a) of the Regulation). Therefore, the UPC has jurisdiction if the courts of a Contracting Member State would have jurisdiction under the Brussels Ibis Regulation for an action within the meaning of Art. 32(1) UPCA (Art. 71b(1) of the Brussels Ibis Regulation). This is the case here.

71. As all Defendants are domiciled within the Contracting Member States, namely Germany, international jurisdiction follows from Art. 4(1) Brussels Ibis Regulation in conjunction with Art. 71a(2)(a), 71b(1) Brussels Ibis Regulation and Art. 32(1) UPCA.

II. Counterclaim for revocation

72. There are no concerns regarding the admissibility of the counterclaim for revocation. In particular, the UPC has international jurisdiction for the counterclaim for revocation on the basis of Art. 24(4) in conjunction with Art. 71b(1) and 71a(2)(a) of the Brussels Ibis Regulation.

B. Person skilled in the art

73. The Panel agrees to the definition of the person skilled in the art provided by the Claimant. The relevant skilled person is a mechanical engineer with a degree from a university of applied sciences having several years of professional experience in stroller design.

C. Scope of the patent in suit

74. Regarding the scope of the patent in suit, the following applies:

I. Technical background to the invention

75. The invention relates to swivel locking devices for a stroller wheel, in particular to swivel locking devices for a stroller wheel having a simple structure, being easy to manipulate, and being automatically orientable (para. [0001]).

76. In its introduction, the patent in suit states that strollers usually have wheels that are rotatably attached to the frame's stem, enabling them to rotate freely around the stem with respect to the frame by 360°. This allows the stroller's traveling direction to be conveniently manipulated and changed. In addition, disposition of wheel swivel locking devices between the frame's stem and the wheels is also known. This enables the wheels to switch from a state where they can rotate around the stem to a state where they cannot, as needed and/or desired. The patent in suit cites US patents no. 5,351,364 and no. 5,975,545, which disclose examples of conventional swivel locking devices for stroller wheels. According to the patent in suit, however, these devices are flawed in terms of structural complexity and inconvenient manipulation, and are incapable of automatic orientation [para. [0002]).

77. The patent in suit also refers to US 6,163,924 (US 924 = MB 9) and GB 2 143 729 A (GB 729 = MB 7). US 924 discloses a swivel caster assembly with a releasable locking mechanism which selectively locks the caster assembly against rotation. GB 729 describes a swivel locking device according to the preamble of claim 1. It uses a vertical shaft extending vertically downwards from a non-rotatable element in order to connect the latter to the rotatable element (paras. [0003], [0004]).

78. Against this background, the patent in suit states that it is an object of the present invention to provide a swivel locking device for a stroller wheel having a secured connection between the rotatable and non-rotatable elements of the device (para. [0005]).

79. In order to solve this task, claim 1 of the patent in suit provides a swivel locking device having the following features:

1.1 A swivel locking device (14) for stroller wheel, comprising:

1.2 a seat (22);

1.3 a wheel bearing assembly (20) coupled to the seat, capable of rotating with respect to the seat and comprising a wheel bearing (30) and a base (32) coupled to the wheel bearing;

1.4 a locking pin (26) disposed on the wheel bearing assembly (20) so as to move between a first position where the locking pin (26) is coupled to the seat (22) and the wheel bearing assembly (20) is unable to rotate around the seat (22) and a second position where the locking pin (26) is decoupled to the seat (22) to allow the rotation between the seat and the wheel bearing assembly (20);

1.5 a biasing member (28), which normally biases the locking pin to the first position; and

1.6 an operating member (24) coupled to the wheel bearing assembly (20) so as to move between a locked position and an unlocked position,

1.7 wherein the operating member (24) is operatively coupled to the locking pin (26) such that movement of the operating member (24) toward the locked position causes the

locking pin (26) to move toward the first position, and

1.8 the movement of the operating member (24) toward the unlocked position causes the locking pin (26) to move toward the second position;

1.9 characterized in that a cavity (51) is formed on the base of the wheel bearing assembly (20) for receiving the seat (22) and

1.10 comprises a clasping mechanism (53) therein for restricting the movement of the seat (22) along an axis of the cavity (51).

II. Claim Construction

1. Principles

80. The patent claim is not only the starting point but the decisive basis for determining the protective scope of a European patent under Art. 69 EPC in conjunction with the Protocol on the Interpretation of Art. 69 EPC. The interpretation of a patent claim does not depend solely on the strict, literal meaning of the wording used. Rather the description and the drawings must always be used as explanatory aids for the interpretation of the patent claim and not only to resolve any ambiguities in the patent claim. The patent claim is to be interpreted from the point of view of a person skilled in the art. In applying these principles, the aim is to combine adequate protection for the patent proprietor with sufficient legal certainty for third parties (UPC_CoA_335/2023, Order of 26 February 2024, Headnote 2 and p. 26 seq. – 10x Genomics v. Nanostring; UPC_CoA_1/2024, Order of 13 May 2024, para. 26 – VusionGroup v. Hanshow; UPC_CoA_182/2024, Order of 25 September 2024, para. 82 – Mammut v. Ortovox; UPC_CoA_528/2024, Decision of 25 November 2025, para. 39 – Amgen v. Sanofi; UPC_CoA_464/2024, Decision of 25 November 2025, para. 50 – Meril v. Edwards).

2. Case at hand

a) Introduction

81. The claimed swivel locking device can be located between the stem of a stroller frame and a pair of wheels.

82. The claimed device enables the wheels to switch between two states: One state allows the wheels to rotate around the stem and the other locks them in place. The state of the wheels is determined by the state of the swivel locking device. If the device is in an unlocked state, the wheels can rotate freely. If the device is in a locked state, the wheels are prohibited from rotating around the stem (cf. para. [0025]).

83. Fig. 1 illustrates this arrangement, showing the swivel locking device according to a first preferred embodiment in a locked state:

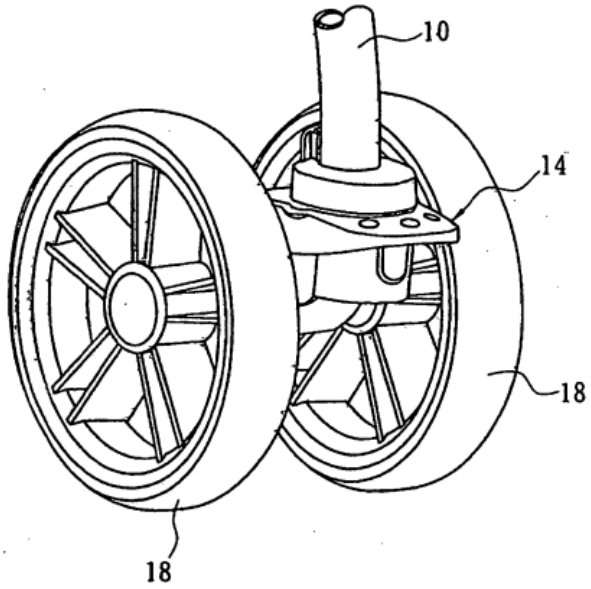


Fig. 1

84. The claimed device includes a seat (feature 1.2), a wheel bearing assembly (feature 1.3), a locking pin (feature 1.4), a biasing member (feature 1.5) and an operating member (feature 1.6).

85. The interaction of these components can be deduced from para. [0006]. The seat and the wheel bearing assembly are coupled so as to rotate with respect to each other. The locking pin is disposed on the wheel bearing assembly so as to move between a first position where the locking pin is coupled to the seat and the wheel bearing assembly is unable to rotate around the seat, and a second position where the locking pin is decoupled to the seat to allow the rotation between the seat and the wheel bearing assembly. Normally, the biasing member biases the locking pin to the first position. The operating member is coupled to the wheel bearing assembly so as to move between a locked position and an unlocked position. The operating member is operatively coupled to the locking pin, such that movement of the operating member toward the locked position causes the locking pin to move toward the first position under biasing force of the biasing member, and the movement of the operating member toward the unlocked position causes the locking pin to move toward the second position against the biasing force of the biasing member.

b) Feature 1.1 (swivel locking device)

86. Feature 1.1 describes a swivel locking device for a stroller wheel. Given this wording, it follows that the claimed swivel locking device must be suitable for use with a stroller wheel.

c) Features 1.2 (seat) and 1.3 (wheel bearing assembly)

87. The term ‘wheel bearing’ indicates a structural connection with the stroller wheel. Specifically, it suggests that the wheel bearing assembly is the component of the swivel locking device to which the stroller wheel is attached and which bears the wheels.

88. According to feature 1.3, the wheel bearing assembly comprises a wheel bearing and a base that is coupled to the wheel bearing. The wheel bearing and base therefore form the wheel bearing assembly together. This is consistent with the term ‘assembly’, which indicates an

element consisting of more than one component. The base of the wheel bearing assembly is described in more detail in feature 1.9.

89. Feature 1.3 further stipulates that the wheel bearing assembly is coupled to the seat and is capable of rotating with respect to it. Feature 1.4 reiterates that it is the wheel bearing assembly that rotates around the seat (see below). Therefore, a part or component of the device that is in a permanently fixed rotational relationship with the wheel bearing assembly and always rotates with it cannot be regarded as part of the seat.

90. The seat (feature 1.2) and the wheel bearing assembly (feature 1.3) are structurally and functionally separate components. The seat must be distinguishable from the component to which it is connected, i.e. the wheel bearing assembly. Only then can the wheel bearing assembly be coupled to the seat, enabling it to rotate with respect to the seat. Furthermore, rotation between the seat and the wheel bearing assembly (feature 1.4) can only be allowed if the two components can be distinguished from each other.

d) Feature 1.4 (locking pin)

91. Feature 1.4 provides for a locking pin disposed on the wheel bearing assembly.

92. According to this feature, the locking pin must be capable of moving between two positions in order to fulfil its purpose. In the first position, the locking pin is coupled to the seat and the wheel bearing assembly is unable to rotate around the seat. In the second position, the locking pin is decoupled to the seat to allow the rotation between the seat and the wheel bearing assembly.

93. The locking pin is able to prevent the seat and the wheel bearing assembly from rotating with respect to each other. Consequently, the wheels coupled to the wheel bearing assembly are locked and unable to rotate freely around the stem (cf. para. [0055]).

e) Feature 1.5 (biasing member)

94. Feature 1.5 provides for a biasing member (e.g. a spring, see para. [0035]).

95. The biasing member normally biases the locking pin to the first position. This feature refers back to feature 1.4, reiterating the locking pin's first position. This is the position in which the locking pin is coupled to the seat and the wheel bearing assembly is unable to rotate around the seat.

96. In a preferred embodiment, the biasing member pushes the locking pin upwards to a position where it is coupled to the seat. To unlock the rotation, the locking pin is moved downwards against the force of the biasing member. This decouples the locking pin and seat and allows rotation (see Figs. 5, 7).

f) Features 1.6, 1.7, 1.8 (operating member)

97. Features 1.6, 1.7 and 1.8 describe the operating member.

98. The operating member is the component of the swivel locking device that the stroller user can operate to switch the wheels' state from locked to unlocked and vice versa. This could, for example, involve operating it by hand or foot (see paras. [0047], [0056]).

99. According to feature 1.6, the operating member is coupled to the wheel bearing assembly so as to move between a locked position and an unlocked position. When the operating member is in the unlocked position, the swivel locking device is in the unlocked state, such that the stroller wheels are released to rotate freely around the stem (see para. [0042]).

100. Features 1.7 and 1.8 describe the interaction between the operating member and the locking pin, particularly in relation to the locked and unlocked positions of the operating member (see feature 1.6) and the first and second positions of the locking pin (see feature 1.3).

101. The operating member is operatively coupled to the locking pin. This enables the following mechanism ('such that'): Movement of the operating member toward the locked position causes the locking pin to move toward the first position (feature 1.7). Movement of the operating member toward the unlocked position causes the locking pin to move towards the second position (feature 1.8).

102. This makes it clear that movement of the operating member causes movement of the locking pin. Therefore, the operating member is the means by which the locking pin can be moved to the first (locking) or second (unlocking) position.

103. The operating member being 'operatively coupled' to the locking pin does not necessarily require a direct connection between the two.

g) Feature 1.9 (cavity)

104. According to feature 1.9, a cavity is formed on the base of the wheel bearing assembly for receiving the seat.

105. The parties rightly agree that, in general, a cavity can be defined as an empty space inside a solid object. As the cavity is formed 'for receiving the seat', the seat can be inserted into it. As claim 1 is a product claim, it is generally irrelevant whether this occurs during manufacture or at a later stage. However, this is subject to allowing rotation between the seat and the wheel bearing assembly.

h) Feature 1.10 (clasping mechanism)

106. Pursuant to feature 1.10, the cavity comprises a clasping mechanism within the cavity ('therein').

107. Thus, feature 1.10 specifies the location of the clasping mechanism. At least the functional parts of the clasping mechanism must be located inside the cavity.

108. The 'clasping mechanism' is described by its function 'for restricting the movement of the seat along an axis of the cavity'. Accordingly, the clasping mechanism must be suitable for restricting the movement of the seat along an axis of the cavity.

109. The wording 'for restricting the movement of the seat along an axis of the cavity' does not necessarily preclude a complete prevention of (rotational) movement. However, as previously mentioned, rotation between the seat and the wheel bearing assembly, as required by features 1.3 and 1.4, must remain possible.

110. In embodiment 1, the clasping mechanism is implemented as follows: Hooked clasps are disposed on the bottom of the cavity (51) of the base. On the bottom of the mounting portion (70) of the seat, a clasping portion (76) with a clasping hole (78) is provided, through which the hooked clasps on the bottom of the cavity of the base reach upwards. The patent in dispute then collectively refers to the components clasping portion, clasping hole and hooked claps as 'clasping mechanism' (see paras. [0030] and [0031]).

111. However, since the scope of the claim is not narrowed by the preferred embodiments, the clasping mechanism is not limited to a design with hooked clasps and a corresponding hole. Whether or not the clasping mechanism requires a snap-in function is irrelevant to the decision and does not require further explanation.

112. In any case, the clasping mechanism must be a distinguishable component. Only then can it be established that the clasping mechanism is arranged 'therein' (i.e. within the base of the wheel bearing assembly). It is insufficient to state that movement of the seat can be restricted when the wheel bearing assembly is coupled to the seat. Rather, it must be demonstrated that this can be achieved using a distinguishable component that is suitable for this purpose, namely the clasping mechanism. Therefore, the cavity itself, particularly the walls that define it, cannot be considered the clasping mechanism.

D. Counterclaim for revocation

113. The counterclaim for revocation is unfounded.

I. Added matter

114. The patent in suit is not based on added matter.

1. Principles

115. Under Art. 138(1)(c) EPC a European patent may be revoked if its subject-matter extends beyond the content of the application as filed or, if it was granted on a divisional application, extends beyond the content of the earlier application as filed.

116. According to the principles developed by the Court of Appeal, there is added matter if the claim as granted contains subject-matter that extends beyond the content of the application as filed. In order to ascertain whether there is added matter contrary to Art. 123(2) EPC, the Court must thus first ascertain what the skilled person would derive directly and unambiguously using his or her common general knowledge and seen objectively and relative to the date of filing, from the whole of the application as filed, whereby implicitly disclosed subject-matter, i.e. matter that is a clear and unambiguous consequence of what is explicitly mentioned, shall also be considered as part of its content (UPC_CoA_382/2024, Order of 14 February 2025, para. 52 – Abbott v. Sibio; UPC_CoA_764/2024, Decision of 2 October 2025, para. 64 – expert e-Commerce v. Seoul Viosys; UPC_CoA_762/2025, Decision of 5 November 2025, para. 44 – Seoul Viosys v. expert e-Commerce; UPC_CoA_528/2024, Decision of 25 November 2025, para. 54 – Amgen v. Sanofi).

2. Case at hand

117. Applying these principles, there is no added matter.

118. The Defendants allege that features 1.9 and 1.10 extend beyond the original disclosure of the application as originally filed (MB 1a). They argue that the claim amendment results in an inadmissible intermediate generalisation as it extracts isolated elements from a structurally and functionally connected disclosure without incorporating the remaining interdependent features.

Para. [0014] as basis in the original application

119. Features 1.9 and 1.10 can be derived directly and unambiguously from MB 1a. In any case, this follows from para. [0014] of MB 1a, which reads as follows:

> *'Preferably, in the swivel locking devices according to the aforementioned embodiments, a cavity is formed on the base for receiving the seat, and a clasping mechanism is disposed in the cavity for restricting movement of the seat along an axis of the cavity.'*

No added matter due to intermediate generalisation

120. The Defendants argue that claim 1 contains added matter because it omits certain features that are disclosed in combination with those of claim 1, thus resulting in an unallowable intermediate generalisation. In particular, they argue that with the use of the definite article 'the base' (*'… a cavity is formed on <u>the base</u> for receiving the seat …'*), para. [0014] refers back to para. [0011]. The Defendants conclude from this that the features of para. [0011] must be incorporated, as they are structurally and functionally linked to the features in para. [0014].

121. The Court does not share this view. There is no indication in MB 1a that the features in para. [0011] are inextricably linked to the features in para. [0014], and that they could not be implemented independently. While it is true that the use of the definite article in para. [0014] shows that the 'base' referred to therein is the same as the 'base' mentioned in para. [0011], this does not mean that all features of para. [0011] must be incorporated into claim 1. The skilled person will understand that the features in both para. [0011] and para. [0014] are optional, as the phrase 'preferably...' is used. Furthermore, the optional features of both paragraphs are disclosed independently of each other.

Further arguments of Defendants

122. The Defendants' other arguments are rendered irrelevant by the interpretation of the claim, as set out above.

123. This applies to the argument that the wording 'clasping mechanism is disposed in the cavity …' in para. [0014] of MB 1a leaves no doubt that the clasping mechanism is something within the cavity, rather than being formed by it. As explained above, the patent in suit is also to be understood as meaning that the mechanism must be a distinguishable component within the cavity. Therefore, the fact that MB 1a does not disclose that the clasping mechanism can be formed by the cavity is irrelevant.

124. For the same reasons, it is also irrelevant that MB 1a does not disclose that the clasping mechanism is located in the seat. The Defendants base this argument on the premise that the term 'therein' in feature 1.10 of the patent in suit could be interpreted as 'in the seat' rather than 'in the cavity'. However, as explained above, the patent in suit requires that the clasping mechanism be located within the cavity.

II. Insufficient disclosure

125. The Defendants' objection regarding insufficient disclosure requires no further explanation.

126. They raise this objection only if the claim is interpreted as meaning that a permanently fixed part of the wheel bearing assembly can be attributed to the seat. They argue that, in the event of such an interpretation, the implementation of a swivel locking device is not sufficiently disclosed, bearing in mind that the seat must be rotatable with respect to the wheel bearing assembly.

127. However, as explained above, this does not correspond to the adopted interpretation of the patent in suit by the Court.

III. Novelty

1. Principles

128. According to Art. 54(1) EPC, an invention shall be considered to be new if it does not form part of the state of the art. Assessing novelty within the meaning of Art. 54(1) EPC requires determining the overall content of the prior publication. The decisive factor is whether the subject-matter of the patent in suit, with all its features, is directly and unambiguously disclosed in the prior art document (UPC_CoA_182/2024, Order of 25 September 2024, para. 123 – Mammut v. Ortovox).

2. Case at hand

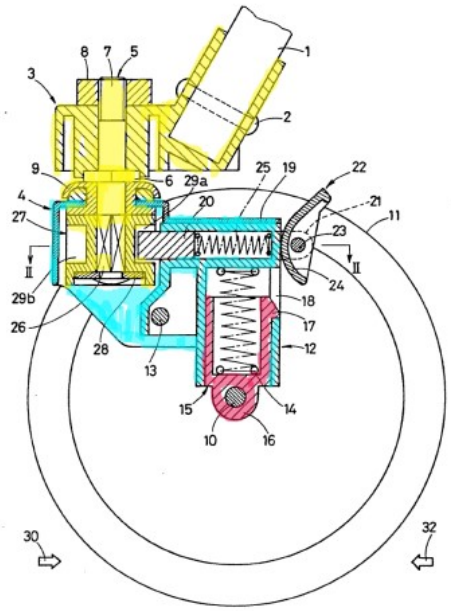
129. The Court finds claim 1 of the patent in suit to be novel when applying these principles. The same is consequently true of all subclaims.

a) MB 7

130. MB 7 does not disclose a clasping mechanism within the cavity of the wheel bearing assembly (feature 1.10).

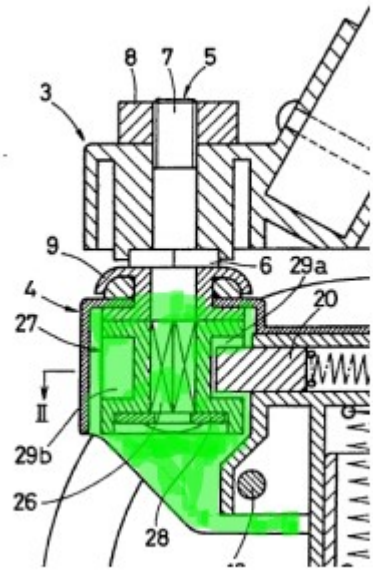
131. The Defendants consider the relevant components of a swivel locking device within the meaning of claim 1 as disclosed as follows, whereas yellows means: 'seat', blue: 'wheel bearing assembly', and red: 'wheel bearing':

FIG.1



132. According to the Defendants, the wheel bearing assembly (i.e. the rotary bracket 4) comprises on its base a cavity for receiving the seat, as illustrated below. The cavity is highlighted in green:

FIG.1



133. The Defendants argue that the clasping mechanism includes the thrust bearing 9 and the washer 28, as these parts clasp the fixed bush 27.

134. The Defendants' view that the components which they consider a clasping mechanism (thrust bearing 9 and washer 28) are located within the cavity is based on an incorrect claim interpretation. The Defendants themselves assume this to be the case. They argue that the

thrust bearing 9 is not entirely located within the cavity, but that this is irrelevant based on the Claimant's claim construction.

135. As explained above, at least the functional parts of the clasping mechanism must be located within the cavity. This is not the case here.

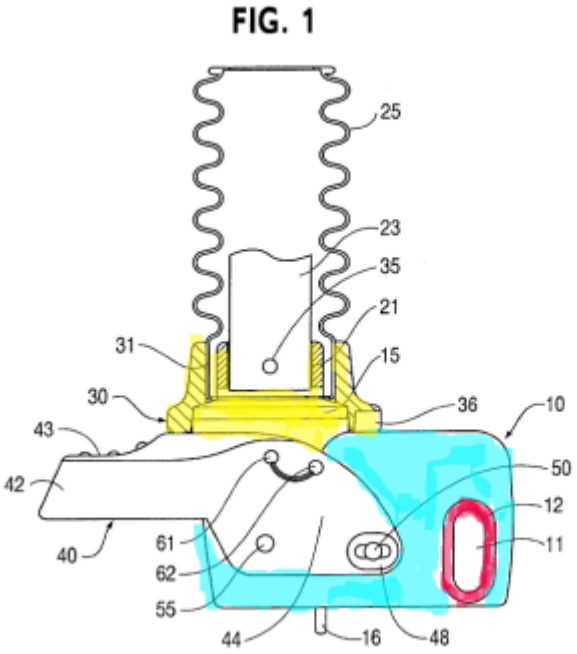
136. The thrust bearing 9 is the only part, or at least a functional part, of a possible clasping mechanism. As can be seen in Fig. 1 of MB 7 above, the thrust bearing 9 is clearly located outside the cavity.

137. The washer 28 in itself does not even form a mechanism, let alone a clasping mechanism. The washer 28 does not prevent any movement, crimping of the lower end of the vertical shaft 5 is instead required (see MB 7, page 2, lines 91–94: 'The fixed bush 27 is kept form [sic] slipping of the vertical shaft 5 by crimping the lower end of the vertical shaft 5 after a washer 28 has been fitted on the lower end of the vertical shaft 5.').

b) MB 9

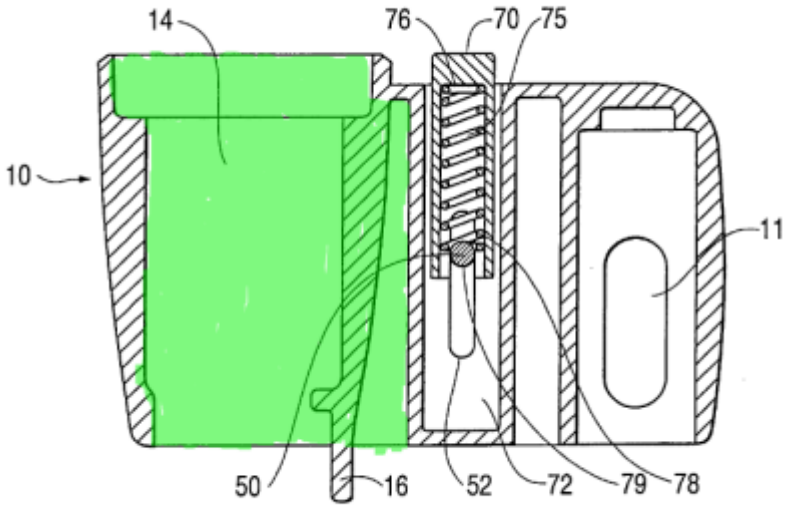
138. MB 9 does not disclose feature 1.10 either.

139. Fig. 1 of MB 9, coloured by the Defendants, is shown below for illustrative purposes:



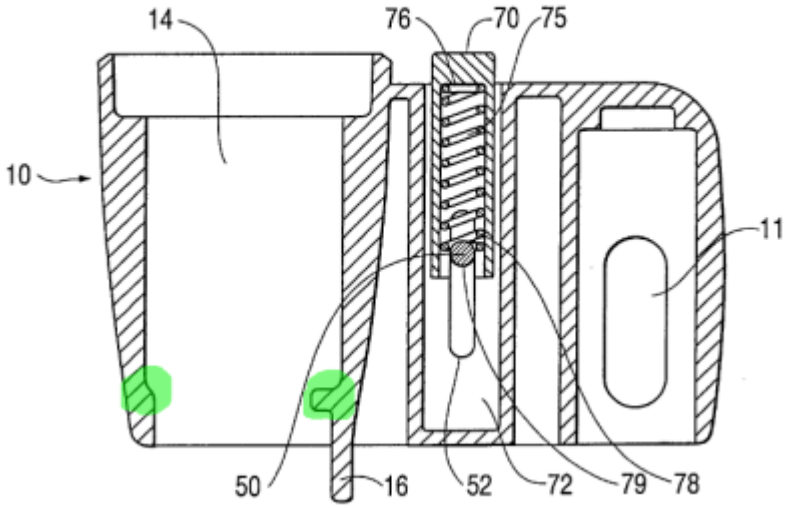
140. The Defendants argue that the body 10 (i.e. the wheel bearing assembly of MB 9) comprises a vertical through bore 14 (i.e. a cavity) which is formed on the base of body 10 for receiving the seat. The Defendants have highlighted bore 14 in green in the following illustration:

FIG. 5



141. According to the Defendants, the cavity (bore 14) comprises a 'releasable lock tab 16' therein (see MB 9, col. 3, lines 6–10). The lock tab 16 is part of a clasping mechanism, as illustrated below:

FIG. 5



142. In the Defendants' view, the clasping mechanism is located within the cavity and serves to restrict movement of the seat ('bushing 15' thereof) of MB 9 along an axis of the cavity formed by bore 14.

143. Based on this line of reasoning, the Defendants have not shown a direct and unambiguous disclosure of feature 1.10.

144. Neither the figures nor the description of MB 9 provide any details of the structure of the bushing 15. It does not show how the lock tab 16 is intended to fix the bushing 15, nor what type of movement the tab is supposed to resist. Therefore, it is not possible to conclude that the releasable engagement between bushing 15 and tab 16 is a clasping mechanism in accordance with feature 1.10.

145. The Defendants' argument, referring to Fig. 5 above, that the lock tab 16 has a protrusion and that the skilled person understands that the lock tab 16 engages a bushing 15 which necessarily has a corresponding feature, does not lead to any other conclusions. Since this engagement must also permit rotation, the Defendants argue that it would be straightforward for a skilled person to provide the bushing 15 with an annular groove. The Panel does not agree with this. Such a solution is not unambiguously disclosed in MB 9, either explicitly or implicitly.

c) MB 2

146. MB 2 does not disclose a locking pin disposed on the wheel bearing assembly (feature 1.4).

147. Figs. 1 and 2 (coloured by the Defendants) are shown below for illustrative purposes:

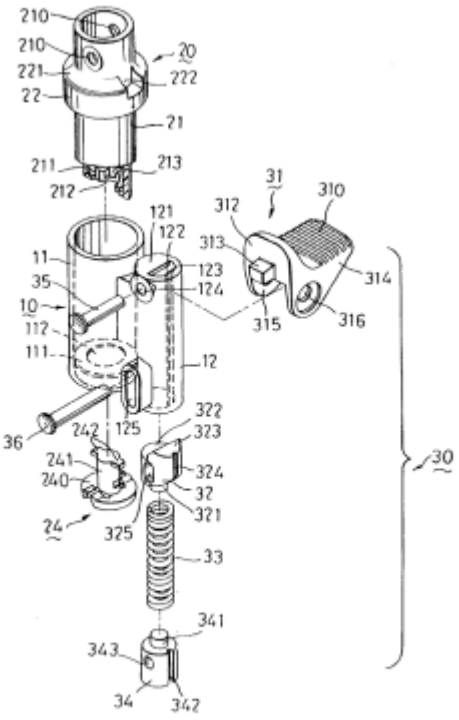


FIG. 1

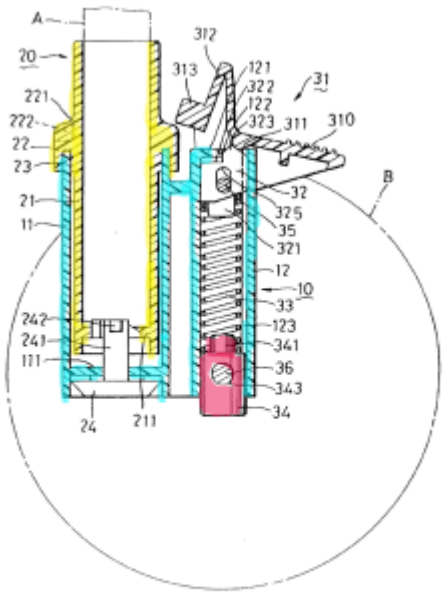


FIG. 2

148. The Defendants argue that MB 2 discloses a locking pin in form of a wedge projection 313. This locking pin is movable between a first position, in which it engages the corresponding holding notch 222, thereby coupling the seat and the wheel bearing assembly such that the wheel bearing assembly is unable to rotate around the seat, and a second position, in which such locking pin is decoupled from the seat, allowing rotation between the seat and the wheel bearing assembly.

149. According to MB 2, the locking pin (wedge projection 313) is not disposed on the wheel bearing assembly, as required by feature 1.4. Instead, the wedge projection 313 is integrally formed with the operating member (lever 31).

150. Against this background, it can be left open whether the bayonet connection described in MB 2 (projections 242 for receiving the connecting piece 20) directly and unambiguously discloses a clasping mechanism as defined by feature 1.10.

d) MB2a

151. With regard to MB 2a, the Defendants only refer to MB 2. The above comments therefore apply.

e) MB 12

152. MB 12 does not disclose feature 1.4 either.

153. Figs. 1 and 2 of MB 12 are shown below for illustrative purposes:

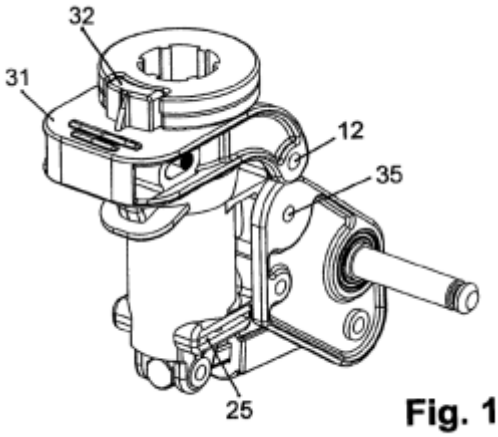


Fig. 1

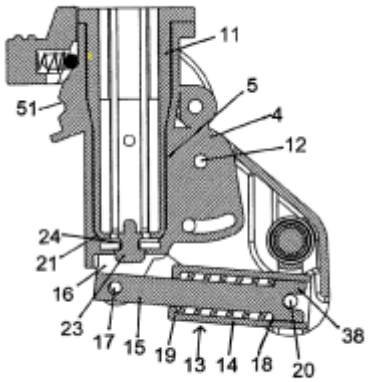


Fig. 2

154. Feature 1.4 requires a locking pin coupled to the seat in a first position. This only applies to projection 32 which in the locked position engages with a recess of the bearing sleeve 11 (see para. [0026]). Transverse locking pin 34 is also movable between a first and a second position, but it is not coupled to the bearing sleeve 11 in either position. Therefore, it cannot be mapped to a locking pin within the meaning of feature 1.4.

155. Projection 32 can be moved between the first position, shown in Figs. 1 and 2 above, in which the projection is coupled to the bearing sleeve 11, preventing the rotation of the wheel bearing assembly. It can also be moved to a second position, shown in Figs. 3 and 4, where the projection 32 is decoupled and rotation is possible:

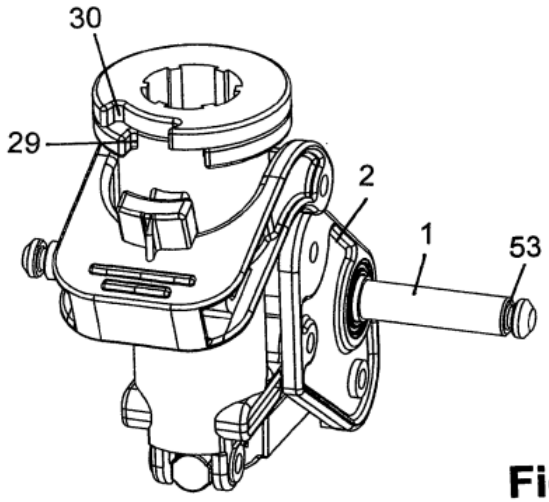


Fig. 3

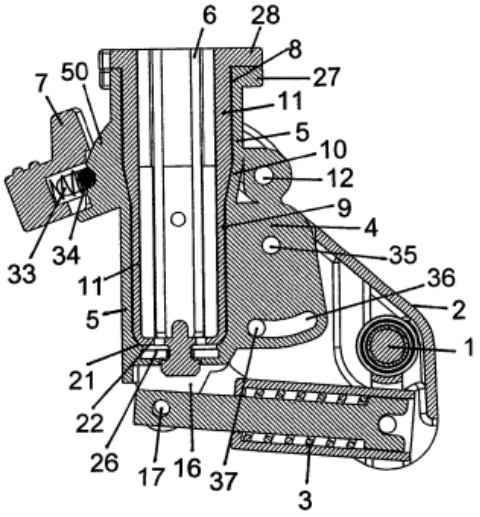


Fig. 4

156. However, locking projection 32 is provided on the operating member of MB 12 (locking bracket 31), which is coupled to, but not part of, the wheel bearing assembly. Therefore, locking projection 32 is not disposed on the wheel bearing assembly as required by feature 1.4.

IV. Inventive step

1. Principles

157. According to the case law of the Court of Appeal, the approach taken by the Unified Patent Court when establishing inventive step is as follows (see UPC_CoA_464/2024, Decision of 25 November 2025, headnotes 4-13, paras. 128-136 – Meril v. Edwards; UPC_CoA_528/2024, Decision of 25 November 2025, headnotes 10-22, paras. 122-138 ff. – Amgen v. Sanofi):

158. It first has to be established what the object of the invention is, i.e. the objective problem. This must be assessed from the perspective of the skilled person, with his or her common general knowledge, as at the application or priority date (also referred to as the relevant date) of the patent. This must be done by establishing what the invention adds to the state of the art, not by looking at the individual features of the claim, but by comparing the claim as a whole in context of the description and the drawings, thus also considering the inventive concept underlying the invention (the technical teaching), which must be based on the technical effect(s) that the skilled person on the basis of the application understands is (are) achieved with the claimed invention.

159. In order to avoid hindsight, the objective problem should not contain pointers to the claimed solution.

160. The claimed solution is obvious when at the relevant date the skilled person, starting from a realistic starting point in the state of the art in the relevant field of technology, wishing to solve the objective problem, would (and not only: could) have arrived at the claimed solution.

161. The relevant field of technology is the field relevant to the objective problem to be solved as well as any field in which the same or similar problem arises and of which the person skilled in the art of the specific field must be expected to be aware.

162. A starting point is realistic if the teaching thereof would have been of interest to a skilled person who, at the relevant date, wishes to solve the objective problem. This may for instance be the case if the relevant piece of prior art already discloses several features similar to those relevant to the invention as claimed and/or addresses the same or a similar underlying problem as that of the claimed invention. There can be more than one realistic starting point and the claimed invention must be inventive starting from each of them.

163. The skilled person has no inventive skills and no imagination and requires a pointer or motivation that, starting from a realistic starting point, directs them to implement a next step in the direction of the claimed invention. As a general rule, a claimed solution must be considered not inventive/obvious when the skilled person would take the next step prompted by the pointer or as a matter of routine, and arrive at the claimed invention.

164. A claimed solution is obvious if the skilled person would have taken the next step in expectation of finding an envisaged solution of his or her technical problem. This is generally the case when the results of the next step were clearly predictable, or where there was a reasonable expectation of success.

165. The burden of proof that the results were clearly predictable or the skilled person would have reasonably expected success, i.e. that the solution he or she envisages by taking the next step would solve the objective problem, lies on the party asserting invalidity of the patent. A reasonable expectation of success implies the ability of the skilled person to predict rationally, on the basis of scientific appraisal of the known facts before a research project was started, the successful conclusion of that project within acceptable time limits.

166. Whether there is a reasonable expectation of success depends on the circumstances of the case. The more unexplored a technical field of research, the more difficult it was to make predictions about its successful conclusion and the lower the expectation of success. Envisaged practical or technical difficulties as well as the costs involved in testing whether the desired result will be obtained when taking a next step may also withhold the skilled person from taking that step. On the other hand, the stronger a pointer towards the claimed solution, the lower the threshold for a reasonable expectation of success.

167. When the patentee brings forward and sufficiently substantiates uncertainties and/or practical or technical difficulties, the burden of proof that these would not prevent a skilled person from having a reasonable expectation of success, falls on the party alleging obviousness.

168. The fact that other persons or teams were working contemporaneously on the same project does not necessarily imply that there was a reasonable expectation of success. It may also indicate that it was an interesting area to explore with a mere hope to succeed.

2. Case at hand

169. Based on the aforementioned principles, the Defendants' arguments are insufficient to demonstrate a lack of inventive step.

a) Preliminary remark

170. In their submissions regarding inventive step, the Defendants rely on a total of 14 supposedly realistic starting points and cite a wide range of documents as potential combinations. As follows from the above-mentioned approach by the Court of Appeal for establishing lack of inventive step, there can be more than one realistic starting point. However, this approach also means that several steps must be taken to demonstrate a lack of inventive step.

171. As discussed with the parties during the oral hearing, the Defendants' have not properly assessed in their written pleadings whether, starting from a specific realistic starting point and wishing to solve an objective problem, the skilled person would (and not only 'could') have arrived at the claimed solution, i.e. would have taken the next step, prompted by a pointer or as a matter of routine (e.g. by automation), and arrive at the claimed invention. Instead, the Defendants' reasoning appears to be based on the EPO's Problem-Solution-Approach.

172. Furthermore, some of the combinations are not explained at all, but are simply mentioned in passing in the written submissions. Finally, the Defendants' arguments are at least partly based on the Claimant's understanding of the protection of the patent in suit, and become irrelevant if this view is not shared.

173. For this reason, during the oral hearing, the Defendants were given the opportunity to select one or more combinations and explain them in greater detail, taking into account the Court of Appeal's case law.

174. The following discussion will focus on the combinations explained by the Defendants during the oral hearing. For the reasons set out above, the Defendants have not demonstrated a lack of inventive step with regard to the other combinations.

b) Objective problem of the invention

175. In this case, the objective problem addressed by the invention corresponds to the task specified in the patent in suit. The object of the invention is to provide a swivel locking device for a stroller wheel having a secured connection between the rotatable and non-rotatable elements of the device.

c) Starting from MB 9

aa) Realistic starting point

176. The Panel considers MB 9 to be a realistic starting point.

bb) In combination with MB 3 or MB 10

(1) Pointer

177. As discussed above, MB 9 does not unambiguously disclose feature 1.10.

178. There is no pointer or motivation as to why the skilled person would consider MB 3 or MB 10 in order to arrive at a clasping mechanism.

179. In their written submissions, the Defendants argued that no specific motivation is required as long as the Claimant identifies no advantages or effects that the very broadly construed 'clasping mechanism' of the patent would have over the prior art in each case. According to the Defendants, the fundamental question is simply whether an alternative design can be found. Based on this premise, all prior art solutions are equally obvious. Furthermore, they stated that the prior art documents provide concrete suggestions for transferring their respective clasping mechanisms to other designs.

180. Following the Court's observation during the oral hearing that an argument based on the principles set out by the Court of Appeal was necessary, the Defendants did not name a pointer starting from MB 9 as starting point. They argued that the objective problem would be to fill in the gaps in MB 9. However, it remains unclear why the skilled person identifies any gaps in MB 9 in the first place.

181. Taking everything into account, this submission does not make it clear what might have motivated the skilled person to implement the next step towards the claimed invention, starting from a realistic starting point (MB 9). The Defendants' submission also does not suggest that the skilled person would have taken that further step as a matter of routine.

(2) Claimed solution not obvious

182. Even if one were to assume that the skilled person would find a pointer in the prior art, the Panel cannot see that he or she would (not 'could') have taken the next step in expectation of finding a solution to the technical problem.

183. Firstly, neither MB 3 nor MB 10 relates to a swivel locking device. The Defendants did not provide any arguments as to why the skilled person trying to fill the gaps in MB 9 would consider documents that do not relate to swivel locking devices.

184. Secondly, the clasping mechanisms in MB 3 and MB 10 differ structurally from that in MB 9. MB 9 emphasises a releasable engagement between body 10 and bushing 15 by means of a releasable lock tab 16 (see, e.g., col. 3, lines 6–10: *'Body 10 is provided with a vertical through bore 14 adapted to rotationally receive a generally cylindrical bushing 15 which is releasably engaged in the bore 14 by means of a releasable lock tab 16.'*). MB 10 (see in particular Figs. 2 and 3) and MB 3 (see in particular Fig. 4), on the other hand, disclose non-releasable clasping mechanisms, or at least ones that are not easily releasable. The Defendants have not demonstrated why a skilled person would replace a releasable mechanism, such as that shown in MB 9, with a non-releasable mechanism, such as those shown in MB 10 or MB 3.

cc) In combination with MB 11 or MB 26

185. The argument regarding a combination of MB 9 with MB 11 or MB 26 is disregarded. These new attacks constitute an amendment of the case within the meaning of R. 263.1 RoP (see UPC_CFI_11/2024 (LD Düsseldorf), Decision of 8 May 2025, paras. 103 ff., para. 141 – Grundfos v. Hefei Xinhu). The Defendants did not state any reasons as to why the attacks were only being raised at the oral hearing, as required by R. 263.1, 263.2 RoP.

d) Starting from MB 14

186. MB 14 does not constitute prior art within the meaning of Art. 56, Art. 54(2), 89 EPC as it was published on (and therefore not before) the priority date.

187. The patent in suit validly claims priority of MB 1c.

188. According to Art. 87(1) EPC, a subsequent European patent application can validly claim the priority of an earlier application only insofar as the invention claimed in the later application covers the 'same invention' as that described in the earlier application. The term 'the same invention' in Art. 87 EPC is to be interpreted as meaning that a claimed invention is to be regarded as the same invention as the invention in an earlier application if the skilled person can derive the subject-matter of the claim directly and unambiguously from the earlier application as a whole using common general knowledge (UPC_CFI_115/2024 (LD Düsseldorf), Decision of 15 October 2025, headnote 1 and para. 110 – Hartmann Packaging v. Omni-Pac).

189. Based on the parties' submissions, there is no evidence to suggest that the subject matter of claim 1 cannot be directly and unambiguously derived from MB 1c.

190. The parties disagree about the accuracy of the translation of MB 1c, the priority document, which is written in Chinese. MB 1d is a translation provided by the Claimant. While the Claimant has admitted that back-references in the translation are inaccurate, it claims that the translation as a whole reflects the content of the priority application. MB 1e is a machine translation and MB 1g a human translation, both provided by the Defendants.

191. Ultimately, however, the parties are merely arguing over terminology. It is unclear whether the overall content of the priority document differs from that of the patent in suit. For example, the Defendants point out that there are differences between a 'clasping mechanism' and a 'retaining mechanism', an 'operating member' and a 'pull plate', and a 'cavity' and a 'mounting hole'.

192. It is not disputed that there may generally be more than one possible translation from Chinese to English. The Claimant is correct to emphasise the well-known challenges of translating Chinese characters, which often have multiple correct translations and are sometimes translated differently by native speakers or professional translators. The Court therefore agrees with the Claimant that it is unsurprising that different English terms may be used for the same Chinese word. This does not affect the technical disclosure.

193. Even when using their own translations, the Defendants fail to demonstrate that certain features are not disclosed when the content of the priority document is taken into account.

e) Starting from MB 13

194. Any reference by the Defendants to the figures of MB 14 'to ease understanding of MB 13' must be disregarded. As explained above, MB 14 does not constitute prior art within the meaning of Art. 56, Art. 54(2) EPC.

195. MB 13 relates to a stroller, more particularly to a collapsible stroller that can be reconfigured between a collapsed configuration when not in use and an in-use expanded configuration for use.

196. Figures 44–46 of MB 13 (with colorations made by the Defendants) are shown below for illustrative purposes:

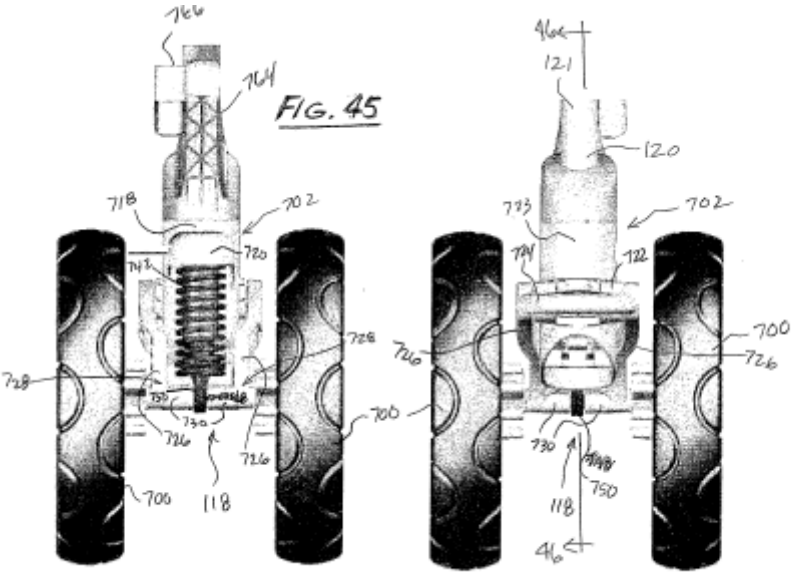


FIG. 45

FIG. 44

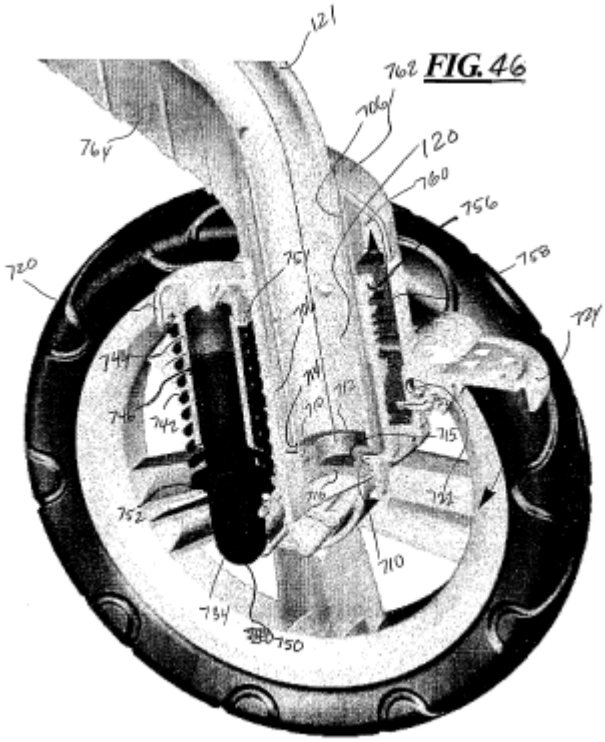


FIG. 46

197. It is undisputed that MB 13 does not disclose a biasing member, which normally biases the locking pin to the first position (feature 1.5).

aa) Lack of disclosure of feature 1.10

198. In addition, MB 13 does not disclose a clasping mechanism within the cavity (feature 1.10).

199. MB 13 discloses a cavity in form of the leg receiving bore 706. Para. [0150] describes this as follows:

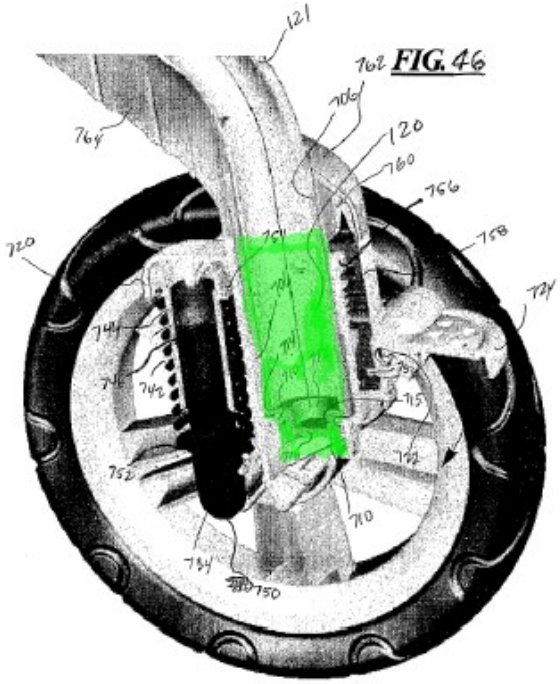
'Each of the front wheel assemblies 118 has a front strut housing 702 attached to the lower end 120 of the frame front legs 121. A leg receiving bore 706 is provided in each strut housing 702 for insertion of the lower end 120 in the housing. …'

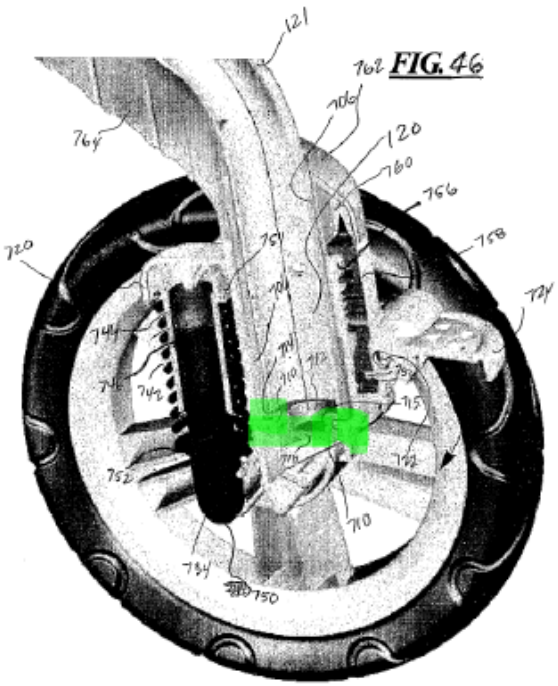
200. It can also be assumed that MB 13 comprises a clasping mechanism, which is formed by the end cap head 716 snapping over the flange 710 of the leg bore. This also follows from para. [0150]:

'… each lower leg bore 706 is a through bore and has near its lower end a radially inwardly extending annular flange 710. … The end cap head 716 snaps over the flange 710, which is then retained in the groove to hold the strut housings 702 on the front legs 121. With this arrangement, the strut housings 702 are free to rotate about the axis of the front legs 121.'

201. As can be seen in Fig. 46, the clasping mechanism is located outside the cavity, contrary to the requirements of feature 1.10.

202. In their written submissions, the Defendants argue that the clasping mechanism includes the 'larger diameter head portion 716' and the 'inward extending flange 710', and that it is located in the cavity (leg bore 706). However, they do not explain this view in greater detail. They have illustrated the cavity (top image) and the clasping mechanism (bottom image) in green as shown below:





203. Without further explanation, these markings are incomprehensible. It is not even clear whether the Defendants have highlighted any distinct components.

204. The Defendants have not argued that there is a lack of inventive step in relation to feature 1.10, nor have they put forward any arguments on this point. For this reason alone, the inventive step challenge starting from MB 13 is unsuccessful.

bb) No lack of inventive step with regard to feature 1.5

205. In any case, even if feature 1.5 were considered to be the only missing feature, the Defendants have not demonstrated a lack of inventive step.

(1) Realistic starting point

206. The Panel considers MB 13 to be a realistic starting point, given that it addresses the same underlying problem as the claimed invention.

(2) Pointer

207. In their written submissions, the Defendants argued that the advantage of a biasing member within the meaning of feature 1.5 is that the locking pin can, at least partially, move automatically into the locked position. This facilitates operation of the locking pin by the operating member. According to the Defendants, this feature is standard in the present technical field. They refer to MB 13, which explains that it may be advantageous to bias the relevant element into one of two defined positions — specifically, a locking position — for several similar locking and operating mechanisms. Furthermore, in applying the EPO's Problem-Solution-Approach, they refer to possible motivations in MB 9.

208. During the oral hearing, they made the following further arguments: The problem that is solved by a biasing member is to enable the locking pin to snap into the engaging counterpart in the seat, whenever the alignment is correct. If there was no spring, it would basically be

necessary to align the two components beforehand and then operate the operating member in order to push the spring up. By having some elasticity in the mechanism, it is basically possible to operate the operating member and then orient the two components to one another. Then the spring forces the locking pin into the respective recess. Although the patent in suit does not say a lot about the function of the biasing member, it criticizes in para. [0002], last sentence, the incapability of automatic orientation in the prior art. The skilled person would understand this as precisely this effect, namely to be able to, first, operate the operating member and then push the pin the remainder of the way once the alignment is proper by using the biasing member. With this problem in mind, the skilled person would consider MB 9 as a possibility to provide such means, simply because MB 9 describes an almost identical mechanism.

209. This submission does not make it clear what might have motivated the skilled person to implement the next step towards the claimed invention, starting from a realistic starting point (MB 13).

210. In any case, there is no pointer for the skilled person to modify the swivel locking mechanism of MB 13 to provide a biasing member. Although a biasing member is generally recognised in MB 13, it chooses deliberately not to include a biasing mechanism in conjunction with the swivel locking device. Furthermore, in MB 13, the operating member (lock lever 724) is coupled to the lock bar 758 via a drive link 754. There appear to be no grounds for deviating from this alternative solution.

(3) Claimed solution not obvious

211. Even if one were to assume that the skilled person would find a pointer in the prior art, the Panel cannot see that he or she would (not 'could') have taken the next step in expectation of finding a solution to the technical problem.

212. MB 9 discloses a structurally different system: the operating member (member 40) is linked to the locking lug through a transverse lug and an operating cross member 50, which slides in a vertically oriented slot. A spring is arranged between this cross member 50 and the locking lug, biasing the lug upwards. In MB 13, by contrast, the operating member (lock lever 724) is directly connected to the lock bar 758. The actuation principle is entirely different. It is therefore not apparent where the skilled person could introduce the spring of MB 9 into the direct lever-to-bar linkage of MB 13.

213. During the oral hearing, the Defendants made the following arguments: MB 9 describes an almost identical mechanism. If one refers, for example, to Fig. 1 or 2 of MB 9, there likewise is a lever-like structure which is pivoted when it is pressed down, the end 50 in the drawings is pushed upwards. This drives a pin upwards, which then engages into the seat. The pin is also shown again in Fig. 5. Precisely this way of functioning is literally given in MB 9, for example, in col. 4, line 12-17 and 29-32 *(…'As collar 30 rotates in response to rotational motion of caster body 10 about the axis of leg 23, eventually lock notch 36 will be rotated to the engagement position with the top of locking lug 70, and locking lug 70 will enter notch 36 under the upward force of compressed spring 75. … In addition, the swivel caster assembly according to the invention will reliably lock the caster body 10 against further rotation, regardless of the initial rotational position of the collar 30, …')*. Precisely the effect that the biasing member in the patent in suit achieves is described in great detail in MB 9 and it is transferrable to the embodiment of MB 13 without any problems. If one compares Fig. 5 of

MB 9 and Fig. 46 of MB 13, the set-up can just be copied. One would just arrange the spring in the middle section of the member 758 which is part of the locking pin in MB 13. The functioning would essentially be exactly the same. One would push down on the lever. The lever would compress the spring upwards against the seat until the components are arranged. Once they are arranged, the spring does the rest of the job and pushes the pin into the receiving cast 760 (Fig. 46). Therefore, the skilled person has absolutely no difficulties in simply transferring the advantageous solution which is advertised in MB 9 to the embodiments of MB 13.

214. These arguments are not convincing. In MB 13, the lock lever 724 (corresponding to the operating member) is directly connected to the lock bar 758 (corresponding to the locking pin) by a drive link 754. It is therefore not apparent where the skilled person could introduce the biasing member of MB 9 into the direct lever-bar linkage of MB 13. If, however, the lock bar 758 (corresponding to the locking pin) in MB 13 would be formed with a hollow interior for receiving a bias spring as suggested by MB 9, the resulting swivelling device would be transferred into the locked position each time the lock bar 758 comes into alignment with the upper end 760 of the slide compartment during rotation. This would prevent a 360° swivel movement and lock the swivelling function against the user's will even when the lock lever 724 is in an unlocked position, thus depriving the user of selective control via the lock lever 724. Accordingly, in the view of the Panel, the teachings of MB 13 and MB 9 are not compatible and would not lead the skilled person to an operational swivel locking device in accordance with claim 1.

f) Further combinations

215. For the reasons set out above, no further explanation is required for the other combinations referred to by the Defendants. The Defendants have not demonstrated that any of these combinations result in a lack of inventive step, given the principles established by the Court of Appeal.

216. Consequently, it is unnecessary to elaborate further on whether and to what extent the Defendants can be heard in relation to the attacks first mentioned or described in more detail in the reply.

217. It is also unnecessary to rule on the admissibility of the attack regarding the prior use of 'Speedi SX'. Regarding the counterclaim, the Defendants are relying solely on the absence of an inventive step. Although their remarks begin with the heading 'Lack of novelty or inventive step over "Speedi SX" (Counterclaim and Formstein defence)', their arguments imply that at least features 1.4, 1.6 and 1.8 are not disclosed by the 'Speedi SX' stroller.

218. The comments on the further combinations made in the context of the assessment of inventive therefore apply here as well.

E. Auxiliary requests

219. As the counterclaim for revocation is unsuccessful, there is no need to consider the Claimant's auxiliary requests.

220. Accordingly, there is no need to decide on the Defendants' 'request for acknowledgement' that the rejoinder to the application to amend the patent was filed on time.

F. No infringement by equivalent means

221. The Defendants do not infringe the patent in suit by equivalent means.

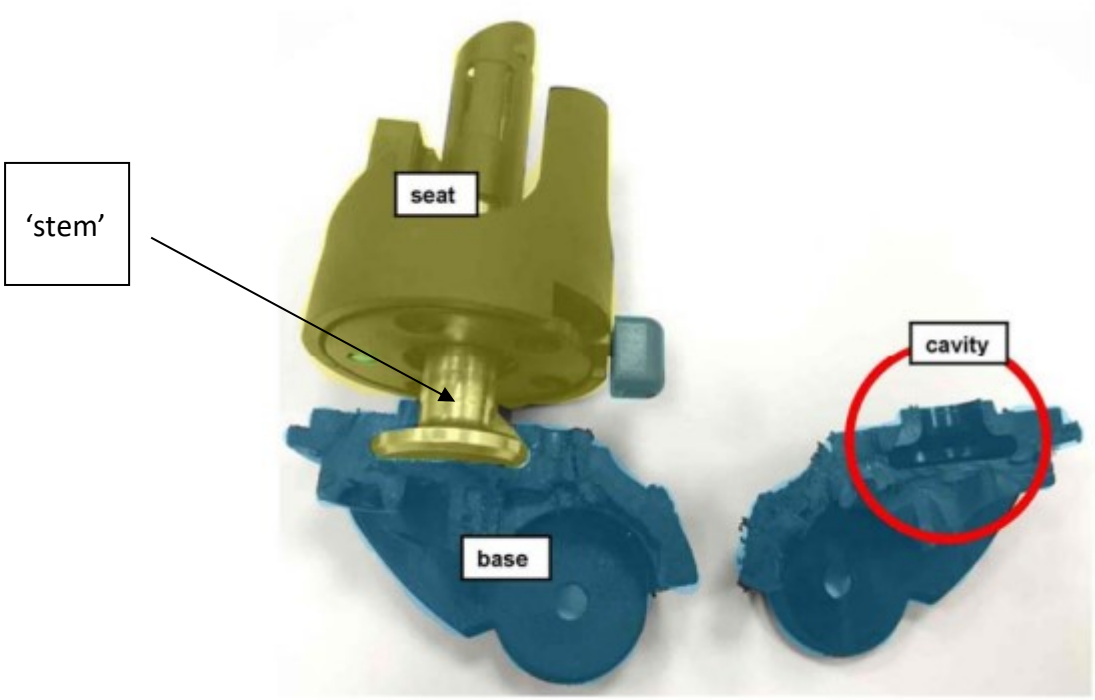
I. Main request

222. With the main request, the Claimant alleges infringement by equivalent means of features 1.4 and 1.6, and literal infringement of all other features.

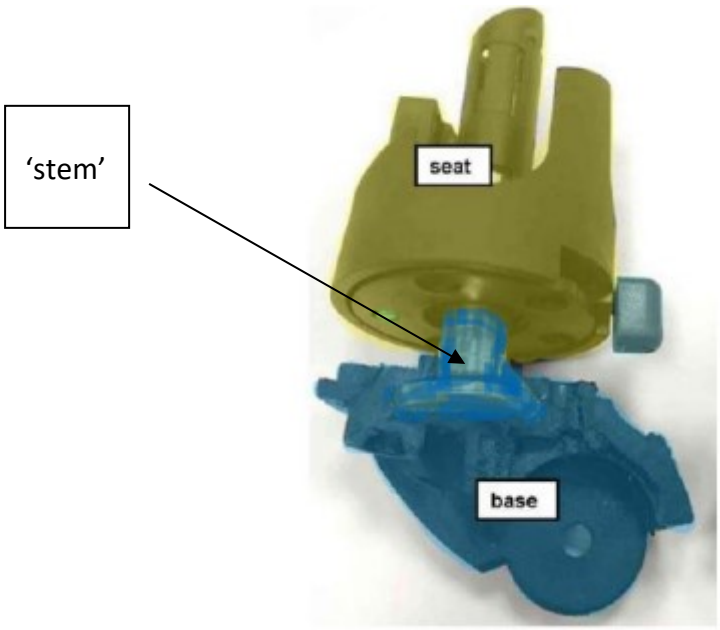
223. However, there is no infringement with regard to the features in respect of which the Claimant alleges literal infringement. This applies in particular to features 1.9 and 1.10.

1. 'Stem' not part of the seat

224. The Claimant argues that the so-called 'stem' is part of the seat. According to the Claimant, this part of the seat is received by the cavity of the base. This can be seen in the illustration below, in which the 'stem' has been marked by the Panel:



225. On the other hand, the Defendants are of the opinion that the 'stem' is part of the wheel bearing assembly, not the seat. They illustrate this with the following image, in which the 'stem' has been marked by the Panel:



226. The Panel agrees with the Defendants’ view. The ‘stem’ cannot be considered part of the seat. During the production of the challenged embodiments, the metallic ‘stem’ is over-moulded with fluid plastic. Once production is complete, the ‘stem’ is in a fixed rotational relationship with the lower part of the wheel bearing assembly (marked in blue in both images), meaning it cannot rotate relative to the rest of the wheel bearing assembly. In other words: The ‘stem’ rotates with the rest of the wheel bearing assembly and is therefore considered part of it.

227. Consequently, based on the feature allocation according to the Claimant’s main request, there is no cavity formed on the base of the wheel bearing assembly for receiving the seat and comprising a clasping mechanism (features 1.9 and 1.10).

2. No clasping mechanism (feature 1.10)

228. However, even if the ‘stem’ were considered part of the seat, feature 1.10 would still not be met. There is no clasping mechanism in the cavity, as defined by feature 1.10.

229. As can be seen in the Claimant’s illustration above, there is no identifiable component within the cavity that could form a clasping mechanism.

230. The Claimant does not attempt to identify any such component. Essentially, it argues that the ‘stem’ is clasped in the cavity of the base in such a way that the seat is no longer detachable from the base, meaning that hooked clasps are not required. According to the Claimant, the arrangement chosen in the challenged embodiments also fulfills the purpose of a stable connection between the seat and the wheel bearing assembly.

231. Based on the above claim construction, this explanation is insufficient. The clasping mechanism must be a distinguishable component within the cavity, which is not the case here. The fact that the same function may be fulfilled is not sufficient to constitute a literal infringement.

3. No presentation of equivalent means

232. Regarding features 1.9 and 1.10, the Claimant does not allege infringement by equivalence in its main request. Based on the feature allocation shown above, the Claimant does not specify any equivalent means.

II. Auxiliary request

233. With its auxiliary request, the Claimant alleges infringement by equivalence of features 1.4, 1.6, 1.9 and 1.10, and literal infringement of all other features.

234. The Claimant's auxiliary request is based on a different feature allocation. The 'stem' is regarded as part of the base. Furthermore, the cavity is considered to be in a completely different location, as will be explained below.

235. Whether or not the new feature allocation and the extension of the equivalence argument in the reply are late-filed and should be disregarded in accordance with R. 9.2 RoP is a matter that can be left open. In any case, based on the auxiliary request, an infringement by equivalence cannot be established.

1. Criteria for the assessment of equivalence

236. The Court of Appeal has not yet ruled on the criteria for assessing equivalence.

237. The Court of First Instance has already addressed the issue of equivalence in several of its orders and decisions. However, in most of those orders and decisions, it was not necessary to consider the applicable principles for assessing equivalence. In those cases, there was no equivalent effect or function present, so that the Court refrained from examining further steps (see UPC_CFI_151/2024 (LD Hamburg), Decision of 3 June 2024, p. 27 f. – Ballinno v. UEFA; UPC_CFI_376/2023 (LD Brussels), Decision of 17 January 2025, paras. 98 ff - *** v. OrthoApnea; UPC_CFI_471/2023 (LD Mannheim), Decision of 6 June 2025, paras. 167 ff. – DISH v. AYLO; UPC_CFI_363/2024 (LD Paris), Decision of 1 August 2025, paras. 73 ff. – N.J Diffusion v. Gisela Mayer; UPC_CFI_115/2024 (LD Düsseldorf), Decision of 15 October 2025, para. 223 – Hartmann Packaging v. Omni-Pac; UPC_CFI_612/2024 (LD Paris), Decision of 24 October 2025, p. 15 ff. – Raccords et Plastiques Nicoll v. First Plast).

238. The Local Division The Hague has carried out a full review of the equivalence on two occasions and has established the following principles (UPC_CFI_239/2023, Decision of 22 November 2024, para. 88 – Plant-e v. Arkyne; UPC_CFI_479/2025, Order of 11 September 2025 – Washtower v. BEGA, p. 23):

239. 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 performs (essentially) the same function in this context?

    2) Is extending the protection of the claim to the equivalent proportionate to a fair protection for the patentee?

This needs to be assessed in view of the patentee's contribution to the art and taking into account the question whether it is obvious to the skilled person from the patent publication how to apply the equivalent element (at the time of infringement).

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?

240. The Panel will apply the assessment criteria set out by the Local Division The Hague. These criteria form a coherent whole, and are, as such, suitable for the purpose of examining equivalence. At least in the present case and taking into account the submissions of the parties, there is no indication that applying a different standard would produce a different outcome.

2. Case at hand

a) Technical equivalence

241. The question that needs to be answered is whether the variation solves (essentially) the same problem that the patented invention solves and performs (essentially) the same function in this context.

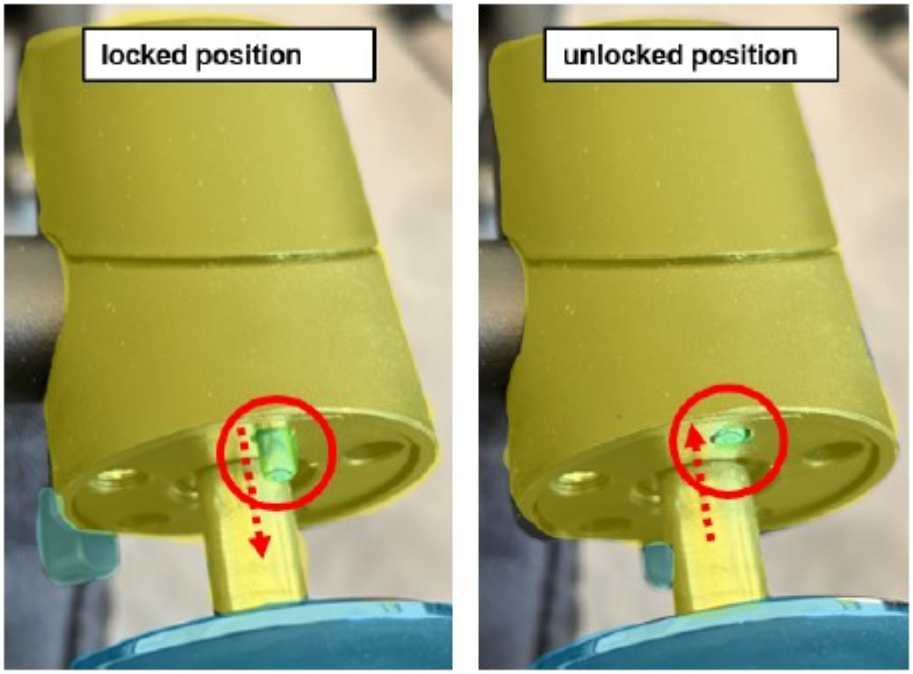
242. The Panel answers this question in the negative.

Variations relied upon by the Claimant

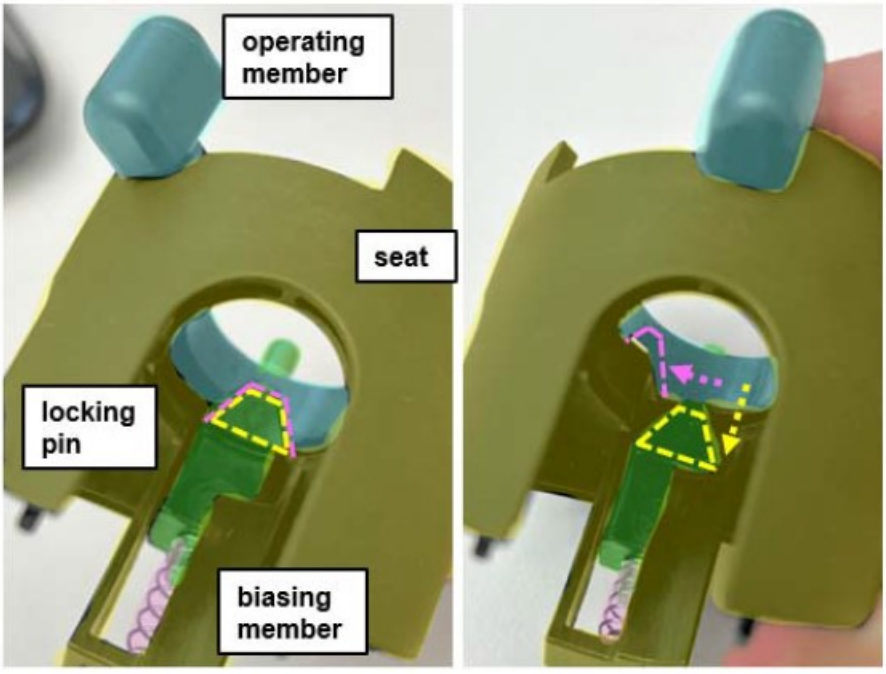
243. The Claimant relies on the following variations:

244. Feature 1.4: In the literal meaning of claim 1, the locking pin is disposed on the wheel bearing assembly. The locking pin may either be coupled to the seat (first position) to block rotation, or be decoupled from the seat (second position) to allow rotation.

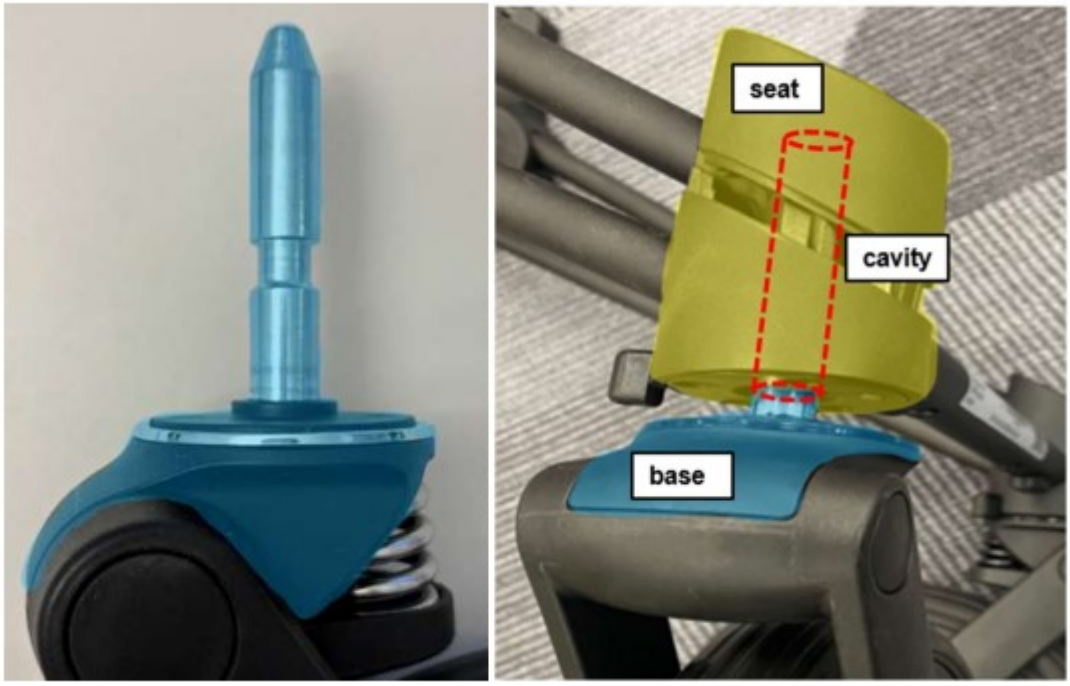
245. In the variation relied upon by the Claimant, the locking pin is *disposed on the seat*. The locking pin may either be *coupled to the wheel bearing assembly* (first position) to block rotation, or be *decoupled from the wheel bearing assembly* (second position) to allow rotation. The following figure illustrates this:



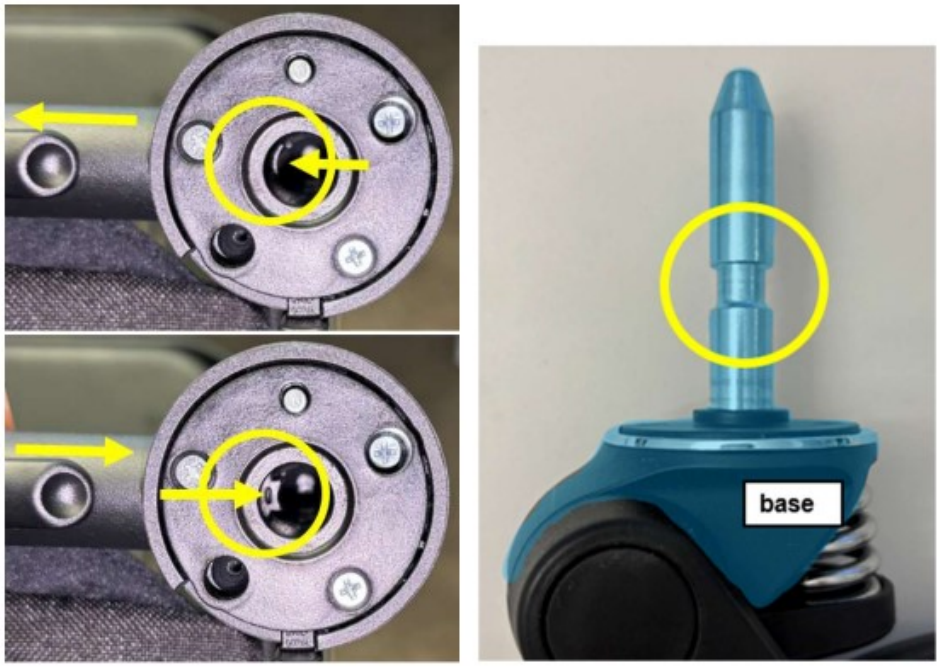
246. Feature 1.6: In the literal meaning of feature 1.6, an operating member is coupled to the wheel bearing assembly. In the variation relied upon by the Claimant, the operating member is *coupled to the seat*. The following figure illustrates this:



247. Feature 1.9: While in the literal meaning of feature 1.9, the cavity is formed on the base of the wheel bearing assembly for receiving the seat, in the variation it is formed *on the seat for receiving the base*. This is shown in the following illustrations:



248. Feature 1.10: In the literal meaning of feature 1.10, the clasping mechanism is located in the cavity of the base for restricting the movement of the seat. In the variation, the clasping mechanism is located *in the cavity of the seat for restricting the movement of the base*. The clasping mechanism relied upon by the Claimant in the variation can be deducted from the following illustrations:



Comparison of technical effects

249. The Claimant argues that the technical effect of the relevant features must be determined in the context of the invention as a whole. According to the Claimant, the technical function of the invention as a whole is, firstly, to ensure the functionality of the swivel lock, and

secondly, at the same time provide a sufficiently stable connection between the rotatable and the non-rotatable element.

250. During the oral hearing, the Claimant pointed out that features 1.4 and 1.6 concern the locking of the swivel. For this purpose, it does not matter if the pin locks from the upper side into the lower side or from the lower side into the upper side. This is, according to the Claimant, technically irrelevant to stop the swivelling. With regard to features 1.9 and 1.10, the Claimant stated that these features concern the connection and prevention of movement in the actual direction between the two. In the Claimant's view, it also does not matter whether the seat is coming from below and is fixed in the cavity in the upper part, or the other way around. Both is, according to the Claimant, technically identical. The Claimant further stated that claim 1 is a product claim and as soon as it is connected, the arrangement does not matter anymore.

251. While it is true that the claim must always be considered as a whole, it is nevertheless necessary to determine the function of each substituted feature in relation to the claim. Only in this way can a comparison be made between the technical functions of the claimed and substitute means.

252. Therefore, it is not sufficient to focus solely on the objective task of the patent in suit. Rather, what matters is the function of each exchanged features in achieving this task. This includes the function of the arrangement and location of the respective components, as set out specifically in the claim.

253. Consequently, it is insufficient for the Claimant to argue that the purpose of all features is to establish a stable connection between rotatable and non-rotatable elements. The Claimant must demonstrate the role that the arrangement of the components specified in the patent plays in this regard. In other words, the Claimant must show why, according to the patent in suit, the locking pin is disposed on the wheel bearing assembly (feature 1.4), the operating member is coupled to the wheel bearing assembly (feature 1.6), and the cavity comprising the clasping mechanism therein is formed on the base of the wheel bearing assembly (features 1.9 and 1.10). Only then can it be determined whether the same technical function can be achieved by arranging the components differently. The Claimant's submission does not meet this requirement.

254. Nor did the Claimant address the fact that the patent in suit specifically identifies which components are rotatable and which are not. According to the patent's teaching, the seat is designed to be non-rotatable. Therefore, as the Defendants correctly pointed out during the oral hearing, the skilled person would assume that it must be of importance that everything except the seat is rotatable. Furthermore, the Claimant did not address the fact that the wheel bearing assembly (which is rotatable) contains all components. This may be relevant, for example, if parts of the stroller need to be changed. The Claimant did not challenge this.

255. Ultimately, the Claimant reduces the entire invention to a secured connection between rotatable and non-rotatable elements. It does not sufficiently explain how this is to be achieved according to the patent in suit's teaching. Yet the patent in suit is specifically aimed at achieving this secured connection through a particular arrangement of components.

b) Fair protection for the patentee

256. The question that needs to be answered next is whether extending the protection of the claim to the equivalent is proportionate to a fair protection for the patentee.

257. This needs to be assessed in view of the patentee's contribution to the art and taking into account the question whether it is obvious to the skilled person from the patent publication how to apply the equivalent element (at the time of infringement).

258. The Panel answers this question in the negative as well.

Obviousness for the skilled person

259. In the case at hand, it is not obvious to the skilled person how to apply the equivalent element.

260. The Claimant argues that it would be obvious for the skilled person to simply reverse the operating direction of the locking pin by disposing the locking pin on the non-rotatable element (seat) and designing the locking pin to deploy downwards into the rotatable element (base). According to the Claimant, the skilled person has to reasonably assume that other applications of the solution principle fall within the scope of the patent in suit as well – in particular those applications where he or she does not even have to alter the means of their design but merely rotates them by 180°.

261. Furthermore, the Claimant sees it as basic knowledge for the skilled person that the location of the cavity, and therefore the clasping mechanism, in relation to the seat and the wheel bearing assembly, can be reversed. According to the Claimant, this reverted arrangement does not require any inventive thought process from the skilled person. The skilled person could not assume that the patentee deliberately excluded the reverted arrangement from the scope of protection. The skilled person knows that a cavity can be located in any component for receiving another component, while it does not matter for the stability of the connection or the enabling of the rotation, which component receives which other component.

262. During the oral hearing, the Claimant emphasised that the skilled person does not need to make any changes 'inside' to arrive at the challenged embodiment. The only thing the skilled person has to do is to turn the claimed device around by 180° and to change, by that, the connection points to the wheel and to the frame. According to the Claimant, therefore, this is more a general product design question of whether to change the wheel bearing assembly and seat than an actual redesign of anything.

263. These arguments are not convincing. Given the specific requirements regarding the arrangement of components set out in the patent in suit, several components of the claimed device would need to be rearranged to arrive at the challenged embodiment. In the Panel's view, such a fundamental redesign would not be obvious to the skilled person. After all, several parts would have to be rearranged simultaneously.

264. Furthermore, the Defendants have convincingly argued that it would be rather far-fetched to relocate the pin and operating member from the wheel bearing assembly – which is not a simple structure – to the simple structure, namely the seat. This would make matters much more complicated, because there would now be two assemblies – a wheel bearing assembly

and a seat assembly, which contradicts both the general teaching of claim 1 and the specific disclosure of the embodiments. According to the Defendants, the patent in suit clearly states that all mechanical (moving) parts are located in the wheel bearing assembly. Doing so has specific advantages, for example keeping the main part – i.e., the stroller frame and its associated seat – simple so that, in case of malfunction, not the whole stroller (or its main part) must be repaired, but only the minor part, namely the wheel bearing assembly (and its associated wheel). The Claimant has not been able to rebut these arguments.

Contribution to the state of the art

265. Neither during the oral hearing nor at any other time did the Claimant address the contribution of the patent in suit to the state of the art. As the Claimant itself limits the scope of the patent in suit to providing a secure connection between rotatable and non-rotatable elements, it is unclear what its contribution to the state of the art might be.

266. Against this background, nothing can be inferred in the Claimant's favour from this aspect. Therefore, it can be left open exactly how the contribution to the state of the art should be assessed.

c) Reasonable legal certainty for third parties:

267. The question to be answered with respect to legal certainty is whether the skilled person understands that the patent claim leaves room for equivalents because the teaching of the patent is (clearly) broader than the wording of the claim and there is, still in the eyes of the skilled person, no good reason to limit the scope of protection of the claim to a device as claimed (UPC_CFI_239/2023, Decision of 22 November 2024, para. 100 – Plant-e v. Arkyne).

268. The Panel answers this question in the negative as well.

269. During the oral hearing, the Claimant referred to the object of the invention, as set out by the patent in suit in para. [0005]. It argued that the object of the invention is to provide a swivel locking device for a stroller having a secured connection between the rotatable and the non-rotatable elements of the device. Therefore, according to the Claimant, the patent in suit neither mentions a specific arrangement nor that the stroller frame has to be connected to the one or to the other side of the swivel locking device. Rather, that is completely left open. Also, in the Claimant's view, there is no clear indication in the patent that leads a skilled person to the idea that only the very specifically shown embodiments in the patent specification would have to be protected and nothing else.

270. In the Panel's opinion, a skilled person would not understand that such significant modifications in almost all parts would be covered by the patent. The Claimant's arguments fail to consider that the claim sets out specific requirements regarding the arrangement of the components. According to the patent in suit, it is precisely this arrangement that achieves the desired secured connection between rotatable and non-rotatable elements.

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

271. For these reasons, it is not necessary to determine whether the challenged embodiments are novel and inventive in relation to the prior art.

G. Value in dispute

272. The Panel considers an amount of EUR 1,500,000 as appropriate for each, the infringement action and for the counterclaim for revocation.

H. Costs

273. Pursuant to Art. 69(1) UPCA in conjunction with R. 118.5 RoP, a decision on costs had to be made.

274. Since neither of them was successful, the Claimant must bear the costs of the infringement action and the Defendants must bear the costs of the counterclaim for revocation.

I. Ceiling

275. Pursuant to Art. 69(1) UPCA, the costs are to be borne up to a maximum amount determined in accordance with the Rules of Procedure.

276. With a value in dispute of EUR 3,000,000 (infringement action and counterclaim for revocation), the maximum limit for reimbursable costs is determined at EUR 400,000.

277. During the oral hearing, the parties agreed that the legal costs for both, the infringement action and the counterclaim for revocation, shall be mutually recognised up to an amount of EUR 295,000.

DECISION:

I. The infringement action is dismissed.

II. The counterclaim for revocation is dismissed.

III. The costs of the infringement action shall be borne by the Claimant.

IV. The costs of the counterclaim for revocation shall be borne by the Defendants in equal shares.

V. The value in dispute of the infringement action is set at EUR 1,500,000. The value in dispute for the counterclaim for revocation is also set at EUR 1,500,000.

VI. The ceiling of recoverable representation costs is set at a total of EUR 400,000 for the infringement action and the counterclaim for revocation.

Düsseldorf on 27 May 2026

NAMES AND SIGNATURES

Presiding Judge Thomas	Ronny Thomas Digital unterschrieben von Ronny Thomas Datum: 2026.05.22 07:38:05 +02'00'
Legally qualified judge Dr Schumacher	Jule Kathrin Schumacher Digital unterschrieben von Jule Kathrin Schumacher Datum: 2026.05.22 06:42:35 +02'00'
Legally qualified judge Bessaud	MÉLANIE, JEANNE, LISON BESSAUD Digitally signed by MÉLANIE, JEANNE, LISON BESSAUD Date: 2026.05.22 07:31:58 +02'00'
Technically qualified judge Roselinger	Kerstin Roselinger Digitally signed by Kerstin Roselinger Date: 2026.05.22 08:12:15 +02'00'
For the sub-registrar	LAURA CHANTAL DANIEL Digital unterschrieben von LAURA CHANTAL DANIEL Datum: 2026.05.22 08:28:03 +02'00'

INFORMATION ON APPEAL:

An appeal against this decision may be brought before the Court of Appeal by any party whose claims have been unsuccessful, in whole or in part, within two months of service of the decision (Art. 73(1) UPCA, R. 220.1(a) RoP, 224.1(a) RoP).

INFORMATION ON ENFORCEMENT (Art. 82 UPCA, Art. 37(2) UPCS, 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 RegR.

INSTRUCTION TO THE REGISTRY:

A certified copy of the decision shall be sent to the European Patent Office and the German Patent and Trade Mark Office as soon as the decision on the revocation action has become legally binding.

This decision was read in open court on 27 May 2026.

Presiding Judge Thomas

Ronny Thomas

Digital unterschrieben von Ronny Thomas
Datum: 2026.05.27 14:00:49 +02'00'