



Action n°: UPC 830/2024

Revocation action

## Order

of the Court of First Instance of the Unified Patent Court

Central Division (Section Munich)

issued on 22 June 2026

### CLAIMANT

#### **UPM-Kymmene Oyj**

Alvar Allon katu 1 - FI-00101 - Helsinki - FI

represented by Clemens Tobias Steins of Hoffmann Eitle PartmbB.

### DEFENDANT

#### **International N&H Denmark ApS**

Parallevej 16 - 2800 - Kongens Lyngby – DK

represented by Matthew Naylor of Mewburn Ellis LLP.

### PATENT AT ISSUE

European Patent number 3 540 068

### PANEL

*PRESIDING JUDGE: ANDRÁS KUPECZ*

*LEGALLY QUALIFIED JUDGE AND JUDGE-RAPPORTEUR: MÉLANIE BESSAUD*

*TECHNICALLY QUALIFIED JUDGE: ANNA HEDBERG*

### LANGUAGE OF THE PROCEEDINGS:

English.

### SUBJECT-MATTER OF THE PROCEEDINGS

Revocation action. No need to adjudicate (R. 360 and 363 RoP). Costs decision (R. 150 RoP)

### FACTS AND PROCEEDINGS

On 23 December 2024, UPM-Kymmene ('Claimant') brought a revocation action in the Central Division (section Munich) ('CD Munich') against Viridia and International N&H Denmark in relation to EP 3 540 068 ('the Patent'). The revocation action has been assigned numbers ACT\_67486/2024 (UPC\_CFI\_830/2024).

On 11 March 2025, the judge-rapporteur ('JR') decided that International N&H Denmark ('Defendant') be the sole Defendant in this case and that the originally named first Defendant Viridia no longer be a party to the proceedings (ORD\_8010/2025 in action number ACT\_67486/2024, App\_7823/2025).

The written procedure has been closed on 30 January 2026 and the oral phase has been opened on the same date.

On 13 February 2026, an order was issued to stay the proceedings until the EPO Board of Appeal's decision had become final.

On 10 June 2026, the Claimant informed the Court that on 27 February 2026, the Board of Appeal has issued its reasoned decision revoking Patent number 3 540 068, and that this decision had become final and binding.

The Claimant stated that the present proceedings should be resumed and disposed of by way of a Rule 360 RoP order as they have become devoid of purpose, since the asserted patent no longer exists.

The Claimant requested that the Defendant bears the costs of the proceedings since he has achieved its objective with the revocation action. He requested to be awarded reimbursement of a total amount of EUR 96,000.00 comprising:

- EUR 20,000.00 in court fees for the revocation action
- EUR 76,000.00 in legal expenses.

On 16 June 2026, the Defendant accepted that the proceedings should be resumed and the action disposed of pursuant to Rule 360 RoP. The Defendant also agreed to reimburse the Claimant's costs up to a total amount of EUR 96,000.00.

### GROUND FOR THE ORDER

As the patent was revoked in its entirety by the Board of Appeal of the European Patent Office in a final decision on 27 February 2026, the present proceedings shall be resumed pursuant Rule 296.2 RoP.

As regard to the revocation of the patent by the Board of Appeal of the European Patent Office after the action was filed, the present revocation action has become devoid of purpose. The action shall then be disposed of in accordance with Rule 360 RoP.

Both parties agree that there is no longer any need to adjudicate on it, therefore they have no more any legal interest in a decision regarding the revocation of the patent.

Regarding Article 69.1 of the UPC Agreement, the Defendant, as the unsuccessful party, is ordered to reimburse a total amount of EUR 96,000.00 to the Claimant (Court fees : EUR 20,000.00 and recoverable costs : EUR 76.000.00).

ORDER

- I. The proceedings (Revocation action, UPC\_CFI\_830/2024) are resumed at the date of the present order;
- II. The revocation action is disposed of;
- III. International N&H Denmark ApS shall reimburse a total amount of EUR 96,000.00 to UPM-Kymmene Oyj;

Delivered on 22 June 2026

NAMES AND SIGNATURES	
András Kupecz Presiding judge	
Mélanie Bessaud Legally qualified judge and judge-rapporteur	
Anna Hedberg Technically qualified judge	
On behalf of the registry	

Information about appeal

An appeal against the present Order may be lodged at the Court of Appeal, by any party which has been unsuccessful, in whole or in part, in its submissions, within two months of the date of its notification (Art. 73(1) UPCA, R. 220.1(a), 224.1(a), R. 360, R. 363.2 RoP).