



Order
of the Court of First Instance of the Unified Patent Court issued on
2 July 2026
concerning EP 2 983 864 B1

APPLICANT:

OTEC Präzisionsfinish GmbH, represented by its managing directors Helmut and Nico Gegenheimer and Soran Jota, Heinrich-Hertz-Straße 24, 75334 Straubenhardt Conweiler, Germany

represented by:

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RESPONDENT:

ANCA Europe GmbH, represented by the managing director Martin Winterstein, Im Technologiepark 15, 69469 Weinheim, Germany

represented by:

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PATENT APPLICATION:

EUROPEAN PATENT NO. EP 2 983 864 B1

DECISION-MAKING BODY/CHAMBER:

Decision-making body 1 of the Düsseldorf Local Chamber

JUDGES INVOLVED:

This order was issued by the Presiding Judge, Thomas, acting as Rapporteur. LANGUAGE OF THE

PROCEEDINGS: German

SUBJECT-MATTER: Art. 60 EPGÜ, R. 194(d), 196, 197, 199 VerfO – Application for inspection and preservation of evidence; disclosure of the detailed description

SUMMARY OF THE FACTS:

1. On 4 May 2026, the applicant, in the run-up to a main action, filed an application for an order to inspect and preserve evidence at the respondent's exhibition stand.
2. After the Düsseldorf Local Chamber had issued the requested order on 6 May 2026, it was carried out the following day at the 'GrindingHub' trade fair, which took place from 5 May 2026 to 8 May 2026 in Stuttgart, at the respondent's exhibition stand.
3. The expert appointed by the Düsseldorf Local Chamber to carry out the inspection and preservation of evidence drew up the detailed description requested of him on 16 June 2026; for technical reasons, this description was uploaded to the CMS the following day by the Sub-Registry of the Düsseldorf Local Chamber.
4. By a procedural order dated the same day, the rapporteur granted the respondent's legal representative access to the unredacted version of the detailed description prepared by the expert and, at the same time, gave the respondent the opportunity to assert any confidentiality interests by 2 July 2026.
5. By a written submission dated 2 July 2026, the parties to the proceedings informed the respondent that the respondent would not raise any objections to the disclosure of the detailed description to 16 June 2026 to the applicant. This was on the understanding that paragraph IV of the order of 6 May 2026 already made it sufficiently clear that the detailed description may only be used by the applicant in main proceedings against the respondent and, in particular, may not be disclosed to third parties. With regard to the respondent's further submissions concerning the content of the detailed description, reference is made to the aforementioned written submission.

REASONS FOR THE ORDER:

1. Since the respondent, who was subject to the inspection and preservation of evidence, has not asserted any confidentiality interests with regard to the information contained in the detailed description provided by the expert, the unredacted version of this description is to be disclosed to the applicant and its legal representatives (see UPC_CoA_177/2024, APL_20002/2024, order of 23 July 2024, headnotes 1 and 2 – Progress Maschinen und Automation v AWM; UPC_CFI_260/2025 (Düsseldorf Regional Court), Order of 12 May 2025 – Otec v Steros).

2. The setting of the time limit for bringing an action is based on Article 60(8) of the EPGÜ in conjunction with Rule 198(1) of the VerfO and Rule 199(2) of the VerfO.
3. Pursuant to Rule 196(2) of the Rules of Procedure in conjunction with Rule 199(2) of the Rules of Procedure, an order for inspection and the preservation of evidence must, unless the court orders otherwise, contain a statement that the results of these measures may only be used in the relevant proceedings on the merits of the case. Both Section IV of the order of 6 May 2026 and Section IV of the present order take this into account.

ORDER:

- I. The unredacted version of the detailed description drawn up by the expert on 16 June 2026, including the annexes, shall be disclosed to the applicant's legal representatives and to the applicant herself.
- II. The confidentiality order set out in Section X of the order of 6 May 2026 is revoked in relation to the applicant with regard to the facts contained in the expert's detailed description, including the annexes. The same applies to the confidentiality order set out in Section II of the order of 17 June 2026.
- III. The applicant is hereby notified that the measures for inspection and preservation of evidence pursuant to paragraph XIV of the order of 6 May 2026 shall be revoked at the respondent's request or shall otherwise lapse if the applicant does not, within a period of no more than 31 calendar days or 20 working days, whichever is the longer, after the written description to be prepared by the applicant has been disclosed, bring an action against the respondent.

This period shall commence upon the entry of this order into the CMS.

- IV. The detailed description prepared by the expert and all other findings of the inspection and preservation of evidence may only be used in proceedings on the merits against the respondent.

Issued on 2 July 2026 NAMES

AND SIGNATURES

Presiding Judge Thomas

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Digitally signed by
Ronny Thomas

Date: 2 July 2026
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