

Procedural Order
of the Court of First Instance of the Unified Patent Court
issued on 20 Juli 2026
concerning EP 2 593 025 B1

Headnote:

If a statement of claim is to be served under The Hague Convention and, according to the competent Chinese authority, the defendant “refuses to accept the documents,” the Court may deem the steps taken so far to be sufficient for good service.

Keywords:

R. 275.2 RoP; good service; alternative method; refusal to accept documents

CLAIMANT:

LiNA Medical AG, with its principal address Platz 3, 6039 Root D4, represented by its managing director Mr. Lars Peter Melbye, Switzerland, L.P.,

Represented by: Attorney-at-law Carl-Alexander Dinges, Bonabry Partnerschaft von Rechtsanwälten mbB, Jakob-Klar-Straße 14, 80796 Munich, Germany

and (further representatives): Attorney-at-law Daniel Hoppe, Bonabry Partnerschaft von Rechtsanwälten mbB, Neuer Wall 72, 20354 Hamburg, Germany

Attorney-at-law Konstantin Schallmoser, Bonabry Partnerschaft von Rechtsanwälten mbB, Jakob-Klar-Straße 14, 80796 Munich, Germany

Attorney-at-law Dr. Alexander Harguth, Bonabry Partnerschaft von Rechtsanwälten mbB, Jakob-Klar-Straße 14, 80796 Munich, Germany

Electronic address for service: dinges@bonabry.de

DEFENDANTS:

1. **Tonglu Qianyan Medtech Co., Ltd.**, Room 101, Building 6, Medical Decive Industrial Park, No. 1688 Chunjiang East Road, Fengchuan St., Tonglu County, Hangzhou, Zhejiang, 311501 Hangzhou Zhejiang, China (SRN: CN-MF-000017342)
2. **Mr. Sam Lee**, with a business address at Tonglu Qianyan Medtech Co., Room 101, Building 6, Medical Decive Industrial Park, No. 1688 Chunjiang East Road, Fengchuan St., Tonglu County, Hangzhou, Zhejiang, 311501 Hangzhou Zhejiang, China (SRN: CN-MF-000017342)
3. **Eunitor GmbH**, Kennedydamm 5, 40476 Dusseldorf, Germany, represented by its CEO Shujun Yin, HRB: 92928

EUROPEAN PATENTS NO. EP 2 593 025 B1

PANEL/DIVISION:

Panel 2 of the Local Division in Düsseldorf

DECIDING JUDGES:

This order was issued by Judge Dr Rinken acting as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT: R. 275.2 RoP – Order of good service

SUMMARY OF THE FACTS:

1. On 19 January 2026, the Claimant filed a patent infringement lawsuit against the Defendants, alleging infringement of EP 2 593 025 B1 (hereinafter: patent in suit).
2. Pursuant to The Hague Convention and in accordance with R. 274.1 (a) (2) of the RoP, the Registry attempted to serve the Statement of Claim (“SoC”) on Defendants 1 and 2.
3. However, with regard to both, Defendant 1 and 2, the competent Chinese authority stated in each case:

“The recipient refused to accept the documents.”

INDICATION OF CLAIMANT’S REQUEST:

4. The Claimant requests the Court, pursuant to R. 275 RoP, to issue the following order:

„1. Service by public notice:

Service of the Statement of Claim of 19 January 2026 on the Defendants no. 1 and 2 is effected by way of public service.

2. Procedure of public notice:

The following procedure (or any other procedure deemed appropriate by the Court) shall apply to the public service:

- The Registry shall post a notice on the court bulletin board OR publish the notice in an electronic information and communication system that is publicly accessible at the court.
- The notice shall indicate
 - the person on whose behalf service is being effected,
 - the name and address of the addressee,
 - the date, the file number of the document, and the subject matter of the proceedings, and
 - the location where the document may be inspected.
- The notice shall include a statement that a document is being served publicly and that time limits may be triggered, the expiration of which may result in the loss of legal rights. When serving a summons, the notice must include a statement that the document contains a summons to a hearing, the failure to appear at which may result in legal consequences.
- The Registry shall record indicating when the notice was posted and when it was removed.

3. Effect of service

The Statement of Claim is deemed to have been served 30 days after the notice was posted.”

GROUND FOR THE ORDER:

5. In the present case service is governed by part 5, chapter 2, section 2 of the RoP. The Defendants 1 and 2 are domiciled outside the contracting member states and outside the European Union, in China. China is a signatory to the HSC. Accordingly, the registry is to serve the SoC by any method provided by The Hague Convention permitted for service in China.
6. Pursuant to R. 275.2 RoP, on a reasoned request by the claimant, the Court may order that steps already taken to bring the statement of claim to the attention of the defendant by an alternative method or at an alternative place is good service.
7. The requirements of R. 274.1 (b) and R. 275.2 RoP are met.
8. The Defendants 1 and 2 seriously and finally refused to accept service without giving any

reason, although they had a fair opportunity to become aware of the contents of the Statement of claim. The refusals are strong indications that other methods of service will not be accepted by the Defendants 1 and 2. Therefore, a further attempt for service by an alternative method is not required prior to an order pursuant to R. 275.2 RoP (cf. LD Mannheim, order of 1 December 2025, UPC_CFI_820/2024 – Corning Incorporated v. Caihong Display Devices).

9. Since no other apparent alternative service options are existing, there is also no scope for an order under R. 275.1 RoP (LD Düsseldorf, UPC_CFI_515/2025, order of 11 November 2025 - Hewlett Packard v. Shenzen et al.). To ensure effective legal protection for the Claimant, it is therefore necessary to order that the steps already taken to bring the SoC to the attention of Defendants 1 and 2 is good service.
10. Furthermore, R. 275.4 RoP is satisfied, since Art. 95 of the Civil Procedure Law of the People's Republic of China (cf. <https://www.wipo.int/wipolex/en/legislation/details/23132>) permits "public service" as an alternative method for service. It stipulates as follows (in English translation):

„If the whereabouts of the recipient are unknown, or if service cannot be effected by other means prescribed in this section, service shall be effected by public notice. Service shall be deemed complete thirty days after the date of issuance of this notice.

When a notice is served, the reasons and process should be recorded in the case file.“

ORDER:

- I. The steps already taken to bring the Statement of claim in the proceedings UPC_CFI_209/2026 to the attention of Defendants 1 and 2 constitute good services pursuant to R. 275.2 RoP.
- II. Services are deemed to be effective as of the date of this order.
- III. This order shall be published on the Court's website with the names and the file number, so that the order can be found under the orders and decisions published on the website.

Issued in Düsseldorf on 20 July 2026

NAMES AND SIGNATURES

Legally qualified Judge Dr Rinken	
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