

## ORDER

**of the Court of Appeal of the Unified Patent Court  
on the admissibility of the appeal against an order ruling on a preliminary objection issued on  
11 February 2026**

### HEADING

An order of the Judge-Rapporteur granting the preliminary objection but not terminating the proceedings in respect of one of the parties is neither a "decision" granting the preliminary objection within the meaning of the first sentence of Rule 21.1 RdP, nor is it an order that "dismisses" the preliminary objection within the meaning of the second sentence of Rule 21.1 RdP. In the case of such an order, which does not fall within any of the grounds for appeal referred to in section 73(1) and 73(2)(a) of the AJUB or Rule 220.1 of the RdP, the provisions of the second sentence of section 21.1 of the RdP must apply by analogy.

### KEYWORDS

Appeal of an order of the reporting judge ruling on a preliminary objection; R. 19, R. 21, R. 220 RdP; Art. 73 AJUB.

### APPELLANT AND PLAINTIFF IN THE INFRINGEMENT PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE

**Valeo Systemes D'essuyage**, 34, Rue Saint-Andre 93012 Bobigny Cedex, France

(hereinafter referred to as **the "Appellant"** or **"VALEO"**)

represented by Mr Lionel Martin, Barrister at the Paris Bar, representing before the JUB, as well as other representatives from the law firm August Debouzy, Paris, France

### RESPONDENTS, DEFENDANTS IN THE INFRINGEMENT ACTION BEFORE THE COURT OF FIRST INSTANCE AND PLAINTIFFS IN THE PRELIMINARY OBJECTION

- **ROBERT BOSCH FRANCE SAS**, 32 Avenue Michelet, 93400 Saint-Ouen-Sur-Seine, France
- **ROBERT BOSCH GmbH**, 1 Robert-Bosch-Platz, 70839 Gerlingen, Germany
- **ROBERT BOSCH S.A**, 1 rue Henri-Joseph Genesse, 1070 Anderlecht, Belgium
- **ROBERT BOSCH PRODUKTIE S.A**, Hamelendreef 80, 3300 Tienen, Belgium

DEFENDANTS IN THE INFRINGEMENT PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE

- **ROBERT BOSCH DOO**, Beograd, 90E/IV Omladinskih brigada, 11070, Beograd, Serbia
- **BOSCH AUTOMOTIVE PRODUCTS (CHANGSHA) CO., LTD.**, 26, Lixiangzhong Road, Economic and Technological Development Zone, Changsha County, Hunan Province, 410100 Changsha, China

hereinafter collectively referred to as "**Respondents**"

represented by Johannes Heselberger, representative before the JUB, Bardehle Pagenberg, Munich, Germany

PATENT IN DISPUTE

EP 2671766

COMPOSITION OF THE CHAMBER

First Chamber, composed of:

Klaus Grabinski, President of the Court of Appeal,  
Emmanuel Gougé, legally qualified judge and judge-rapporteur, Ingeborg Simonsson, legally qualified judge.

LANGUAGE OF THE PROCEEDINGS

French

ORDER OF THE COURT OF FIRST INSTANCE CONTESTED

- Order of the Central Division (Paris section) of 23 December 2025, UPC\_CFI\_809/2025

SUMMARY OF THE FACTS AND PROCEEDINGS

*Proceedings before the CFI*

1. The Appellant brought an action for infringement of the disputed patent against the Respondents before the Central Division (Paris section) of the Court of First Instance of the Unified Patent Court (hereinafter the "CD Paris").
2. Four of the respondent companies – Robert Bosch France SAS, Robert Bosch GmbH, Robert Bosch SA, and Robert Bosch Produktie SA – filed a preliminary objection (R. 19 RdP) concerning the jurisdiction of the CPJ Paris and the language of the proceedings.
3. The DC Paris ruled that it did not have jurisdiction to hear the infringement claim and, granting VALEO's alternative request, ordered the infringement action to be transferred to the local division in Düsseldorf and ruled that the language of the proceedings would be English (procedural order of the judge-rapporteur of 23 December 2025, hereinafter "the contested order").

*The appeal proceedings*

4. The Appellant lodged an appeal against the contested order on the basis of Rule 220.2 RdP. The Appellant requests, in particular, that the Court of Appeal rule that the Paris DC has jurisdiction to hear the infringement action

for infringement (UPC\_CFI\_809/2025), to order the referral of the infringement action to the DC Paris and to rule that the language of the proceedings shall be French.

5. Following observations made by the Registry in the course of the formal examination of the notice of appeal (R. 229 RdP), the Appellant remedied the formal deficiencies and filed additional observations concerning the basis on which it appealed the contested order.
6. The reporting judge invited the Respondents to submit their comments on the admissibility of the appeal and, pending the decision on the admissibility of the appeal, ordered the suspension of the time limit referred to in Rule 235 RdP for the Respondents to file their defence.
7. The Respondents conclude that the appeal is inadmissible and, in the alternative, request that, in accordance with the provisions of Rule 21.2 RdP, the proceedings at first instance be suspended until the Court has ruled on the appeal (submission of 28 January 2026).
8. The Appellant requests that the alternative request be dismissed, on the grounds, in particular, that the Respondents limit their arguments to the possible translation costs that a referral of the proceedings on the merits to the DC Paris would entail for them and that they do not justify any exceptional circumstances in support of their request.

*The parties' arguments on the admissibility of the appeal proceedings*

9. The Appellant argues, in particular, that the contested order is neither a decision on the merits nor a decision terminating the proceedings, and that it is not included in the list of orders exhaustively enumerated in Rule 220(1)(c), so that an appeal against the order of the DC Paris cannot be brought under the conditions of Rule 220.1 RdP and must therefore be brought on the basis of Rule 220.2 RdP, notwithstanding the provisions of Rule 21.1 RdP, which do not exclude the possibility for the respondent to the preliminary objection to appeal under Rule 220.2 RdP.
10. The Respondents consider that, as this is a decision by the reporting judge upholding the preliminary objection, the specific appeal regime provided for in the first sentence of Rule 21.1 RdP applies, which expressly refers to the provisions of Rule 220.1 (a) RdP applicable to decisions on the merits, even if the decision under appeal is not a decision on the merits. They point out that the fact that the contested decision is entitled "Procedural Order" cannot be taken into consideration. They further argue that even if the Appellant had chosen the correct route of appeal, in their view, as defined in Rule 220.1 (a) RdP on referral from Rule 21.1 RdP, its appeal would not have been admissible, since this route of appeal would only have been open to the Appellant if it had been "affected" by the contested decision, which it is not.

GROUNDS

*Admissibility of the appeal*

11. An appeal against a decision or order of the Court of First Instance (CFI) may be lodged with the Court of Appeal under the conditions set out in Article 73 of the JUB Agreement (AJUB).
12. If the appeal concerns a decision of the CFI, it may be lodged by any party whose claims have been wholly or partially rejected, within two months of the date of notification of the decision (Art. 73(1) JUB).
13. If the appeal concerns an order, it may be brought by any party that has been unsuccessful in whole or in part in its claims, in accordance with the provisions of Article 73(2) JUB, which provides for two separate regimes.

14. The first system for appealing orders of the CFI referred to in section 73 AJUB concerns orders referred to in section 49(5) and sections 59 to 62 and 67 AJUB and provides that the appeal must be lodged within fifteen calendar days of notification of the order to the applicant (Art. 73(2)(a) AJUB).
15. The second system for appealing orders of the TPI referred to in section 73 AJUB concerns orders other than those referred to in section 73(2)(a) AJUB and provides that, for these orders, the appeal may be lodged at the same time as the appeal against the decision or, if the Court grants leave to appeal, within fifteen days of notification of the Court's decision to that effect (Art. 73(2)(a)(ii) AJUB).
16. The provisions of the JUB Agreement are supplemented by those of the Rules of Procedure ("Rp"), which, according to the provisions of Article 41 AJUB, lay down the rules of procedure before the Court and provide that in the event of a conflict between the provisions of the Agreement or the Statutes on the one hand, and the Rules on the other, the provisions of the Agreement or the Statutes shall prevail (Art. 41(1) AJUB and RdP, preamble, first recital).
17. Rule 220 of the Rules of Procedure and Evidence, relating to decisions subject to appeal, distinguishes between, on the one hand, decisions and orders against which an appeal may be lodged immediately and without prior authorisation from the CPC (R. 220.1 of the Rules of Procedure and Evidence) and, on the other hand, orders, other than those referred to in Rule 221.1 RdP, which may be appealed either together with the appeal against the decision or with the permission of the CPC (R. 220.2 RdP).
  18. For an appeal to be lodged under the conditions set out in Rule 220.1 RdP, it must relate to (a) a decision on the merits, (b) a decision terminating proceedings in respect of one of the parties, or (c) one of the cases of orders exhaustively listed (R. 220.1 RdP). With regard to orders other than those mentioned above, an appeal may only be lodged under the conditions set out in paragraph 2 of Rule 220 RdP.
19. In the specific case of preliminary objections referred to in Rule 19 RdP, Rule 21.1 RdP provides that a decision by the judge-rapporteur upholding the preliminary objection may be appealed under Rule 220.1 (a) ROP (Rule 21.1 ROP, first sentence), while an order of the judge-rapporteur dismissing the preliminary objection may only be appealed under Rule 220.2 ROP (Rule 21.1 ROP, second sentence).
20. An order by the judge-rapporteur upholding the preliminary objection but not terminating the proceedings in respect of one of the parties is neither a "decision" upholding the preliminary objection within the meaning of the first sentence of Rule 21.1 RdP, nor an order that "rejects" the preliminary objection within the meaning of the second sentence of Rule 21.1 RdP. In the case of such an order, which does not fall within any of the grounds for appeal referred to in section 73(1) and 73(2)(a) of the AJUB or Rule 220.1 of the Rules of Procedure, the provisions of the second sentence of section 21.1 of the Rules of Procedure must apply by analogy.
21. In the present case, the contested order concerns a matter of internal jurisdiction and orders the transfer of the action to another division, without terminating the proceedings against any of the parties.
22. The Appellant is therefore right to have lodged an appeal under Rule 220.2 RdP.
23. It follows that the Respondents' additional argument that the appeal should be declared inadmissible pursuant to Rule 229.4 RdP on the grounds that the Appellant wrongly paid the reduced appeal fee provided for appeals under Rule 220.2 RdP instead of the appeal fee corresponding to the appeal provided for in Rule 220.1 (a) RdP, cannot succeed either, and the Respondents' application in this regard must be dismissed.

24. Finally, the Respondents' argument that the Appellant is not affected by the contested order must also be dismissed. The contested order, insofar as it rejected VALEO's main request to confirm the jurisdiction of the Paris DC, affects the latter, whether the appeal is brought under Rule 220.1(a) or Rule 220.2 RdP.

#### *Suspensive effect*

25. The Respondents' alternative request to order the suspension of the first instance proceedings is dismissed for the following reasons.
26. In the specific case of an appeal against a decision or order on a preliminary objection, Rule 21.2 RdP provides that, if an appeal is lodged, the proceedings at first instance may be suspended by the Judge-Rapporteur or the Court of Appeal on the reasoned request of a party.
27. As a general rule, proceedings in the main action are not suspended during the appeal proceedings, as the principle is that proceedings before the Court of First Instance should proceed, subject to the cases provided for in Article 74(2) AJUB, without being delayed by appeal proceedings (R. 223 RdP, Art. 74 AJUB). However, a stay may be ordered in exceptional circumstances, taking into account the circumstances of the case, such as the progress of the proceedings before the CFI, the stage of the appeal proceedings and the interests of the parties (UPC\_CoA 227/2024, APL\_26889/2024, 21 June 2024, Mala v. Nokia).
28. In the present case, the Respondents justify their request for suspensive effect by the risk they run of working in vain on the drafting of their defence statement in English, on the grounds that, if the appeal is successful and the case is referred back to the DC Paris, they would have to translate it into French.
29. However, the risk highlighted by the Respondents does not constitute an exceptional circumstance justifying the suspension of the first instance proceedings.
30. The translation of their defence brief by the Respondents constitutes, at this stage of the proceedings, a mere possibility and is not requested by the Appellant in its appeal statement, which, on the contrary, expressly requests that, with regard to the pleadings and documents filed by the parties prior to the date of the appeal judgment to be rendered in the proceedings on the merits before the local division in Düsseldorf, the parties be exempted from producing translations into French.
31. In view of the circumstances of the case, and considering the need to organise the proceedings in the most efficient and economical manner possible (RdP, preamble, recital 4), the Respondents' request to suspend the first instance proceedings must therefore be rejected.

#### *Statement of defence*

32. Considering that the Respondents have been aware of the notice of appeal and the appeal brief since 20 January 2026 and that, by order of 21 January 2026, the reporting judge ordered the suspension of the time limit referred to in Rule 235 RdP for the filing of their defence by the Respondents pending the decision on the admissibility of the appeal, the Respondents are required to file their defence within 15 days of the date of this order.

ORDER

The Court of Appeal

- ruling on the admissibility of the appeal lodged by the Appellant, declares the appeal admissible;
- orders the Respondents to file their defence within 15 days of the date of this order.

Given in Luxembourg, on 11 February 2026.

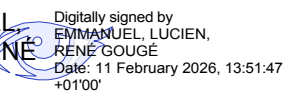
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Klaus Grabinski, President of the Court of Appeal,

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Emmanuel Gougé, Qualified Judge and Reporting Judge,



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Ingeborg Simonsson, Qualified judge.