Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

Paris Local Division

UPC_CFI_130/2025
Decision on the merits
of the Court of First Instance of the Unified Patent Court, rendered on May 29, 2026

HEADING

1. With regard to the challenge to the regularity of the enforcement measures for the seizure and the probative value of the report by the expert responsible for the seizure, it is for the panel, in the context of the decision on the merits, to rule on the matter, and not for the judge hearing the motion to set aside the seizure measures. The latter assesses the validity of the order authorizing the seizure.
2. It is important to adopt a consistent approach between the assessment of the patent's validity and that of the alleged infringement. Since a patent holder, in defending the validity of their patent, argues that a claimed feature cannot be presumed to be present in the prior art without a clear and unambiguous disclosure thereof, that patent holder, as the plaintiff in the infringement action, has the burden of proving that the same claimed feature is present in the product or process alleged to be infringing in a clear and unambiguous manner.
3. Article 32.1(a) of the AJUB on the jurisdiction of the JUB provides that the Court has exclusive jurisdiction over defenses relating to infringement actions (including certain counterclaims, the example given being a counterclaim concerning a license). In this case, abuse of rights is a defense related to the infringement action before this Court, in that it is intrinsically linked to the action, which serves as its basis.

KEYWORDS

1- validity of enforcement measures for seizure—merits of the case—jurisdiction of the panel
2- consistent interpretation of the scope of protection—validity and infringement
3- Art. 32.1(a) AJUB—abuse of the right to sue—JUB jurisdiction

PLAINTIFF

TIRU 7 rue du Dr Lancereaux 75008 Paris	Represented by Cyrille AMAR and other representatives of the law firm Amar Goussu Staub and Anne SEIBEL and other representatives of the firm Regimbeau

DEFENDANTS

VALINEA ENERGIE Rue du Champ du Cerf 25200 Montbéliard	Represented by Gaston VEDEL and other representatives of the firm Beau de Loménie
MAGUIN SAS 2, rue Pierre Semart 02800 - Charmes	Represented by Olivier DELPRAT and other representatives of the law firm CASALONGA and the law firm BOSCO Avocats

DISPUTED PATENT

Patent Number	*Patentee(s)*
EP3l78578	**TIRU**

COMPOSITION OF THE CHAMBER — CHAMBER IN PLENARY SESSION

Presiding Judge and Reporting Judge	**Camille**
Lignieres Legally Qualified Judge	**Carine Gillet**
Legally Qualified Judge	Rute Lopes
Judge with technical expertise	Renaud Fulconis

LANGUAGE OF THE PROCEEDINGS: French

DECISION

PARTIES TO THE PROCEEDINGS

1. TIRU is the plaintiff in the infringement action. It is a French company specializing in waste-to-energy recovery, founded in 1922 at the initiative of the City of Paris. It designs, builds, and operates waste treatment and recovery facilities. Since 2021, TIRU has been a subsidiary of the PAPREC Group, a French group specializing in waste management and recovery. TIRU is the holder of European Patent EP 3 178 578 B1, granted on August 1, 2018 (hereinafter “EP’578”).

2. The company VALINEA ENERGIE (hereinafter “VALINEA”), the defendant, is a French company

that belongs to the VEOLIA Group, which is a competitor of PAPREC. Its main activity is the treatment and disposal of non-hazardous waste. In 2022, it was awarded a concession contract with works by the Pays de Montbéliard Agglomération for the treatment of household waste. VALINEA is the operator of the furnace alleged to be infringing.

3. The company MAGUIN, also a defendant, is a French company that develops and manufactures, among other things, rotary kilns suitable for various applications, including the incineration of industrial waste. MAGUIN is the manufacturer of the combustion chamber of the kiln in question.

FACTS AND PROCEEDINGS

4. On December 17, 2024, TIRU filed two parallel requests with the Paris Local Division of the JUB for the preservation of evidence and an on-site inspection based on its EP'578 patent, one against VALINEA and the other against MAGUIN, prior to any proceedings on the merits.

5. On December 23, 2024, two *ex parte* orders were issued, authorizing the requested evidence preservation measures, but limiting the scope of the requested measures to the investigation of the characterization of the infringement.

6. The seizure measures were executed on January 14, 2025, simultaneously at the premises of MAGUIN, the manufacturer of the combustion cell of the allegedly infringing furnace, and at the premises of VALINEA, the operator of said furnace.

7. The written reports of the experts appointed for each seizure were filed on January 20 and 21, 2025. The confidentiality of the seized documents and information was protected by establishing a confidentiality circle restricted solely to representatives of each party.

8. These seized documents were then sorted under the supervision of an expert appointed by the Court. Documents and information deemed confidential within the meaning of Art. 58 AJUB and R. 262A RdP are currently accessible only to members of an expanded confidentiality circle comprising two individuals from each of the companies designated by the order of March 6, 2025.

9. These evidentiary measures were the subject of a motion for reconsideration and then an appeal before the JUB Court of Appeal and were upheld (CoA, **UPC_CoA_327/2025,** July 15, 2025).

10. On February 18, 2025, TIRU filed a substantive infringement action against VALINEA and another infringement action against MAGUIN with the Paris Local Division, based on patent EP'578.

11. That same patent was the subject of a revocation action before the Central Division of Paris based on a request filed by VEOLIA PROPRETE on May 13, 2025.

12. VALINEA and MAGUIN filed, in connection with the infringement action on the merits before this division, counterclaims for revocation of the patent underlying

the infringement action on June 4, 2025.

13. Upon TIRU's motion, a bifurcation was ordered to the Central Division of Paris by

Order of July 22, 2025, issued by this panel regarding the defendants' counterclaims seeking invalidation of patent EP'578, dismissing TIRU's motion for a stay pending the decision of the Paris Central Division on the validity of the patent, and a consolidation of the TIRU-VALINEA and TIRU-MAGUIN infringement cases under the same case number CFI 130/2025.

14. In the context of the infringement action, the parties exchanged their briefs, and the Paris Central Division issued its final decision on the validity of patent EP'578 on March 18, 2026 (hereinafter "the CD Decision"), rejecting the requests for revocation of said patent, and deciding to maintain this patent in amended form in accordance with auxiliary request 2.0, in its corrected version.

15. Following the pre-trial conference on March 26, 2026, by order pursuant to R. 105.5 RdP, the Reporting Judge set the value of the dispute related to the infringement action at 2 million euros and, in light of the Central Division's decision on the validity of the patent in question, requested a final set of briefs (limited to 10,000 words, Calibri font, and within a tight deadline) from all parties. TIRU filed them on April 2, 2026, and the defendants on April 7, 2026, in accordance with the scheduled timeline.

THE PARTIES' REQUESTS

16. In its final brief (summary arguments dated April 2, 2026, with an updated request for representation costs at the hearing in the amount of 200,000 euros), **TIRU requests that the Court**:

DISMISS all claims brought by VALINEA ENERGIE and MAGUIN,

RULING that the furnace of the Pays de Montbéliard Energy Recovery Unit embodies claims 1 through 11 and 13 of patent EP 3 178 578 as amended in auxiliary request 2.0 and upheld by the decision of March 18, 2026, of the Paris Central Division of the Unified Patent Court (UPC CFI 417/2025, UPC CFI 509/2025, and UPC CFI 528/2025);

Accordingly,

HOLD that by manufacturing, offering for sale, importing, exporting, transshipping, and marketing in France, Poland, and the United Kingdom, the furnace of the Pays de Montbéliard Energy Recovery Unit or any other furnace that reproduces claims 1 through 11 and 13 of European patent EP 3 178 578 as maintained, MAGUIN has committed acts of infringement of the French, Polish, and British portions of European patent EP 3 178 578 as maintained;

RULES that by using and possessing in France, Poland, and the United Kingdom, the furnace of the Pays de Montbéliard Energy Recovery Unit or any other furnace reproducing claims 1 through 11 and 13 of European patent EP 3 178 578 as maintained, VALINEA ENERGIE has committed acts of infringement of the French, Polish, and British parts of European patent EP 3 178 578 as maintained;

ORDER the company MAGUIN to cease the manufacture, offering for sale, placing on the market, use, importation, exportation, transshipment, or possession of any furnace that embodies claims 1 through 11 and 13 of European Patent EP 3 178 578 as maintained, upon the expiration of a 30-day period from the service of the judgment to be rendered, subject to a definitive penalty of 50,000 euros per day of delay;

ORDER MAGUIN to pay TIRU, as provisional damages for the commercial harm it has suffered, and subject to adjustment, the sum of 480,000 euros;

PROHIBIT VALINEA ENERGIE from continuing to operate and possess any furnace that infringes claims 1 through 11 and 13 of European Patent EP 3 178 578 as maintained, upon the expiration of a 30-day period from the service of the judgment to be rendered, subject to a definitive penalty of 50,000 euros per day of delay;

ORDER VALINEA ENERGIE to destroy, at its own expense, the furnace supplied by MAGUIN;

ORDER VALINEA ENERGIE to pay TIRU, as provisional damages to compensate for the commercial harm it has suffered, and subject to adjustment, the sum of 156,000 euros;

ORDER MAGUIN and VALINEA ENERGIE to each pay TIRU, as provisional damages to compensate for the non-economic harm it has suffered, and subject to final determination, the sum of 20,000 euros;

ORDER the publication of the judgment in its entirety;

RULES that the Local Division reserves the right to liquidate the penalty payments it has set;

ORDER MAGUIN and VALINEA to pay TIRU the sum of 200,000 euros in legal costs;

ORDER the provisional enforcement of the monetary penalties set forth in the decision to be rendered.

17. **VALINEA, the defendant in the main action,** made the following requests in its latest defense brief dated April 7, 2026 (summary arguments):

DECLARE and RULED that the report by Mr. Jérôme SARTORIUS dated January 21, 2025, is null and void or, at the very least, devoid of any probative value;

DECLARE and RULED that the furnace operated by VALINEA ENERGIE does not reproduce, literally or by equivalence, the claims of Patent EP 3 178 578 asserted by TIRU pursuant to Subsidiary Request 2.0, previously found valid by the Central Division of the JUB;

Consequently, DISMISS all of TIRU's claims in the present proceedings against VALINEA ENERGIE.

DECLARE and RULED that TIRU's infringement action is abusive.

Consequently:

ORDER TIRU to pay VALINEA ENERGIE the sum of €50,000 (fifty thousand euros) as compensation for the harm caused by the abusive nature of the action brought by TIRU against VALINEA ENERGIE.

In the alternative:

FIND that the injunctive relief, destruction, and publication sought by TIRU against VALINEA ENERGIE are disproportionate, and dismiss TIRU's claims in this regard;

DISMISS TIRU's claims for provisional damages or, at the very least, reduce the amount of damages sought on a provisional basis to a fair and reasonable level;

As a further alternative:

If injunctive, destruction, and/or publication measures were nevertheless ordered, (i) DECLARE and RULED that such measures would not be subject to provisional enforcement and could only be enforced once the decision on the merits becomes final, or (ii) at the very least, MAKE THEIR PROVISIONAL ENFORCEMENT SUBJECT TO THE POSTING OF A BOND IN THE AMOUNT OF €55,000,000 (FIFTY-FIVE MILLION EUROS) BY TIRU, INTENDED TO COMPENSATE VALINEA ENERGIE IN THE EVENT THAT THE DECISION ON THE MERITS IS OVERTURNED.

In any event:

ORDER TIRU to pay VALINEA ENERGIE the sum of €200,000 (two hundred thousand euros) as reimbursement for the costs incurred in connection with this infringement action, and, in the alternative, order TIRU to pay VALINEA ENERGIE the provisional sum of €100,000 (one hundred thousand euros).

18. **MAGUIN, also a defendant in the main action,** made the following requests in its latest defense brief dated April 7, 2026 (summary arguments):

RULING that the MAGUIN Furnace does not reproduce claims 1 through 13 of patent EP 3 178 578 B1 in its amended form pursuant to auxiliary claim 2.0, as corrected, and therefore has not committed any act of infringement of the French, Polish, and British parts of patent EP 3 178 578.

DISMISS all claims by TIRU;

ORDER, in the alternative, that TIRU provide security in the amount of the total provision that MAGUIN would be ordered to pay;

ORDER TIRU to bear all costs related to this infringement action (UPC CFI 132/2025, No. ACT 7999/2025).

ORDER TIRU to pay MAGUIN the sum of €200,000 (two hundred thousand euros) as reimbursement for the costs incurred in connection with this infringement action.

GROUNDS FOR THE DECISION

I. Jurisdiction

19. In this dispute, the jurisdiction of this court has not been contested. This is an infringement action based on a European patent against two companies located in France, over which the JUB, Paris Local Division, has jurisdiction to rule, as the defendants are domiciled in France and the place of the alleged infringement is located on French territory (Art. 32.1 (a) and Art. 33.1 (b) AJUB).

II. Overview of the Patent at Issue

20. Patent EP'578 (TIRU's Exhibit 1), owned by TIRU, stems from an application filed on December 8, 2016, in French, and was granted on August 1, 2018. It is titled *"Waste incineration plant and associated method."*

21. This patent is in force as of the date of TIRU's infringement claim in the following countries: France, the United Kingdom, and Poland (TIRU Exhibits 19, 20, 21).

22. Patent EP'578 relates to a technology implemented in a waste incineration furnace. It protects both a waste incineration plant and an associated process.

23. Regarding the technical field relating to waste incineration facilities, the descriptive portion of the patent explains that waste that cannot be recycled is either landfilled or destroyed by incineration, that is, by combustion that is as complete as possible, with the energy released being recoverable (paragraph [0002]).

24. In the prior art, the use of oscillating furnaces to ensure the combustion of solid waste is known (paragraph [0003]). The furnace generally comprises a cell that constitutes a combustion chamber, typically of a cylindrical-truncated-conical shape extending along a longitudinal axis. The waste is introduced into the chamber through the highest end of the cylinder, then is pushed into the chamber, thanks to the inclination of the axis and the oscillating motion, until it exits after being burned, in the form of residues, through the opposite end, which is the lowest (paragraph [0004]).

25. In its descriptive section, the patent mentions that it would be desirable to improve the thermal efficiency of prior-art incineration facilities, to optimize flexibility by expanding the range of acceptable lower heating values (LHV), and to do so without complicating the facility or increasing its cost (paragraph [0007]).

26. Patent EP'578 proposes an invention that enables improvements in this context.

27. The patent in question, in its amended form pursuant to the CD's decision, comprises two independent claims: claim 1, which relates to a product, and claim 13, which relates to a process.

28. **Claim** 1, as amended in accordance with the Central Division's decision, reads as follows:

A waste incineration plant (1), comprising:

- a combustion cell (10) extending along a longitudinal axis between an inlet face (2a) and an outlet face (2b) and having a side wall (11), said longitudinal axis being inclined such that the inlet face (2a) is at a higher elevation than the outlet face (2b), the chamber (10) being adapted to oscillate about said longitudinal axis;

- means (4, 5) for introducing waste into the cell (10) via the inlet face (2a);

- means (3a, 3b) for supplying combustion and/or cooling air to the cell (10);

- a flue (6) for exhausting fumes through an opening in a side wall (11) of the cell (10);

characterized in that it further comprises a hollow casing (12a, 12b) disposed around the side wall (11) so as to cover at least 50% of its surface, the combustion and/or cooling air circulating within said hollow casing (12a, 12b) before being introduced into the cell (10), **the hollow casing having a** primary **section** (12a) and a secondary section (12b) disposed downstream of the primary section (12a), said primary and secondary sections (12a, 12b) being fluidically separate, the combustion air circulating within said primary section (12a) of the hollow casing, and **the cooling air circulating within said secondary section (12b) of the hollow casing,**

the hollow casing (12a, 12b) having supply channels (120a, 120b) and return channels (121a, 121b), arranged such that the air circulating within said hollow casing (12a, 12b) travels through the supply channels (120a, 120b) and then the return channels (121a, 121b) before being introduced into the cell (10), each return channel (121a, 121b) being arranged between two supply channels (120a, 120b).

29. Claim 13, as amended pursuant to the Board of Appeal's decision, reads as follows: A method for incinerating waste, characterized in that it comprises the steps of:

- introducing waste into a combustion chamber (10) via an inlet face (2a), the chamber (10) extending along a longitudinal axis between the inlet face (2a) and an outlet face (2b) and having a side wall (11), said longitudinal axis being inclined such that the inlet face (2a) is at a higher elevation than the outlet face (2b), the chamber (10) being adapted to oscillate about said longitudinal axis;

- circulation within a hollow envelope (12a, 12b) disposed around the side wall (11) **of combustion and cooling** air**, the hollow envelope comprising a** primary section (12a) and a secondary section (12b) disposed downstream of the primary section (12a), said primary and secondary sections (12a, 12b) being fluidically separate, the combustion air circulating in said primary section (12a) of the hollow jacket, and the cooling air circulating in said secondary section (12b) of the hollow jacket,

the hollow shell (12a, 12b) having supply channels (120a, 120b) and return channels (121a, 121b), arranged such that the combustion air circulating within said

hollow casing (12a, 12b) travels through the supply channels (120a, 120b) and then the return channels (121a, 121b) before being introduced into the cell (10), each return channel (121a, 121b) being arranged between two supply channels (120a, 120b); then

- injection of said combustion and cooling air into the cell (10) from the hollow casing (12, 12b) via orifices (14a, 14b);

- combustion of the waste in the cell (10) in the presence of said combustion air.[1]

30. For the analysis of the features of claim 1 as amended, the Court adopts the breakdown used in the Board of Appeal's decision, and reiterated by the parties in their summary submissions (which has the advantage of incorporating the features of the former claims 10 and 12 without changing their numbers), as follows:

1.1	Installation (1) d'incinération de déchets, comprenant :
1.2	- une cellule (10) de combustion s'étendant le long d'un axe longitudinal entre une face d'entrée (2a) et une face de sortie (2b) et présentant une paroi latérale (11),
1.3	ledit axe longitudinal étant incliné de sorte que la face d'entrée (2a) présente une altitude supérieure à la face de sortie (2b),
1.4	la cellule (10) étant adaptée pour osciller autour dudit axe longitudinal ;
1.5	- Des moyens (4, 5) d'introduction des déchets dans la cellule (10) via la face d'entrée (2a) ;
1.6	- Des moyens (3a, 3b) d'alimentation de la cellule (10) en air de combustion et/ou de refroidissement ;
1.7	- Un conduit (6) d'évacuation des fumées par une ouverture dans une paroi latérale (11) de la cellule (10) ;
1.8	caractérisée en ce qu'elle comprend en outre une enveloppe creuse (12a, 12b) disposée autour de la paroi latérale (11) de sorte à recouvrir au moins 50% de sa surface, l'air de combustion et/ou de refroidissement circulant dans ladite enveloppe creuse (12a, 12b) avant d'être introduit dans la cellule (10),
10	l'enveloppe creuse présentant une partie primaire (12a) et une partie secondaire (12b) disposée en aval de la partie primaire (12a), lesdites parties primaire et secondaire (12a, 12b) étant distinctes fluidiquement,
12	l'air de combustion circulant dans ladite partie primaire (12a) de l'enveloppe creuse, et l'air de refroidissement circulant dans ladite partie secondaire (12b) de l'enveloppe creuse,
1.9	l'enveloppe creuse (12a, 12b) présentant des canaux aller (120a, 120b) et des canaux retour (121a, 121b), disposés de telle sorte que l'air circulant dans ladite enveloppe creuse (12a, 12b) parcourt les canaux aller (120a, 120b)
1.10	puis les canaux retour (121a, 121b) avant d'être introduit dans la cellule (10),
1.11	chaque canal retour (121a, 121b) étant disposé entre deux canaux aller (120a, 120b).

III. Interpretation of the terms of the contested claims

The person skilled in the art

31. The features of the claims must be interpreted from the perspective of a person skilled in the art. In the present case, the Court adopts the definition of a person skilled in the art given in the Board of Appeal's decision (§51): an engineer specializing in industrial techniques relating to waste facilities.

Principles of interpretation

[1] The text in bold has been added by the Court for clarity and corresponds to the main features discussed below.

32. In accordance with Art. 69 of the European Patent Convention (EPC) and its Interpretative Protocol, this Court adopts the standard for interpreting patents established by the JUB Court of Appeal in two orders (UPC CoA 335/2023 and UPC_CoA_1/2024):

1) The patent claim is not merely the starting point, but the basis for determining the scope of protection of the European patent.

2) The interpretation of a patent claim does not depend solely on the strict and literal meaning of the terms used. On the contrary, the description and drawings must always be used to aid in the interpretation of the patent claim and not merely to resolve ambiguities in the patent claim.

3) However, this does not mean that the patent claim serves solely as a guideline and that its scope may extend to what the patent owner had envisaged, taking into account the description and drawings.

4) The patent claim must be interpreted from the perspective of a person skilled in the art.

5) In applying these principles, the objective is to combine adequate protection for the patent holder with sufficient legal certainty for third parties.

33. In the present case, the following terms were discussed:

"combustion air" and "cooling air" (characteristics 1.6 and 1.8)

34. This Division endorses the interpretation of these terms on which the Paris Central Division has already ruled, as follows (§59 and 60 and §140 of the CD Decision):

-‹ *Combustion air and cooling air are defined in terms of their respective functions. Combustion air is air that serves as an oxidizing agent for the combustion of waste. Cooling air is air that serves to cool the combustion products (...by bringing the cooling air into direct contact with the combustion products within the cell."* These combustion products are solid residues, not fumes.

-The expression *"combustion and* cooling air" is a shorthand term referring to combustion air on the one hand and cooling air on the other. Thus, claim 13, like claim 1, requires the injection and circulation of both combustion air and cooling air.

"the air circulating within said hollow casing passes through the supply channels and then the return channels before being introduced into the cell" (claim 1, feature 1.9)

or "the combustion air circulating in said hollow casing passes through the supply channels and then the return channels" (claim 13)

35. This Division also adopts the interpretation of these terms on which the Paris

Central Division has already ruled, as follows (§64–76 and §123–124 of the CD Decision):

The feature *“the air circulating within said hollow casing passes through the supply channels*

and then the return channels before being introduced into the cell" in claim 1 applies to the air referred to earlier in that claim, that is to say, in this case, both the combustion air and the cooling air. Both types of air must therefore circulate through the supply and return channels.

In contrast, in claim 13, only the combustion air must circulate through the supply and return channels; there is no specific requirement regarding the path of the cooling air.

The scope of claim 13 is therefore broader on this point than the scope of claim 1.

"a primary section and a secondary section disposed downstream of the primary section"
(feature 10)

36. The interpretation of these terms was not decided by the Board of Appeal's decision. It is still being debated by the parties in the context of the present infringement dispute.

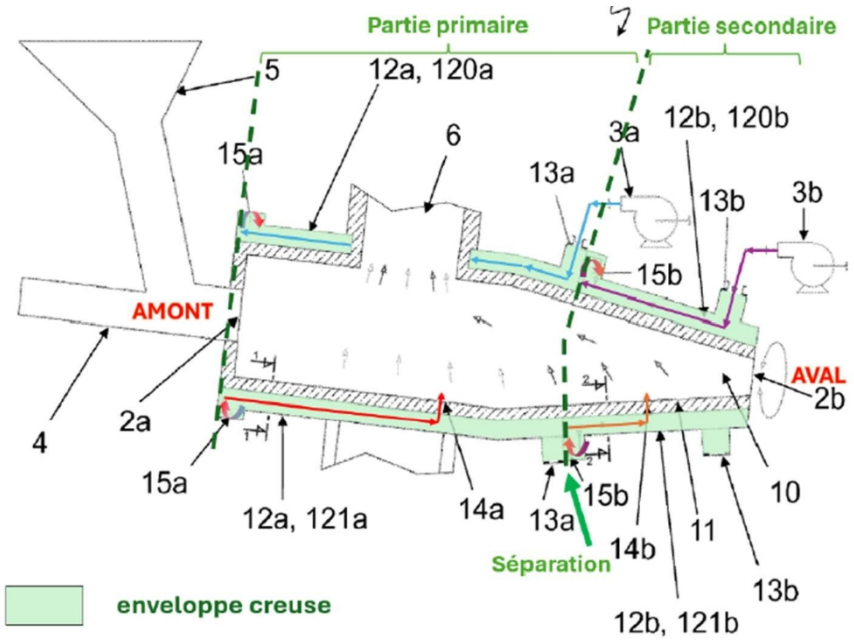
37. According to TIRU, a broad interpretation of the feature should be adopted, under which the fact that the secondary part is arranged downstream of the primary part does not preclude the primary part from overlapping the secondary part in whole or in part (summary submissions, pp. 4–6). The applicant argues that feature 10 does not preclude an overlap between the parts, since while it does not explicitly state that such an overlap is possible, it does not preclude it either. According to TIRU, this is consistent with the JUB's case law, which holds that *"the patent claims are not only the starting point but also the decisive basis for determining the scope of the protection conferred."* Furthermore, TIRU notes that, where the patent illustrates an embodiment in which the primary part is arranged entirely upstream of the secondary part, this is merely one embodiment, and the description requires only that the primary part be arranged upstream of the cell and the secondary part downstream of the cell (paragraph [0032]). According to TIRU, the patent description
"never states that the secondary part must be arranged downstream of the primary part, nor even their relative arrangement to one another, nor their disjunction."

38. According to VALINEA (Statement of Defense, §2.3.4, pp. 90–92; Summary Arguments, pp. 4–6), feature 10 precludes any overlap between the primary and secondary parts. The defendant argues that the term "arranged" implies a strict order, without overlap, both in its literal meaning (the Le Robert dictionary defines the term *"disposer"* as follows: "To *arrange, to put in a certain* order") and in its usage in relation to other elements in the patent description (by analogy, paragraph [0044] of the patent states: *"each return channel 121a, 121b is arranged between two forward channels 120a, 120b.")*

39. VALINEA also notes that the feature contains no expression such as *“at least partially*,” which would suggest an overlap.

40. Finally, VALINEA relies on the patent’s description and drawings, which, in its view, confirm the strict interpretation to be given to the terms “upstream” and “downstream” because there is a correspondence between the primary and secondary parts and the successive and distinct functional zones defined within the combustion cell (paragraphs

[0023]–[0024], [0032]). By way of illustration, Fig. 1a of the patent, annotated by VALINEA (summary of arguments, p. 5), is reproduced below:



41. VALINEA also notes that the Central Division maintained the patent in a more limited form, implying a relative positioning of the secondary part "downstream of the primary part." VALINEA also notes that TIRU uses a misleading presentation in its summary brief by referring to the upstream side of the cell, whereas the patent was maintained in a more limited form implying a relative positioning of the secondary part downstream of the primary part.

42. According to MAGUIN, the patent teaches that the downstream zone does not overlap, either partially or completely, with the upstream zone (paragraph [0032]). MAGUIN specifies that the term *"downstream"* used in claim 10 is a relative term with respect to an upstream zone. The term *"downstream"* must be interpreted consistently throughout the patent. Therefore, in claim 10, the phrase *"disposed* downstream" is to be understood as in the configuration shown in the embodiment in paragraph [0032] (summary brief, pp. 12–14).

Opinion of the Court

43. In the amended version of the patent, claim 10 was incorporated into the main claim, specifying that the secondary part is arranged downstream of the primary part.

44. This clarification is due to the fact that the primary part of the housing (through which combustion air circulates) must be arranged upstream of the cell, that is, where the waste is to be burned, and that the secondary part of the casing (through which the cooling air circulates) must be arranged downstream of the cell, where the waste residues are to be cooled.

45. The Court notes that, in the absence of any other indication in the patent, a person

skilled in the art would interpret the term “dispose” in its ordinary sense, that is*, “arrange, place*

"in a certain order" (dictionary definition provided by VALINEA, §2.3.4 of its answer to the complaint: https://dictionnaire.lerobert.com/definition/disposer). It would also interpret the term "downstream" in accordance with its usual meaning, denoting a relative position with respect to a reference direction (in this case, the direction of travel of the waste, according to paragraph [0015] of the patent). Consequently, *"a primary part and a secondary part disposed downstream of the primary* part" in claim 1 implies that the secondary part is (entirely) located after the primary part along the reference direction. This understanding, based on the usual meaning of the words used, does not need to be modified upon reading the description and drawings. In particular, it is consistent with the teaching of paragraph [0032], which states: *"the first part is a primary part 12a disposed upstream of the cell 10, and the second is a secondary part downstream of the cell."* Furthermore, Figure 1a of the patent shows that, in this embodiment, the two parts do not overlap along the longitudinal axis of the cell. TIRU rightly points out that the presence of a particular embodiment in the description is not sufficient to limit the scope of protection covered by the claim. Nevertheless, this embodiment is consistent with the understanding based on the ordinary meaning of the words used, as set forth above. The remainder of the description is also silent regarding the possibility of the primary and secondary parts overlapping, so that a person skilled in the art would not question their understanding based on the text of the claims. In summary, the term *"disposed* downstream" in feature 10 thus denotes a relative positioning between the two parts, with the two parts being placed successively one after the other. A person skilled in the art would understand that the primary and secondary parts do not overlap, but are arranged one after the other.

IV. **On the invalidity of the expert's report (measurements taken at the VALINEA site)**

46. VALINEA requests that the Court declare the report of the expert, Mr. SARTORIUS, dated January 21, 2025 (Exhibit 17 of TIRU), submitted to the Reporting Judge following the seizure and inspection of the site operated by VALINEA, to be null and void or, at the very least, devoid of any probative value.

47. In support of its request, VALINEA argues (Defense Brief, §2.1.2) that, while Mr. SARTORIUS's expert report is not refuted and there is no reason to doubt his independence, the specific circumstances surrounding the preparation of the evidence preservation measures and the on-site inspection cast doubt on his impartiality. The defendant criticizes the expert for having held a preparatory meeting regarding the evidence preservation operations and the on-site inspection with the representative of TIRU, without VALINEA being present, even though the seizure order did not provide for such a meeting and nothing justified holding such a preparatory meeting. VALINEA adds that the expert appears to have been influenced by his preliminary exchanges with TIRU in carrying out the seizure measures and in drafting his report, particularly in his preliminary report (Exhibit BOL No. 3.14, p. 4), even though the final report was amended following VALINEA's comments on that preliminary report. VALINEA notes that it is particularly

surprising that the expert uses the term *“similarity.”*

48. VALINEA concludes that, due to doubts regarding the impartiality (both objective and subjective) of the expert who conducted the on-site evidence preservation measures, in violation of the provisions of the order of December 23, 2024, the report in question must be declared null and void and excluded from the proceedings.

49. In the alternative, VALINEA requests a partial annulment of said report concerning the statements of [redacted] and Mr. [redacted], which were allegedly made spontaneously during the evidence preservation and on-site inspection procedures. According to VALINEA, it seems highly unlikely that these statements were made spontaneously, and it is particularly surprising that the expert did not ask a single question during the course of the evidence preservation and on-site inspection procedures. Furthermore, the expert is criticized for failing to distinguish the author of each statement and the context of those statements, and for failing to accurately transcribe their terms.

50. TIRU counters that this criticism is belated and should have been raised before the Reporting Judge who issued the order for the preservation of evidence. TIRU adds, on the merits, that the rules of professional conduct were observed during the preparatory meeting that allowed for the organization of the practical arrangements for the measures. According to TIRU, the expert merely made observations; he does not rule on legal issues, and his opinion may, in any event, be subject to criticism. TIRU clarifies that the expert's report must be distinguished from an official statement of findings drawn up by a judicial officer, which carries irrefutable probative force.

Opinion of the Court

On the admissibility of the request:

51. With regard to the challenge to the regularity of the seizure enforcement measures and the probative value of the expert's report, it is for the panel to rule on the matter in the context of the decision on the merits, and not for the judge hearing the motion to set aside the seizure measures. The latter is responsible for reviewing the validity of the order authorizing the seizure.

52. VALINEA cannot therefore legitimately be criticized for having raised the motion to set aside the report late, since it did so in its very first brief on the merits (Defense Brief of June 10, 2025, Section 2, p. 80). The motion to set aside the report is therefore admissible and must not be dismissed as late.

On the merits of the motion:

53. According to the Court, the expert appointed to conduct a seizure, pursuant to Rules 195.4 and 195.5 of the Rules of Procedure, is responsible for carrying out evidence preservation operations impartially and effectively. For these measures

to be effective, it is essential that they be prepared in advance. It is therefore necessary for the expert appointed to conduct the seizure operations to review the content of the seizure request and the attached documents to understand the scope of the dispute, and to contact the plaintiff's representatives (the only party represented in an *ex parte* proceeding) prior to the day of the seizure

party) prior to the day of the seizure to organize the practical aspects of these measures *on-site*, and with the judicial officer who will assist him in his mission. This is self-evident and does not call into question the subjective or objective impartiality of Mr. SARTORIUS, who is, moreover, bound by this obligation, on the one hand, by the code of ethics for industrial property attorneys, and on the other hand, by his status as an expert listed with the Paris Court of Appeal and appointed to carry out a seizure by order of the Reporting Judge of this division.

54. Consequently, holding a preparatory meeting with the applicant's representatives, which is necessary for the effectiveness of the ordered measures, does not call into question the expert's impartiality, as he would in any event have become acquainted with the applicant's arguments upon reading the request for the expert's appointment and the attached documents.

55. Regarding the criticism of the content of the expert's preliminary report (*"summary note*," Exhibit BDL 3.14), it is logical that, after subjecting his preliminary report to adversarial review, the seizure expert revises its wording if he deems it necessary, in light of the observations of the representative of the party subject to seizure. Such an approach, in the context of a proceeding that has become adversarial, only serves to demonstrate the impartiality of the expert appointed for the seizure. More specifically, the expert is criticized for using the term "similarities" in his preliminary report (p. 4 of the preliminary report: *"Without this opinion being considered an assessment of the existence of infringement, the secondary circuit exhibits similarities with these* claims"). However, the Court notes that the term "similarities" is a particularly cautious choice of words on the part of the expert, describing mere factual observations and carrying no legal consequences. This in no way demonstrates any lack of impartiality.

56. For these reasons, VALINEA's motion seeking a declaration of nullity of the expert's report shall be dismissed.

Regarding the alternative request for partial nullity:

57. According to VALINEA, the "statements" of [redacted] and [redacted] were not accurately transcribed accurately in the court reporter's report, and this justifies a partial annulment, that is, the exclusion from the record of the parties' arguments regarding *the* [redacted] "statements" of [redacted].

58. However, the Court notes that this motion for partial annulment is based solely on unsubstantiated allegations.

59. The court officer's minutes appended to the contested report specify the

circumstances of the statements made by the individuals on the website:

"[redacted] is present, at the request of [redacted] They tell us that the furnace has been installed but has not yet been accepted. (...) Mr. [redacted] then recounts the history of the plant, the collaboration with as well as the technology used and developed within the plant."

60. The Court notes that, in the absence of contrary testimony from [redacted] and [redacted] who could have been produced during the proceedings by VALINEA, it has not been shown that the expert distorted their statements. There is no evidence that leading questions were

been asked or that the statements of [redacted]

61. For these reasons, the request for partial annulment of the expert's report will also be denied.

V. On the substance of the infringement

A- On direct infringement (Article 25 AJUB), as the primary claim The reproduction of claim 1

62. TIRU contends that the accused oven reproduces all the features of claim 1, either literally or by equivalence.

63. VALINEA and MAGUIN essentially contest:

- the fact that *"cooling* air" as disclosed in features 1.6, 1.8, and 12 of claim 1 of the patent is present in the allegedly infringing oven;

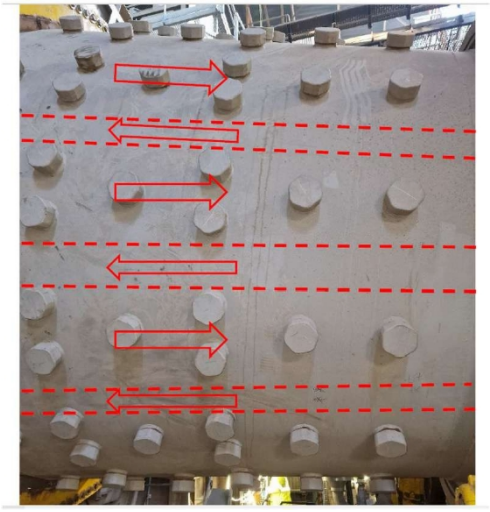
- that feature 10, which states that *"the secondary part (12a) is arranged downstream of the primary part (12a)*," is embodied in the alleged infringing furnace;

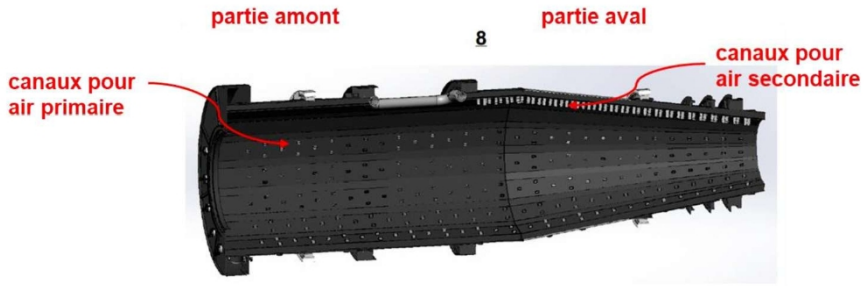
- the fact that features 1.9 through 1.11 are reproduced, since the alleged cooling air does not pass through supply and return channels, unlike the combustion air.

Claim 1 features 1.6, 1.8, and 12: *"cooling* air"

64. Claim 1 features 1.6, 1.8, and 12, read in combination, require the presence of means for supplying the cell with cooling air as well as the circulation of this cooling air within the hollow casing (and more specifically within the secondary part thereof) prior to its introduction into the cell. This cooling air is distinct from the combustion air.

65. TIRU, relying in particular on the reports of the court-appointed experts Messrs. SARTORIUS and TRANVOUEZ (Exhibits 17 and 17bis of TIRU), states—without being contested on this point by the defendants—that the furnace in question is equipped with two air supply systems for primary and secondary air, via respective air boxes, with two separate air circuits within the hollow casing, and injection nozzles in the cell. The ducts and nozzles of these two circuits are schematically illustrated below (images taken from TIRU's complaint against VALINEA, p. 31, excerpted from the SARTORIUS report, p. 5; and from TIRU's complaint against MAGUIN, p. 45, excerpted from Appendix 6 of the TRANVOUEZ report):





66. TIRU considers that the secondary air is cooling air.

67. VALINEA and MAGUIN dispute this, relying primarily on the following arguments (VALINEA's summary brief, §1.1.1, pp. 2–3; MAGUIN's summary brief, pp. 8–11 and 19–20):

- In the furnace in question, the function of secondary air is to treat carbon monoxide (according to the statements transcribed in the SARTORIUS and TRANVOUEZ reports) and not to cool the combustion products.

- The treatment of carbon monoxide by secondary air is an exothermic reaction that releases energy in the form of heat.

- Because the secondary air is injected into the top of the chamber, and not below the chamber containing the combustion products, this secondary air cannot serve to cool the combustion products. Indeed, the patent teaches that the cooling air must be injected at the lower part; furthermore, the secondary air injected at the upper part, at a distance from the chamber containing the combustion products, does not reach the combustion products due to the barrier formed by the primary air (combustion air) injected beneath the chamber, and due to the general upward movement of the flue gases within the furnace.

- Even assuming that the secondary air reaches the combustion products, it would do so only on their surface, in the form of a mixture of this secondary air with the flue gases, and at a temperature that would not allow for cooling of the combustion products.

- The furnace in question also does not allow for the recovery and utilization of heat from the combustion products via secondary air.

- In the furnace in question, the cooling of the combustion products occurs after they exit the furnace, when the combustion products fall into the water of a slag extractor.

68. TIRU relies primarily on the following arguments:

- The patent does not require a specific location for injecting cooling air into the cell. Injection at the bottom is merely presented as preferable in certain embodiments, and Figure 2 of the patent illustrates injection through the roof, in addition to injection at the bottom.

- Air can serve two different functions: the function of treating carbon monoxide therefore does not preclude the function of cooling the combustion products.

- The secondary air injection nozzles are positioned in the downstream part of the cell, that is, on the side of the cell where the combustion products are present.

- The secondary air is necessarily cooler than the flue gases. Its injection into the cell creates a convection effect, with turbulence, allowing this secondary air to come into contact with the combustion products. This contact is further facilitated by the furnace's oscillation: depending on the furnace's angular position, the secondary air injection nozzles may find themselves near the chamber containing the combustion products.

Opinion of the Court

69. It should be noted that, in accordance with the interpretation adopted in the Central Division's decision (paragraphs 59 and 63 of the CD Decision), cooling air is defined by its function of cooling combustion products (and thus recovering thermal energy from those combustion products). Furthermore, the cooling air must come into direct contact with the combustion products within the cell (in other words, cooling does not occur exclusively through the wall of the hollow casing through which the air circulates before being introduced into the cell).

70. Since the cooling air is defined by its function, it must be concluded that the patent does not necessarily require that the cooling air be injected beneath the chamber containing the combustion products. This injection through the lower part of the cell is presented in the patent solely as a specific embodiment and not as a necessary condition for injected air to be considered cooling air.

71. On the other hand, the secondary air of the furnace in question, according to the defendants—who have not been effectively contradicted on this point by TIRU—serves the function of treating carbon monoxide. It cannot be ruled out a priori that this secondary air might also have an additional function of cooling the combustion products. However, it is incumbent upon TIRU, the plaintiff in the infringement action, to prove this. The parties put forward opposing theories regarding the path of the secondary air within the cell and its potential effect on

the combustion products: TIRU argues that

contact between the secondary air and the combustion products resulting from turbulent flow and furnace oscillation, whereas VALINEA and MAGUIN argue that the secondary air is entrained by the flue gases and that the primary air acts as a barrier. Neither of these theories has been convincingly demonstrated. Nevertheless, it is TIRU, as the plaintiff in the main action, that bears the burden of proof.

72. In this context, it is particularly important to adopt a consistent approach between the assessment of the patent's validity and that of the alleged infringement.

73. However, the Central Division's decision, in its discussion of the so-called "Grannec" prior art (paragraphs 156–172 of the CD Decision), adopted TIRU's argument regarding the absence of a clear and unambiguous disclosure in the prior art document "Grannec" regarding the cooling function of the air (presented as combustion air in that document) that is injected beneath the waste stream, including in the downstream portion of the cell. Consequently, the mere fact that the secondary air of the furnace in question is injected into the downstream part of the cell cannot be considered to necessarily imply that this secondary air has a cooling function—especially since the secondary air is injected from the top of the vault, contrary to the teaching of *"Grannec*," but also contrary to the preferred embodiment of the cooling air injection illustrated in the patent at issue.

74. Similarly, the Board of Appeal's decision, in its discussion of the so-called *"Heliox"* prior art " (§178-189), adopted the argument presented by TIRU that, although the document teaches the supply of different gases to distinct parts of the cell's hollow envelope, including a gas other than a combustion gas, this does not imply the presence of cooling air within the meaning of the patent. Consequently, the secondary air of the furnace in question, presented as having a function of treating carbon monoxide, cannot a priori be considered cooling air in the absence of additional information to that effect.

75. Finally, the Board of Appeal's decision, in its discussion of the prior art "*Vanderpol* " (§190-195), adopted the argument presented by TIRU that a separate air stream, injected specifically downstream of the cell, has, in the context of that document, an oxidation function that tends to lead to a rise in temperature rather than to cooling. Again, bearing this in mind, the secondary air in the furnace at issue cannot be presumed to have a cooling function in the absence of concrete evidence from which to infer this.

76. In conclusion, it has not been established that the furnace in question literally employs cooling air as mentioned in features 1.6, 1.8, and 12 of claim 1.

77. Furthermore, TIRU does not allege the existence of infringement by equivalence with respect to the features relating to the cooling air.

<u>Feature 10</u>

78. The parties agree that, in the oven alleged to be infringing, the primary section completely overlaps the secondary section, as illustrated in the following

photograph, which is taken from a YouTube video of the Montbéliard metropolitan area

de Montbéliard (para. 181 of TIRU's complaint against VALINEA), the photograph having been annotated by TIRU itself:

79. However, it follows from the Court's interpretation of feature 10, according to which *"the secondary part (12a) is arranged downstream of the primary part (12a),"* that patent EP'578 requires that the primary and secondary parts do not overlap but are arranged one after the other.

80. Consequently, in light of the findings not disputed by the parties that, in the alleged infringing furnace, the primary part completely overlaps the secondary part, the latter is therefore not arranged downstream of the former, as taught in the patent in question, such that feature 10 is clearly not reproduced literally by the alleged infringing furnace.

Regarding TIRU's claims of infringement by equivalence:

81. In addition to its argument regarding the literal reproduction of feature 10, TIRU also presents an argument regarding the reproduction of that feature by equivalence.

82. The parties have agreed on the test to be followed for examining infringement by equivalence as proposed by the claimant, and the Court adopts this test to rule on equivalence, as has already been accepted by divisions of the JUB (The Hague Local Division, UPC_CFI_239/2023, November 22, 2024).

83. The test agreed upon by the parties comprises, in summary, the following steps:

1) Technical equivalence.
2) Fair protection for the proprietor.
3) Reasonable legal certainty for third parties.
4) Novelty and inventive step of the product alleged to be infringing relative to the prior art.

84. The first criterion of the adopted test is that of technical equivalence. It is stated as follows: does the accused variant (essentially) solve the same problem as the patented invention and does it (essentially) perform the same function in this context? It should be noted in this regard that the reproduction of the function of the patented means must be considered a minimum necessary condition for

concluding that there is reproduction by equivalence of that means, across all the legal doctrines applied within the Member States.

85. Thus, technical equivalence corresponds to the lowest common denominator of all the tests adopted in the national laws of the contracting states to the UPC regarding infringement by equivalence (Paris Local Division, UPC CFI 363/2024, August 1, 2025, and UPC CFI 612/2024, October 24, 2025, as well as Mannheim Local Division, UPC_CFI_471/2023, June 6, 2025).

86. In the present case, TIRU argues that the variant in which the primary section is arranged along the entire length of the cell solves the same problem as the patented invention and essentially performs the same function, *"which is to distribute combustion air and cooling air to the various zones of the furnace"* (Reply Brief, §215). However, in accordance with the arguments of VALINEA and MAGUIN, and as explained in detail above, it has not been established that cooling air is actually distributed to a zone of the furnace. Consequently, it has not been established that the contested variant solves the same problem and performs the same function as the patented invention. In other words, the technical equivalence claimed by TIRU has not been established.

87. For this reason alone, it must be concluded that the reproduction by equivalence of feature 10 is not established, without it being necessary to examine the other criteria of the equivalence test adopted in this dispute.

Claims 1.9 to 1.11: Air circulation in the supply and return channels

88. VALINEA and MAGUIN do not dispute that the primary combustion air travels through supply and return ducts within the housing before being introduced into the cell. Conversely, TIRU does not dispute that the secondary air follows a different path, since it circulates only through supply ducts within the housing.

89. Thus, given the interpretation of feature 1.9 outlined above (i.e., both combustion air and cooling air must pass through supply and return channels within the housing), TIRU, in its summary conclusions of April 2, 2026, acknowledges that features 1.9 through 1.11 are not reproduced verbatim by the accused furnace, but claims that they are reproduced by equivalence—which VALINEA and MAGUIN dispute. Once again, all parties refer to the criteria for the test of infringement by equivalence as presented above and adopted for the present case.

90. With regard to the first criterion discussed, namely that of technical equivalence, TIRU essentially argues that the circulation of air through return ducts, in addition to supply ducts, further improves energy efficiency by increasing the surface area for heat exchange with the combustion products. TIRU believes that the significant length of the supply ducts through which secondary air circulates in the furnace in question achieves the same energy efficiency improvement as the claimed solution (which consists of combining return ducts with supply ducts).

91. However, as VALINEA rightly points out in its summary of arguments dated April 7, 2026, since it has not been established that the secondary air is cooling air, the role of this secondary air—and more specifically, the configuration of its circulation within the shell—in the energy efficiency of the installation has also not been established. Furthermore, TIRU has also failed to demonstrate that the secondary

air ducts in the furnace in question have a specific length that would make this configuration analogous to the claimed configuration.

On the contrary, the claimed configuration ensures that all of the cooling air travels a certain distance within the housing, namely that of the supply ducts, with the introduction into the cell occurring solely via the return ducts; whereas, in the furnace at issue, the secondary air begins to be introduced into the cell as it travels through the supply channels and thus from the very start of its circulation within the housing, as illustrated below by diagrams taken from VALINEA's summary conclusions:

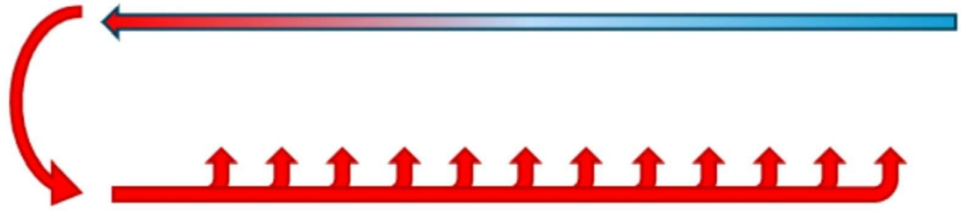


Schéma de principe du réchauffement de l'air dans le canal aller, dépourvu de buse (en haut), avant son injection par les buses du canal retour (en bas).

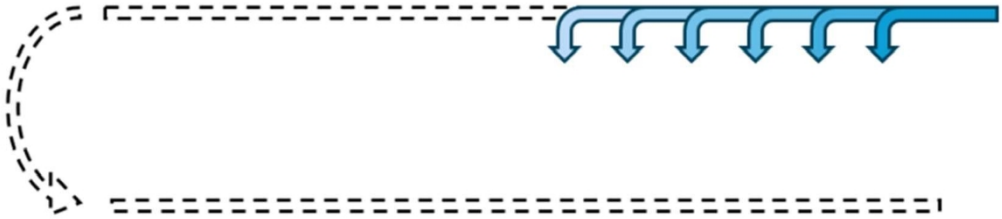


Schéma de principe de l'injection de l'air directement par les buses du canal aller.

92. Thus, once again, the technical equivalence invoked by TIRU has not been established.

93. For this reason alone, it must be concluded that the reproduction by equivalence of features 1.9 to 1.11 is not established, without it being necessary to examine the other criteria of the equivalence infringement test adopted in the present case.

<u>The reproduction of the claims dependent on claim 1 cited by TIRU (Nos. 2 to</u>

94. Claims 2 to 12 are dependent claims of claim 1 and therefore include the same limitations in that they require, in particular*, "cooling air"* and *"a secondary part arranged downstream of the primary part*." It follows that, for the same reasons set forth in concluding that claim 1 is not reproduced, there is no infringement of dependent claims 2 through 12.

Reproduction of claim 13 (independent process claim)

95. Regarding claim 13 (independent process claim), the reproduction of *the* features relating to *"cooling air"* (features 15.5, 12, and 15.7 according to the original numbering) and the feature relating to *"the secondary part 12b arranged downstream of the primary part* 12a" (according to auxiliary request 2.0 adopted by the Board of Appeal's decision) are debated between the parties using the same arguments as those developed

for claim 1 of the installation.

96. Therefore, for the same reasons as those set forth regarding the materiality of the infringement of claim 1 (with the exception of the discussion concerning features 1.9 to 1.11), it must be concluded that the use of the accused furnace does not infringe claim 13 of the process as amended by the decision of the Paris Central Division of March 18, 2026.

97. Consequently, TIRU fails to demonstrate infringement under Article 25 AJUB with respect to the accused furnace and will be denied all subsequent claims.

Conclusion

98. Since claim 1 and claim 13 are not reproduced in all their features, TIRU fails to demonstrate the alleged infringement against VALINEA and MAGUIN.

B- On infringement by supply of means

99. Since TIRU has not demonstrated that the furnace for which MAGUIN supplied the combustion cell reproduces the main claims of its patent, it is not necessary for the Court to analyze MAGUIN's arguments challenging the infringement by supply of means on the basis of Art. 26.1 AJUB, as alleged by TIRU.

C- Regarding VALINEA's claim for damages for abusive proceedings

100. VALINEA, in its summary brief of April 7, 2026, maintains its primary claim for compensation for the harm it suffered due to the abusive nature of the action brought against it by TIRU. In support of this, it argues that TIRU acted with reprehensible recklessness by seeking an *ex parte* seizure without having sent a prior warning letter, and despite the fact that TIRU had refused to participate in the tender process for the oven in question (VALINEA's Answer, Section 4).

101. TIRU argues that there is no legal basis for this type of claim before the JUB and asserts that its infringement action was not abusive.

Opinion of the Court

102. Art. 32.1(a) of the AJUB on the jurisdiction of the JUB provides that the Court has exclusive jurisdiction over defenses relating to infringement actions (including certain counterclaims, the example given being a counterclaim concerning a license).

In this case, abuse of rights is a defense related to TIRU's infringement action before this Court, in that it is intrinsically linked to the action, which serves as its basis.

103. However, in the present case, no abuse of rights has been demonstrated in the bringing of the infringement action. On the contrary, the seizure was upheld both on review pursuant to Rule 333 of the Rules of Procedure and by the Court of Appeal of Luxembourg. The patent on which the action was based was upheld in amended form by the Central Division of the JUB, and the

reproduction of the claims was seriously argued by the plaintiff in the main action, who merely exercised the rights he holds, even though he failed to provide proof of the existence of the alleged infringement.

104. Consequently, the claim on this point is unfounded and will be dismissed.

D- Regarding court costs (Art. 69 AJUB)

105. In accordance with Rule 118.5 of the Rules of Procedure, the Court rules in principle that TIRU, the losing party in the infringement action, is required to bear the court costs in accordance with Art. 69 AJUB.

106. The value of the dispute was assessed by the Reporting Judge at 2 million euros in the order issued following the pretrial conference (Rule 105.5 RdP). In this case, the ceiling is set at 200,000 euros according to the schedule established by the Administrative Committee's Decision of April 24, 2023, on the ceilings for recoverable costs.

107. VALINEA and MAGUIN, in their summary submissions, each requested reimbursement from TIRU for costs incurred in the infringement action in the amount of €200,000. VALINEA specifies that it is seeking, in the alternative, an advance of €100,000.

108. TIRU acknowledged that the legal costs incurred in the claim that were recoverable in this case amounted to a total of 200,000 euros, since that is the sum it requested at the hearing to be reimbursed for its costs by the defendants. The defendants submitted certificates dated April 7, 2026, substantiating that they had incurred at least 200,000 euros in legal costs in the infringement action.

109. In light of these facts and Article 1(3) of the Administrative Committee's Decision of April 24, 2023, regarding the caps on recoverable costs in cases involving multiple defendants, the Court will grant the respective requests of VALINEA and MAGUIN for reimbursement of the costs incurred in the amount of 100,000 euros each (for a total of 200,000 euros for the entire case). No exception will be made in the present case to the cap of a total amount of 200,000 euros for the entire case, regardless of the number of co-defendants, given that the defendants' arguments were very similar, with the sole exception of the arguments regarding the provision of evidence for MAGUIN (Nordic and Baltic Regional Division, UPC CFI 527/2024, February 17, 2024*, Headnote: Reasonable and proportionate legal costs and other expenses incurred by the successful party shall, as a general rule, be borne by the unsuccessful party, unless equity requires otherwise, up to the ceiling set by the Administrative Committee (Article 69 UPCA and Rule 152.2 RoP). According to the Administrative Committee's decision on the scale of ceilings for recoverable costs, the ceiling applies to representation costs, and the amount is determined in relation to the value of the proceedings. This value of the proceedings is determined in relation to the entire proceedings, not in relation to each*

defendant. Furthermore, the Administrative Committee's decision clearly states that the ceilings shall apply "regardless of the number of parties." Therefore, the Court concludes that when an action against several defendants is dismissed, the ceiling serves as a joint ceiling for all defendants' representation costs.")

E. Regarding the claim for indemnity

110. The Court adds that it is not necessary to rule on the defendants' claim for indemnity, which was raised as a very subsidiary claim, since all of TIRU's claims have been dismissed.

FOR THESE REASONS,

The JUB Court of First Instance:

(1) Holds the motion regarding the validity of the expert report concerning VALINEA ENERGIE to be admissible, declares said report valid, and denies the motion to exclude it from the proceedings,

(2) Dismisses all of TIRU's claims against VALINEA ENERGIE and MAGUIN for infringement, whether literal or by equivalence, based on European Patent EP 3 178 578 B1, as well as all subsequent claims,

(3) Dismisses VALINEA ENERGIE's counterclaim for abusive proceedings,

(4) Orders TIRU to bear the full costs of these proceedings, and orders TIRU to pay VALINEA ENERGIE and MAGUIN the respective sum of 100,000 euros each as reimbursement for legal costs related to this infringement action, within two months from the date of this decision.

Rendered in Paris on May 29, 2026.

C. LIGNIERES, Presiding Judge and Reporting Judge,

Camille Lignières Date: 2026.05.29 09:10:04 +02:00

C. GILLET, Legally Qualified Judge,

Carine Gillet May 28, 2026 08:58 +02'00'

R. LOPES, Legally Qualified Judge,

RUTE ALEXANDR A DA SILVA

Digitally signed by RUTE ALEXANDRA DA SILVA SABINO LOPES
Date: 2026.05.28 09:29:17 +01:00

R. FULCONIS, Technically Qualified Judge,

Renaud, Patrick,
Raymond Fulconis
May 27, 2026 10:06:04 PM +02:00

The Registry,

Caro
BEURTHERE
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Digital signature of Carol BEURTHERET
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Information on Appeals (Art. 73(1) AJUB, R. 220.1(a), 224.1(a) RdP)
An appeal against this decision may be filed with the Court of Appeal by any party whose claims have been partially or wholly rejected, within two months from the date of notification of the decision.

Information regarding enforcement (Art. 82 AJUB, Art. 37(2) Statutes, R. 118.8, 158.2, 354, 355.4 RdP)
A certified copy of the decision or enforceable order shall be issued by the Deputy Registrar upon request of the party seeking enforcement, R. 69.

DETAILS OF THE DECISION
UPC No.: UPC CFI 130/2025
Type of Action: Infringement Action
Date of Decision: May 29, 2026