

UPC CFI, Local Division Düsseldorf, 28 November 2024, Valeo Electrification v Magna**PROCEDURAL LAW – PATENT LAW****Additional confidentiality order (R. 262A RoP)**

- If the Claimant's representatives named in paragraph II. 1. above make use of the possibility of giving access to confidential information to other members of their team, it is their responsibility to ensure that their team maintains the confidentiality of the information.

Source: [Unified Patent Court](#)

UPC CFI, Local Division Düsseldorf, 28 November 2024

(Thomas)

UPC_CFI_460/2024

Order

of the Court of First Instance of the Unified Patent Court issued on 28 November 2024 concerning [EP 3 320 604 B1](#)

APPLICANT:

Valeo Electrification, 14 avenue des Béguines, 95800 Cergy, France, represented by the President Thierry Kalanquin, with the same address

Represented by: Attorney-at-law Felix Rödiger, Attorney-at-law Jonas Smeets, Attorney-at-law Fabian Saupe, Bird & Bird LLP, Carl-Theodor-Straße 6, 40213 Düsseldorf, Germany,

Electronic address for service: felix.roediger@twobirds.com

Contributing European patent attorneys: Nicolas Cardon, Amandine Ricard, Florian Saadi, Valeo Electrification, Cergy

DEFENDANTS:

1. Magna PT B.V. & Co. KG, Herrmann-Hagenmeyer-Str. 1, 74199 Untergruppenbach, Germany, represented by its general partner, Magna PT Management B.V., with the same address, which is jointly represented by the managing directors Thomas Klett and Sandro Gildo Morandini, with the same address,,

2. Magna PT s.r.o., Perinska cesta 282, Kechnec 044 58, Slovakia, represented by its managing directors Martin Hluchý und Katarína Vaškovičová, with the same address,

3. Magna International France, r SARL, 4 route de Gisy Bâtiment 26, Bièvres 91570, France, represented by its managing directors Thierry Servouse and Franz Trummer, with the same address,

All Defendants represented by:

Attorney-at-law Klaus Haft, Attorney-at-law Sabine Agé, Attorney-at-law Sebastian Kratzer, Hoyng, ROKH, Monegier, Steinstraße 20, 40213 Düsseldorf, Germany, Collaborating attorney: Attorney-at-law Dr Wolfgang Kellenter, Hengeler Müller, Benrather Straße 18-20, 40213 Düsseldorf, Germany,

Collaborating European Patent attorney: European Patent Attorney Jan Ackermann, Cohausz & Florack, Bleichstraße 14, 40211 Düsseldorf, Germany,

PATENT IN SUIT:

EUROPEAN PATENT NO. [EP 3 320 604 B1](#)

PANEL/DIVISION:

Panel of the Düsseldorf Local Division

DECIDING JUDGES:

This order was issued by Presiding Judge Ronny Thomas acting as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT: [R. 262A RoP](#) – Protection of confidential information

GROUND FOR THE ORDER:

This confidentiality order follows the orders already issued in the PI proceedings. In order to avoid repetition, reference is made in particular to the order made in the PI proceedings on [21 August 2024 \(ORD 48233/2024; App 46227/2024, UPC CFI 368/2024\)](#).

The Court has granted the Claimant's request to the extend to add Florian Saadi to its team. In view of the parallel proceedings, the Claimant's wish to keep the teams parallel is reasonable.

There is no reason to extend the group of authorised persons beyond this. The authorised persons are free to grant access to other members of the team under the conditions and with the consequences set out in the order.

ORDER:

I. The information contained in the Statement of defence (dated 8 November 2024) including Exhibits HRM 3a, HRM 3b, HRM 32, HRM 33, HRM 39 and HRM 40 and listed in more detail in the following table (and which are highlighted in grey in the briefs and in case of exhibits are named correspondingly) are classified as confidential within the meaning of [Art. 58 UPCA](#), [R. 262.2 RoP](#):

| Para./Exhibit of the SoD | Description |
|---|---|
| margin No. 341, 342, 343, 353, 357, 358, 359, 360, 361, 450, page 143 | manufacturing and production data, expectations of damages, data regarding Defendants' customers, data and information regarding Defendants' personnel and material costs and possible compensation payments and consequences and costs of production stop. |
| Exhibit HRM 3a | Submission in the parallel PI proceedings of ACT_37931_2024 including information covered by an order under R. 262 RoP of August 21, 2024 (App_46219/2024). |
| Exhibit HRM 3b | Submission in the parallel PI proceedings of ACT_37931_2024 including information covered by an order under R. 262 RoP of August 21, 2024 (App_46219/2024). |
| Exhibit HRM 32 | Written witness statement concerning sensitive and confidential details of collaboration between Defendant 1 and third party. |
| Exhibit HRM 33 | Written witness statement concerning sensitive and confidential details of collaboration between Defendant 1 and third party. |
| Exhibit HRM 39 | Information regarding sensitive and confidential details of collaboration between Defendant 1 and third party. |
| Exhibit HRM 40 | Written witness statement and attachment to written witness statement concerning sensitive and confidential details of collaboration between Defendant 1 and third party. |

II. Access to the unredacted version of the Statement of defence (dated 8 November 2024) including Exhibits HRM 3a, HRM 3b, HRM 32, HRM 33, HRM 39 and HRM 40 shall be restricted, on part of the Claimant, to the following persons:

1. the following representatives of the Claimant:

- Attorney-at-law Felix Rödiger
- Attorney-at-law Jonas Smeets
- Attorney-at-law Fabian Saupe
- Patent Attorney Nicolas Cardon
- Patent Attorney Amandine Ricard
- Patent Attorney Florian Saadi
- Patent Attorney Pierre Prigent

and their teams, actively involved in these proceedings, including other attorneys-at-law, patent attorneys and support staff;

2. the following natural reliable persons of the Claimant:

- Valeo Power Division, Finance Vice President Emilie Ha
- Valeo Power Division, Group Customer Vice President Michael Keller
- Valeo Power Division, General Counsel Sheila O'Donnell;

3. the following attorneys-at-law:

- Attorney-at-law Kristina Maria Weiler, Freshfields Bruckhaus Deringer, Hamburg
- Attorney-at-law Dr. Michael Rohls, Freshfields Bruckhaus Deringer, Munich.

III. Information classified as confidential in paragraph I. shall be treated as such by the Claimant's representatives and their teams and by the Claimant's natural reliable persons until further notice and shall not be used or

disclosed outside of these court proceedings, except to the extent that it has come to the knowledge of the receiving party outside of these proceedings, provided that the receiving party has obtained it on a non-confidential basis from a source other than the Defendants or their affiliates, provided that such source is not bound by a confidentiality agreement with or other obligation of secrecy with the Defendants or their affiliates.

IV. In the event of a culpable breach of this order, the Court may impose a penalty payment for each breach, to be determined having regard to the circumstances of each case.

V. If the Claimant's representatives named in paragraph II. 1. above make use of the possibility of giving access to confidential information to other members of their team, it is their responsibility to ensure that their team maintains the confidentiality of the information. In the event of a culpable breach of the confidentiality obligations, Felix Rödiger, Jonas Smeets, Fabian Saupe, Nicolas Cardon, Amedine Ricard, Florian Saadi and Pierre Prigent would therefore be liable. This also applies to any breach of the duty of confidentiality by any member of their team to whom they have granted access.

DETAILS OF THE ORDER:

App_60286/2024 under main file reference ACT_44736/2024

UPC number: UPC_CFI_460/2024

Type of procedure: Infringement action

Issued in Düsseldorf on 28 November 2024

NAMES AND SIGNATURES

Presiding Judge Thomas
