

UPC CFI, Central Division Paris, 14 January 2025,
Bentley v Network Systems



BENTLEY

PATENT LAW – PROCEDURAL LAW

Withdrawal of an action ([Rule 265 \(1\) RoP](#)) does not require the express consent of the opposing party,

- it is sufficient that the party was given an opportunity to comment on the withdrawal and did not object within the time limit set by the Court.
- In the absence of an application for costs, the Court should not rule on costs and therefore no decision under Rule 265(2)(c) 'RoP' should have been issued

Source: [Unified Patent Court](#)

UPC Court of First Instance,
Central Division Paris, 14 January 2025
(Catallozzi, Zhilova, Scilletta)

DECISION

of the Court of First Instance of the Unified Patent Court
Central division (Paris seat)
issued on 14 January 2025
in the revocation action ACT_19132/2024
UPC_CFI_167/2024 App_67325/2024
for leave to withdraw an action

HEADNOTES:

1. Since [Rule 265 \(1\)](#) of the Rules of procedure ('RoP') does not require the express consent of the opposing party, it is sufficient that the party was given an opportunity to comment on the withdrawal and did not object within the time limit set by the Court.

KEYNOTES: withdrawal.

APPLICANT:

Bentley Motors Limited - Pym's Lane, CREWE,
Cheshire, CW1 3PL, UK
represented by Tobias Kaufmann, Bardehle Pagenberg
Partnerschaft mbB

RESPONDENT:

Network Systems Technologies LLC - 533 Congress
Street, 04101 Portland, ME, USA
represented by Thomas Gniadek, Simmons & Simmons

PATENT AT ISSUE:

European patent n° [EP 1 552 399](#)

PANEL:

Panel 2

Presiding judge and judge-rapporteur Paolo Catallozzi
Legally qualified judge Tatyana Zhilova
Technically qualified judge Andrea Scilletta

DECIDING JUDGE:

This order has been issued by the panel.

SUMMARY OF FACTS AND PARTIES' REQUESTS:

1. On 23 December 2024 the applicant, claimant in the revocation action filed against the respondent before this Central Division concerning the patent at issue (registered as No. ACT_19132/2024), applied to withdraw this revocation action, stating that they have the consent of the defendant and that no application for a cost decision will be filed by any party.

2. The judge-rapporteur, pursuant to [Rule 265 of the Rules of Procedure \('RoP'\)](#), invited the respondent to provide written comments, granting time until 2 January 2025. In the time given no objection was raised by the respondent.

3. On 7 January 2025 the respondent stated that they consent to the withdrawal and confirmed that no application for a cost decision will be filed by any party.

GROUND FOR THE DECISION:

4. Since [Rule 265 \(1\) 'RoP'](#) does not require the express consent of the opposing party, it is sufficient that the party was given an opportunity to comment on the withdrawal and did not object within the time limit set by the Court.

5. Furthermore, the express consent was given out of time. Since the time limit set by the judge-rapporteur is not preclusive, the consent to the withdrawal should be taken into account.

6. The requirements of [Rule 265 \(1\) 'RoP'](#) are met, and the withdrawal is admissible. As a result, the present proceedings shall be deemed to be closed and all orders made by the Court in these proceedings shall be of no effect. 7.

7. In the absence of an application for costs, the Court should not rule on costs and therefore no decision under [Rule 265\(2\)\(c\) 'RoP'](#) should have been issued. The Court permits the withdrawal, as no objection is raised by the respondent (who, by the way, filed their comments out of time). Hence, the current proceeding shall be considered closed, and all the orders issued by the Court in these proceedings devoid of effect.

8. There is no need to issue a cost decision, as provided by [Rule 265 \(2\) \(c\) 'RoP'](#), as neither party sought such a decision.

DECISION

The Court, pursuant to [Rule 265 'RoP'](#),

- permits the withdrawal of the revocation action filed by Bentley Motors Limited against Network Systems Technologies LLC and registered as No. ACT_19132/2024 UPC_CFI_170/2024;

- declares the proceedings closed;

- orders the decision to be entered on the register.

Issued on 14 January 2025.

The presiding judge and judge-rapporteur

Paolo Catallozzi

The legally qualified judge

Tatyana Zhilova

The technically qualified judge Andrea Scilletta

The Clerk Margaux Grondein
