

UPC CFI, Local Division Paris, 29 January 2025,
C-Kore Systems v Novawell

*SUBSEA TEST APPARATUS,
ASSEMBLY AND METHOD*

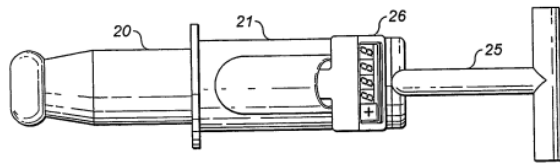


FIG. 9



PATENT LAW – PROCEDURAL LAW

Action concluded by way of settlement

- [and confirmation of settlement agreement by decision of the court \(R. 365 RoP, R. 11.2 RoP\)](#). Declares that the unredacted version will remain confidential ([R. 262 RoP](#))

Source: [Unified Patent Court](#)

UPC Court of First Instance,
Local Division Paris, 29 January 2025

(Lignières Gillet, Zana, Gaillarde)

Paris Local Division

UPC_CFI_468/2023

Final decision

of the Court of First Instance of the Unified Patent Court delivered on 29/01/2025

concerning confirmation by the Court of a settlement

APPLICANT:

C-KORE SYSTEMS LIMITED 3 Bramley's Barn The Menagerie, Skipwith Road - YO19 6ET - Esrcrick - GB
Represented by Denis Schertenleib

RESPONDENT:

NOVAWELL 22 Allée des Caravelles 34280 - Carnon-Plage - FR

Represented by Jérôme Ferrando

PATENT AT ISSUE

Patent no. Proprietor

[EP2265793](#) C-KORE SYSTEMS LIMITED

COMPOSITION OF PANEL – FULL PANEL

Presiding judge & Camille Lignières

Judge-rapporteur

Legally qualified judge Carine Gillet

Legally qualified judge Alima Zana

Technically qualified judge Frédéric Gaillarde

LANGUAGE OF PROCEEDINGS: English

DECISION

SUMMARY OF FACTS AND PROCEEDINGS:

On 15 December 2023, C-KORE lodged an infringement action based on EP 2 265 793 against NOVAWELL before the Paris Local Division of the Unified Patent Court. NOVAWELL filed a counterclaim for revocation with the Statement of Defense on 28 March 2024.

According to [Rule 365 of the RoP](#), NOVAWELL filed an application on 12 December 2024 to request the withdrawal of the counterclaim for revocation, as the parties reached a settlement a few days before the oral hearing scheduled for 17 December 2024.

C-KORE confirmed via email on 13 December 2024, that they are requesting a decision to affirm a settlement, following the Confidential Deed of the agreement signed on 10 December 2024, between C-KORE and NOVAWELL (hereinafter “the Parties”).

Due to a technical issue with the CMS, C-KORE filed the [R 365 RoP](#) application on 23 January 2025.

PARTIES’ REQUESTS

Both Parties, C-KORE and NOVAWELL, request from the Court an order under [Rule 365](#) ruling that:

1. *The Proceedings and Counterclaim are dismissed.*
2. *The details of the Confidential Deed of Settlement are confidential in accordance with [Rule 365\(2\)](#).*
3. *There shall be no order as to costs.”*

GROUND S

Concerning the confirmation by the Court of the settlement:

[Rule 365.1 RoP](#) states that:

“1. *Where the parties have concluded their action by way of settlement, they shall inform the judge-rapporteur. The Court shall confirm the settlement by decision of the Court [[Rule 11.2](#)], if requested by the parties, and the decision may be enforced as a final decision of the Court.”*

[Rule 11.2 RoP](#) states that:

“2. *Pursuant to [Rule 365](#) the Court shall, if requested by the parties, by decision confirm the terms of any settlement or arbitral award by consent (irrespective of whether it was reached using the facilities of the Centre or otherwise), including a term which obliges the patent owner to limit, surrender or agree to the revocation of a patent or not to assert it against the other party and/or third parties. The parties may agree on costs to be awarded or may request the Court to decide on costs to be awarded in accordance with Rules 150 to 156 mutatis mutandis.*

In the case at hand, the Parties entered into a settlement agreement on 10 December 2024, ending the litigation between them.

The Court has no objection to confirming this settlement agreement, which is attached to this decision.

Under [Rule 365.2 RoP](#), settlement details shall be kept confidential further to the parties’ request.

Concerning the costs:

Rule 365.4 RoP states that: “4. *The judge-rapporteur shall give a decision as to costs following the terms of the settlement or, failing that, at his discretion.*”

Rule 11.2 RoP in fine states that: “*The parties may agree on costs to be awarded or may request the Court to decide on costs to be awarded in accordance with Rules 150 to 156 mutatis mutandis.*”

In the case at hand, the Parties agreed on costs and requested no order relating thereto.

The Court notes that the parties did not apply for seeking reimbursement of fees under **Rules 370.9 (c) (iii) RoP** and **370.11 RoP**.

The Court:

- Confirms the settlement concluded on 10 December 2024 between C-KORE and NOVAWELL,
- Orders that the settlement agreement will be annexed to the decision,
- Declares that the unredacted version will remain confidential,
- Notes that the Parties agreed on costs and request no order as to costs.

Issued in Paris, 29 January 2025.

Camille Lignières, Presiding judge and Judge-rapporteur

Carine Gillet, Legally qualified judge

Alima Zana, Legally qualified judge

Frédéric Gaillarde, Technically qualified judge

Charlotte Ferhat, Clerk

Information about appeal

An appeal against the present Decision may be lodged at the Court of Appeal, by any party that has been unsuccessful, in whole or in part, in its submissions, within two months of the date of its notification (**Art. 73(1) UPCA, R. 220.1(a), 224.1(a) RoP**).

Information about enforcement (Art. 82 UPCA, Art. Art. 37(2) UPCS, R. 118.8, 158.2, 354, 355.4 RoP) An authentic copy of the enforceable decision or order will be issued by the Deputy-Registrar upon request of the enforcing party, **R. 69 RegR**.

Decision details

Order no. ORD_68856/2024 in ACTION NUMBER: ACT_592899/2023

UPC number: UPC_CFI_468/2023

Action type: Infringement Action

Related proceeding no. Application No.: 65953/2024

Application Type: APPLICATION_ROP_365
