

UPC CFI, Local Division Düsseldorf, 17 February 2025, Per Aarsleff v IMS Robotics**PATENT LAW – PROCEDURAL LAW***Withdrawal of action by party consent ([R. 265 RoP](#)).*Source: [Unified Patent Court](#)**UPC Court of First Instance,
Local Division Düsseldorf, 17 February 2025**

(Thomas, Thom, Lignières)

Lokalkammer Düsseldorf

UPC_CFI_495/2024

UPC_CFI_739/2024

Decision**Decision**

of the Court of First Instance of the Unified Patent Court issued on 17 February 2025 concerning EP 2 129 956

CLAIMANT:

Per Aarsleff A/S, represented by the executive management, Mr. Jesper Kristian Jacobsen and Mr. Mogens Vedel Hestbæk, and the board of directors, Hasselager Allé 5, 8260 Viby, Denmark, represented by:

Ulrich Blumenröder, Nicola Busch Allekotte and all attorneys-at-law of Grünecker Part GmbH admitted in the Federal Republic of Germany and to the UPC, Leopoldstrasse 4, 80802 Munich, as well as

Gero Maatz-Jansen and all European patent attorneys of Grünecker Part GmbH who have the necessary qualifications pursuant to Article 48 (2) of the Agreement on a Unified Patent Court (UPCA), Leopoldstrasse 4, 80802 Munich, electronic address for service:

Rechtsanwaltspostfach@grunecker.de**DEFENDANTS:**

1. IMS Robotics GmbH, represented by Mr. Ljubisa Zlatkovic, Bauhof 6 in 01458 Ottendorf - Ockrilla, Germany,

2. IMS Robotics Nordic A/S, represented by the president of the supervisory board, Jelena Zlatkovic, Erhvervsparken 8B, 4621 Gadstrup, Denmark, all Defendants represented by:

Holger Stratmann, Dr. Henrik Vocke, Dr. Axel Esser, Philipp Zambelli, Hoffmann Eitle PartmbB, Arabellastraße 30, 81925 München, electronic address for service:

hstratmann@hoffmannneitle.com**PATENT AT ISSUE:**

European patent n° EP 2 129 956

PANEL/DIVISION:

Panel of the Local Division in Düsseldorf

DECIDING JUDGES:

This decision was issued by Presiding Judge Thomas acting as judge-rapporteur, legally qualified Judge Dr Thom and legally qualified Judge Lignières.

LANGUAGE OF THE PROCEEDINGS:

English

SUBJECT OF THE PROCEEDINGS:

[R. 265 RoP](#) – Application for leave to withdraw an action

[R. 370.11 RoP](#) – Application for partial refund of court fees

SUMMARY OF THE FACTS:

On 20 August 2024, the Claimant filed a patent infringement action against the Defendants. The Defendants' counterclaim for revocation is dated 28 November 2024. Prior to the closure of the written procedure, the Defendants, by brief dated 10 February 2025, withdrew the counterclaim for revocation, requested that the proceedings are declared closed, applied for a partial reimbursement of court fees and informed the Court that a cost decision is not requested (App_6774/2025). On 13 February 2024, the Claimant agreed to this withdrawal and also stated that no cost decision is requested. By brief of 12 February 2025, the Claimant applied to the Court for permission to withdraw the infringement action and for a decision declaring the proceedings closed (App_7199/2025). Furthermore, the Claimant requested a partial withdrawal of the court fees and informed the Court that a cost decision is not requested. On the same day, the Defendants agreed to the withdrawal of the infringement action and to the closure of the proceedings. The Defendants also informed the Court that no decision on costs would be sought.

GROUND FOR THE DECISION:

The decision follows the parties' jointly expressed will. Insofar as [R. 265.2 \(c\) RoP](#) requires a decision on costs in accordance with Part 1, Chapter 5 RoP, the decision takes into account the agreement reached between the Parties. The orders for a partial reimbursement of court fees are based on [R. 370.11 RoP](#) in conjunction with [R. 370.9 \(b\) \(i\) RoP](#).

DECISION:

1. The withdrawal of the infringement action is allowed at the application of the Claimant and with the consent of the Defendants.
2. The withdrawal of the counterclaim for revocation is allowed at the application of the Defendants and with the consent of the Claimant.
3. All proceedings referred to in points 1. and 2. are declared closed.
4. This decision shall be entered in the register.
6. The court fees relating the infringement action shall be borne by the Claimant. The court fees relating the counterclaim for revocation shall be borne by the Defendants.
7. The Registrar is directed to reimburse the Claimant as soon as possible 60 % of the Court fees paid by it in these court proceedings in relation to the infringement action, namely EUR 6,600.
8. The Registrar is directed to reimburse the Defendants as soon as possible 60 % of the Court fees paid by them

in these court proceedings in relation to the counterclaim for revocation, namely EUR 12,000.

9. The value in dispute for the infringement action and the counterclaim for revocation is set at EUR 500,000 each.

DETAILS OF THE ORDER:

App_6774/2025 and App_7199/2024 related to the main proceedings ACT_47899/2023 and CC_63247/2024

UPC-Numbers:

UPC_CFI_495/2024 and UPC_CFI_739/2024

Subject of the Proceedings:

Patent infringement action and counterclaim for revocation

Issued in Düsseldorf on 17 February 2025

NAMES AND SIGNATURES
