

**UPC CFI, Central Division Milan, 27 February 2025,
SharkNinja v Dyson**



PATENT AND PROCEDURAL LAW

Withdrawal of revocation action by party consent ([R. 265 RoP](#))

Source: [Unified Patent Court](#)

**UPC Court of First Instance,
Central Division Milan, 27 February 2025**

(Postiglione, Knijff, Weber)

UPC 57037/2024

App 5729/2025

App 5962/2025

ORDER

of the Court of First Instance of the Unified Patent Court
Central Division Milan

issued on 27 February 2025

CLAIMANT

SharkNinja Italy S.R.L., Via Tortona 33 – CAP 20144 –
Milano – Italy

represented by Caroline Horstmann, Freshfields
Bruckhaus Deringer

DEFENDANT

Dyson Technology Limited, Tetbury Hill – SN16 0RP –
Malmesbury, Wiltshire – Great Britain

represented by Constanze Krenz, DLA Piper UK LLP

PATENT AT ISSUE

EP 2043492, proprietor Dyson Technology Limited

DECIDING JUDGES

FULL PANEL:

Presiding judge – Andrea Postiglione

Legally qualified judge and judge-rapporteur – Marije
Knijff

Technically qualified judge – Pascal Weber

LANGUAGE OF PROCEEDINGS

English

SUBJECT-MATTER OF THE PROCEEDINGS

Claim for revocation

GROUND FOR THE ORDER

With letter dated 21 October 2024 Claimant filed a substantiated request for revocation of European Patent EP 2043492 with the UPC Central Division Milan. On January 3rd 2025, Claimant filed a request to stay proceedings pursuant to [Rule 295 d\) RoP](#) declaring that both parties had reached an agreement and subsequently signed a term sheet to settle litigation. On January 15th the present Division issued an order to stay the proceedings. On February 3rd and 4th Claimant requested withdrawal of its revocation action and

requested the court render a decision declaring the proceedings closed. Claimant specifically indicated that Defendant consented to the withdrawal and that a cost decision is not requested. On February 14th the Court issued a preliminary order in which the present order has been presented to Claimant and Defendant as intended order, with the opportunity for Defendant to comment on it. Defendant chose to not lodge comments.

This request is admissible since there is no final decision in the revocation action. In view of their consent, no party can be considered to have a legitimate interest in the actions being decided by the Court. The request can thus be allowed.

Claimant's request for reimbursement of 60% of the court fees (and thus an amount of EUR 12.000) can be allowed as well, as the revocation action is withdrawn before the closure of the written procedure ([R. 370.9\(b\)\(i\)](#)). In as far as necessary, the value of the action is set at 500.000 euro.

ORDER

The court:

- allows the withdrawal of the revocation action (UPC 57037/2024);
- declares the proceedings closed;
- orders that this decision shall be entered on the register;
- declares that there is no need for a cost decision;
- orders the claimant to be reimbursed 60% of the court fees paid, and thus an amount of EUR 12.000
- sets the value of the case at EUR 500.000.

Issued in Milan on 27 February 2025

ORDER DETAILS

Order no. ORD_7507/2025 in ACTION NUMBER:
ACT_57037/2024

UPC number: UPC_CFI_604/2024

Action type: Revocation Action

Related proceeding no. Application No.: 5962/2025

Application Type: Generic procedural Application
