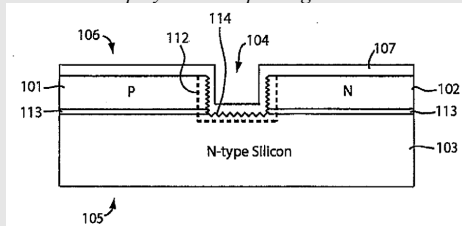


UPC Local Division Düsseldorf, 23 April 2025, Maxeon v Aiko

Trench process and structure for backside contact solar cells with polysilicon doped regions



PATENT LAW – PROCEDURAL LAW

No bifurcation of infringement action and counterclaim for revocation ([Article 33\(3\) UPCA](#), [R. 37.2 RoP](#))

Source: [Unified Patent Court](#)

UPC Local Division Düsseldorf, 23 April 2025

(Thomas, Thom, Zhilova, Schmidt)

UPC_CFI_336/2024

UPC_CFI_605/2024

PROCEDURAL ORDER

of the Court of First Instance of the Unified Patent Court issued on 23 April 2025

concerning [EP 3 065 184 B1](#)

CLAIMANT:

Maxeon Solar Pte. Ltd., represented by its CEO, 8 Marina Boulevard #05-02, Marina Bay Financial Centre, 018981 Singapur,

Represented by: Attorney-at-law Christian Harmsen, Attorney-at-law Dr Bastian Selck, Bird & Bird LLP, Carl-Theodor-Straße 6, 40213 Düsseldorf, Germany,

Electronic address for service: christian.harmsen@twobirds.com

bastian.selck@twobirds.com

Contributing: Patent Attorney Dr Felix Harbsmeier, Patent Attorney Cameron Walker, Bird & Bird LLP, Am Sandtorkai 50, 20457 Hamburg, Germany,

Tjibbe Douma und Carlos van Staveren, Bird & Bird (Netherlands) LLP, Gustav Mahlerlaan 42, 1082 MC Amsterdam, the Netherlands,

DEFENDANTS:

1. Aiko Energy Germany GmbH, represented by ist CEOs Dr Christian Frank Peter und Haojie Lu, Niederkasseler Lohweg 18, 40547 Düsseldorf, Germany,

2. Solarlab Aiko Europe GmbH, Dr Christian Frank Peter, Berliner Allee 29, 79110 Freiburg im Breisgau, Germany,

3. Memodo GmbH, represented by its CEOs Enrico Brandmeier, Daniel Schmitt und Tobias Wenleder, Eichenstraße 11 a-d, 85445 Oberding, Germany,

4. Aiko Energy Netherlands B.V., represented by its CEO, Schiphol Boulevard 201 – 1118 BG - Schipol, the Netherlands,

5. Libra Energy B.V., represented by ist CEO Bram van Duijn, Eendrachtstraat 199, 1951 AX Velsen-Noord, the Netherlands,

6. VDH Solar Groothandel B.V., represented by its CEO, Finlandlaan 1, 2391 PV, Hazerswoudeorp, the Netherlands,

7. PowerDeal SRL, represented by its CEO, Rue du Fond des Fourches 41, 4041 Herstal, Belgium,

8. Coenergia Srl a Socio Unico, represented by its CEO, Foro Buonaparte 55, 20121 Milan, Italy,

Defendants 1., 2. and 4. represented by: Attorney-at-law Gertjan Kuipers, Attorney-at-law Hendrik Jan Ridderinkhof and other Representatives before the UPC of Hogan Lovells International LLP, Strawinskylaan 4129, 1077 ZX Amsterdam, the Netherlands,

Electronic address for service: upc-hub@hoganlovells.com

Contributing: Attorney-at-law Dr Henrik Lehment, Attorney-at-law Vanessa Zipperich and other Representatives before the UPC of Hogan Lovells LLP, Dreischeibenhaus 1, 40211 Düsseldorf, Germany,

Patent Attorney Dr Andreas Schmid, Patent Attorney Cedrik Rohr and other Representatives before the UPC of Hogan Lovells International LLP, Karl-Schmagnl-Ring 5, 80539 Munich, Germany,

Defendants 3. and 5. to 8. Represented by: Attorney-at-law Dr Constantin Kurtz, Attorney-at-law Dr Stefan Eck, Attorney-at-law Maximilian Reif, Klaka Rechtsanwälte Partnerschaft mbB, Delpstraße 4, 81679 Munich, Germany,

Electronic address for service: ckurtz@klaka.com

Contributing: Patent Attorney Dr Markus Herzog, Patent Attorney Manuel Millahn, Weickmann & Weickmann Patent- und Rechtsanwälte PartmbB, Richard-Strauss-Straße 80, 81679 Munich, Germany,

PATENT IN SUIT:

EUROPEAN PATENT [NO. 3 065 184 B1](#)

PANEL/DIVISION:

Panel of the Düsseldorf Local Division

DECIDING JUDGES:

This Order was issued by Presiding Judge Thomas acting as judge-rapporteur, legally qualified judge Dr Schumacher on behalf of Judge Dr Thom, legally qualified Judge Zhilova and technically qualified judge Dr Schmidt.

LANGUAGE OF THE PROCEEDINGS:

English

SUBJECT:

[R. 37.1 RoP](#), [Art. 33 \(3\) UPCA](#)

ORDER:

Pursuant to [R. 37.2 RoP](#), the local division takes an earlier decision on the question of how to proceed with regard to [Art. 33\(3\) UPCA](#) within the meaning of [Art. 33\(3\)\(a\) UPCA](#) before the end of the written procedure. According to [R. 37.2 RoP](#), the panel may take an earlier decision by order, provided that it takes into account the party's submissions and gives them the opportunity to be heard. In the present case, the local division exercises its discretion to hear both the infringement action and the counterclaim for revocation ([Art. 33\(3\)\(a\) UPCA](#)). Such a joint hearing of the infringement action and the

counterclaim seems to be appropriate in particular for reasons of efficiency. It is also preferable because it allows both issues – validity and infringement – to be decided on the basis of a uniform interpretation of the patent by the same panel composed of the same judges. An early decision on the bifurcation issue will set the framework for possible issues. This will enable the parties and the Court to manage the case accordingly.

DETAILS OF THE ORDER:

ORD_17892/2025 referring to main file references
ACT_36426/2024, CC_57043/2024 and
CC_57310/2024

UPC number: UPC_CFI_336/2024 and
UPC_CFI_605/2024

Type of procedure: Infringement action and
counterclaim for revocation

Issued in Düsseldorf on 23 April 2025

NAMES UND SIGNATURES

Presiding Judge Thomas

Legally qualified Judge Dr Schumacher

Legally qualified Judge Zhilova

Technically qualified Judge Dr Schmidt
