



UPC Court of Appeal
UPC_CoA_689/2024
APL_60971/2024
App_68553/2024

ORDER
of the Court of Appeal of the Unified Patent Court
issued on 13 January 2025
Withdrawal pursuant to R.265 RoP

APPLICANT AND RESPONDENT (APPLICANT IN THE MAIN PROCEEDINGS BEFORE THE CFI)

Valeo Electrification, Cergy, France hereinafter
also referred to as “Valeo”

represented by: Felix Roediger, Jonas Smeets, and Fabian Saupe, Attorneys-at-law, Bird & Bird LLP,
Düsseldorf, Germany

RESPONDENTS AND APPELLANTS (DEFENDANTS IN THE MAIN PROCEEDINGS BEFORE THE CFI)

1. **Magna PT B.V. & Co. KG**, Untergruppenbach, Germany
 2. **Magna PT s.r.o.**, Kechnec, Slovak Republic
 3. **Magna International France, SARL**, Bièvres, France hereinafter also jointly referred to as “Magna”
- all represented by: Klaus Haft, Attorney-at-law, Hoyng ROKH Monegier, Munich, Germany; Sabine Agé, Caroline Levesque, Lonni Bas, Laurène Borey, Attorneys-at-laws, Hoyng ROKH Monegier, Paris, France; Sebastian Kratzer, Sven Krause, Max von Leitner, Elisa in den Birken, Chiara Prinz, Attorneys-at-laws, Hoyng, ROKH, Monegier, Düsseldorf, Germany; Dr. Wolfgang Kellenter, Dr. Matthias Rothkopf, David Rütter, Nina Mackenstedt, Attorneys-at-laws Hengeler Mueller, Düsseldorf, Germany

PATENT AT ISSUE

EP 3 320 602

LANGUAGE OF THE PROCEEDINGS

English

DECIDING JUDGES

This order was issued by Panel 2

Rian Kalden, presiding judge and judge-rapporteur
Ingeborg Simonsson, legally qualified judge
Patricia Rombach, legally qualified judge
Jeroen Meewisse, technically qualified judge
Max Tilmann, technically qualified judge

IMPUGNED ORDER OF THE COURT OF FIRST INSTANCE

ORD_56545/2024 in the main proceedings concerning provisional measures, in ACT_37931/2024
UPC_CFI_347/2024, issued by the Local Division Düsseldorf on 31 October 2024.

FACTS AND PROCEDURAL HISTORY

1. At Valeo's request based on alleged infringement of the patent at issue, the Court of First Instance, Düsseldorf Local Division, in the impugned order of 31 October 2024, issued a preliminary injunction against Magna for the German and French territory.
2. On 14 November 2024, Magna filed an appeal from the impugned order (APL_60971/2024).
3. On 6 December 2024, the judge-rapporteur closed the interim proceedings and summoned the parties to an oral hearing to be held on 16 January 2024.
4. By order of 11 December 2024, the Court of Appeal suspended the effect of the impugned order insofar as the injunction covered the BMW 2 Series Gran Coupé car model until the Court of Appeal had decided on Magna's pending appeal against the impugned order. The effect of the impugned order was prior thereto suspended by respective orders of the standing judge dated 14 and 21 November 2024.
5. On 30 December 2024 Valeo filed an application to withdraw the Action pursuant to R.265 RoP (App_68553/2024).
6. Magna uploaded its consent to the requested withdrawal in a R. 9 RoP application on 2 January 2025 (App_50/2025)

PARTIES' SUBMISSIONS

7. In its request, Valeo stated that it wished to withdraw the action, that Magna had already given their written consent to the withdrawal of the action and will not object and that the parties have agreed that neither party shall file an Application for reimbursement of costs.
8. With reference to Valeo's application, Magna declared their consent to the withdrawal and confirmed that the parties have agreed that neither party shall file an application for reimbursement of costs versus the other party.

GROUNDS

9. The application is admissible since there is no final decision in the action in view of the pending appeal.
10. In view of Magna's consent, Magna cannot be considered to have a legitimate interest in the action being decided by the Court. The application can thus be permitted.

ORDER

The Court of Appeal:

- permits the withdrawal of the action (ACT_37931/2024, UPC_CFI_347/2024; APL_60971/2024 UPC_CoA_689/2024) and declares the proceedings closed;
- orders that this decision shall be entered on the register;
- declares that there is no need for a cost decision.

Issued on 13 January 2025

Rian Kalden, presiding judge and judge-rapporteur

Ingeborg Simonsson, legally qualified judge

Patricia Rombach, legally qualified judge

Jeroen Meewisse, technically qualified judge

Max Tilmann, technically qualified judge

