



**Düsseldorf Local Division**  
**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

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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 its 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 - Schiphol, the Netherlands
5. **Libra Energy B.V.**, represented by its 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, Hazerswoude-dorp, 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, Strawinskyaan 4129, 1077 ZX Amsterdam, the Netherlands

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Patent Attorney Dr Andreas Schmid, Patent Attorney Cedrik Rohr and other Representatives before the UPC of Hogan Lovells International LLP, Karl-Scharnagl-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

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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	