



UPC_CFI_468/2023
Final decision
of the Court of First Instance of the Unified Patent Court
delivered on 29/01/2025
concerning confirmation by the Court of a settlement

APPLICANT

C-KORE SYSTEMS LIMITED
3 Bramley's Barn, The Menagerie, Skipwith
Road - YO19 6ET - Escrick - GB

Represented by
Denis Schertenleib

RESPONDENT

NOVAWELL
22 Allée des Caravelles
34280 - Carnon-Plage – FR

Represented by
Jérôme Ferrando

PATENT AT ISSUE

<i>Patent no.</i>	<i>Proprietor</i>
EP2265793	C-KORE SYSTEMS LIMITED

COMPOSITION OF PANEL – FULL PANEL

Presiding judge & Judge-rapporteur	Camille Lignières
Legally qualified judge	Carine Gillet
Legally qualified judge	Alima Zana
Technically qualified judge	Frédéric Gaillarde

LANGUAGE OF PROCEEDINGS: English

DECISION

SUMMARY OF FACTS AND PROCEEDINGS:

On 15 December 2023, C-KORE lodged an infringement action based on EP 2 265 793 against NOVWELL before the Paris Local Division of the Unified Patent Court.

NOVWELL filed a counterclaim for revocation with the Statement of Defense on 28 March 2024. According to Rule 365 of the RoP, NOVWELL filed an application on 12 December 2024 to request the withdrawal of the counterclaim for revocation, as the parties reached a settlement a few days before the oral hearing scheduled for 17 December 2024.

C-KORE confirmed via email on 13 December 2024, that they are requesting a decision to affirm a settlement, following the Confidential Deed of the agreement signed on 10 December 2024, between C-KORE and NOVWELL (hereinafter "the Parties").

Due to a technical issue with the CMS, C-KORE filed the R 365 RoP application on 23 January 2025.

PARTIES' REQUESTS

Both Parties, C-KORE and NOVWELL, request from the Court an order under Rule 365 ruling that:

1. The Proceedings and Counterclaim are dismissed.
2. The details of the Confidential Deed of Settlement are confidential in accordance with Rule 365(2).
3. There shall be no order as to costs."

FOUNDATIONS

Concerning the confirmation by the Court of the settlement:

Rule 365.1 RoP states that:

"1. Where the parties have concluded their action by way of settlement, they shall inform the judge-rapporteur. The Court shall confirm the settlement by decision of the Court [Rule 11.2], if requested by the parties, and the decision may be enforced as a final decision of the Court."

Rule 11.2 RoP states that:

"2. Pursuant to Rule 365 the Court shall, if requested by the parties, by decision confirm the terms of any settlement or arbitral award by consent (irrespective of whether it was reached using the facilities of the Centre or otherwise), including a term which obliges the patent owner to limit, surrender or agree to the revocation of a patent or not to assert it against the other party and/or third parties. The parties may agree on costs to be awarded or may request the Court to decide on costs to be awarded in accordance with Rules 150 to 156 *mutatis mutandis*.

In the case at hand, the Parties entered into a settlement agreement on 10 December 2024, ending the litigation between them.

The Court has no objection to confirming this settlement agreement, which is attached to this decision.

Under Rule 365.2 RoP, settlement details shall be kept confidential further to the parties' request.

Concerning the costs:

Rule 365.4 RoP states that: "4. The judge-rapporteur shall give a decision as to costs following the terms of the settlement or, failing that, at his discretion."

Rule 11.2 RoP *in fine* states that: "The parties may agree on costs to be awarded or may request the Court to decide on costs to be awarded in accordance with Rules 150 to 156 *mutatis mutandis*."

In the case at hand, the Parties agreed on costs and requested no order relating thereto.

The Court notes that the parties did not apply for seeking reimbursement of fees under Rules 370.9 (c) (iii) RoP and 370.11 RoP.

The Court:

- Confirms the settlement concluded on 10 December 2024 between C-KORE and NOVAWELL,
- Orders that the settlement agreement will be annexed to the decision,
- Declares that the unredacted version will remain confidential,
- Notes that the Parties agreed on costs and request no order as to costs.

Issued in Paris, 29 January 2025.

Camille Lignières, Presiding judge and Judge-rapporteur

Carine Gillet, Legally qualified judge

Alima Zana, Legally qualified judge

Frédéric Gaillarde, Technically qualified judge

Charlotte Ferhat, Clerk

Information about appeal

An appeal against the present Decision may be lodged at the Court of Appeal, by any party that has been unsuccessful, in whole or in part, in its submissions, within two months of the date of its notification (Art. 73(1) UPCA, R. 220.1(a), 224.1(a) RoP).

Information about enforcement (Art. 82 UPCA, Art. Art. 37(2) UPCS, R. 118.8, 158.2, 354, 355.4 RoP) An authentic copy of the enforceable decision or order will be issued by the Deputy-Registrar upon request of the enforcing party, R. 69 RegR.

Decision details

Order no. ORD_68856/2024 in ACTION NUMBER: ACT_592899/2023

UPC number: UPC_CFI_468/2023

Action type: Infringement Action

Related proceeding no. Application No.: 65953/2024

Application Type: APPLICATION_ROP_365

Dated: 10 December

2024

(1) C-KORE SYSTEMS LIMITED

(2) NOVAWELL

Confidential Deed of Settlement

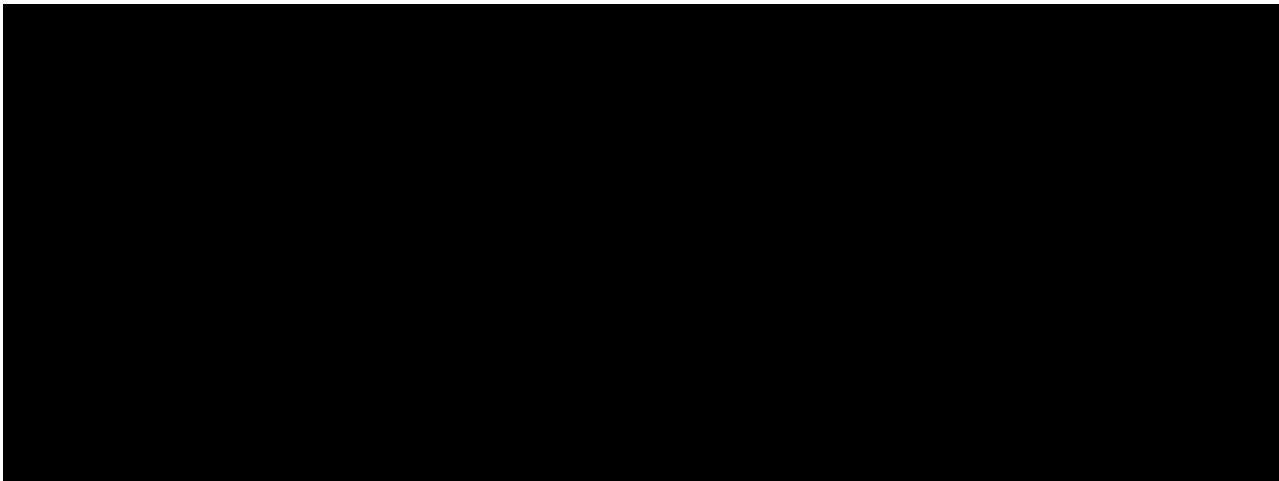
BETWEEN:

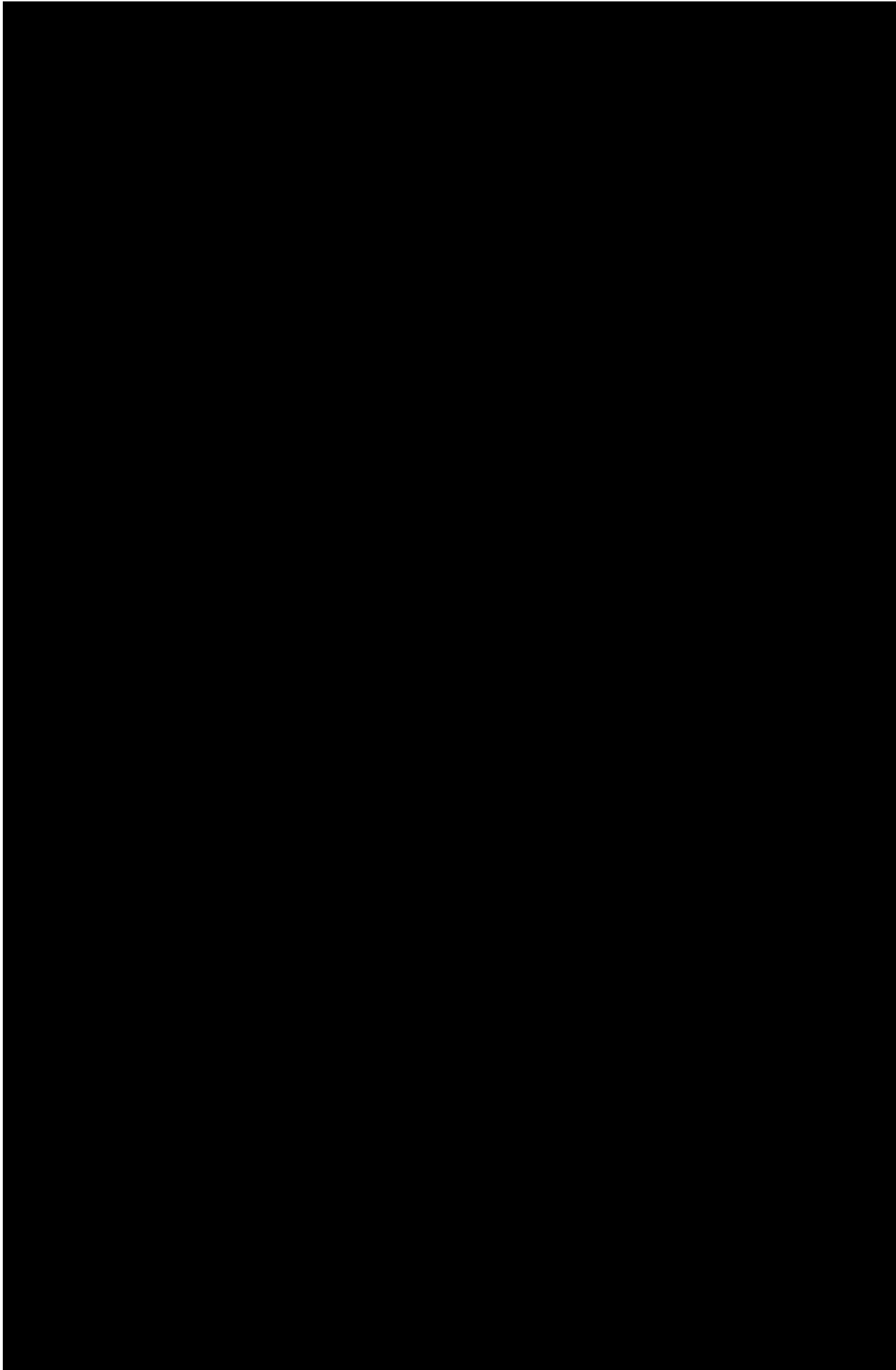
- (1) **C-KORE SYSTEMS LIMITED** (registered number 08238281) whose registered office is at 3 Bramley's Barn The Menagerie, Skipwith Road, Escrick, North Yorkshire, England, YO19 6ET ("**C-KORE**" or the "**Claimant**")
- (2) **NOVAWELL** (registered number 827 484 130) whose registered office is at 22 Allée des Caravelles, 34280 Carnon-Plage, France ("**NOVAWELL**" or the "**Defendant**")

each a "**Party**" and together the "**Parties**".

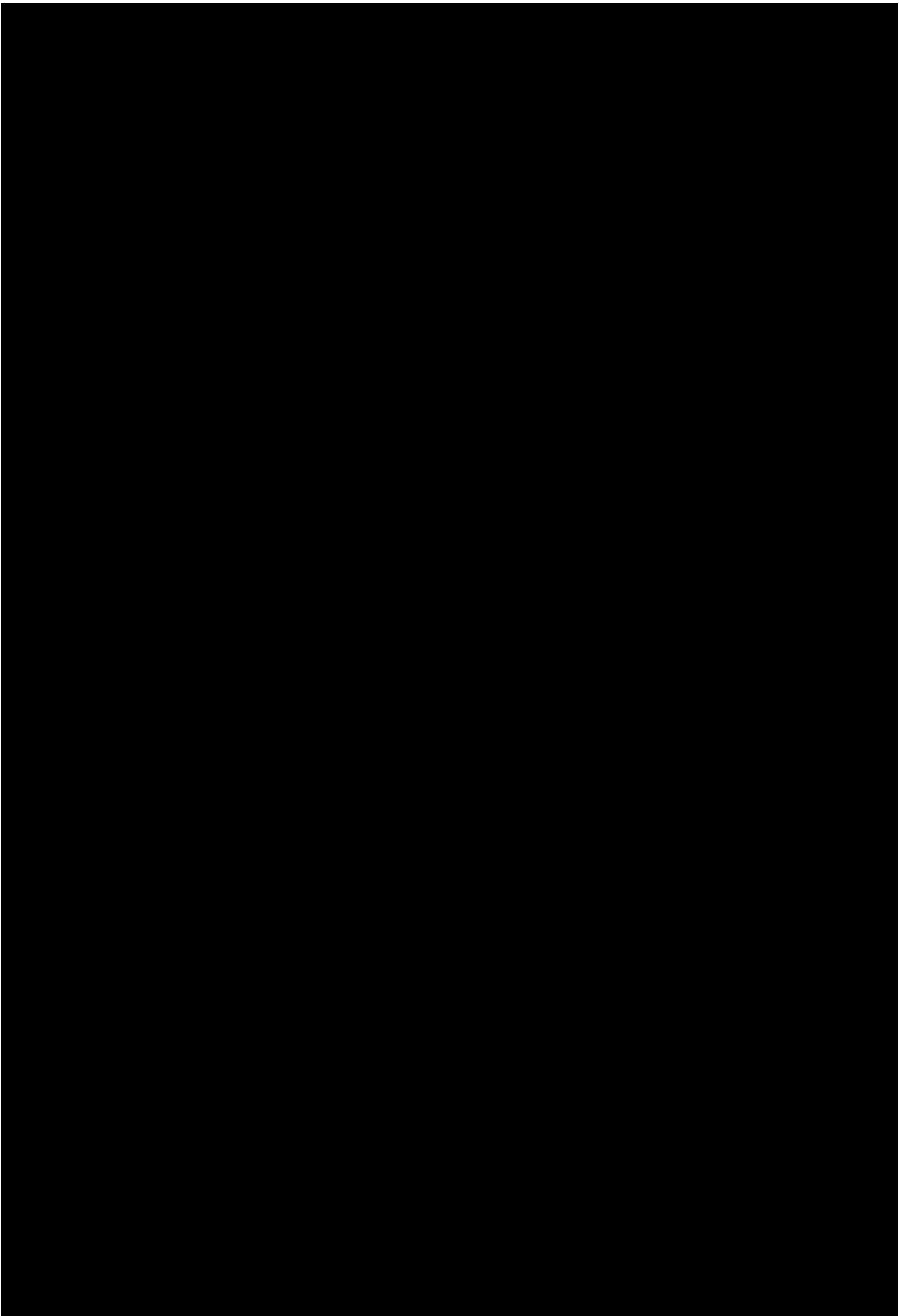
BACKGROUND

- (A) C-KORE is the registered proprietor of European patent EP 2 265 793 (the "**Patent**") and European patent application EP22778035.0 published as EP4402341 (the "**Application**").
- (B) C-KORE issued a claim for infringement of the Patent against NOVAWELL for its SICOM product (the "**NOVAWELL Product**") in saisie proceedings with number ACT_583867/2023 and proceedings with number ACT_592899/2023 in the Unified Patent Court, Paris Local Division on 8 December 2023 (the "**Proceedings**");
- (C) The Proceedings are defended by NOVAWELL in full;
- (D) NOVAWELL issued a counterclaim for revocation of the Patent with number CC_15998/2024 in the Unified Patent Court, Paris Local Division on 28 March 2024 (the "**Counterclaim**");
- (E) The Counterclaim is defended by C-KORE in full;
- (F) In consideration of the promises and the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, C-KORE and NOVAWELL, intending to be legally bound, agree to settle all ongoing disputes relating to the Patent and Patent Application, including the Proceedings and the Counterclaim and on the terms set out herein.

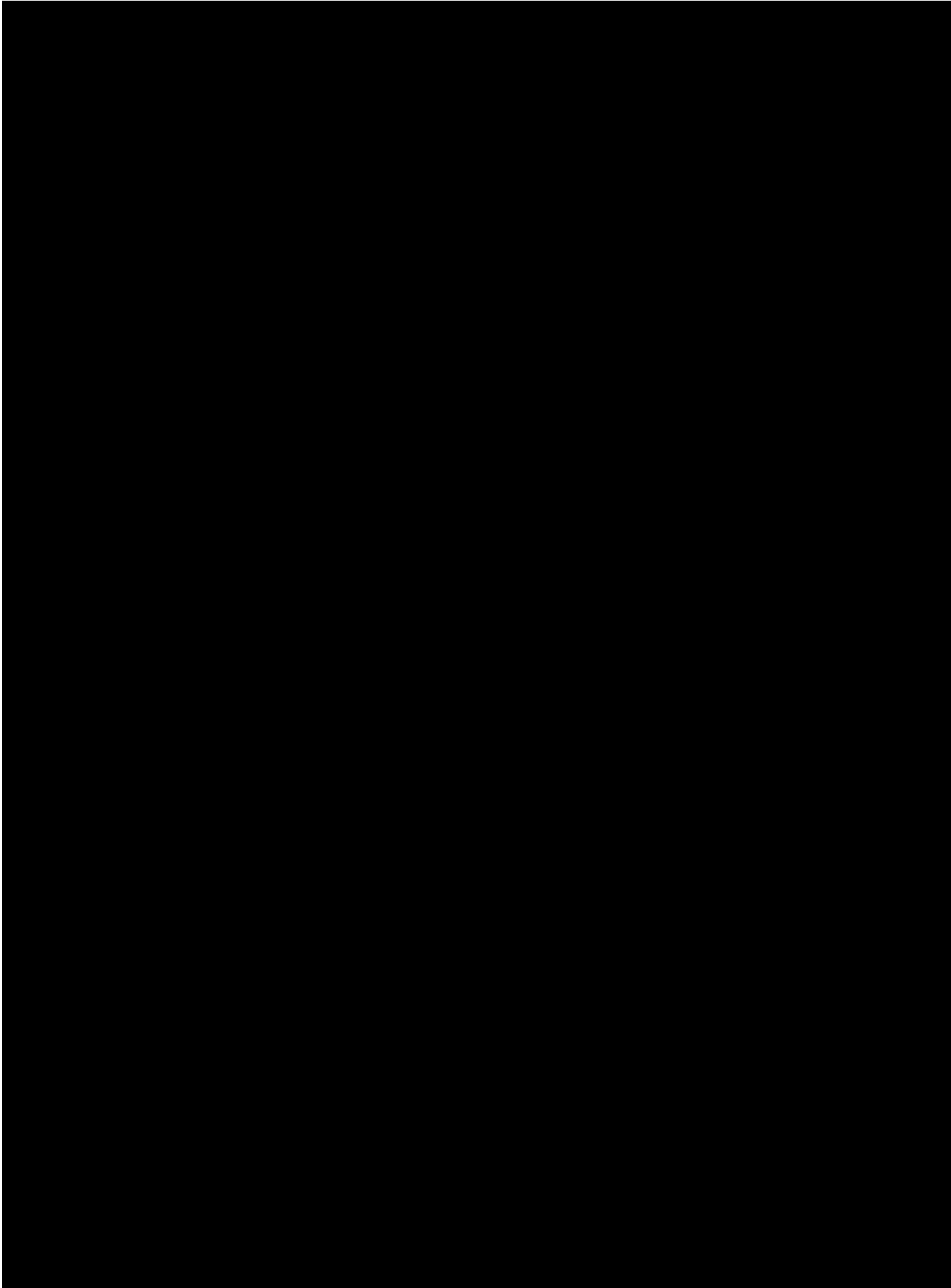


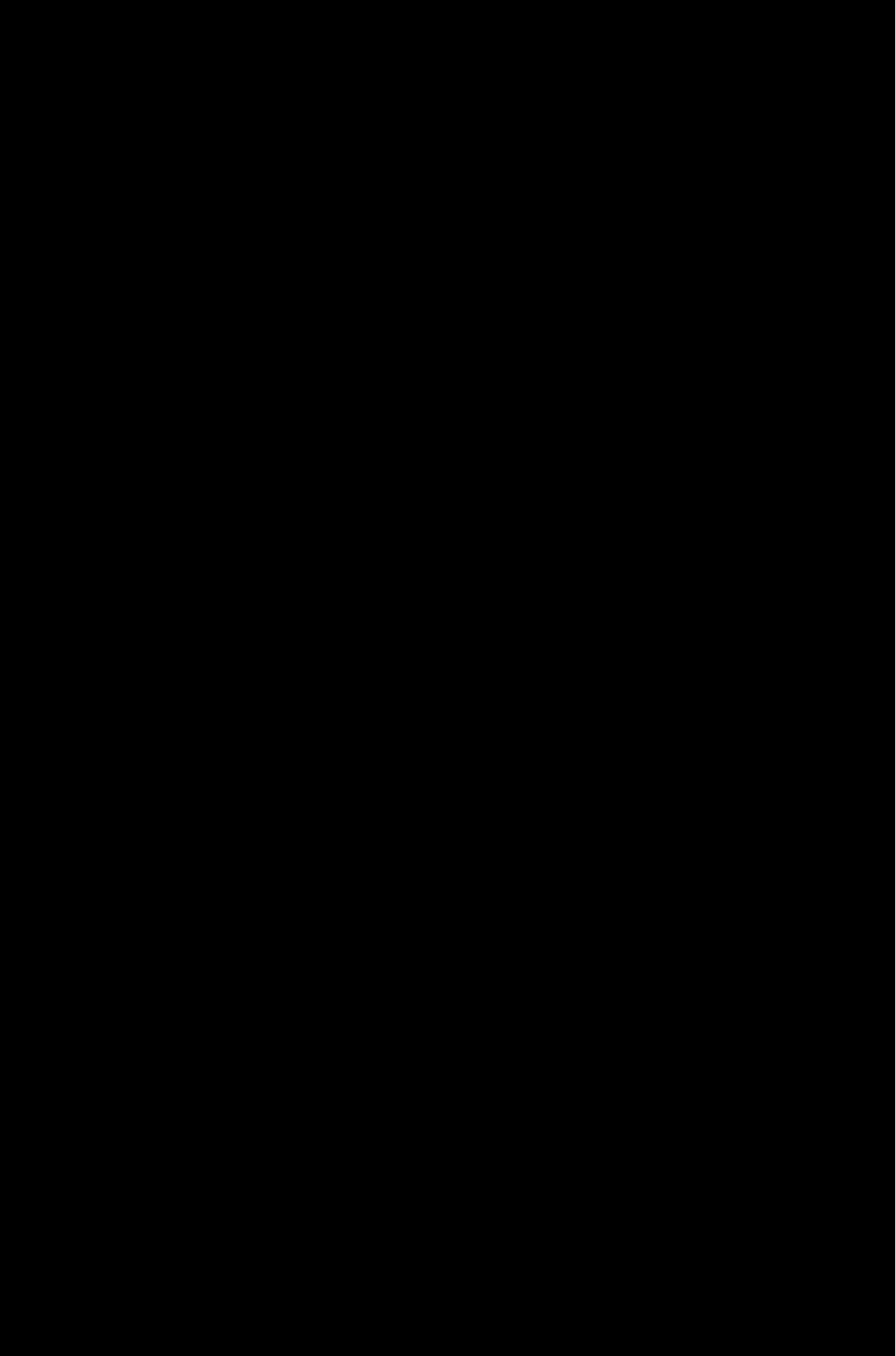


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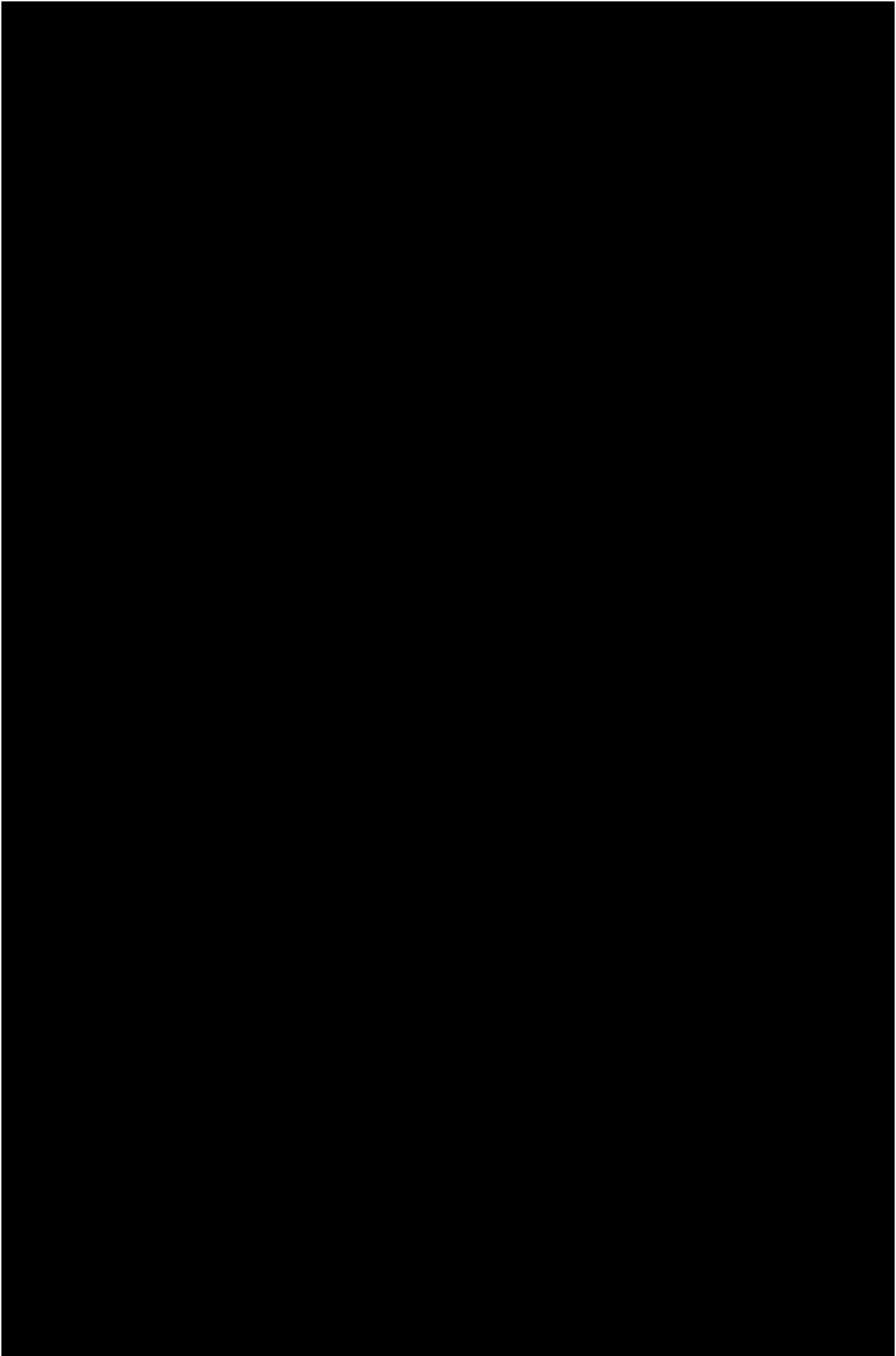


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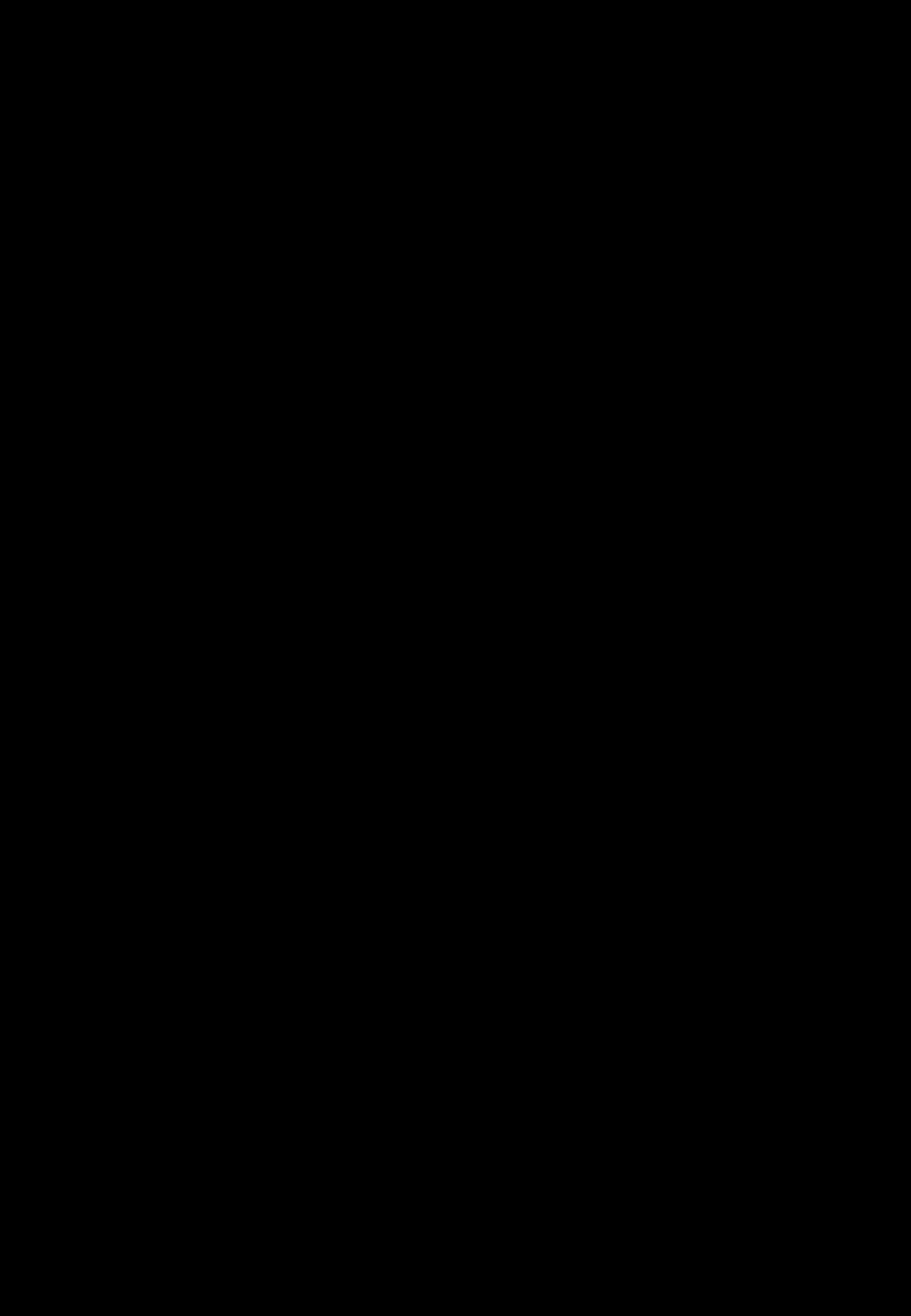




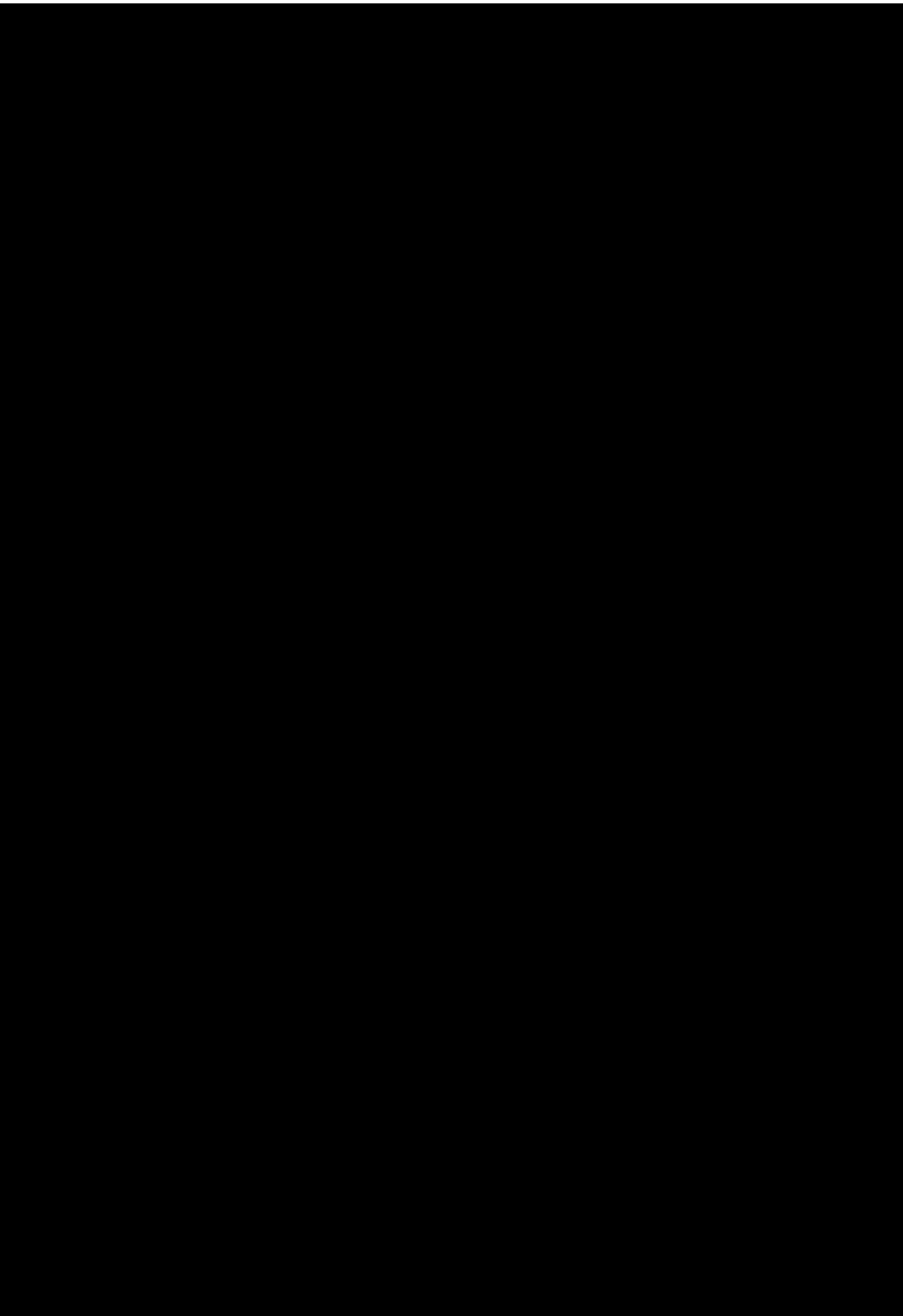
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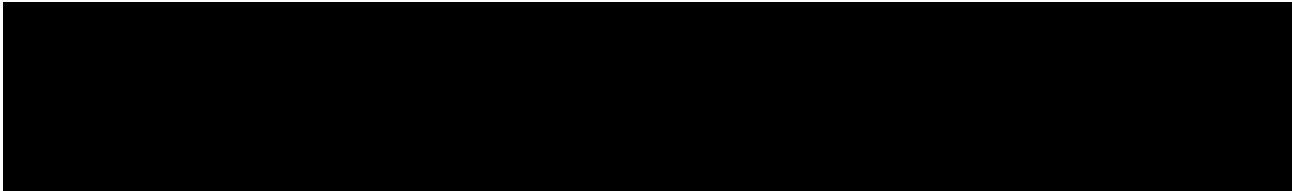
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IN WITNESS of which this Agreement has been executed as a Deed and has been entered into on the date stated at the beginning of it.

EXECUTED as a deed on behalf of
C-KORE SYSTEMS LIMITED


.....

Signature of Director

~~.....~~
TIMOTHY PARK OVERFIELD

Name in Capitals

In the presence of:

 ANDREW STOTT
.....

Name in Capitals

JANARD
.....

Signature of Director

JUDITH SUSANNE OVERFIELD

Name in Capitals

In the presence of:

 ANDREW STOTT
.....

Name in Capitals

EXECUTED as a deed on behalf of
NOVAWELL

.....

Signature of Director

.....

Name in Capitals

In the presence of:

.....

Name in Capitals

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Signature of Director

.....

Name in Capitals

In the presence of:

.....

Name in Capitals

APPENDIX 1

Order

ACT_592899/2023

CC_15998/2024

UNIFIED PATENT COURT

PARIS LOCAL DIVISION

BETWEEN:

C-KORE SYSTEMS LIMITED

Claimant

-and-

NOVAWELL

Defendant

ORDER

BEFORE []

UPON the parties having agreed settlement terms in accordance with Rule 365 of the Rules of Procedure of the Unified Patent Court

AND UPON the parties having agreed to confidential terms of settlement of the Proceedings and Counterclaim as set out in a Confidential Deed of Settlement dated X December 2024 (the "Confidential Deed of Settlement"), copies of which are held by the parties' respective legal advisors

BY CONSENT

IT IS ORDERED that

1. The Proceedings and Counterclaim are hereby dismissed.
2. The details of the Confidential Deed of Settlement are confidential in accordance with Rule 365(2).
3. There shall be no order as to costs.

We hereby consent to an order in the above terms.

Dated

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HGF Law LLP

Legal Advisors for the Claimant

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ETNA

Legal Advisors for the Defendant