



**ITALIAN REPUBLIC**  
**IN THE NAME OF THE ITALIAN PEOPLE**

**COURT OF VENICE**  
**Specialised Business Section**

The Court, in the persons of:

- |                        |                 |
|------------------------|-----------------|
| - Dr. Lina Tosi        | Presiding Judge |
| - Dr. Chiara Campagner | Judge           |
| - Dr Maddalena Bassi   | Judge           |

meeting in chambers, has pronounced the following

**JUDGMENT**

in the civil case registered under no. 10432/2024 of the General Register, brought by writ of summons

by

**GEOPLAST Spa (Tax Code and VAT No.**  
**03285310284),**

represented by Alessandra Viamo, lawyer of the Padua Bar

**Plaintiff**

**against**

**DALIFORM GROUP S.R.L. (tax code and VAT number 04296720263) and T.P.S. S.R.L. (tax code and**  
**VAT number 02090510260),**

Case referred for decision pursuant to order dated 23/10/2025, communicated on the same day

**Conclusions for the plaintiff:**

**Preliminarily**, recognise its jurisdiction to decide also in relation to patent EP'113

for all the reasons set out in the first supplementary brief dated 31/10/2024;

**primarily**

- to ascertain and declare the defendant companies Daliform Group Srl and T.P.S S.R.L., for the facts set out in the narrative, liable for the infringement of patents IT. 1350609 and EP 1605113 and, in particular, the Italian part of that patent, by means of the ATLANTIS article or however it is named;
- to ascertain and declare the defendants liable, for the facts described above, also for unfair competition pursuant to Article 2598 of the Italian Civil Code;
- order Daliform Group Srl and T.P.S. Srl, jointly and severally, to pay compensation for all direct and indirect damages suffered and to be suffered as a result of the offences referred to in the preceding points, including damage to reputation, including through the reversal of profits, *pursuant* to Article 125 of the Italian Industrial Property Code, for the part exceeding the loss of profits suffered by the plaintiffs, to the extent that it is due according to the results of the investigation or, alternatively, that the Court deems fair to settle;
- order the assignment to the plaintiff of ownership of all items infringing the patents in question that still exist at the time of the judgment, as well as any tools or means specifically dedicated to the production of said items (in particular the moulds), and all advertising material relating to or including them;
- prohibit the defendant companies from manufacturing and trading in anything related to the products in question, as well as from using such products, including in the form of photographs, reproductions, or in any other form, in any activity and by any means, including the internet and the respective websites;
- prohibit the defendant companies from continuing any further counterfeiting and unfair competition activities such as those referred to in the facts of the case, imposing on them a penalty of not less than €1,000.00 for each subsequent violation and €500.00 for each day of delay in the execution of the measures referred to in the forthcoming judgment, also pursuant to Article 614 bis of the Italian Code of Civil Procedure;

- order the publication of the operative part of the forthcoming judgment in two national daily newspapers, including in their online versions (Corriere della Sera and Il Sole 24 Ore) and in two specialist magazines in the sector, at least twice and in extract form, in double the normal font size, with the names of the parties in bold and in two columns, by the plaintiff and at the expense of the defendants as a means of avoiding the continuation of the confusing and misleading effects of the conduct complained of in the narrative;
- order the counterparties to publish an extract of the forthcoming judgment on their website, in all language versions for which it is active, on the news page with a space of not less than 60% of the visible area and with fonts that are at least the same size as those used on the respective websites, for at least 30 (thirty) consecutive days;
- with the award of rights, costs and fees for the present proceedings, including those of a technical/patent, also pursuant to Article 96 of the Italian Code of Civil Procedure;

**on a preliminary basis (*omissis: as per the electronic sheet***

***electronic document)***

### **Conclusions for the defendant:**

ON THE MERITS:

- reject all claims made by Geoplast S.p.A. as unfounded in fact and in law and, in any case, unproven on the basis of all the evidence presented in the proceedings;

IN ANY CASE:

- with the award of rights, costs and fees for the present proceedings, including those of a technical nature, if any are incurred;

## **GROUND**

By writ of summons, Geoplast, following up and explicitly referring, in particular, to the expert opinion given in the first instance (Eng. Ercole Bonini) in the precautionary proceedings brought before this Section, first by appeal and then by complaint, concerning requests for protection against the infringement of its patents IT '609 and EP '113 by Daliform's 'Atlantis' products, is acting on the merits by requesting that the Court, having reviewed the contrary precautionary *decision*, grant protection to the same patent rights and protection against the same infringing conduct already complained of in the precautionary proceedings, including in the form of parasitic competition (2598 no. 3 of the Italian Civil Code).

Unlike in the preliminary injunction proceedings, in which it had only sued Daliform, it is now suing both Daliform, identified as the marketer, and TPS, identified as the manufacturer, alleging that the two defendants belong to the same group and are managed by the same entity. It can be said at this stage that these roles and relationships between the two defendants, which, according to the Chamber of Commerce register, are partly owned by the same entities, are denied.

The plaintiff's claims relate to counterfeiting, while the defendant, which disputes the counterfeiting, also raises defences relating to the patent validity of the opposing exclusive rights (considered at most valid as utility models) but only by way of exception. It also raises an objection of limitation with regard to the opposing party's rights to compensation. On another point, more specifically relating to the temporal validity of the title, it argues that the duration of utility models, as it assumes the opposing titles should be reclassified, is only ten years.

In the case in question, the documents relating to the preliminary injunction proceedings at first instance, 13185/2019, which was dismissed by order dated 4-5/11/2019, nor of the appeal 8649/2020, which was dismissed by order dated 18/2-1/3/2021, as part of the documents, including the orders and the expert witness report, were produced by the parties.

The case was heard solely on the basis of documents; the parties were granted ordinary time limits pursuant to Articles 171ter and 189 of the Italian Code of Civil Procedure, which they made use of.

It should be noted here that both of the plaintiff's titles have in any case expired on 11/6/2024 and 4/5/2025 respectively, being:

- IT 1350609 filed with application dated 11 June 2004 and issued on 16 December 2008;
- EP 1605113 B1 filed with application on 4/5/2005 with priority claim given by IT patent application '609, published on 14/12/2005 and issued on 23/10/2013; validated in Italy according to the translation filed on 13/12/2013.

With the decree pursuant to Article 171bis of the Italian Code of Civil Procedure, *'the question of the jurisdiction of this office, or rather of the Unified Patent Court pursuant to Article 83 of EU Council Agreement 2013/C 175/01 with regard to patent EP 1605113'* was specifically raised ex officio. This was because the case, brought by writ of summons served on 27 May 2024, is subject to the provisions of the aforementioned Single Agreement, which entered into force on 1 June 2023.

The plaintiff in this regard, declaring that it has not exercised the so-called 'opt-out' referred to in Article 83 of the Agreement, considers that during the so-called transitional period of seven years from the entry into force of the Agreement, there is concurrent jurisdiction of the national court and the unified patent court; that only

if the holder of the European patent (not unitary, as in the case in question) has exercised the so-called opt-out, then he is precluded from appealing to the Unified Court, and the patent is subject to the exclusive jurisdiction of the national courts; whereas, on the other hand, if the option is not exercised, he remains free to choose whether to bring the case before the national court or the European Patent Court (UPC).

The defendant did not take a position on this point.

The issue, raised ex officio, is decisive with regard to the EU patent. The plaintiff's interpretation of the legislation is incorrect.

Jurisdiction over EU patent cases that do not have unitary effect (such as EP '113) lies, in principle, with the UPC (exclusive jurisdiction according to the provisions of Article 32). Cases of patent infringement are among those falling under exclusive jurisdiction.

However, the first paragraph of Article 83 states that *'During a transitional period of seven years from the date of entry into force of this Agreement, it may still be brought before the national courts...'* a patent action concerning an EU title; but the possibility of still bringing the action before the national courts during the transitional period is subject to the rules of the third paragraph, according to which, unless an action has already been brought before the UPC (in which case the jurisdiction of the UPC is now irrevocably established), the proprietor has *'the possibility of waiving the exclusive jurisdiction of the court'* (here the court is the UPC, as per Definitions, Article 2(B)). The third paragraph states that *'To this end...'*, i.e. in order to waive, the proprietor shall notify *'the registry of this decision at the latest one month before the end of the transitional period. The waiver shall take effect upon entry in the register'*. The waiver (fourth paragraph) may be revoked at any time, provided that no proceedings are pending and the transitional period has not yet expired.

It is clear from the correlation between the provisions of Article 32 and the expressions used in Article 83 ("waiver" and "revocation of waiver") that, unless the proprietor expressly waives the jurisdiction of the UPC, EU patent cases must be brought exclusively before the UPC.

Concurrent jurisdiction during the transitional period does not therefore mean that the proprietor can choose which court to bring a particular case before; moreover, this would lead to uncertainty and inconsistencies, both for potential defendants, who would be exposed to the discretion of the proprietor, and for those who wished to bring an EU patent case against the proprietor, since the interpretation given by the claimant does not explain how they should proceed during the transitional period in the absence of an unequivocal signal inherent in the exercise of the opt-out. The system outlined in Article 83, on the other hand, allows jurisdiction to be established in a clear and predictable manner during the transitional period, which, as a rule

In principle, it belongs to the UPC unless the owner formally waives this right, which is made known by consultation of the UPC register.

Therefore, as the plaintiff has not exercised the waiver, it remains subject to the jurisdiction of the UPC for patent EP'113.

Article 31 of the Agreement establishes that the international jurisdiction of the court is determined in accordance with Regulation (EU) No 1215/2012 or, where applicable, on the basis of the Convention on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters (Lugano Convention). Article 27 of Regulation 1215/2012 establishes that a court of a Member State, when seised of a dispute for which the courts of another Member State have exclusive jurisdiction, shall declare of its own motion that it has no jurisdiction. The article refers to the cases of exclusive jurisdiction provided for in the Regulation itself (Article 24), but what is relevant, by virtue of the reference made in the Agreement, is that Regulation 1215/2012, as well as Article 25 of the Lugano Convention of 30 October 2007 (Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters), nevertheless establish the rule of ex officio determination of lack of jurisdiction by the court seised, with respect to the court with exclusive jurisdiction, in this case the UPC.

'Competence', as it is referred to in EU legislation, raises an issue that in domestic law is classified as relating to jurisdiction; Article 11 of Law 218/1995 is in line with the aforementioned regulatory and conventional provisions: *'Lack of jurisdiction ... shall be noted by the court of its own motion, at any stage and level of the proceedings, if ... Italian jurisdiction is excluded by virtue of an international rule'*.

Therefore, with regard to the infringement of EP'113, the national court lacks jurisdiction in relation to the UPC.

As regards Italian patent IT '609, the present case is decided on the basis of the most obvious reasoning, in terms of patent infringement, without examining the question of validity; the decision also covers the issue of competition, as nothing has been alleged to constitute parasitic competition, other than the interference of the product with the patent.

In this process, as well as in the preliminary proceedings, the plaintiff identified the opposing product, which it claims interferes with its patents, simply as the "Atlantis product" and claims to have identified it when it saw examples of it for the first time at the "Batimat" trade fair in Paris (4–9 November 2019). It submits in this case eight photographs of the product as portrayed at the Batimat trade fair (all named 'DALIFORM GROUP BATIMAT PARIS 2019' and to be understood as the

same as those referred to in doc. 11 of the appeal (*'8 photographs of the Atlantis formwork taken on 04/11/2019 at the Daliform Group Srl stand at the Batimat trade fair in Paris'*).

In the preliminary proceedings, the court-appointed expert – to whose report the plaintiff constantly refers in its arguments – specified that it had carried out its assessments of counterfeiting with regard to the product as represented in the photographs attached to the appeal, also using other photographs produced by the defendant, which, according to the plaintiff, did not depict the same product but nevertheless fell within the scope of protection of IT 609, and therefore, it must be understood that they concerned a similar product that was nevertheless infringing.

In this judgment, as then, the defendant asserts that the subject matter of the plaintiff's claim is solely the 'Atlantis 71x71' product. On this point, in its brief pursuant to Article 171ter(1) of the Italian Code of Civil Procedure, the claimant clearly stated that its claim was intended to cover the products named Atlantis 'in the three versions', corresponding to the three sizes 71X71, 50X50 and 100X100; Moreover, in the photographs attached to the writ of summons and depicting the product as photographed in Paris in November 2019, to which the claim clearly refers, the presence of products similar in shape but of different sizes, all of which are therefore the subject of the complaint, was clearly visible. The circumstance, inferred by the defendant, that products other than 17X71 also have additional features beyond those that are the subject of the plaintiff's arguments, and are therefore not comparable, is irrelevant for the purposes of defining the scope of the dispute: what matters for the purposes of defining the scope of the dispute is the plaintiff's claim, which concerns all Atlantis products in the three size versions.

The plaintiff's choice reveals the reasons behind it: in fact, the plaintiff, who bases its arguments on the expert report by engineer Ercole Bonini submitted in the preliminary proceedings, focuses its attention predominantly on one of the components of the patent, namely the floor installation system (part B of the patent), which is identical in the three Atlantis models.

The defendants do not dispute the plaintiff's decision to base all technical assessments on Bonini's report, even though it was submitted during the preliminary proceedings in which TPS was not a party, and consequently present defences based solely on merit, also referring to Bonini's report in their favour.

Therefore, this decision can be based on the technical assessments of Mr Bonini.

Mr Bonini had initially illustrated the texts of the independent claims of the two patents then under discussion, Italian and European (rev. no. 1 of each), also to verify their overlap in light of the then current text of Article 59 of the Italian Industrial Property Code, thus highlighting the greater scope – in three particulars – of the Italian patent. In his draft report, he had considered that there was no infringement precisely because of the different configuration of the Atlantis ground support system

of the Atlantis compared to that (B) of the patent, as claimed, in essentially the same way for what is relevant in the two patents.

The court-appointed expert had decided not to investigate the interference with regard to the other parts of the invention (A and C) due to the decisive nature of the conclusions on (B) for the purposes of infringement, which, in his initial report, were negative.

Turning to the merits, Italian patent IT '609 concerns a 'System of modular elements for the construction of raised and/or aerated reinforced concrete floors', i.e. a means of forming a surface on which to cast concrete floors, leaving an area underneath empty. In the IT summary:

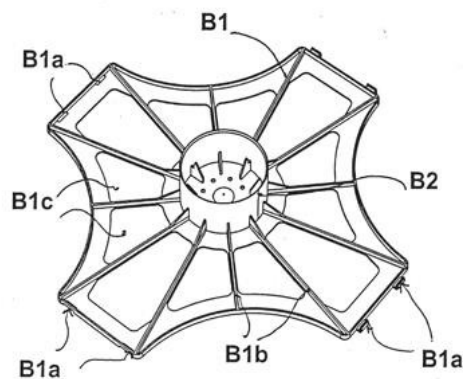
E' UN NUOVO SISTEMA DI ELEMENTI MODULARI COMBINATI COMPREDENTI UN ELEMENTO MODULARE SUPERIORE PIANO, UN ELEMENTO MODULARE DI BASE O INFERIORE ED UN ELEMENTO A COLONNA. L'ELEMENTO MODULARE DI BASE O INFERIORE È COSTITUITO DA UNA FORMA PIANA, A STELLA A DUE O PIÙ BRACCI, AVENTE ALMENO UNA SEDE, PER L'ELEMENTO A COLONNA. LE ESTREMITÀ DEI BRACCI PRESENTANO OPPORTUNI AGGANCI PER IL COLLEGAMENTO CON IDENTICI ELEMENTI DI BASE ADIACENTI. GLI ELEMENTI A COLONNA SONO COSTITUITI DA COMUNI ELEMENTI TUBOLARI DIRITTI. GLI ELEMENTI MODULARI PIANI SUPERIORI COMPREDONO UNA PARTE SUPERIORE, GENERICAMENTE QUADRATA E SOSTANZIALMENTE PIANA, E QUATTRO APPOGGI DISPOSTI NEGLI ANGOLI DI DETTA PARTE SUPERIORE. LE ESTREMITÀ INFERIORI DEGLI ANGOLI D'APPOGGIO DEGLI ELEMENTI MODULARI PIANI SUPERIORI, CORRISPONDENTI AD UN QUARTO DI ANGOLO GIRO, SONO CONFORMATE COSÌ DA ALLOGGIARE ED INCASTRARSI SUL BORDO SUPERIORE DELL'ELEMENTO A COLONNA. DETTE ESTREMITÀ INFERIORI PRESENTANO ELEMENTI DI AGGANCIO O COLLEGAMENTO CON LE CORRISPONDENTI ESTREMITÀ INFERIORI DEGLI ANGOLI D'APPOGGIO DEGLI ELEMENTI MODULARI PIANI SUPERIORI ADIACENTI ED INSERITE SUL MEDESIMO ELEMENTO A COLONNA.

The type of product (single module) is illustrated by the following image, which reproduces the Atlantis product:



As for the patent aspect that the plaintiff places at the centre of its considerations, it is the foot, into which each column is inserted, as shown in the patent drawings:





The two solutions, the patented one and the Atlantis one, serve to keep the columns in a vertical position perpendicular to the upper element (cover).

The modularity of the whole (square plan) is functional to the assembly of several adjacent modular elements to form surfaces of the desired width and shape, on which the concrete can then be poured. Given this function, it is important to prevent the columns, which are intended to remain under the covers and under the concrete, from moving from their position perpendicular to the floor and the cover.

At the heart of the investigation is the interpretation of that part of the patent claim whereby each base element B is *'equipped at the edges with connecting elements (B1a) for connection with corresponding adjacent identical base elements (B)'* (in the IT text) and *'equipped at the edges with connecting elements (B1a) with corresponding adjacent base elements (B)'* (in the EP text), formulations considered by the CTU to be overlapping, and whose differences are not in any case the subject of discussion between the parties.

As can be seen from the image of the contested product, the latter is characterised by a base element for connecting the column that is much simpler than the patented one, consisting of a small round shape with a connection for the column, while between each round shape and those at the foot of the columns in the adjacent corners of the module, a spacer can be inserted (and is presented by the defendants in the catalogues as an 'accessory'), to be pivoted in special housings in the 'feet'.

The following photograph shows, for Atlantis, the 'foot' intended to house the column, and the attachment to the foot of the 'spacer', which, at its opposite end, hooks onto another foot of the base quadrilateral, as shown in the product photograph above.



In its preliminary report, the court-appointed expert noted: *"In the opinion of the writer, it is not possible to identify in the DALIFORM product, and specifically in the base element, 'connection edges for connection to corresponding adjacent base elements'. In other words, the DALIFORM base element **does not have B1a-type connecting edges** for connection to corresponding identical and adjacent base elements, **but rather has astiform connecting elements** between base elements that connect via a mechanical connection between one base element and another. In essence, it is considered that DALIFORM has a different form of execution that cannot be included in the GEOPLAST patents. Nor, in the writer's opinion, can the DALIFORM execution be considered equivalent to that of GEOPLAST, as the equidistance between the base elements is achieved by completely different means (the rod-shaped connecting elements).*

Following the observations of the plaintiff (Article 195, paragraph 2 of the Italian Code of Civil Procedure) the court-appointed expert agreed with the plaintiff's argument of infringement, on the basis of a more general meaning attributed to the term 'adjacent' in the Italian language, which was considered to apply even to a proximity without contiguity, and therefore to include in the patent solutions involving the insertion of an additional element (such as the Atlantis spacer) between one foot and another.

This theory was not accepted in the precautionary orders. As far as is relevant (given that it is precisely the criticism of the grounds for this ruling that forms the basis of the writ of summons, and which the plaintiff then concludes in its final defence) the Court had observed in its appeal that the term 'adjacent' should not necessarily be interpreted according to the broadest meaning allowed by the Italian language, but that the interpretation should refer to the patent text, including the description and figures. The Court had drawn from the patent text, drawings and description elements that supported the interpretation of the term as direct adjacency and close contiguity, such as to exclude that the patent also intended to protect solutions in which

, as is the case with the Atlantis solution; therefore, the answer to the question given by the court-appointed expert before the parties' observations was to be considered correct.

The appellant, with a new argument compared to the precautionary measure, now considers that the interpretation of 'adjacency' is not relevant; but rather that the reading of the patent text alone makes it clear, due to the absence of an express patent prohibition on the interposition of other means between foot and foot, that there is no infringement, since *'the patents in question protect the basic element regardless of whether it consists of a single piece or several assembled pieces'*.

The precautionary orders were erroneous *'because they are based on an incorrect assumption, namely implicitly considering that the basic element (B) of the plaintiff's claim should be identified in a corresponding single piece in the Daliform Group and T.P.S. product - the circular cup alone - rather than in the cup assembled with the two spacer arms at the ends of which the connecting elements corresponding to Geoplast's B1a are located. This interpretation finds no correspondence in an objective reading of the patent, where it is never indicated that the basic elements must be in a single piece and it is therefore not excluded that the basic element may also be assembled in several pieces'*.

For the plaintiff, *'claim 1 of GEOPLAST's exclusive rights does not describe how the connecting elements are made, but only explains their function, which is to connect two adjacent bases, and their position, being provided on the edge of the base element. In fact, when functional characteristics (such as means for... or elements for...) are present in a claim, these characteristics include all the means that, according to a person skilled in the art, can perform the function without difficulty and without any inventive effort.'*

The plaintiff's arguments cannot be accepted. Through them, the plaintiff invokes an extension for the patent that it does not possess and intends to define its scope not on the basis of what is indicated in the claim, but on the basis of *the function* that the patent fulfils and *the absence of any prohibition* in the patent text.

In truth, Article 52 of the Italian Industrial Property Code stipulates that '1. The claim shall specify what is intended to be the subject matter of the patent. 2. The limits of protection shall be determined by the claims: however, the description and drawings shall serve to interpret the claims. 3. ...' The strictness of the regulation is aimed at achieving extreme clarity in the delimitation of protection, safeguarding the owner on the one hand and the freedom of third parties on the market on the other.

This is consistent with the Implementing Regulation of the Industrial Property Code, according to which *'The claims referred to in Articles 52(1) and 160(4) of the Code must be clear,*

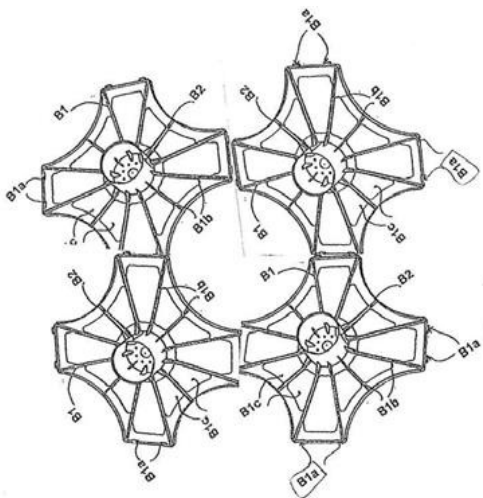
*concise, fully supported by the description and drafted in a separate document in accordance with the following formalities: a) they must be indicated with consecutive Arabic numerals; b) the technical feature claimed must be explicitly described: reference to the figures is permitted only for the sake of clarity; ...'* while Article 21(3) stipulates that the description must *'(c) disclose the invention in such a way that the technical problem and the proposed solution can be understood'*.

Therefore, in order to indicate the scope of protection, it is not what the patent *'does not prohibit'* that is relevant, but what it positively contains in the claims.

For the same reason, it is not the *function* that delimits the protection, but the content of the patent, which certainly aims to solve a technical problem, but is concretised in the identification of specific means which, *being configured in a certain way*, perform the desired function.

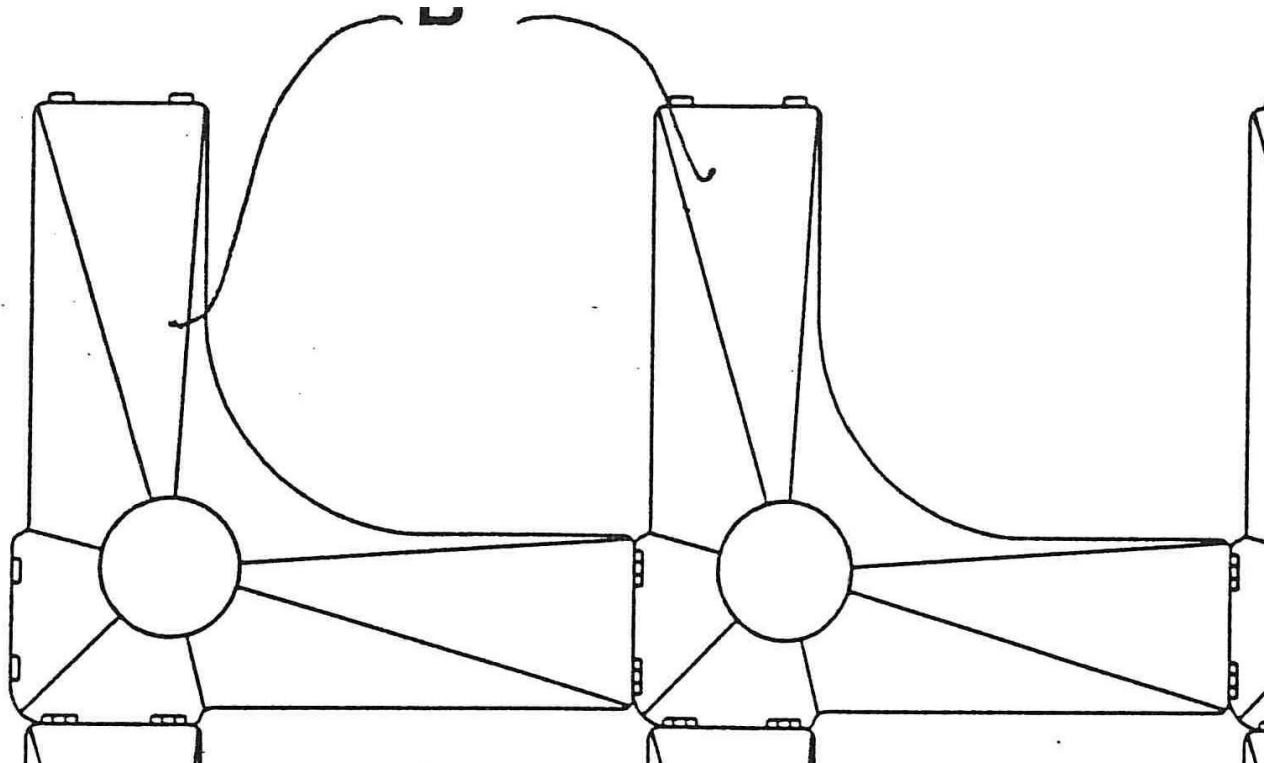
Now, nothing in the patent suggests that the wording of the claim, referring to a 'basic element' that 'has' 'connecting elements' with other 'basic elements' (identical, in the IT text), implies the presence of additional elements interposed between foot and foot. This is primarily because such interposed elements are not claimed in any way. Nor are they described, nor are they present in the drawings, which illustrate the 'foot' as a single load-bearing piece, at the end of its 'arms' projecting from the centre outwards, with hooks integral to the shape of the piece (typically made of plastic).

The specific use of the patented 'foot' in relation to the other parts at the base of the columns has been represented in the CTU report as follows:



where it can be seen how the four feet at the base of the invention, installed and ready to accommodate the columns, are directly hooked together by means of connecting devices located at the ends of the short arms (where the 'arms' are the extensions of the foot from its centre outwards).

Even in the representation of the variant in fig. 4b of the IT patent, where the feet are L-shaped, the connection is direct between foot and foot.



As noted by the Board of Appeal, the description, which serves to interpret the claims, contains a passage with the following wording: *'the useful distance between the ends of the two opposing arms is such as to obtain the same module for both the basic elements and the upper modular elements'* (page 6, line 25, Italian patent; page 5, line 34, European patent); and this passage is consistent with the interpretation of the invention in the sense that the correct distance is guaranteed by the dimensions of the basic element and, in particular, by the distance between the two opposing arms, "so that the verticality of the columns is guaranteed by the dimensions of the modules, without the need to insert a spacer element between two base elements, which would necessarily modify the distances between the base elements".

Once counterfeiting for B has been ruled out, one of the essential components of rev. 1 of the patent (which also includes parts A - cover, and C - columns), there is still no margin for finding counterfeiting, since counterfeiting requires the reproduction of all the elements of the independent claim of the patent.

In view of the above, the plaintiff's claims in defence of IT' 609 must be rejected: in the absence of industrial counterfeiting, there is also no basis for the alleged unfair competition; there is no room for compensation for damages; while the termination of the patent's validity would in any case have removed the possibility of making protective rulings in the future.

The costs follow the outcome of the case and are settled with regard to cases of indeterminate value and medium-high complexity due to the nature of the subject matter. However, the documentary nature of the dispute is taken into account, as well as the fact that it concerned a matter that had already been extensively examined and debated in preliminary proceedings. Article 4(4) of the tariff is considered applicable, in the absence of any particular relevance of specific issues related to the individual positions of the two defendants who were successfully defended. There is no basis for applying the provisions of Article 96 of the Italian Code of Civil Procedure, invoked by the defendants on the basis of individual defence profiles, whereas the provision sanctions the abusiveness of the initiative or resistance in court as a whole.

**P.Q.M.**

In its final ruling,

- 1) declares that, with regard to EP patent '113, the national court and this Section lack jurisdiction in relation to the Unified Patent Court of the European Union;
- 2) rejects the remaining claims of the plaintiff;
- 3) orders the claimant to reimburse the defendant's legal costs, amounting to €14,000.00 in fees, plus 15% general expenses, plus VAT and CPA.

Venice, 12/11/2025

The President, Dr Lina Tosi