

JSIP 2026 - Mock Trial

Unified Patent Court - Pony v Donkey

Presiding Judge

Mr Ronny Thomas

Presiding Judge (Panel 1), Local Division Dusseldorf
Court of First Instance, Unified Patent Court

For the Claimant (Pony)

Dr Christian Lederer

Pentarc

For the Defendant (Donkey)

Tim Whitfield

Powell Gilbert

Features A, B, C and E are admitted. **The only issue is feature D'.**

The claim and the Accused Product

Claim 1 as granted	Accused Product	Status
[A] A stand for a mobile device: mounting portion and base portion connected by a hinge shaft	[a] Same	Admitted
[B] A plurality of recesses in the base portion, along the periphery of the hinge shaft	[b] Same	Admitted
[C] A protrusion from the mounting portion side, mating with the recesses	[c] Same	Admitted
[D'] a metal compression coil spring that biases said protrusion	[d] a metal leaf spring that biases said protrusion	IN ISSUE
[E] Concluding clause	[e] Same	Admitted

The test for equivalence: Four questions

Developed by the first instance divisions of the UPC. The UPC Court of Appeal has not yet ruled.

- 1 Technical equivalence** Does the variation solve essentially the same problem, and perform essentially the same function in this context?
- 2 Fair protection for the patentee** Is extending protection to the equivalent proportionate to fair protection, in view of the contribution to the art?
- 3 Legal certainty for third parties** Does the skilled person understand from the patent that its scope is broader than the literal wording?
- 4 Validity** Is the allegedly infringing product novel and inventive over the prior art?

LD The Hague, Plant-e v Arkyne, 22 November 2024, para. 88; adopted by LD Dusseldorf, Wonderland, 27 May 2026. The parties agree on the test.

The Court: Key issues

The Court

From the Court's perspective, the equivalence criteria are the core issue of the case.

Two key issues require discussion in particular:

1 The amendment during the grant procedure

The claim was amended while the patent was being granted. Whether, and if so how, that should be taken into account when assessing equivalence.

2 The date at which obviousness is assessed

Substituting a metal compression coil spring with a metal leaf spring was not obvious to the skilled person when the application was filed, but had become obvious by the time the Accused Product was sold.

Question 1: The function of feature D'

Claimant

The object of the invention

Provide a stand for mobile device with robust and stable angle-holding function, without loss of holding force through component wear or material degradation over time; in addition, provide a distinct tactile "click" sensation when protrusion snaps into recess.

The function of feature D'

Provide a continuous mechanical biasing force urging the protrusion toward the recess openings, and generate a restoring force causing the protrusion to snap into a recess when aligned, by that producing characteristic "click".

Accused Product meets this specific function

The metal leaf spring performs exactly that function: the same biasing mechanism with a continuous mechanical biasing force to the protrusion, using the inherent elastic repulsion properties of metal, and producing the same "click" sensation when protrusion snaps into recess.

In addition, both metal springs have similar high level of durability.

Patent specification, paragraphs [0007], [0009], [0010], [0025] to [0027].

Question 2: Fair protection

Claimant

A substitution at component level, not a redesign

The device architecture is unchanged: the hinge shaft, the recesses, the protrusion and the housing all remain as claimed. Only the form of the spring differs.

Obvious to the skilled person at the time of the infringement

Substituting a coil spring with a leaf spring was obvious by the time when the Accused Product was distributed. Extending protection is fair and proportionate considering patentee's contribution to the art.

Question 3: Legal certainty

Claimant

"an elastic member" is the language of the specification

The specification consistently describes the relevant component as an elastic member, and explains its function as biasing the protrusion into the recesses. The compression coil spring appears only as a (non-limiting) example.

Patent specification, paragraphs [0008], [0009], [0021], [0023], [0025] to [0027]

The amendment during prosecution was directed only to distinguish invention from prior art

With the amendment, applicant only wanted to distinguish the claimed invention from the rubber stopper disclosed in Japanese Patent Application Document 1.

Nothing in the grant procedure suggests that other metal springs should be excluded. No selection made or indicated by applicant.

Question 4: Novel and inventive

Claimant

The Accused Product is novel and inventive over the prior art

The protrusion-and-recess mechanism using a metal leaf spring is not disclosed in Cited Document 1 (using a rubber stopper) or any other prior art document.

At the priority date, substituting a metal leaf spring for a metal compression coil spring in this mechanical context was not obvious to the skilled person.

Question of the Court

To the Claimant

In principle, the scope of protection should be determined based on the skilled person's knowledge at the priority date.

However, the use of a metal leaf spring was unknown at the time the patent was filed.

So why should the Court nevertheless find that there is an infringement?

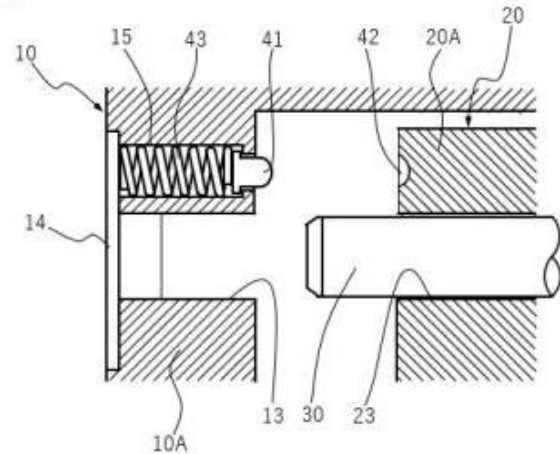
The issue: the date at which the variant must be obvious to the skilled person.

Question 1: Two different mechanisms

Defendant

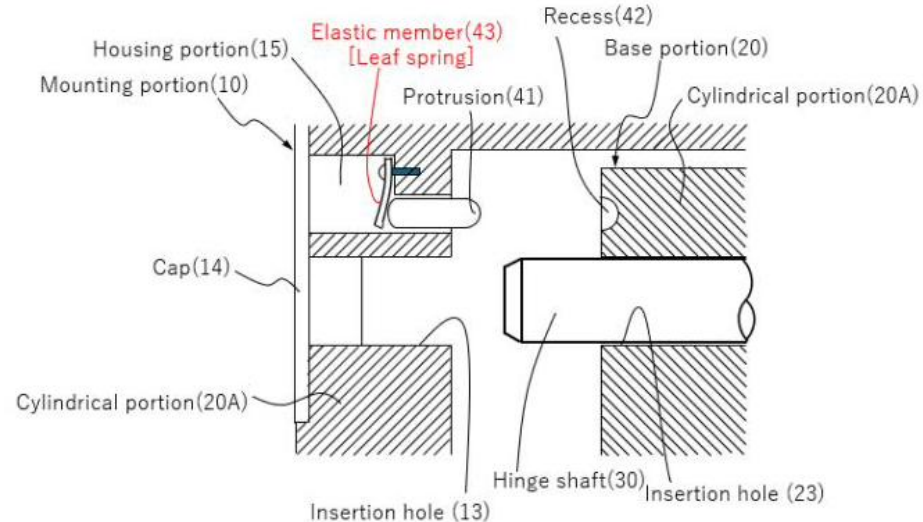
The Patent - Fig. 4

[Fig.4]



Coil spring (43) retained in housing (15), squeezed along the line of the hinge. The force is made by linear compression / restoration of the coil spring.

The Accused Product



Leaf spring (43) fixed at one end, bent across the housing, which requires a different shape. The force is made by bending a plate.

Question 2: Pony's technical contribution

Defendant

Filed

Claim 1 to "*an elastic member that biases said protrusion*"

Refused

Not new over Cited Document 1: a protrusion biased into a recess by a rubber stopper

Granted

Claim narrowed to "*a metal compression coil spring*"

Pony's own justification for allowability:

"the linear compression and restoring force of a metal compression coil spring"

Agreed premise: the substitution was not obvious at the filing date.
So the leaf spring solution was not part of Pony's technical contribution.

Question 3: What a third party understands

Defendant

The granted claim

"a metal compression coil spring that biases said protrusion"

The public file

The generic claim was refused. The claim was narrowed to obtain the patent.

Both say the same thing: the coil spring is the reason the patent was granted.

Where the feature relied upon to distinguish over the prior art is made narrower in order to obtain the patent, very little room is left for equivalents.

A third party could only conclude that anything other than a compression coil spring was outside the claim.

Question 4: The relevance of the validity check

Defendant

Donkey accepts that Question 4 is answered in Pony's favour.

No *Formstein* defence is run. But Question 4 is only a filter: answering it "yes" does not prove infringement.

Pony at Question 2

"A substitution at component level. It requires no complete redesign of the claimed device."

Pony at Question 4

"A solution that required independent technical development."

Both cannot be right. If the Accused Product needed its own technical development, it was not part of Pony's technical contribution, and Question 2 should be answered 'No'.

Donkey refers to the patent's prosecution history and the amendments made during the grant procedure.

Why do you think that such amendments should be taken into account?

Article 69 EPC provides that the extent of protection is determined by the claims, with the description and the drawings being used to interpret them.

The issue: whether the grant file may be taken into account at all.

Decision of the Court

The Court

Grounds and order

1

Technical equivalence

2

Fair protection for the
patentee

3

Legal certainty for third
parties

4

Validity

The Court will take each question in turn, and then give its order.

Version 1 of the script only. The outcome is not shown on the slide.