



Regional Court Düsseldorf

4c O 24/19

Order of 24 April 2019

I.

Respondents are ordered by way of preliminary injunction, because of the particular urgency without prior oral hearing,

to cease-and-desist from

filing and/or using business secrets of Petitioner and its [Petitioner's] licensees – which were disclosed to them [Respondents] through briefs and/or exhibits in the proceedings 4c O 64/17, 4c O 78/17, 4c O 79/17 and/or 4c O 80/before the Düsseldorf Regional Court on the basis of the Agreements on disclosure of documents dated 16.08.2018/23.08.2018 and 18.09.2018/18.03.2019 and which have been marked as strictly confidential by the parties in the proceedings or are contained in the Respondent's briefs of 01. and 23.04.2019, to – in the proceedings before the Düsseldorf Regional Court with the case numbers 4b O 104/17 and 4b O 105/17.

II.

Respondents are threatened with a fine of up to EUR 250,000.00 for each case of infringement of the injunction set out in point I., or alternatively with custody for up to six months, or in the event of repeated infringement for up to a total of two years, whereby the custody is to be enforced on the respective legal representative of Respondent 1) and 2) .

III.

Respondents are ordered to bear the costs of these proceedings.



IV.

A certified copy of the Request for a Preliminary Injunction dated 24 April 2019 together with the exhibits shall be attached to this decision upon service.

V.

The amount in dispute is set at EUR 1,000,000.

Grounds

Petitioner has sufficiently substantiated both a claim for a preliminary injunction and a ground for a preliminary injunction.

Petitioner is entitled to injunctive relief against Respondents pursuant to Sec. 2.a of the Agreement on the Disclosure of Documents 2018/18 March 2019 (Exhibit KAP 1).

Petitioner's request is urgent; in particular, Respondents announced in a letter dated 18 April 2019 (Exhibit KAP 4) that they would submit the briefs in dispute as soon as possible to the 4b. Civil Chamber of the Düsseldorf Regional Court in the proceedings pending under the docket numbers 4b O 104/17 and 4b O 105/17. In those circumstances, it is not necessary to refer Petitioner to proceedings on the merits.

The decision on costs follows from Sec. 91(1) of the Code of Civil Procedure.

Information on Legal Remedies

An appeal may be lodged against this decision (Sec. 924 of the Code of Civil Procedure). This must be submitted in writing to the Düsseldorf Regional Court (Werdener Straße 1, 40227 Düsseldorf or P.O. Box 103461, 40025 Düsseldorf). The appeal shall contain a statement of grounds stating the reasons relied on for its annulment. There is no term for filing the appeal. The language of the court is German. Representation by an attorney-at-law is mandatory before the Regional Court. The Statements of Appeal and Grounds of Appeal must be filed and signed by a registered attorney-at-law.



KATHER · AUGENSTEIN
RECHTSANWÄLTE

Kather Augenstein Rechtsanwälte

Bahnstraße 16

40212 Düsseldorf

P: +49 211 5135360

E-Mail: augenstein@katheraugenstein.com / info@katheraugenstein.com