



N.R.G. 12219/2018

## ITALIAN REPUBLIC

*IN THE NAME OF THE ITALIAN PEOPLE*

### COURT OF BOLOGNA

SPECIALISED SECTION

IN CIVIL ENTERPRISE MATTERS

The Court of First Instance, in a collegial composition in the persons of the following magistrates:

Dr. Michele Guernelli, President

Dr. Marco D'Orazi, Judge-Rapporteur

Dr. Vittorio Serra, Judge

After the hearing held on the fourteenth day of February in the year two thousand and twenty-four, at the conclusion of the oral discussion as held therein between the parties;

OMISSIS

pronounced the following

## JUDGMENT

### NOT DEFINITIVE

In the civil case of First Instance registered under No. r.g. **12219/2018** brought by:

**MAGNI REAL ESTATE S.r.l.** (formerly C.M.C. srl; C.F. 01883110361), represented by lawyers BERGOMI GIULIO (omissis) and REBECCHI PIER GIORGIO (omissis) **MAGNI TELESCOPIC HANDLERS S.r.l.** (C.F. 03353620366), represented by lawyers BERGOMI GIULIO (omissis) and REBECCHI PIER GIORGIO (omissis)

PLAINTIF

v.

**MANITOU ITALIA SRL** (C.F. 00173970369), represented by lawyers CAVANI GIOVANNI and BARALDI DAVIDE (omissis), MIRTO CINZIA (omissis)

DEFENDANT

**F.T.R.**

The Court of First Instance, NOT definitively ruling, all other requests and objections

disregarded or absorbed, decides as follows:

1. **DECLARE** admissible and relevant the description operations performed between 25 August and 5 September 2018 (Proceeding No. G.R. 9391/2018).
2. **DISMISSES** the counterclaim for a declaration of invalidity of the patents at issue (Italian patent No 1417457 and European patent No 2981496, amended version).
3. **ADMITS** the application for a declaration of patent infringement, in the manner and to the extent set out in the grounds of judgements and, accordingly,
4. **INHIBITS** to Manitou Italia s.r.l. the production, the offer for sale and the sale of counterfeit rotary telehandlers, marked with the initials MRT-X 2470 Privilege Plus (possibly, with the addition of the initials ST 3AS1), MRT 2470 Privilege (possibly, with the addition of the initials ST4S1), MRT-X 3050 Privilege Plus (possibly, with the addition of the initials ST 3AS1), MRT 3050 Privilege (possibly, with the addition of the initials ST4S1) or with other initials; as well as the same machines also under different trade names.
5. **FIXES** the sum of EUR 70,000.00 against Manitou Italia srl and in favour of Magni Real Estate srl (formerly CMC srl) and Magni Telescopic Handlers srl, for each breach or non-compliance subsequently ascertained and for each delay in the execution of the judgment.
6. **DECLARE** that the claim of unfair competition is absorbed.
7. **DENIES** the request for publication of the judgment.
8. **PROCEEDS** by separate order to remand the case for the continuation of the pre-trial proceedings.
9. **RESERVES** further action upon final judgment.
10. **THE SEPARATE ORDER SHOULD BE PUBLISHED AND COMMUNICATED URGENTLY**

OMISSIS

Bologna, on the date indicated above at the oral discussion and council chamber.

OMISSIS

Marco D'Orazi rapporteur  
Michele Guernelli president