



Brussels - Local Division

ORD_19104/2025

ACT_18947/2024

UPC_CFI_582/2024

ORD_68979/2024

ACT_54438/2024

Application for Provisional Measures

UPC_CFI_582/2024

FINAL ORDER (R. 353 RoP)

of the Court of First Instance of the Unified Patent Court

Local Division Brussels

Issued on 8 May 2025

APPLICANT:

(1) YEALINK (XIAMEN) NETWORK TECHNOLOGY Co. Ltd.

(2) YEALINK (EUROPE) NETWORK TECHNOLOGY BV

Both represented by: **Ruud van der Velden**, Hogan Lovells, Strawinskylaan 4129 - 1077ZX – Amsterdam, The Netherlands
Hereafter referred to as “**YEALINK**”

DEFENDANTS:

BARCO NV

Represented by: **Christian Dekoninck** (112027/2023), Taylor Wessing N.V., Waterloolaan 16, 1000 Brussel, Belgium,
Wim Maas (112021/2023), Taylor Wessing N.V., Kennedyplein 201, 5611 ZT Eindhoven, The Netherlands and
Laura Coucke (45777/2024) Taylor Wessing N.V., Waterloolaan 16, 1000 Brussel, Belgium.
Hereafter referred to as “**BARCO**”

PATENT AT ISSUE:

<i>Patent no.</i>	<i>Proprietor(s)</i>
EP 3 732 827	BARCO NV

LANGUAGE OF THE PROCEEDINGS:

ENGLISH

SUBJECT MATTER OF THE PROCEEDINGS:

Application for a Rectification of the order issued on 21 March 2025 (Based on R. 353 RoP)

PANEL/LOCAL DIVISION:

The Panel (LD Brussel) consists of the following judges:

President – Judge-Rapporteur / Legally Qualified Judge:

Legally Qualified Judge:

Legally Qualified Judge:

Technically Qualified Judge:

Samuel Granata

Petri Rinkinen

Mélanie Bessaud

Steven Richard Kitchen

DECIDING JUDGES:

This order is issued by the panel (LD Brussels).

I. PROCEDURAL BACKGROUND

1. YEALINK introduced an application for rectification of the final order (R. 353 RoP) issued by the LD Brussels and dated 21 March 2025 in the case UPC_CFI_582/2024 (ORD_68979/2024)(hereafter referred to as “*Final Order*”).
2. In the mentioned application (for the reasons mentioned herein), YEALINK requests as follows:
In conclusion, Yealink respectfully requests Your Court in light of the reasons above to clarify the Order by amending point 3 of the operative part of the Order, so that it read as follows (amendments in red and bold):
“VII. ORDER
The Court
(...)
3. Orders NV BARCO to bear reasonable and proportionate legal costs and other expenses incurred by YEALINK (XIAMEN) NETWORK TECHNOLOGY CO. Ltd. and YEALINK (EUROPE) NETWORK TECHNOLOGY BV in these proceedings, **up to the applicable ceiling in an amount of € 112.000 as an interim award of costs** (Art. 69(1) UPCA; R. 118(5) and R. 150(2) RoP; **Rule 211(1)(d) RoP**.”
3. By preliminary order dated 22 April 2025 the Court requested comments from BARCO which it received on 28 April 2025.

II. GROUNDS FOR DECISION

4. The circumstances listed in R. 353 RoP for rectification of a decision or order are exhaustive in nature. Rectification may be requested for (i) clerical errors, (ii) miscalculations, and (iii) obvious omissions in the decision or order.
5. Under 29 of the Final Order the following was requested by YEALINK regarding the legal costs:
 - II. *should the Court dismiss the Application, or should Claimant withdraw the Application, that the Court orders Claimant to bear the legal costs and other expenses incurred by Defendants in an amount of EUR 112,000 or another amount specified by the Court as interim costs (Art. 211.1(d) RoP);*

The Court further refers to YEALINK’s written arguments substantiating its request and more specifically:

- The Objection to Application for Provisional Measures (p. 107 under 14.15) where the following is mentioned:

“(…) it should thus pay, in the event the Application for provisional measures is dismissed or withdrawn, the (reasonable and proportionate) legal costs and other expenses incurred by Yealink in these proceedings in an amount specified by the Court as interim award costs (Rule 211.1(d) RoP).”

- The Rejoinder to Reply to Objection for Provisional Measures (p. 87 under 15.1.) where the following is mentioned:

“As regards Yealink’s request for an interim award of legal costs, Yealink notes that Barco has not disputed that Yealink’s legal fees exceed the ceiling for recoverable costs of EUR 112,000,=. (...)”

6. In the Final Order, the Court ruled as follows (paragraphs 60-62) (under the heading VI. Legal Costs):

60. *As the Application for provisional measures is dismissed, the unsuccessful party is obliged to bear the costs of the proceedings in accordance with Art. 69(1) UPCA, in this case, BARCO.*

61. *BARCO estimated the value of the case at € 1.000,000.00 and as YEALINK explicitly does not dispute this amount, the Court has no reason to consider otherwise.*

62. *Both BARCO (during the hearing) and YEALINK (in its submissions) hold that the legal expenses exceed the ceiling for recoverable costs associated with the respective value of the proceedings (set at € 112.000 by the Administrative Committee in its Decision on scale of ceilings of 24 April 2023), the legal costs are awarded for this ceiling.*

7. In the substantive part of the Final Order, the Court ruled as follows:

3. *Orders NV BARCO to bear reasonable and proportionate legal costs and other expenses incurred by YEALINK (XIAMEN) NETWORK TECHNOLOGY CO. Ltd. and YEALINK (EUROPE) NETWORK TECHNOLOGY BV in these proceedings, up to the applicable ceiling of € 112.000 (Art. 69(1) UPCA; R. 118(5) and R. 150(2) RoP).*

8. A decision/order of the Court should be read and interpreted as a whole, the motivational part of the decision/order (grounds) being as much a part of the decision/order as its substantive part (decision).

9. Rectification regarding the awarded amount is not deemed necessary in application of R. 353 RoP as in its reasoning the Court held that the legal costs are to be awarded for the ceiling (€ 112.000) and this based on the fact that both parties held that the legal expenses exceed the applicable ceiling. Where the substantive part of the Final Order held that BARCO should bear the legal costs and other expenses up the applicable ceiling, this should be read together with the motivational part wherein it is clear that BARCO, as its application was dismissed and therefore is to be considered the “*unsuccessful party*”, should bear these costs.

10. Further, based on its reference to R. 150 (2) RoP (relating to an “*interim award*” of costs), the Court finds that its Final Order does not contain any “*clerical errors*”, “*miscalculations*” and/or “*obvious slips*” and as such does not require rectification and, therefore, dismisses the application based on R. 353 RoP also for this reason.
11. Additionally, and regarding the notion “*interim award*” itself, the Court notes that this notion does not require that another award should follow such “*interim award*” to be executable.

III. DECISION (ORDER)

The Court dismisses the Application for rectification of the Final Order issued by the Local Division Brussels on 21 March 2025 in the case UPC_CFI_582/2024 (ORD_68979/2024).

Final order issued on 8 May 2025 by the Panel of the LD Brussels (UPC_CFI_582/2024).

Samuel GRANATA President and Judge-Rapporteur	
Legally Qualified Judge	
Mélanie BESSAUD	
Legally Qualified Judge	
Petri RINKINEN	
Legally Qualified Judge	
Steven Richard KITCHEN	
Technically Qualified Judge	
Déborah PLETINCKX	
Clerk	

ORDER DETAILS

Order Number:	ORD_19104/2025
Action Number:	ACT_18947/2025
Action type:	Application for Rectification (R.353 RoP)
<u>Related procedure</u>	
UPC Number:	UPC_CFI_582/2024
Order Number:	ORD_68979/2024
Action Number:	ACT_54438/2024
Action type:	Application for Provisional Measures (R.206 RoP)