



UPC Court of Appeal
UPC_CoA_328/2024
APL_36389/2024
App_34336/2025

ORDER
of the Court of Appeal of the Unified Patent Court
issued on 15 August 2025
Application for release of security

APPELLANT (AND APPLICANT BEFORE THE COURT OF FIRST INSTANCE)

Ballinno B.V., Obdam, The Netherlands (hereinafter 'Ballinno')

represented by attorney-at-law Rien Broekstra, Vossius & Brinkhof, Amsterdam, The Netherlands and other representatives of this firm

RESPONDENTS (AND DEFENDANTS BEFORE THE COURT OF FIRST INSTANCE)

1. **Kinexon Sports & Media GmbH**, Munich, Germany
 2. **Union des Associations Européennes de Football (UEFA)**, Nyon, Switzerland
 3. **Kinexon GmbH**, Munich, Germany
- (hereinafter jointly referred to as the Kinexon companies and UEFA, or the defendants)

all represented by attorney-at-law Prof. Dr. Tilman Müller-Stoy, Bardehle Pagenberg, Munich, Germany, and other representatives of this firm

PATENT AT ISSUE

EP 1 944 067

DECIDING JUDGE

This order has been issued by Ingeborg Simonsson, legally qualified judge and judge-rapporteur

SUMMARY OF FACTS AND INDICATION OF THE PARTIES' REQUESTS

1. Ballinno applied for preliminary measures before the Court of First Instance, Hamburg Local Division. In the appeal proceedings, the Court of Appeal ordered Ballinno on 26 August 2024 to provide security for the legal costs of the Kinexon companies and UEFA in the total amount of €25.000. The security was duly provided by Ballinno on 30 August 2024.

2. By order issued on 26 June 2025, the appeal was adjudicated.
3. On 5 August 2025, the Kinexon companies informed that the parties have entered into a settlement agreement and requested the Court of Appeal to release the security for procedural costs provided by Ballinno in the amount of €25.000 and transfer it directly to the bank account of Kinexon Sports GmbH.
4. Ballinno agreed to the release and confirmed that the security for costs should be transferred to Kinexon's account, reiterating the request for the release of the security.
5. UEFA confirmed that it accepts the requested release of the security to Kinexon.

GROUND FOR THE ORDER

6. Kinexon requests that the security deposit referred to above be released and transferred to its account, and Ballinno and UEFA have consented. R.352.2 RoP provides that the Court may upon the application of a party release a security by order. This provision applies to security for enforcement but should be applied by way of analogy in the present case. There is a reason to do so given the conclusion of the proceedings and the settlement between the parties.

ORDER

- I) The Court of Appeal orders that the amount deposited by Ballinno at the Court of Appeal's bank account on 30 August 2024 pursuant to the order of 26 August 2024 referred to above shall be released and transferred in full to the Kinexon Sports GmbH bank account specified in Kinexon's request.
- II) The Registry shall see to that the bank transfer is made.

Issued on 15 August 2025

Ingeborg Simonsson, legally qualified judge and judge-rapporteur