



Central Division Paris Seat

Order
of the Court of First Instance of the Unified Patent Court
Central Division (Paris Seat)
delivered on 21/08/2025
lodged in the revocation action No. ACT_27358/2024
UPC_CFI_230/2024; App. 34189/2025, App_34392/2025

Claimant and Applicant:

KINEXON SPORTS & MEDIA GMBH

Schellingstraße 35, 80799 Munich, Germany

Represented by: Prof. Dr. Tilman Müller-Stoy, Prinzregentenplatz 7, 81675 Munich, Germany

Defendant:

BALLINNO B.V.

Registered at (1713 BA) Obdam, De IJvelandssloot 41

Represented by: R. Broekstra Msc LLM, M.G.R. van Gardingen, Georg Rauh, M.W.L.Groeneveld,
Grote Bickersstraat 74-78, 1013 KS Amsterdam, Netherlands

PANEL

Presiding judge

Legally qualified judge, judge rapporteur

Technically qualified judge

François Thomas

Maximilian Haedicke

Gérard Myon

DECIDING JUDGE:

This order has been issued by the judge-rapporteur Maximilian Haedicke

LANGUAGE OF PROCEEDINGS: English

SUMMARY OF FACTS

1. By means of a decision delivered on 30 April 2025 (ORD_69092/2024; ACT_27358/ 2024) the Central Division revoked Defendant's European patent n° EP 1 944 067 B1 with effect for Germany and the Netherlands and ordered the Defendant to pay the costs of the proceedings.
2. Before that, with order delivered 14 October 2024, the Central Division had ordered the Defendant to provide security for the legal costs of the Claimant in the (total) amount of EUR 25.000. (ORD_47273/2024; ACT_27358/2024 App. No.: 46766/2024).
3. This amount was subsequently deposited with the Court by the Defendant.
4. On 30 May 2025 Claimant submitted an application for a cost decision (No. ACT_25841/2025 UPC_CFI_484/2025).
5. At the same date Claimant filed for an application for protection of confidentiality under R 262A RoP (No. App_25881/2025 UPC_CFI_484/2025). The Claimant's application pursuant to R. 262A RoP was denied but Claimant's implied request for protection of confidential information pursuant to R.262.2 RoP was granted.
6. With application of 4 August 2025 (ACT_27358/2024 UPC_CFI_230/2024; App. 34189/2025) Claimant requested to release the security for procedural costs in the amount of EUR 25.000,- to Claimant's following bank account: [REDACTED]
7. Claimant states that the parties have entered into a settlement agreement. According to this agreement, the security for procedural costs in the amount of EUR 25.000,- provided by Defendant should be transferred directly to Claimant's bank account. Moreover, once Kinexon has received the full payment according to the settlement agreement, Kinexon will (officially) withdraw the request for cost reimbursement according to R. 265 (analogous).
8. With submission of 6 August 2025, (No. App_34392/2025) Ballinno agreed to the release of the security to the Claimant and requests the Court to release the security for procedural costs in the amount of EUR 25,000, which was previously provided by Ballinno B.V.

GROUND FOR THE ORDER

9. The security in the (total) amount of € 25.000 can be released to the Claimant.
10. Claimant Kinexon requests that the security deposit referred to above be released and transferred to its account, and Defendant Ballinno has 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 (see UPC Court of Appeal UPC_CoA_328/2024, APL_36389/2024, App_34336/2025).
11. The security provided by means of an R. 158 RoP order serves the purpose, as laid out in Art. 69.4 UPCA, to provide adequate security for the legal costs and other expenses incurred by the party, which the other party may be liable to bear. (see LD Hamburg ORD_34872/2025, ACT 16267/202, UPC_CFI_151/2024, App_44034/2024 mn 8,9), Thus, when proceedings come to an end, the beneficiary of a security deposit – which is in this case the Claimant, – can request its release.

ORDER

1. The security for procedural costs in the amount of EUR 25.000,- provided by Ballinno pursuant to the order of 14/10/2024 referred to above is to be released to the Kinexon.
2. The amount stated in item 1. is to be transferred to Kinexon's following bank account: [REDACTED]
[REDACTED]

Issued on 21 August 2025

Maximilian
Wilhelm
Haedicke

Digital signiert von Maximilian
Wilhelm Haedicke
DN: cn=Maximilian Wilhelm
Haedicke, c=DE
Datum: 2025.08.21 09:23:31
+02'00'

Maximilian Haedicke, Legally qualified judge and judge-rapporteur

ORDER DETAILS

Order no. ORD_35247/2025 in ACTION NUMBER: ACT_27358/2024

UPC number: UPC_CFI_230/2024

Action type: Revocation Action

Related proceeding no. Application No.: 34189/2025

Application Type: Generic procedural Application

Order no. ORD_35248/2025 in ACTION NUMBER: ACT_27358/2024

UPC number: UPC_CFI_230/2024

Action type: Revocation Action

Related proceeding no. Application No.: 34392/2025

Application Type: Generic procedural Application