



Local Division Munich
UPC_CFI_487/2023

Order
of the Court of First Instance of the Unified Patent Court
issued on 26 August 2025

APPLICANT:

Taylor Wessing PartG mbB, Isartor 8, 80331 Munich, Germany,

represented by: Dr. Jan Phillip Rektorschek, Taylor Wessing PartG mbB, Isartor 8, 80331 Munich, Germany.

CLAIMANT:

NEC Corporation, 7-1 Shiba 5-chome Minato-ku, Tokyo 108-8001, Japan, represented by its President and Chief Executive Officer Mr. Takayuki Morita, *ibid*,

represented by: Dr. Müller, Dr. Henke, BARDEHLE PAGENBERG Partnership mbB Patent attorneys, attorneys at law, Bohnenstraße 4, 20457 Hamburg.

DEFENDANTS:

1. **TCL Deutschland GmbH & Co. KG**, Am Seestern 4, 40547 Düsseldorf, represented by the general partner TCL Deutschland Verwaltungs GmbH, which in turn is represented by its managing directors, *ibid*,
2. **TCL Industrial Holdings Co., Ltd.**, 22/F, TCL Technology Building, 17 Huifeng 3rd Road, Huizhou, 516000 Guangdong, China, represented by its directors, *ibid*,
3. **TCT Mobile Germany GmbH**, Am Seestern 4, 40547 Düsseldorf, Germany, represented by its managing directors, *ibid*,
4. **TCT Mobile Europe SAS**, 55 Avenue des Champs Pierreux, 92000 Nanterre, France, represented by its directors, *ibid*,
5. **TCL Communication Technology Holdings Ltd.**, 5/F, Building 22E, Science Park East Avenue, Hong Kong Science Park, Shatin, Hong Kong, represented by its directors, *ibid*,

6. TCL Operations Polska Sp., Z.o.o, ul. A. Mickiewicza 31/41 96-300 Zyrardow, Poland, represented by its managing directors, *ibid*,

7. TCL Overseas Marketing Ltd., 13/F TCL Tower Tai Chung Road Tsuen Wan, New Territories, Hong Kong, represented by its directors, *ibid*.

Defendants 1) to 6) represented by: Dr. Nack, Dr. Gajeck, Noerr Partnerschaftsgesellschaft mbB, Brienner Str. 28, 80333 Munich, Germany.

INTERVENER:

Access Advance LLC, 100 Cambridge Street, Suite 21400, Boston, MA 02114, USA,

represented by: Dr. Henke, Bardehle Pagenberg Partnership mbB, Bohnenstraße 4, 20457 Hamburg.

PATENT AT ISSUE

European patent no° EP 2 645 714

PANEL/DIVISION

Panel 2 of the Local Division Munich

DECIDING JUDGE

This order has been issued by Presiding Judge Ulrike Voß as Judge-Rapporteur.

LANGUAGE OF THE PROCEEDINGS

English

SUBJECT-MATTER OF THE PROCEEDINGS

Rule 262.1 (b) RoP

SUMMARY OF FACTS

- 1 The Claimant brought legal action against the Defendants for infringement of the patent at issue (ACT_595922/2023 UPC_CFI_487/2023). The Defendants, among other things, argued that the patent at issue lacked validity and filed a counterclaim for revocation (CC_40351/2024 UPC_CFI_397/2024).
- 2 The proceedings were terminated when the Parties applied for leave to withdraw the claim and counterclaim, which was granted by Decisions of 15 January 2025 and 24 January 2025, respectively.
- 3 The Applicant is a law firm seeking access to the register.

REQUESTS

- 4 The Applicant requests pursuant to R. 262.1 (b) RoP for access to written pleadings and evidence listed below, in case of confidential documents, only the redacted versions:

[2024_07_17 Brief of NEC re missing documents - A169308VLU22_signiert.pdf](#) - Pleading - English
[A169308VLU22 Complaint - NEC-TCL_signiert.pdf](#) - Pleading - English
[A169308VLU22 Exhibit BP 01a - NEC \(TCL Group EN\).pdf](#) - Exhibit - English
[A169308VLU22 Exhibit BP 01b - NEC \(HRA Instagram TCL Deutschland GmbH\) - Exhibit - German](#)
[A169308VLU22 Exhibit BP 01c - NEC \(Industries Holding EN\).pdf](#) - Exhibit - English
[A169308VLU22 Exhibit BP 01d - NEC \(TCT Mobile Germany\).PDF](#) - Exhibit - German
[A169308VLU22 Exhibit BP 01e - NEC \(TCT Mobile Europe\).PDF](#) - Exhibit - German
[A169308VLU22 Exhibit BP 01f - NEC \(TCL Communication\).PDF](#) - Exhibit - German
[A169308VLU22 Exhibit BP 01g - NEC \(IFA Exhibitors\).pdf](#) - Exhibit - German
[A169308VLU22 Exhibit BP 02a - NEC \(Advance Overview EN\).pdf](#) - Exhibit - English
[A169308VLU22 Exhibit BP 02b - NEC \(Struktur der Pool Lizenzgeb. EN\).pdf](#) - Exhibit - English
[A169308VLU22 Exhibit BP 02c - NEC \(Explanation of HEVC Advance Rates\).pdf](#) - Exhibit - English
[A169308VLU22 Exhibit BP 02d - NEC \(Licensing Landscape EN\).pdf](#) - Exhibit - English
[A169308VLU22 Exhibit BP 03 - NEC \(LG Munich Judgement_redacted\).pdf](#) - Exhibit - German
[A169308VLU22 Exhibit BP 03a - NEC \(HEVC Advance 27.5.2016 EN\).PDF](#) - Exhibit - English
[A169308VLU22 Exhibit BP 03b - NEC \(HEVC Advance 22.09.2016 EN\).PDF](#) - Exhibit - English
[A169308VLU22 Exhibit BP 03c - NEC \(HEVC Advance 25.09.2017 EN\).PDF](#) - Exhibit - English
[A169308VLU22 Exhibit BP 03d - NEC \(Lowenstein Sandler\).PDF](#) - Exhibit - English
[A169308VLU22 Exhibit BP 03e - NEC \(TCL - E-Mail 23.7.2018\).PDF](#) - Exhibit - English
[A169308VLU22 Exhibit BP 03f - NEC \(HEVC Advance - E-Mail 2.10.2018\).PDF](#) - Exhibit - English
[A169308VLU22 Exhibit BP 03g - NEC \(Access Advance - E-Mail 26.10.2020\).PDF](#) - Exhibit - English
[A169308VLU22 Exhibit BP 03h - NEC \(Access Advance E-Mail an TCL Com\).PDF](#) - Exhibit - English
[A169308VLU22 Exhibit BP 03i - NEC \(Standard-Lizenzvertrag\).pdf](#) - Exhibit - English
[A169308VLU22 Exhibit BP 03j - NEC \(Access Advance E-Mail Claimcharts\).PDF](#) - Exhibit - English
[A169308VLU22 Exhibit BP 04 - NEC \(EP2645714\).pdf](#) - Exhibit - English
[A169308VLU22 Exhibit BP 04a - NEC \(Patent Registers\).pdf](#) - Exhibit - German
[A169308VLU22 Exhibit BP 04b - NEC \(Feature Analysis EP714\).pdf](#) - Exhibit - English
[A169308VLU22 Exhibit BP 05a - NEC \(Screenshots Beklagte zu 1\).PDF](#) - Exhibit - German
[A169308VLU22 Exhibit BP 05b - NEC \(Screenshots Beklagte zu 2\).pdf](#) - Exhibit - German
[A169308VLU22 Exhibit BP 05c - NEC \(Screenshots Beklagte zu 3\).pdf](#) - Exhibit - German
[A169308VLU22 Exhibit BP 05d - NEC \(Screenshots Beklagte zu 4\).pdf](#) - Exhibit - German
[A169308VLU22 Exhibit BP 06 - NEC \(HEVC-Standard_201003-S\).pdf](#) - Exhibit - English
[A169308VLU22 Exhibit BP 07 - NEC \(Memo PRC Law KWM\).pdf](#) - Exhibit - English
[A169308VLU22 List of exhibits.pdf](#) - Exhibit - English
[A169308VLU22 Submitting UPC court fees.pdf](#) - - Other - German
[Formal-checks_Notification-of-positive-outcome](#) - Formal check outcome - English

[Noerr Statement of Defence Counterclaim FRAND 595922 2023 Defendant 1](#) - Pleading - English - Redacted version available
[Redacted SoD Defendant 1](#) - Amended pleading - English
[Noerr Statement of Defence Counterclaim Technical Defendants 1 3 4 6 595922 2023](#) - Pleading - English
[Response to Request for Amendments](#) - Formal response to the request for amendments - English
[Acknowledgement-of-lodging](#) - Acknowledgement - English
[Annex_DF_01](#) - Exhibit - English - Redacted version available
[Annex_DF_02](#) - Exhibit - English - Redacted version available
[Annex_DF_03](#) - Exhibit - English - Redacted version available

[Annex DF 04](#) - Exhibit - English - Redacted version available
[Annex DF 05](#) - Exhibit - German
[Annex DF 06](#) - Exhibit - English - Redacted version available
[Annex DF 07](#) - Exhibit - English - Redacted version available
[Annex DF 08](#) - Exhibit - English - Redacted version available
[Annex DF 09](#) - Exhibit - English - Redacted version available
[Annex DF 10](#) - Exhibit - German - Redacted version available
[Annex DF 11](#) - Exhibit - English - Redacted version available
[Annex DF 12](#) - Exhibit - English - Redacted version available
[Annex DF 13](#) - Exhibit - English - Redacted version available
[Annex DF 14](#) - Exhibit - English - Redacted version available
[Annex DF 15](#) - Exhibit - English - Redacted version available
[Annex DF 16](#) - Exhibit - English - Redacted version available
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[Annex DF 18](#) - Exhibit - English
[Annex DF 19](#) - Exhibit - English - Redacted version available
[Annex DF 20](#) - Exhibit - English - Redacted version available
[Annex DF 21](#) - Exhibit - English - Redacted version available
[Annex DF 22](#) - Exhibit - German
[Annex DF 23](#) - Exhibit - English
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[Annex DF 44](#) - Exhibit - English
[Annex DF 45](#) - Exhibit - English
[Annex DF 46](#) - Exhibit - English
[Annex DF 47](#) - Exhibit - English
[Annex DF 48_1](#) - Exhibit - English
[Annex DF 48_2](#) - Exhibit - English
[Annex DF 49](#) - Exhibit - German
[Annex DF 50](#) - Exhibit - English
[Annex DF 51](#) - Exhibit - English
[Annex DF 52](#) - Exhibit - English
[Annex DF 53](#) - Exhibit - English
[Annex DF 54](#) - Exhibit - English

[Annex DF 55](#) - Exhibit - English - Redacted version available
[Annex DF 56](#) - Exhibit - German
[Annex DF 57](#) - Exhibit - German
[Annex DF 58](#) - Exhibit - German
[Annex DF 59](#) - Exhibit - English
[Annex DN 01](#) - Exhibit - English
[Annex DN 02](#) - Exhibit - English
[Annex DN 03](#) - Exhibit - English
[Annex DN 04](#) - Exhibit - English
[Annex DN 05](#) - Exhibit - English
[Annex DN 06](#) - Exhibit - English
[Annex DN 07](#) - Exhibit - English
[Annex DN 08](#) - Exhibit - English
[Annex D 19](#) - Exhibit - English
[Annex D 20](#) - Exhibit - English
[Annex D 21](#) - Exhibit - English
[Annex D 22](#) - Exhibit - English
[Annex D 23](#) - Exhibit - German
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[Annex D 27](#) - Exhibit - English
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[Annex D 31](#) - Exhibit - German
[Annex D 32](#) - Exhibit - German
[Annex D 33](#) - Exhibit - English
[Annex D 34](#) - Exhibit - English
[Annex D 35](#) - Exhibit - English
[Formal-checks Notification-of-positive-outcome](#) - Formal check outcome - English

- 5 The Claimant requests that Applicant's Request be dismissed.
- 6 In the alternative, and with regard to the confidentiality orders pursuant to R. 262A RoP of 14.08.2024, rectified by order of 16.08.2024 (ORD_41183/2024, ORD_47400/2024), of 14.08.2024, rectified by order of 16.08.2024 (ORD_41186/2024, ORD_47402/2024), of 23.09.2024 (ORD_47060/2024) and the confidentiality request pursuant to R. 262.2 RoP filed by Claimant on 12.08.2025, the Claimant requests:

The documents including confidential information are made accessible in redacted version only.

This applies with regard to the filings of the Claimant to the following submissions, for which redacted versions have been filed with the parallel request for confidentiality pursuant to R. 262.2 RoP:

1. A169308VLU22 Complaint - NEC-TCL_signiert.pdf - Pleading – English
2. A169308VLU22 Exhibit BP 03a - NEC (HEVC Advance 27.5.2016 EN).PDF - Exhibit - English
3. A169308VLU22 Exhibit BP 03b - NEC (HEVC Advance 22.09.2016 EN).PDF - Exhibit - English
4. A169308VLU22 Exhibit BP 03c - NEC (HEVC Advance 25.09.2017 EN).PDF - Exhibit – English
5. A169308VLU22 Exhibit BP 03d - NEC (Lowenstein Sandler).PDF – Exhibit - English
6. A169308VLU22 Exhibit BP 03e - NEC (TCL - E-Mail 23.7.2018).PDF - Exhibit - English
7. A169308VLU22 Exhibit BP 03f - NEC (HEVC Advance - E-Mail 2.10.2018).PDF - Exhibit - English
8. A169308VLU22 Exhibit BP 03g - NEC (Access Advance - E-Mail 26.10.2020).PDF - Exhibit - English
9. A169308VLU22 Exhibit BP 03h - NEC (Access Advance E-Mail an TCL Com).PDF - Exhibit – English
10. A169308VLU22 Exhibit BP 03i - NEC (Standard-Lizenzvertrag).pdf - Exhibit - English
11. A169308VLU22 Exhibit BP 03j - NEC (Access Advance E-Mail Claimcharts). PDF - Exhibit – English
12. A169308VLU22 Exhibit BP 07 - NEC (Memo PRC Law KWM).pdf – Exhibit – English
13. A169308VLU22 Complaint – NEC-TCL_signiert ursprünglich eingereicht am 221223.pdf – Sonstiges – English
14. A169308VLU22 Statement of claim – NEC_signiert.pdf – Schriftsatz - English

7 In the event that the Court rejects the above requests, the Claimant requests that leave for appeal be granted and the appeal having suspensive effect.

8 The Defendants 1 to 6 request to reject the Applicant's Request.

SUBMISSIONS OF THE APPLICANT AND THE PARTIES (SUMMARY)

- 9 The Applicant submits that pursuant to Rule 262.1 (b) RoP written pleadings and evidence filed with the Court and recorded by the Registry shall be made available to the public upon a reasoned request. A reasoned request may clearly be based on educational interests. In the case at hand, the underlying request is reasoned already because of the Applicant's position as a member of the public. The purpose of this request is inter alia to gain a better understanding of the procedural developments and legal reasoning in the ongoing proceedings. In particular, there is a general interest in how the UPC and the parties to proceedings using the UPC as venue for infringement and counterclaims interpret patent claims and assess potentially relevant prior art.
- 10 Insofar as the Court may recognize an interest of the parties regarding confidential information in the written pleadings and evidence, the Applicant would agree to obtain only access to the redacted versions of the respective documents.

- 11 In the Claimant's opinion, Applicant has not lodged a reasoned request within the meaning of Rule 262.1(b) RoP. It has not specified the purpose of the request and explained why access to the specified documents is needed for that purpose. Applicant has solely expressed to have a professional or educational interest in the documents on file, but not any concrete and verifiable reasons. Notably, the reason provided does not even relate to the present proceedings. The proceedings, namely the infringement action, the counterclaim for revocation and the counterclaim for a FRAND-license offer, were declared closed after the parties had withdrawn their claims. Thus, there is no "ongoing proceedings". Furthermore, the actions were withdrawn during the written procedure, prior to any decision on the merits. The Court did not "interpret patent claims and assess [...] prior art", with the consequence that there is evidently no basis for Applicant's stated purpose of obtaining better understanding of the Court's practice in this regard. Besides that, there was no decision rendered. There is no decision in the present case from which a general interest to scrutinize the Court could arise.
- 12 Ultimately, the Claimant cannot help feeling that the purpose provided with the request is just pretexted and that Applicant is hiding its actual interest. This is supported by the temporal context of the request: Claimant has recently filed further complaints based on the patent in suit and on EP 3 057 321 against several defendants with the UPC. Some of the Statements of claim are already served, but no UPC representative has yet announced representation of the defendants in these proceedings. According to the Claimant it seems to be a "very special coincidence" that it is precisely in the present proceedings and the parallel one based on EP 3 057 321 in all the UPC cases, Applicant, a law firm, out of a sudden wants to have access to the documents and educate itself. It should go without saying that a falsely reasoned request cannot serve as a basis for access to the register.
- 13 Furthermore, in the opinion of the Claimant the request is inadmissibly broad as it also extends to documents that cannot be considered as written pleading and evidence and to documents that are not related to the alleged purpose of the request. Only submissions relating to the merits of the proceedings can be considered as "written pleadings and evidence". In addition, the request is to be rejected regarding any (part of) document that relates to the FRAND-negotiations between the parties and/or Defendants and the Intervener. Because Applicant specifies only an alleged interest in the aspects of claim interpretation and assessment of prior art.
- 14 The Claimant further considers that the weighing of interests speaks clearly for a rejection of the request. As there was no decision rendered in the present proceedings, there is evidently no general interest in access to the written pleadings and evidence in order to better understand the decision. Also, there is no public interest in access to the register if a member of the public abusively uses the request according to Rule 262.1(b) RoP, more specifically if it is filed (as it seems to be the case here) for the mere exploitation of information by falsely motivating the request and thus hiding to act as a straw man. In this case, the parties' interest prevails in safeguarding their copyright protected submissions and strategic aspects of the case from the public, which arguments have due to a lack of oral hearing or rendered decision not been subject to public debate and will also not be subject of public debate in future.
- 15 Finally, there is according to the Claimant no public interest to get access to confidential information and personal data. It refers to the extensive confidentiality orders pursuant to Rule 262A RoP and to Claimant's pending confidentiality request pursuant to Rule 262.2 RoP.

- 16 The Defendants 1 to 6 are of the opinion that the request is insufficiently substantiated and must be rejected. The Applicant has failed to demonstrate any concrete, legitimate or verifiable interest in accessing the requested documents.
- 17 Applicant seeks access to a considerable number of pleadings and exhibits, including extensive documentation, irrespective of their particular relevance or materiality. Such an undifferentiated, blanket request risks an abuse or undue extension of the principle of public access in the absence of any demonstrated concrete necessity.
- 18 It remains obscure why Applicant, a law firm, should be granted access, considering in particular that no oral hearing, substantive court order or decision has been rendered in the present proceedings. The case files will therefore not provide any insights into the procedure before the UPC, its practice and legal reasoning, but would only provide the Applicant with access to the register for its own, undisclosed purposes. In the event that the Judge-Rapporteur were to consider granting access, such access should be strictly limited to what is reasonably necessary regarding the alleged “interest”.

REASONS

- 19 The application is admissible and largely successful. Pursuant to Rule 262.1 (b) RoP, the Applicant may request access to written pleadings and evidence to the extent specified in the operative part of this Order.

1.

- 20 As a member of the public, the Applicant has submitted a reasoned request within the meaning of Rule 262.1 (b) RoP.

a)

- 21 A well-founded application in this sense is an request which not only specifies the written pleadings and evidences to which access is sought, but also states the purpose of the application and explains why access to the specified documents is necessary for that purpose, thus providing all the information the Judge-rapporteur needs to carry out the necessary balancing of interests (Court of Appeal, Order of 10.04.2024, UPC_CoA_404/2023 – Ocado/Autostore; Order of 09.01.2025, UPC_CoA_480/2024, Powell Gilbert/Abbott; LD Düsseldorf, Order of 17.06.2025, UPC_CFI_177/2023 – Slavik/MyStromer). Incidentally, this is (only) a formal requirement to which no increased substantive requirements are to be applied (see LD Munich, Order of 20.12.2024, UPC_CFI_342/2024 – Harting/Phoenix; LD Munich, Order of 29.07.2025, UPC_CFI_399/2023 – Vossius/Nokia).

b)

- 22 The Applicant's application meets these requirements. Even though the statement of grounds is brief and partly provided with text modules, the Applicant has not only specified the proceedings, written pleadings and evidence it wishes to inspect, but has also explained that it has a general interest in inspecting the files as part of the public. Based

on the case law of the Court of Appeal, no more can be required of the Applicant (see Court of Appeal, Order of 10.04.2024, UPC_CoA_404/2023 – Ocado/Autostore; Order of 09.01.2025, UPC_CoA_480/2024, Powell Gilbert/Abbott; Order of 25.04.2025, UPC_CoA_5/2025 – Nicoventures/Juul).

- 23 The level of detail required depends on the interest asserted and the time at which the application is made. If the proceedings for which access to written pleadings and evidence is requested have already been concluded, a lower level of reasoning is generally sufficient, because in such cases a general interest in inspection is sufficient, whereas the applicant must have special reasons or a more specific interest if it wishes to inspect the written pleadings during ongoing proceedings (Court of Appeal, Order of 10.04.2024, UPC_CoA_404/2023 – Ocado/Autostore; Order of 09.01.2025, UPC_CoA_480/2024, Powell Gilbert/Abbott; Order of 25.04.2025, UPC_CoA_5/2025 – Nicoventures/Juul; LD Düsseldorf, Order of 17.06.2025, UPC_CFI_177/2023 – Slavik/MyStromer; LD Munich, Order of 29.07.2025, UPC_CFI_399/2023 – Vossius/Nokia; LD Munich, Order of 30.07.2025, UPC_CFI_208/2024 – Renault/Avago).

2.

- 24 The application is largely successful. The Applicant shall be granted access to the written pleadings and evidence, whereby access shall be restricted to the redacted versions of the written pleadings for reasons of confidentiality and whereby personal data shall be redacted. However, insofar as the Applicant also listed orders of the Court and notifications from the CMS in its request, this is not successful. These are not subject to Rule 262.1 (b) RoP.

a)

- 25 When deciding on an application under Rule 262.1(b) RoP, the interests of a member of the public in obtaining access to the requested documents must be weighed against those referred to in Article 45 UPCA. These interests include the protection of confidential information and personal data ('the interests of one of the parties or other affected parties') but are not limited to these. The general interests of justice and public order must also be considered. The general interest of justice includes the protection of the integrity of proceedings. Public order is at risk if an application is abusive or if security interests are at stake, for example (Court of Appeal, Order of 10.04.2024, UPC_CoA_404/2023 – Ocado/Autostore; Order of 09.01.2025, UPC_CoA_480/2024, Powell Gilbert/Abbott; Order of 25.04.2025, UPC_CoA_5/2025 – Nicoventures/Juul; LD Munich, Order of 11.07.2025, UPC_CFI_399/2023 – Acer/Nokia; LD Munich, Order of 29.07.2025, UPC_CFI_399/2023 – Vossius/Nokia; LD Munich, Order of 30.07.2025, UPC_CFI_208/2024 – Renault/Avago).
- 26 Once the Court has issued a decision or order that concludes the initial proceedings, the public generally has an interest in accessing the written pleadings and evidence. This enables a better understanding of the decision in light of the arguments put forward by the parties and the evidence relied upon. It also enables the Court to be monitored, which is important for maintaining public confidence in the judiciary (Court of Appeal, Order of 10.04.2024, UPC_CoA_404/2023 – Ocado/Autostore; Order of 09.01.2025, UPC_CoA_480/2024 – Powell Gilbert/Abbott; Order of 25.04.2025, UPC_CoA_5/2025 – Nicoventures/Juul; CD Paris, Order of 14.10.2024, UPC_CFI_255/2023 – Meril/Edwards; LD Düsseldorf, Order of 17.06.2025, UPC_CFI_177/2023 – Slavik/MyStromer; LD Munich, Order of 11.07.2025, UPC_CFI_399/2023 – Acer/Nokia).

b)

- 27 Weighing up the interests in accordance with these principles shows that the Applicant must be granted the requested access to the written pleadings and evidence to the extent specified in the operative part.
- 28 Now that the infringement action and counterclaim for revocation between the Claimant and the Defendants have been concluded, the Applicant has a general interest in accessing the written pleadings and evidence, which outweighs the interests referred to in Art. 45 UPCA. The Applicant has invoked this general interest. As a part of the public, it requests access to the file. There are no grounds for refusing or fundamentally restricting access. In particular, the application has not been made for abusive reasons.
- 29 Even if an application by a straw man or the concealment of the actual motives behind a request for access to files were to be regarded as abuse, the Claimant's argument to that effect does not prevail. Based on the facts presented, it cannot be proven that the Applicant concealed its true motives and/or acted as a straw man. The Applicant has stated that it is not registered as a representative of any UPC proceedings regarding the patent at issue and would indicate this immediately in case of any change. There is no indication that this statement is inaccurate. It should be mentioned for the sake of completeness that, if the Applicant were to represent or advise a party out of court in relation to the patent in suit, the interest in inspecting the file would increase rather than decrease.
- 30 Moreover, according to the Court of Appeal's case law, educational interests are regarded as a legitimate reason for seeking access to files in closed proceedings, meaning the applicant's law firm may use the knowledge obtained for this purpose in connection with the advice it provides to current or future clients.
- 31 Access to the written pleadings and evidence in the proceedings is generally permitted, unless one of the parties has filed a request for confidentiality in accordance with Rule 262.2 RoP regarding specific information contained within them (see below). Therefore, the Applicant must be given access to the pleadings, including the non-technical submissions, with all their contents, subject to confidentiality protection. The fact that the Applicant has asserted an interest in interpreting patent claims and assess potentially relevant prior art does not mean that the general interest is restricted and that access to information not directly related to this should be denied. Rather, this broader general interest must be recognised independently and access to the complete pleadings and evidence must be granted (LD Munich, Order of 11.07.2025, UPC_CFI_399/2023 – Acer/Nokia).
- 32 The general interest in information, and thus access to the entire file, is not restricted by the termination of proceedings through withdrawal of the action, or the absence of a decision on the merits. Given the principle that the register and proceedings are public, once the integrity of the proceedings is no longer at stake, the general public's interest in accessing the pleadings and evidence will generally outweigh the parties' interests, resulting in access being granted (subject to the protection of personal data and confidential information), even if no decision has been made on the merits, which is of interest. Case files may still provide insight into how the Court handled the dispute and/or serve other legitimate public interests, such as scientific and/or educational interests. These interests are no longer outweighed by the integrity of the proceedings once they have concluded (Court of Appeal, Order of 10.04.2024, UPC_CoA_404/2023 – Ocado/Autostore; LD Munich, Order of 11.07.2025, UPC_CFI_399/2023 – Acer/Nokia).

c)

- 33 In the present case, access to the pleadings and evidence in the infringement and revocation counterclaim proceedings cannot be granted without restriction. As the Applicant is relying solely on Rule 262.1(b) RoP, applications for confidentiality under Rule 262.2 of the RoP must be considered. Additionally, pursuant to Art. 45 UPCA and Rule 262.1 RoP, the principles of Regulation (EU) 2016/679 must also be considered.
- 34 In the proceedings to which the Applicant seeks access, the parties requested that numerous pieces of information be treated as confidential in accordance with Rule 262A and 262.2 RoP when submitting their pleadings and appendices. The Applicant does not dispute the confidentiality of this information. No application has been made under Rule 262.3 RoP. For this reason, access can only be granted to the redacted versions submitted by the parties with their pleadings and appendices, in which the confidential information has been blacked out.
- 35 This also applies to the fourteen pleadings in respect of which the Claimant made an application under Rule 262.2 RoP in its statement of 12.08.2025, which indisputably contain trade secrets or confidential information worthy of protection. According to Rule 262 RoP, written pleadings and evidence are only made available upon request in accordance with Rule 262.1(b) RoP. If the parties to the proceedings have submitted a request for confidentiality, either before or within the 14-day period under Rule 262.2(2) RoP, the relevant information shall be excluded from access to the files, unless the person seeking access submits a request under Rule 262.3 RoP. As no such request has been made in this case, only the redacted versions of the parties' submissions are to be made available from the outset. The Applicant has not asserted anything to the contrary.
- 36 In these redacted versions of the written pleadings and evidence, personal data within the meaning of Regulation (EU) 2016/679 must also be redacted.

d)

- 37 Regarding the practical realisation of access to the files, the Applicant shall initially only be provided with the written pleadings of the parties without the appendices or exhibits. The redacting of personal data involves a certain amount of time and effort, which precludes the timely availability of all appendices/exhibits, especially since there are dozens of requests for access to files pending. After receiving the pleadings from the Registry, the Applicant may inform the Court which specific appendices are of interest to her after reading the written pleadings. In this respect, it can be assumed that the Applicant is able to identify all appendices on the basis of the pleadings and that individual appendices are already available to her or can be easily obtained from other sources. Should the Applicant maintain its original request in its entirety, this will not be objected to. However, a longer processing time is to be expected solely due to the examination of the requirements of Regulation (EU) 2016/679.
- 38 In order to ensure that no confidential information is disclosed to the applicant, the approach taken by other Local Divisions will be followed (LD Mannheim, Order of 26.03.2025, UPC_CFI_210/2023 – Ampersand/Panasonic; LD Düsseldorf, Order of 09.04.2025, UPC_CFI_135/2024 – Epson/Dolby) and instructing the parties to provide the Court with the written pleadings and evidence to which the applicant is granted access in a redacted version with confidential information removed. The Registry will provide the parties with a secure data room where the files can be uploaded. In order to protect confidential information, it should also be in the interests of the parties to compile and

make available these pleadings and evidence, insofar as access is granted, in a partially redacted version.

ORDER

- I. The Applicant is granted access to the following written pleadings and evidence respective in their redacted versions, including respective appendices or exhibits in their redacted version:
 - 2024_07_17 Brief on NEC re missing documents
 - A169308VLU22 Complaint - NEC-TCL_signiert.pdf - Pleading – English
 - A169308VLU22 Complaint – NEC-TCL_signiert ursprünglich eingereicht am 221223.pdf – Sonstiges – Englisch
 - A169308VLU22 Statement of claim – NEC_signiert.pdf – Schriftsatz – Englisch
 - Noerr_Statement_of_Defence_Counterclaim_FRAND_595922_2023_Defendant_1 – Pleading-Englisch
 - Noerr_Statement_of_Defence_Counterclaim_Technical Defendants 1_3_4_6_595922_2023 – Pleading - English
- II. The further request is rejected.
- III. Personal data within the meaning of Regulation (EU) 2016/678 contained in written pleadings and evidence must be redacted.
- IV. Due to the time and effort involved in redacting personal data, the Applicant will initially only be provided with the written pleadings without appendices. After receiving the written pleadings, the Applicant may request the exhibits/appendices to the written pleadings that she still requires by emailing the Registry (Contact_Munich.Loc@unifiedpatentcourt.org).

INSTRUCTION TO THE REGISTRY

The Applicant shall be granted access to the pleadings and evidence of the Claimant and the Defendant in proceedings ACT_595922/2023 UPC_CFI_487/2023 and CC_40351/2024 UPC_CFI_397/2024. The written pleadings without appendices are to be provided first, followed by the exhibits/appendices requested by the applicant upon request. Personal data within the meaning of Regulation (EU) 2016/678 contained in the pleadings and evidence must be redacted.

ORDER DETAILS

Order no. ORD_33611/2025 in ACTION NUMBER: ACT_595922/2023

UPC number: UPC_CFI_487/2023

Action type: Infringement Action

Related proceeding no. Application No.: 33511/2025

Application Type: APPLICATION_ROP262_1_b

26.08.2025