



Procedural Order (R. 19 RoP) (II)
of the Court of First Instance of the Unified Patent Court
Local Division Brussels
Issued on 26 November 2025

CLAIMANT:

BARCO NV

Represented by: **Christian Dekoninck**, Taylor Wessing N.V., Waterloolaan 16, 1000 Brussel, Belgium,
Wim Maas, Taylor Wessing N.V., Kennedyplein 201, 5611 ZT Eindhoven, The Netherlands and
Laura Coucke, Taylor Wessing N.V., Waterloolaan 16, 1000 Brussel, Belgium.
Referred to as: BARCO

DEFENDANTS:

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

(2) YEALINK (EUROPE) NETWORK TECHNOLOGY BV

Represented by: **Ruud van der Velden**, Hogan Lovells International LLP, Strawinskylaan 4129 - 1077 ZX – Amsterdam, The Netherlands
Stefan Dusault (Hogan Lovells International LLP)
Floris Patijn (Hogan Lovells International LLP)
Django Wagenaar (Hogan Lovells International LLP)

Co-Represented by: **Dr. Martin Fähndrich** Hogan Lovells International LLP, Dreischeibenhaus 1, 40211 Dusseldorf, Germany

Referred to as: together as YEALINK
separately as YEALINK XIAMEN and YEALINK EUROPE

PATENT AT ISSUE

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

LANGUAGE OF THE PROCEEDINGS:

ENGLISH

SUBJECT OF THE PROCEEDINGS:

Infringement proceedings

PANEL/LOCAL DIVISION:

President – Judge-Rapporteur:	Samuel Granata
Legally Qualified Judge:	Petri Rinkinen
Legally Qualified Judge:	Mélanie Bessaud

DECIDING JUDGE:

This preliminary Order was issued by **Samuel Granata** in his capacity of Judge-Rapporteur.

PROCEDURAL BACKGROUND:

1. On 29 August 2025 initiated infringement proceedings, and more specifically introduced their statement of claim.
2. In 14 October 2025 the Court set a procedural agenda in its procedural (R. 9 RoP) order taking into consideration to be solved servicing issues.
3. On 17 November 2025, YEALINK submitted a *Preliminary Objection* (in accordance with R. 19 RoP) requesting that the Court hold, for the reasons set out in the objection, that the LD Brussels has no territorial competence under Article 33(1)(a) UPCA.
4. In its final PI order issued on 21 March 2025 in case UPC_CFI_582/2024, the Court (LD Brussels) already held that it had territorial competence. The PI procedure involved the same parties, the same patent and the same factual background. This decision followed YEALINK's objection regarding the territorial competence of the LD Brussels.
5. On 7 April 2025, BARCO lodged a Statement of Appeal against the first instance PI order issued by the LD Brussels (UPC_CFI_582/2024), requesting that the Court of Appeal overturn the order and grant the provisional measures requested, along with some additional requests. On 28 April 2025, YEALINK lodged a cross-appeal against the First Instance PI Order (UPC_CFI_582/2024), arguing that the LD Brussels had incorrectly accepted territorial competence under Article 33(1)(a) UPCA. The case is pending before the Court of Appeal, which heard the case on 22 September 2025. The case number is UPC_CoA_317/2025.
6. On 19 November 2025 the Court issued a procedural (R. 19 RoP) order (I) inviting the parties the latest by 25 November 2025 to comment on dealing with the Preliminary Order in the main proceedings (cf. R. 20.2. RoP). Such possible dealing with the Preliminary Order related to the issue raised in § 6 of the mentioned order (and cited hereafter):

As the Court of Appeal's decision in UPC_CoA_317/2025 will (most probably) assess the aforementioned cross-appeal which may render the Preliminary Objection redundant in UPC_CFI_806/2025, the Court wishes to hear the parties' comments regarding the Court's possible decision to deal with mentioned Preliminary Objection in the main proceedings and this in view of procedural economy.
7. Parties submitted their comments within the given timeframe and request the following:

For YEALINK:

- (a) To defer its decision on the Preliminary Objection until the Court of Appeal has issued its judgment in the cross-appeal in case UPC_CoA_317/2025; and*
- (b) Once that judgment is issued, the Local Division Brussels decides on YEALINK's Preliminary Objection as soon as reasonably possible thereafter, and before any substantive filing in the case.*
- (c) Should it not be possible for the Local Division Brussels to decide on YEALINK's Preliminary Objection prior to the scheduled deadline for the Statement of Defence of 17 January 2026, to postpone said deadline in the proceedings before the Local Division Brussels until a date after such decision.*

For BARCO:

- (a) Should the Court of Appeal confirm the LD Brussels' decision to have territorial competence, the LD Brussels will in principle also have territorial competence to hear the case on its merits.*
- (b) Should the Court of Appeal overturn the LD Brussels' decision to have territorial competence, the LD Brussels will in principle not have territorial competence to hear the case on the merits and the case should be referred to the competent LD, unless the decision of the Court of Appeal solely relies on arguments specific to proceedings on provisional measures.*

REASONING

8. Both parties agree that the issues raised in the Preliminary Objection (relating to territorial competence under Art. 33(1)(a) of the UPCA) are identical to those raised in the cross-appeal pending before the UPC Court of Appeal (UPC_CoA_317/2025).
9. The parties disagree on what the consequences would be if the Court of Appeal were to overturn or confirm this Court's decision in the PI proceedings on territorial competence. Therefore, both parties request, for their own reasons, that the assessment of the Preliminary Objection be deferred (stayed) until the Court of Appeal in UPC_CoA_317/2025 has issued its decision, rather than being dealt with in the main proceedings. The Court grants such a stay.
10. Furthermore, Yealink raised the issue that their Statement of Defence in the pending UPC_CFI_806/2025 procedure is due on 17 January 2026, and that a decision on the Preliminary Objection before this date would be "*especially helpful in avoiding unnecessary procedural steps in a potentially non-competent division*". The Court agrees with this concern and, in view of this due date of 17 January 2026, sets up the following schedule for comments:
 - YEALINK (as applicant in the Preliminary Objection proceedings) is invited to submit its comments to the Court within 5 (five) working days of the decision to be taken by the Court of Appeal in UPC_CoA_317/2025. This term will start on the first working day following mentioned decision and the last working day ending at 6PM CEST.
 - BARCO (the defendant in the Preliminary Objection proceedings) is invited to submit its comments to the Court within 5 (five) working days of receiving YEALINK's comments. This

term will start on the first working day following YEALINKS's comments and the last working day ending at 6PM CEST.

11. If the Court of Appeal does not issue its decision in UPC_CoA_317/2025 by 22 December 2025, the parties are invited to comment on extending the deadline for YEALINK to submit its Statement of Defence. Comments on such an extension should be submitted by 29 December 2025 (6PM CEST) at the latest.

ORDER:

1. The Court stays the Preliminary Objection proceedings and this until the Court of Appeal has issued its decision in UPC_CoA_317/2025.
2. The Court sets the following schedule for comments:
 - YEALINK (as applicant in the Preliminary Objection proceedings) is invited to submit its comments to the Court within 5 (five) working days of the decision taken by the Court of Appeal in UPC_CoA_317/2025. This term will start on the first working day following mentioned decision and the last working day ending at 6PM CEST.
 - BARCO (the defendant in the Preliminary Objection proceedings) is invited to submit its comments to the Court within 5 (five) working days of receiving YEALINK's comments. This term will start on the first working day following YEALINKS's comments and the last working day ending at 6PM CEST.
3. If the Court of Appeal does not issue its decision in UPC_CoA_317/2025 by 22 December 2025, the parties are invited to comment on extending the deadline for YEALINK to submit its Statement of Defence. Comments on such an extension should be submitted by 29 December 2025 (6PM CEST) at the latest.

Issued by Samuel Granata (Judge-Rapporteur) on 26 November 2025

Samuel GRANATA Legally Qualified Judge	
Judge-Rapporteur	