

**ORDER**  
**of the Court of Appeal of the Unified Patent Court**  
**issued on 1 December 2025**  
**concerning language of proceedings**

HEADNOTE

When deciding on a request to change the language of proceedings into the language of the patent on grounds of fairness, all relevant circumstances shall be taken into account. Relevant circumstances should primarily be related to the specific case and the position of the parties themselves, in particular the position of the defendant.

KEYWORDS

Change of language of proceedings (Art. 49(5) UPCA and R. 323 RoP)

APPELLANT (AND CLAIMANT BEFORE THE COURT OF FIRST INSTANCE)

**Innovative Sonic Corporation**, Taiwan, China  
(hereinafter 'Innovative Sonic')

represented by: attorney-at-law Dr. Alexander Reetz, Wildanger Kehrwald Graf v. Schwerin & Partner, Düsseldorf, Germany, and other representatives from this firm

RESPONDENTS (AND DEFENDANTS BEFORE THE COURT OF FIRST INSTANCE)

1. **Guangdong OPPO Mobile Telecommunications Corp. Ltd.**, Dongguan, People's Republic of China
2. **OnePlus Technology (Shenzhen) Co., Ltd, Shenzhen**, People's Republic of China
3. **Realme Chongqing Mobile Telecommunications Corp., Ltd., Chongqing**, People's Republic of China
4. **OROPE Germany GmbH**, Düsseldorf, Germany
5. **OTECH Germany GmbH**, Düsseldorf, Germany
6. **Realme Germany GmbH**, Frankfurt am Main, Germany
7. **Oleading B.V.**, Rotterdam, The Netherlands

**8. Reflection Investment B.V.**, Rotterdam, The Netherlands

**9. OTECH Italia S.r.l.**, Milano, Italy

(hereinafter jointly referred to as 'OPPO et al')

all represented by: attorney-at-law Dr. Gisbert Hohagen, Taylor Wessing, Munich, Germany, and other representatives from this firm

PATENT AT ISSUE

EP 2 765 731

PANEL AND DECIDING JUDGE

This order was issued by Panel 2

Rian Kalden, presiding judge  
Nathalie Sabotier, legally qualified judge, and judge-rapporteur  
Ingeborg Simonsson, legally qualified judge

IMPUGNED ORDER OF THE COURT OF FIRST INSTANCE

Order of the President of the Court of First Instance on 18 August 2025 in the proceedings before the Local Division Munich, App\_33670/2025, UPC\_CFI\_460/2025

LANGUAGE OF THE PROCEEDINGS

English

SUMMARY OF FACTS (INSOFAR AS RELEVANT)

1. The parties are parties to infringement proceedings before the Court of First Instance, Local Division Munich, initiated by Innovative Sonic on 23 May 2025 (UPC\_CFI\_460/2025).
2. On 25 July 2025, OPPO et al applied for a change of language of the proceedings from German to English. This application was granted by the President of the Court of First Instance on 18 August 2025.

PARTIES' REQUESTS

3. Innovative Sonic has appealed the decision of the President of the Court of First instance and requests the Court of Appeal to set aside the impugned order and dismiss the application for a change of the language of proceedings.
4. OPPO et al have lodged a Statement of response and request that the appeal be dismissed.

## SUBMISSIONS OF THE PARTIES

### *Innovative Sonic*

5. Innovative Sonic argues that only the drafting of decisive foreign language pleadings generates relevant additional expenditure, but not the production of working translations for the purpose of internal coordination. As both parties have chosen a German representative, the impugned order creates considerable additional work for the representatives of both parties, to precisely formulate their written submissions, while the quality of machine translation is sufficient for the purpose of internal coordination with the clients – parties.
6. Innovative Sonic adds that the common language of the technology in which the patent in suit is granted is not relevant for the change of language of proceedings, that the offering of English as an additional language of proceedings by every local division of the Court should not restrict the claimant's right to choose to conduct the proceedings in the official language it has chosen, and that the presence of two German speaking judges in the panel of the local division tends to suggest that the use of the official language is conducive to more efficient proceedings.

### *OPPO et al*

7. OPPO et al advance that the impugned order is fully in line with the case law of the Court of Appeal, as the domicile of the parties and the language they understand is a particularly important factor to decide whether there should be a change of the language of proceedings or not. OPPO et al. also recall that the language skills of the party's representatives are not a relevant factor for the application of art. 49(5) UPCA, nor the possibility to use machine translation as these translations need time and incur costs to be carefully reviewed.

## FOUNDATIONS FOR THE ORDER

8. In the order for granting the application for a change of the language of proceedings, the President of the Court of First Instance stated that according to the case law, addressing the issue of fairness involves considering all relevant circumstances relating to the specific case, such as the language commonly used in the technology in question, the position of the parties, including their nationality, domicile, respective size, and how they can be affected by the requested change of language, as well as the internal working language of the parties, the possibility of internal coordination and of support on technical issues, with a particular consideration for the position of the defendant (UPC\_CoA\_354/2024 Order dated 18 September 2024, *Apple v Ona*).
9. The President considered that English is commonly used in the relevant field of technology (wireless communication and mobile networks), as evidenced by the volume of exhibits submitted in this language, and that Innovative Sonic is headquartered in Taiwan while six of the nine OPPO companies are registered in China, Italy and in the Netherlands. Consequently, the language commonly used by both companies and especially within the OPPO group as the working language and for the internal communication is

English, even though three of the OPPO companies are based in Germany. On the other hand, using English rather than German is neutral for Sonic, irrespective of its size and logistic means.

10. The President then rightly exercised her discretion when assessing fairness and granting the request for a change of the language of the proceedings to the language in which the patent was granted.
11. Indeed, as already stated by this Court, a party must be able to fully understand what is submitted by a representative on its behalf and what is submitted by the other party. It follows that, if the language of the proceedings is not the language of a party, this is not compensated by the fact that its representative is proficient in the language of the proceedings. The party itself is then still dependent on translations of the statements and evidence lodged on either side. It cannot be accepted that machine translations, even if not always accurate, are sufficient for this purpose. As Sonic also appreciates, it takes time and incurs costs to prepare or, where machine translations are used, to check and correct translations, in a context where the defendant is bound to strict time limits to lodge its Statement of response (UPC\_CoA\_101/2024, Order dated 17 April 2024, paras. 23 and 30).
12. The fact that there are also actions filed before the Munich Regional Court and the language qualifications of the representatives are not circumstances related to the parties themselves and therefore of less relevance here. It cannot take away that the language of the parties is different from the language of the proceedings.
13. The fact that the case is pending before the Munich Local Division is not relevant here either, as all of the judges of the panel are also English speaking. Moreover, it can not be guaranteed that the third member of the panel, nor the technically qualified judge if necessary, is always a German speaking judge, as Sonic assumes.
14. The Court of Appeal has consulted the panel of the Local Division by way of analogy with R.323.3 RoP. The Presiding judge, on behalf of the panel, has replied that, as there has already been a change in the language of the proceedings at an early stage, it is prudent not to change the language again. The panel also pointed out that English language objectively offers everyone the same ability to understand and express themselves.
15. For the reasons set out the appeal shall be dismissed.

#### ORDER

The Court of Appeal dismisses the appeal.

Issued on 1 December 2025

Rian Kalden, presiding judge

Nathalie Sabotier, legally qualified judge and judge-rapporteur

Ingeborg Simonsson, legally qualified judge