



Action number:  
UPC\_CoA\_0926/2025  
and  
UPC\_CoA\_0927/2025

**Order**  
**of the Appeal Court of the Unified Patent Court concerning**  
**public access to the register pursuant to Rule 262.1(b) of the RoP**  
**issued on 17 February 2026**

APPELLANT (RESPONDENT BEFORE THE COURT OF FIRST INSTANCE)

**Huawei Technologies Co. Ltd.**, Shenzhen, P.R. China

(hereinafter: "Huawei")

represented by Christian Harmsen, lawyer, and other lawyers from the law firm Bird & Bird LLP

APPELLEES (APPLICANTS BEFORE THE Court of First Instance)

- 1. TP-Link Systems Inc.**, Irvine, CA, United States of America
- 2. TP-Link Deutschland GmbH**, Düsseldorf, Germany
- 3. TP-Link Enterprises France SARL**, Vélizy-Villacoublay, France
- 4. TP-Link Enterprises Netherlands B.V.**, Nieuwegein, The Netherlands
- 5. TP-Link Italia S.R.L.**, Cernusco sul Naviglio MI, Italy
- 6. TP-Link Enterprises Nordic AB**, Solna, Sweden
- 7. Lianzhou International Co., Ltd.**, Shenzhen, P.R. China

(hereinafter collectively referred to as "TP-Link")

represented by solicitor Klaus Haft and other solicitors from the law firm HOYNG ROKH MONEGIER

RESPONDENTS BEFORE THE COURT OF FIRST INSTANCE

- 1. Netgear Deutschland GmbH**, Munich, Germany
- 2. Netgear Inc., San Jose, CA**, United States of America
- 3. Netgear International Limited**, Cork, Ireland

(hereinafter collectively referred to as "Netgear")

represented by solicitor Henning Meskes and other solicitors from the law firm Freshfields PartG mbB

PATENT AT ISSUE

EP 3 678 321

DECIDING JUDGES:

Panel 1a

Klaus Grabinski, President of the Court of Appeal

Emmanuel Gougé, legally qualified judge and judge-rapporteur

Peter Blok, legally qualified judge

LANGUAGE OF THE PROCEEDINGS

German

ORDER OF THE COURT OF FIRST INSTANCE CONTESTED

- ☐ Orders of the Court of First Instance of the Unified Patent Court, Munich local division, dated 28 November 2025
- ☐ Action number of the Court of First Instance:

UPC\_CFI\_1247/2025

UPC\_CFI\_1248/2025

UPC\_CFI\_168/2024

UPC\_CFI\_152/2024

ACT\_18917/2024

ACT\_16294/2024

CC\_20512/2024

ORAL HEARING

The parties agreed that the Court of Appeal would decide the appeal on the basis of the grounds of appeal and the response to the appeal without an oral hearing.

FACTS OF THE CASE AND THE PARTIES' APPLICATIONS

1. TP-Link applied to the Court of First Instance, Munich local division (hereinafter: "LD Munich"), for access to certain documents in particular in infringement proceedings ACT\_18917/2024 UPC\_CFI\_168/2024; CC\_20512/2024 UPC\_CFI\_168/2024 and ACT\_16294/2024 UPC\_CFI\_152/2024 from the Parties to the proceedings (Huawei as Claimant or [only in the first infringement proceedings] counterclaimant for annulment and Netgear as defendant or [only in the first-mentioned infringement proceedings] counterclaimant for annulment) after personal data has been redacted in accordance with Regulation (EU) 2016/679 of 7 November 2023 and with the proviso that, insofar as the documents contain confidential information and the parties have submitted redacted versions accordingly, TP-Link is only granted access to the redacted versions of the documents (see in detail: Procedural Order [VA] of the LD Munich of 28 November 2025, pp. 2-3).
2. In support of its case, TP-Link essentially argued that it had a legitimate interest in inspecting the files, as it was being sued by Huawei before the LD Munich for infringement of the same patent (EP 3 678

321), which Huawei appealed to in the aforementioned proceedings against Netgear.

3. Netgear requested that the application for access to the files be rejected or, alternatively, that TP-Link be granted access only to the fully redacted versions of the relevant pleadings and annexes in which the respective confidential information had been redacted (see in detail: VA of the LD Munich dated 28 November 2025, p. 5).
4. Huawei has requested that the application for access to files be rejected in its entirety, or alternatively that the application for access to files be rejected insofar as it goes beyond the specifically designated documents in a version described (in the application) (see in detail: VA of the LD Court of 28 November 2025, pp. 12-13).
5. In support of its case, Huawei essentially argued that the applications were vague and that TP-Link had no legitimate interest in access, as the confidentiality interests of the parties to the original dispute outweighed any such interest.
6. In an order dated 28 November 2025, the Munich LD, through the judge-rapporteur, ruled that TP-Link should be given access to certain pleadings from both of the above-mentioned proceedings, whereby access is limited to the fully redacted versions available in accordance with the confidentiality orders issued in the proceedings or the orders submitted pursuant to R. 262.2 RoP.
7. The Munich LD further ordered that the orders be enforced 20 days after service. Otherwise, the Munich LD rejected TP-Link's applications and allowed the appeal.
8. Huawei lodged an appeal against these orders in a document dated 12 December 2025, requesting that
  - i. the LD Munich's procedural order be amended and the application for access to files be rejected, alternatively, the application for access to files be rejected insofar as it goes beyond the documents specified in the application in a redacted version described in detail in the application,
  - ii. to order that the appeal have suspensive effect, alternatively, in the event that a decision by the Court of Appeal on the application is not possible by 18 December 2025, to order the suspensive effect due to extreme urgency by the permanent judge.
9. By order of 17 December 2025, the Court of Appeal ordered that Huawei's appeals have suspensive effect for the duration of the appeal proceedings and that TP-Link is not to be given access to the pleadings listed in the order of the LD Munich of 28 November 2025 under 1.

10. In its response to the appeal and statement on the application for suspensive effect dated 22 December 2025, TP-Link requests that the appeal be dismissed, the order for suspensive effect be lifted and Huawei be ordered to pay the costs of the proceedings.

#### REASONS FOR THE ORDER

##### *Principles*

11. Public access to the register and proceedings of the Unified Patent Court is enshrined in Articles 10 and 45 of the UPC Agreement.
12. Subject to the conditions laid down in the UPC Agreement and the Rules of Procedure, the register kept by the Registry is open to public inspection (Article 10(1), third sentence, UPC Agreement).
13. Pursuant to Article 45 of the UPC Agreement, proceedings shall be public unless the court decides, where necessary, to hold them in camera in the interests of one of the parties or other interested parties or in the general interests of justice or public order.
14. With regard to public access to the register, without prejudice to several articles and Rules providing for the protection of confidential information in accordance with R. 262.1 of the RoP, the redaction of personal data in accordance with Regulation (EU) 2016/679 and the redaction of confidential information in accordance with R. 262.2 of the RoP, documents and evidence submitted to the Court and recorded by the Registry shall be made available to the public upon reasoned application to the Registry (R. 262.1 (b) of the RoP).
15. The interest of a member of the public in accessing the pleadings and evidence must be weighed against the interests referred to in Art. 45 of the UPC Agreement. These interests include the protection of confidential information and personal data ("interest of one of the parties or other persons concerned"), but are not limited to this (UPC-BerG, order of 10 April 2024 - ORD\_19369/2024, UPC\_CoA\_404/2023, Ocado/Autostore, para. 43).
16. Once the case is closed, whether by a decision on the merits, a settlement or a withdrawal, the balance of interests generally favours granting access (subject to the protection of personal data and confidential information; UPC-BerG, ORD\_19369/2024, para. 51).
17. If an application is made under R. 262.2 RoP to treat certain information contained in documents or evidence as confidential and a redacted version of those documents is submitted, access may be granted under R. 262.1(b) RoP may be granted only to that redacted version, without prejudice to the possibility for a member of the public to request access, under the conditions set out in R. 262.3 RoP, to information that is excluded from public access pursuant to R. 262.2 RoP.
18. However, if a party has not requested that certain information in pleadings or evidence be treated as confidential in accordance with Rule 262.2 of the RoP, the member of the public shall, upon application in accordance with Rule 262.1(b) of the RoP, be given access to the pleadings and evidence

that have been submitted to the court and recorded by the registry, subject to the protection of personal data, provided that the balancing of interests referred to in paragraph 15 above has been decided in their favour.

19. The parties shall be heard by the judge-rapporteur before he or she takes a decision on the application pursuant to Rule 262.1(b) of the RoP. If, during this hearing, a party requests that certain information in pleadings or evidence be treated as confidential, it shall file an application pursuant to Rule 262.2 of the RoP and must comply with the provisions of Rule 262.2 of the RoP. This includes stating specific reasons for confidential treatment and submitting copies of the documents in question with the relevant parts redacted at the time of filing the request (R. 262.2 RoP, last sentence). If it does not comply with these provisions, it shall not benefit from the protection of legitimate expectations under R. 262.2 RoP and a member of the public shall be granted access to the written pleadings and evidence in accordance with R 262.1(b) RoP in the version submitted to the court and recorded by the registry, upon receipt of an application and if there is a legitimate interest (see above, para. 15). access to the written pleadings and evidence in accordance with R 262.1(b) RoP in the version submitted to the court and recorded by the registry, without it being necessary to decide whether an application for confidentiality under R. 262.2 RoP must necessarily be submitted at the same time as the pleadings and evidence to which that application relates.

#### *Application of the principles*

##### *Appeal CoA\_0927/2025 (main application)*

20. In the appeal proceedings CoA\_0927/2025, Huawei's main application to amend the contested order and reject TP-Link's application for access to the pleadings filed in the proceedings UPC\_CFI\_152/2024 is unfounded.
21. Huawei has not demonstrated any legitimate interest that outweighs TP-Link's general interest in inspecting the pleadings filed with the court. In the absence of such reasons and in view of TP-Link's legitimate interest in inspecting the documents relating to a closed case, which also concerns the same patent whose use is the subject of the infringement proceedings brought by Huawei against TP-Link (UPC\_CFI\_804\_2025), the balancing of the interests of TP-Link in obtaining access to the information and Huawei in keeping the information confidential leads to a result favourable to TP-Link.

##### *Appeals CoA\_0926/2025 and CoA\_0927/2025 (subsidiary request)*

22. Huawei's application in appeal proceedings CoA\_0926/2025 and the auxiliary application in appeal proceedings CoA\_0927/2025 to limit access to the pleadings submitted in the first instance proceedings (UPC\_CFI\_168/2024 and UPC\_CFI\_152/2024) to redacted versions thereof are also unfounded.
23. For the reasons set out above, and as correctly stated by the Court of First Instance, an application for confidential treatment of information must satisfy the requirements laid down in Rule 262(2) of the RoP. Huawei has failed to do so. It has not provided any specific reasons for keeping the requested information confidential, nor has it submitted copies of the relevant pleadings with the relevant parts redacted. It has merely argued that Rule

262.2 RoP is only applicable in cases where confidential documents are submitted in the initial proceedings, but not in proceedings already pending under R. 262.1 (b) RoP. However, as explained above (para. 19), this is not the case here.

### *Suspensive effect*

24. This order concluding the appeal proceedings also revokes the order of the Court of Appeal of 17 December 2025 on suspensive effect.

### *Cost*

25. Reimbursement of costs is generally not considered in relation to applications for access to documents and evidence pursuant to Rule 262.1 (b) RoP, as no court fees are payable for such applications. Only in exceptional cases may it be ordered under Art. 69(3) of the UPC Agreement that a party bear the unnecessary costs incurred by the court or another party as a result of its conduct (EPG-BerG, order of 5 May 2025 - Meril v Swat, para. 33).
26. Since TP-Link has not asserted any exceptional circumstances, no reimbursement of costs will be granted in the present case.

### ORDER

- (i) The appeals against the order of the Munich LD of 28 November 2025 (UPC\_CFI\_ 1247/2025 and UPC\_CFI\_ 1248/2025) are dismissed;
- (ii) The order of the Court of Appeal of 17 December 2025 in the appeal proceedings CoA\_0000926/2025 and CoA\_0000927/2025 is set aside;
- (iii) TP-Link's application that Huawei bear the costs of the proceedings is rejected.

Issued on 17 February 2026

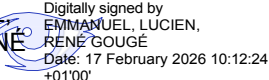
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Klaus Grabinski, President of the Court of Appeal

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LUCIEN, RENÉ  
GOUGÉ



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Emmanuel Gougé, judge-rapporteur and legally qualified judge

Peter  
Hendrik  
Blok



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Peter Blok, legally qualified judge