



Mannheim Local Division
UPC_CFI_819/2024
(CCfR: UPC_CFI_416/2025)

Decision
of the Court of First Instance of the Unified Patent Court
issued on 18 February 2026
concerning EP 3 296 274
(R. 265 RoP/Defendants 1 and 2)

CLAIMANT/APPLICANT:

Corning Incorporated,
One Riverfront Plaza - 14831 - Corning - US

represented by: Marcus Grosch

DEFENDANTS:

- 1) **Hisense Gorenje Germany GmbH,**
(Applicant) Parkring 31-33, 85748 Garching
near Munich, Germany
- 2) **Hisense Europe Holding GmbH,**
(Applicant) Wienerbergstraße 11, Turm B,
Stock 13, 1100 Vienna, Austria
- 3) **TCL Deutschland GmbH & Co. KG**
Bernhard-Wicki-Straße 5 - 80636 - München -
DE
- 4) **TCL Deutschland Verwaltungs GmbH**
Bernhard-Wicki-Straße 5 - 80636 - München -
DE
- 5) **TCL Operations Polska, Sp. z o.o.**
ul. A. Mickiewicza 31/41 - 96-300 - Zyrardów -
PL

6) **TCL Belgium, SA,**
Rue du Paruck 35/19, 1080 Molenbeek-Saint-
Jean, Belgium

Defendants 1) and 2) represented by: Eva Acker

Defendants 3) to 6) represented by: Felix Rödiger

PATENT AT ISSUE: EP 3 296 274

PANEL/DIVISION:

Panel of the Local Division in Mannheim

DECIDING JUDGES:

This decision is issued by the legally qualified judge Sender acting as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT OF THE PROCEEDINGS: Infringement action and Counterclaim for revocation – (partial) withdrawal of action, R. 265 RoP.

BRIEF SUMMARY OF THE FACTS:

Claimant filed an infringement action concerning EP 3 296 274 against Defendants (UPC_CFI_819/2024) on 18 December 2024.

Defendants 1) to 2) filed a Counterclaim for revocation in relation to the infringement proceedings on 15 May 2025 (UPC_CFI_416/2025).

Defendants 1) to 2) paid a court fee (20.000 €) for their Counterclaim for revocation (UPC_CFI_416/2025) on 30 May 2025 (cf. Exhibit FBD 24) upon request of the Clerks of the Local Division Mannheim (cf. Request for Correction dated 22 May 2025; Payment confirmed on 5 June 2025).

During the interim procedure, Claimant requests,

to permit the partial withdrawal of the infringement action against the Defendants 1 and 2 and to give a decision declaring the proceedings against the Defendants 1 and 2 closed.

Defendants 1) and 2) consent to the request.

Defendants 1) and 2) request, during the interim procedure, regarding the Counterclaim for revocation (UPC_CFI_416/2025),

to permit the withdrawal of the Counterclaim for Revocation UPC_CFI_416/2025 under Rule 265 RoP UPC.

Claimant consent to the request.

Neither Claimant nor Defendants 1) to 2) request a cost decision in relation to the respective counterparty of the requested (partial) withdrawal.

Further, Defendants 1) and 2) request reimbursement of court fees pursuant to R. 370.11 RoP in conjunction with R. 370.9 (b) (ii) RoP regarding their Counterclaim for revocation (UPC_CFI_416/2025).

REASONS FOR THE DECISION

The decision is based on R. 265 RoP in accordance with the mutual agreement of the parties.

I. R. 265.1 RoP also applies if the action is not withdrawn in its entirety, but only in relation to some of several defendants (cf., LD Munich, decision dated 13 August 2024, UPC_CFI_513/2023).

II. The decision about costs with respect to the infringement action relies on R. 265.2 (c) RoP.

1. Contrary to R. 265.2 (c) RoP, a decision on costs is in principle not required, if the action is withdrawn in its entirety and all parties declare that a cost decision is not requested (cf., CoA, order dated 24 January 2025, UPC_CoA_840/2024, para. 11; order dated 31 March 2025, UPC_CoA_520/2024, para. 10).

2. However, this does not apply if an action is withdrawn by or against some, but not all, of the parties originally involved in the dispute. In such cases, it is essential to ensure that the remaining parties are not burdened with costs relating to the withdrawn part of the dispute. This has to be taken into account in the final decision on costs, which has to consider that Claimant is not requesting compensation for costs relating to the withdrawn part of the infringement action, which is clarified hereby.

III. A cost decision with respect to the withdrawn Counterclaim for revocation (UPC_CFI_416/2025) is not required (see above: II. 1.)

IV. The decision for proportional reimbursement of court costs is based on Defendants' 1) and 2) application pursuant to R. 370.11 RoP in conjunction with R. 370.9 (b) (ii) RoP in its version in force until 1 January 2026. Accordingly, the sum in dispute being 5 Mio. € and the court fees for the Counterclaim for revocation therefore being 20.000 € (11.000 € fixed fee plus 9.000 € value-based fee up to the fee limit of 20.000 €), 40% of which being 8.000 € have to be reimbursed to Defendants 1) and 2).

DECISION:

1. The partial withdrawal of the infringement action (UPC_CFI_819/2024) against Defendants 1) to 2) is permitted and the infringement action will continue against Defendants 3) to 6).
2. The infringement proceedings against Defendants 1) to 2) are declared closed.
3. Claimant bears the respective court fees incurred and its own costs with regard to the withdrawn infringement action against Defendants 1) and 2). Defendants 1) and 2) bear their own costs.

4. The withdrawal of the Counterclaim for revocation (UPC_CFI_416/2025) filed by Defendants 1) and 2) against Claimant is permitted.
5. The Counterclaim for revocation proceedings (UPC_CFI_416/2025) filed by Defendants 1) and 2) against Claimant are declared closed.
6. 40 % of the court fees of the Counterclaim for revocation proceedings (UPC_CFI_416/2025), i.e. 8.000 €, shall be reimbursed to Defendants 1) and 2).
7. This decision shall be entered in the register.

Issued in Mannheim on 18 February 2026

NAME AND SIGNATURE

Tobias
Sender

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unterscriben
von Tobias Sender
Datum: 2026.02.18
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Judge-rapporteur