



Local Division Munich
UPC_CFI_1235/2025

Procedural Order
of the Court of First Instance of the Unified Patent Court
Local Division Munich, issued
on 26 February 2026

HEADNOTE

A judge-rapporteur whose procedural order or decision is subject to review by the panel pursuant to R. 333 of the RoP may, on the basis of the specific circumstances of the individual case and considering the interests of the parties to the proceedings, be entitled and, if applicable, also obliged to suspend their order or decision pursuant to R. 335 RoP. Such a suspension serves to ensure that the forthcoming order or decision of the seized panel (so-called "panel review") is not interfered with by compliance with the order or decision, which could otherwise render the panel review ineffective.

APPLICANT

Quinn Emanuel Urquhart & Sullivan, LLP, represented by Attorney-at-law Dr Marcus Grosch, Mollstraße 42, 68165 Mannheim, Germany,

DEFENDANTS

1. **Huawei Technologies Co. Ltd.**, represented by its board of directors, administrative building of Huawei Technologies Co. Ltd., Bantian, Longgang District Shenzhen, 518129, People's Republic of China,

represented by: Attorney-at-law Tobias Hessel Clifford Chance

Partnerschaft mbB, Königsallee 59, 40215 Düsseldorf,
Germany,

2. **MediaTek, Inc.**, represented by the chairman of the board of directors, Ming Chieh Tsai, Hsinchu Science Park No. 1, Dusing 1st Road, 300 78, Hsinchu, Taiwan,
3. **MediaTek Germany GmbH**, represented by Chief Executive Officer Hsuan-Ni Chen, Kesselstraße 5-7, 40221 Düsseldorf, Germany,

(in relation to Defendant 3 only) represented by: Attorney-at-law Dr Antje Brambrink,
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP,
Thierschplatz 6, 80538 Munich, Germany,

PATENT AT ISSUE

EP 4 142 215

PANEL/DIVISION

Panel 2, Local Division Munich

DECIDING JUDGES

This order was issued by judge Dr Georg Werner in his capacity as judge-rapporteur.

LANGUAGE OF PROCEEDINGS

German

SUBJECT MATTER

Request pursuant to Rule 262.1(b) RoP– here: Request pursuant to Rule 333.1, and by analogy with Rule 223 RoP

FACTS AND REQUESTS OF THE PARTIES

- 1 With regard to the facts of the case to date, reference is made to the contested order of 27 January 2026. In that order, the judge-rapporteur essentially granted the requested inspection of the files.
- 2 Upon payment of a fixed fee of 1,300 euros pursuant to R. 333.3. RoP, the first Defendant **requested** on 2 February 2026:

1. that the order of the judge-rapporteur dated 27 January 2026 be reviewed by the full panel (R. 333.1 RoP) and that the Applicant's request for inspection of the files be rejected (R. 262.1 (b) RoP);

in the alternative, to grant the Applicant's request to inspect the files (R. 262.1 (b) RoP) on the condition that a confidentiality obligation be imposed on the Applicant;

2. to suspend the legal effects of the judge-rapporteur's order of 27 January 2026 until the panel has reviewed that order (by analogy with R. 223 RoP);

in the alternative to section 1:

3. to grant leave to appeal (R. 220.2 RoP).

- 3 With regard to the requested "suspension of inspection of the files", the judge-rapporteur issued a procedural order on 3 February 2026, stating that, due to the reported effects of granting access, he intended to amend the order of 27 January 2026 pursuant to R. 335 RoP as follows:

- in section II.5, to instruct the Defendants to upload the pleadings to the CMS in "HC" mode, so that only the Court has access to their content, and
- to include in section I that the Applicant will only be granted access after the final and legally binding conclusion of these proceedings, and
- to revoke the instruction to the registry of 27 January 2026.

- 4 At the same time, the judge-rapporteur instructed the registry not to change the mode of pleadings uploaded by the parties in "HC" Mode without instruction by the judge-rapporteur/panel.

With regard to the further content, reference is made to the order of 3 February 2026.

- 5 The parties have not raised any objections to the order intended in this respect. The Applicant has merely pointed out that an application for suspensive effect is subject to the payment of the corresponding fee pursuant to R. 223.1 sentence 2 RoP.
- 6 On 24 February 2026, the Defendants uploaded the pleadings referred to in the order of 27 January 2026, which had been redacted accordingly, in "HC" mode.

GROUNDINGS FOR THE ORDER

- 7 The request of the first Defendant for suspension of inspection of the files is admissible and well-founded.
- 8 The judge-rapporteur bases the order issued directly on R. 335 RoP (see section 1). Accordingly, it may remain open (see section 2) whether R. 223 RoP applies by analogy to proceedings pursuant to R. 333 RoP where procedural orders or decisions of the judge-rapporteur are to be reviewed by the full panel and the party who made this request has also sought the "suspension" of the contested order and relies on R. 223 RoP by analogy for that purpose.
 - 1.
- 9 The requirements for suspending the judge-rapporteur's order of 27 January 2026 are met pursuant to R. 335 RoP.
- 10 R. 335 RoP is applicable here (see a) and the requirements of this rule are met (see b).
 - a)
- 11 A judge-rapporteur whose procedural order or decision is subject to review by the panel pursuant to R. 333 of the RoP may, on the basis of the specific circumstances of the individual case and considering the interests of the parties to the proceedings, be entitled and, if applicable, also obliged to suspend their order or decision pursuant to R. 335 RoP. Such a suspension serves to ensure that the forthcoming order or decision of the seized panel (so-called "panel review") is not interfered with by compliance with the order or decision, which could otherwise render the panel review ineffective.
- 12 In such cases, where a suspension of the contested order is subsequently issued pursuant to R. 335 RoP upon application by the judge-rapporteur, it is closely connected with the application pursuant to R. 333 RoP. In that regard, the suspension is, in view of the order previously issued without restrictions, an *actus contrarius*. The judge-rapporteur is entitled to issue it in order to protect the panel review. In this respect, despite the application pursuant to R. 333 RoP, competence has not been conferred on the panel. b)
- 13 The request for suspension is admissible and well-founded.
- 14 The judge-rapporteur (see above) exercises the discretion conferred on him by R. 335 RoP ("may"), on the basis of the specific circumstances of the individual case and taking into account the interests of the parties to the proceedings, in such a way that the suspension is to be ordered.
- 15 The application pursuant to R. 333 RoP, which is closely connected to the order pursuant to R. 335 RoP, is in any event not manifestly inadmissible. The first Defendant has paid the fee pursuant to R. 333.3 RoP.

- 16 It is therefore a matter of weighing up the consequences of not suspending the order (i.e. enforcing the order) against those of suspending it.
- 17 There is rightly no dispute between the parties as to the effects that would arise if the Applicant were to inspect the requested pleadings before the panel reached its decision on the application pursuant to R. 333 RoP. Such inspection would effectively terminate the proceedings as the Applicant would then have finally achieved its objective. The knowledge obtained through the inspection of the files could subsequently be remedied only with difficulty, and, in all likelihood, not comprehensively, since the Applicant would then already have obtained the information sought and even a "reversal" or a subsequent obligation of confidentiality would in any event not fully eliminate such acquisition of knowledge and the consequences associated with it.
- 18 In view of the foregoing and also considering that the decision of the panel is to be issued "as soon as practicable" pursuant to R. 333.4 RoP, the judge-rapporteur considers that, in the present case, the interest of the first Defendant in suspension outweighs the Applicant's interest in enforcement.
- 19 Since the Applicant and the first Defendant dispute both whether and how the inspection of the files should be granted (with or without a confidentiality obligation) and both parties have also filed applications for leave to appeal, the Applicant shall only be granted access to the requested pleadings after the final conclusion of the proceedings for review of the order by the full panel, in order to prevent premature inspection of the files before the conclusion of these proceedings.
- 2.
- 20 It may remain open whether, in the case of an application pursuant to R. 333 RoP, an analogous application of R. 223 RoP is required.
- 21 Since the judge-rapporteur did not apply this rule, it is not relevant in the present case, as a procedural requirement, whether a fee pursuant to R. 223.1 sentence 2 RoP (by analogy) has been paid (or, as in this case, has not been paid).

ORDER

The order dated 27 January 2026 is amended as follows:

- In section I, the following insertion is added before the third word: "after the final conclusion of the proceedings for review of the order by the full panel,".

- In section II.5, after “to coordinate and”, the following insertion is added: “the Defendants are instructed”.¹
- The instruction to the registry dated 27 January 2026 is revoked.

- Judge-rapporteur –

- for the Deputy-Registrar –

¹ Translator Note: The passage quoted in English is a literal translation from German, as there is no translation of the order dated 27 January 2026.