



Appeal no:  
UPC\_CoA\_678/2025

**ORDER**  
**of the Court of Appeal of the Unified Patent Court**  
**concerning an application for further exchanges of written pleadings (R. 36 RoP)**  
**issued on 4 March 2026**

APPELLANT (CLAIMANT IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

**Hurom Co., Ltd.**, 80-60, Golden root-ro, 62184 Juchon-myeon, Gimhae-si, Gyeongsangnam-do, Republic of Korea

(hereinafter “**HUROM**”)

represented by Sabine Agé, Attorney-at-law, HOYNG ROKH MONEGIER, Paris, France

RESPONDENTS (DEFENDANTS IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

1. **NUC Electronics Co., Ltd, 280**, Nowon-ro, 41548 Buk-gu, Daegu, Republic of Korea
2. **NUC Electronics Europe GmbH**, Schwalbacher Strasse 76, 65760 Eschborn, Germany
3. **WARMCOOK**, 73 boulevard Gay Lussac, 13014 Marseille, France

(hereinafter together “**NUC**”)

represented by Didier Intès, Patent attorney, Beau de Loménie & BDL-IP Legal, Paris, France

PATENT AT ISSUE

EP 3 155 936

DECIDING JUDGE

Emmanuel Gougé  
Legally qualified judge and Judge-rapporteur

LANGUAGE OF THE PROCEEDINGS

English

IMPUGNED DECISION OF THE COURT OF FIRST INSTANCE

- Decision of the Court of First Instance of the Unified Patent Court, Paris Local Division, dated 23 May 2025

Numbers attributed by the Court of First Instance:

UPC_CFI_163/2024	UPC_CFI_418/2024
ACT_17434/2024	CC_41542/2024
ORD_69293/2024	ORD_69293/2024

#### FACTS AND REQUESTS OF THE PARTIES

1. On 3 April 2024, HUROM lodged an infringement action before the Paris Local Division (the “LD”), against NUC, based on the patent at issue. NUC filed a Statement of defence with a Counterclaim for revocation.
2. The LD dismissed all HUROM’s infringement claims, and revoked the Dutch, French, German and Italian parts of claims No. 1 to 6 of the patent at issue, as unconditionally amended in the main request, and claims 1 to 3 as amended in the auxiliary request (impugned decision, 23 May 2025).
3. HUROM lodged an appeal against the impugned decision and, on 23 September 2025, filed its Statement of Grounds of appeal which includes two new auxiliary requests to amend the patent (hereafter the “new Auxiliary Requests”) that had not been filed during the proceedings in first instance (Statement of Grounds, para. 186 ff).
4. The Court of Appeal scheduled the date for the oral hearing on 2 April 2026, indicating that following the filing of the Statement of response in this appeal, the appeal proceedings were expected to be ready for oral hearing (Order of 20 October 2025). Parties were then formally summoned to the oral hearing on 2 April 2026 (Order of 30 October 2025).
5. On 22 December 2025, NUC lodged the Statement of Response under R. 235 RoP together with a Statement of cross-appeal pursuant to R. 237 RoP. As part of its submissions on lack of inventive steps of claims 1 to 3 of the new Auxiliary Requests, NUC filed two new documents of prior art, namely a Korean patent application (10-2014-0018058 A, hereafter “D5”) and an US patent application (US 2013/0074708, hereafter “D6”).
6. Together with its Reply to the Statement of cross-appeal filed on 22 February 2026, HUROM filed an application for further exchange of written pleadings pursuant to R. 36 RoP, requesting the Court to allow an additional Reply to the Statement of Response in order to respond to NUC’s arguments following which (i) HUROM’s new Auxiliary Requests filed with the Statement of grounds of appeal are inadmissible and, in the alternative, (ii) the new Auxiliary Requests lack inventive step on the basis of two new prior art documents D5 and D6 (sections 1.3.1.3. and 1.3.2.3 of the Statement of Response dated 22 December 2025).
7. NUC requests the application for further exchange of written pleadings to be rejected (Statement of Response dated 2 March 2026).

#### GROUNDS

8. The request for the submission of further pleading is admissible but is rejected.
9. According to the Rules of Procedure (Part 4 RoP), the written phase before the Court of Appeal is limited for the appellant to the submission of a statement of grounds of appeal and for the respondent to the submission of a statement of response and no further exchange of written pleadings is provided for in the RoP unless a cross-appeal has been lodged pursuant to R. 237 and 238 RoP (see CoA Order UPC\_CoA\_520/2024

App\_57474/2024, 1<sup>st</sup> November 2024, Scandit v Hand Held Products; CoA Order UPC\_CoA\_835/2024, 24 March 2025, Amazon v Nokia).

10. Additional grounds of appeal that are not submitted within the time limit prescribed for the statement of grounds of appeal under Rule 224.2 RoP are inadmissible, pursuant to Rule 233.3 RoP.
11. Pursuant to R. 36 RoP, the Court may nevertheless allow the exchange of further written pleadings at the reasoned request of a party, in particular if this is required by the principles of due process, such as in particular the principles of fairness, equity and efficiency and the right to be heard (above cited CoA order of 1<sup>st</sup> November 2024, para. 19; CoA Order UPC\_CoA\_579/2025, Otec v Steros, para. 8).
12. In the present case, NUC's arguments on inadmissibility of the new Auxiliary Requests have merely been raised as a defense and in response to said requests on the basis that they would not meet the requirements set out under Art. 73(4) UPCA and R. 222.2 RoP on the admissibility of new facts and evidence.
13. Similarly, new arguments on inventive steps based on documents D5 and D6 - all publicly available documents - have been raised by NUC in response to the new Auxiliary Requests brought for the first time by HUROM with the Grounds of Appeal and could consequently not have been submitted at an earlier stage.
14. HUROM has been waiting for two months following the filing of the Statement of Response until it lodged the R. 36 RoP application for further exchange of written submissions on 22 February 2026, while it knew, according to the order of the judge-rapporteur of 20 October 2025, that following the filing of the Statement of response in this appeal, the appeal proceedings were expected to be ready for oral hearing.
15. Considering that the parties will have the opportunity to further comment on each other's positions from a legal perspective at the oral hearing, the principle of fair and efficient conduct of proceedings - particularly in light of the principle of equality of arms, as set out in Article 42(2) of the UPCA and paragraph 5 of the Preamble to the Rules of Procedure - in conjunction with the principle of efficient conduct of proceedings, as set out in Article 41(3) of the UPCA and paragraph 4 of the Preamble to the Rules of Procedure, requires that HUROM's request to file further submissions to reply to the Respondents arguments be rejected.

#### ORDER

The request for further exchange of written pleadings is rejected.

This order was issued on 4 March 2026.

Emmanuel Gougé, Legally qualified judge and judge-rapporteur