



**Procedural order  
of the Court of First Instance of the Unified Patent Court  
Local Division Munich  
issued on 26 March 2026**

HEADNOTES

- 1 An application under R. 333.1 of the Rules of Procedure (RoP) is inadmissible against a decision of the judge-rapporteur under Rule 262.1(b) RoP (para. 24).
- 2 If the panel is not competent for proceedings such as those under R. 262.1(b) RoP, the decision of the judge-rapporteur designated as competent cannot be reviewed by the panel by way of this special remedy on the basis of an application under R. 333.1 RoP (para. 26).
- 3 For the training and advisory interest of a law firm justifying third-party access to the file under R. 262.1(b) RoP, an abstract assessment is required. Therefore, it is generally sufficient that the requested access can objectively serve to satisfy the interest in obtaining information for training and advisory purposes. In this respect, an applicant does not need to specifically set out and justify which information it seeks to obtain and why it is significant or necessary for its training and advisory purposes (paras. 34/35).
- 4 Likewise, it is not relevant whether the written pleadings to be inspected directly provide information on how the Court handled the case. For the purposes of training and advisory interests, it is sufficient if the written pleadings indirectly provide information on the handling of cases or on the Court's case law (para. 36).

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, Administration Building of Huawei Technologies Co. Ltd., Bantian, Longgang District, Shenzhen, 518129, People's Republic of China,

represented by: Attorney-at-law Dr. Tobias Hessel Clifford Chance  
Partnerschaft mbB, Königsallee 59, 40215 Düsseldorf,  
Germany,

2. **MediaTek, Inc.**, represented by the president of the board of directors, Ming-Chieh Tsai, Hsinschu Science Park No. 1, Dusing 1st Road, 300 78, Hsinchu, Taiwan,

3. **MediaTek Germany GmbH**, represented by the Chief Executive Officer, Hsuan-Ni Chen, Kesselstraße 5-7, 40221 Düsseldorf, Germany,

(only with regard to 3) represented by: Attorney-at-law Dr. Antje Brambrink,  
Finnegan, Henderson, Farabow, Garrett &  
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PATENT AT ISSUE

EP 4 142 215

PANEL/DIVISION

Panel 2 of the Local Division Munich

DECIDING JUDGES

This order was issued by the presiding judge, Dr. Voß, the legally qualified judge Dr. Werner (judge-rapporteur), and the legally qualified judge Kupecz.

LANGUAGE OF PROCEEDINGS

German

## SUBJECT-MATTER

Application pursuant to Rule 262.1(b) RoP – here: Application pursuant to Rule 333.1 RoP

## FACTS AND REQUESTS OF THE PARTIES

- 1 The applicant initiated the proceedings with the aim of being granted access to the written pleadings listed below, which were filed with the Unified Patent Court in the proceedings under action number UPC\_CFI\_254/2025 and have been registered by the Registry.
  - the Statement of claim of 24.03.2025,
  - the Statement of defence of 23.07.2025 (both the technical and the non-technical part) and
  - the Counterclaim for revocation of 23.07.2025.
- 2 In the alternative, in the event that the application is dismissed, it requested that leave to appeal be granted.
- 3 From the outset, the applicant agreed to the necessary redactions of personal data in accordance with Regulation (EU) 2016/679. Furthermore, it made it clear that its request relates solely to the redacted versions of the written pleadings filed in the proceedings. It also agreed to the additional redactions proposed by defendant no. 3 in its submission of 13.11.2025. The applicant clarified that it does not seek publication of the pleadings in the register. Its request is limited to receiving the pleadings, without annexes, to the extent requested.
- 4 Defendant no. 1 submitted the following request:

to reject the application dated 20.10.2025 for access to the Statement of claim filed by the claimant on 24.03.2025, as well as to the Statement of defence filed by defendant no. 2 on 23.07.2025 (both the technical and the non-technical part), and the Counterclaim for revocation;

in the alternative, to grant the application dated 20.10.2025 only on the condition that the aforementioned written pleadings are made available exclusively in redacted form and directly and solely to the applicant, and that the applicant be bound by an obligation of confidentiality.
- 5 Defendant no. 2 did not participate in these proceedings. In the main proceedings, it also did not file any pleadings.

6 Defendant no. 3 filed no substantive request and did not, in principle, oppose the requested access. However, it submitted that the applicant should be granted access only to the three written pleadings in the version submitted on 13.11.2025, marked “Redacted for file inspection.” In addition, defendant no. 3, supplementing its confidentiality request from the main proceedings, sought confidentiality for certain passages of the Statement of defence (non-technical part) and, by a further written pleading dated 13.11.2025, as a precaution, requested additional confidentiality, as defendant no. 1 had fully opposed access to the file.

7 By procedural order dated 27.01.2026, the judge-rapporteur granted the requested access to the file essentially as follows:

I. The applicant is granted access to the following written pleadings from proceedings CFI\_254/2025 and CFI\_671/2025, excluding attachments, subject to the further limitations set out in Section II:

- Statement of claim of 24.03.2025,
- Statement of defence of 24.07.2025 (both the technical and the non-technical part) and
- Counterclaim for revocation of 24.07.2025.

II. The versions of the written pleadings referred to in Section I, which are already redacted and stored in the CMS, shall furthermore be redacted as follows:

1. the information contained in the redacted version of the Statement of claim of the Claimant dated 24.03.2025, which is set out in the table below:

<b>Fact required to be kept confidential</b>	<b>Paragraph</b>
Date of conclusion of the Non-Disclosure Agreement (NDA) between the Claimant and the Defendants	Page 17, para. 3, line 5;

2. the information contained in the redacted version of the Statement of Defence (Non-technical part) by Defendant no. 2 dated 24.07.2025, which is set out in the table below:

<b>Fact required to be kept confidential</b>	<b>Paragraph</b>
Date of conclusion of the Non-Disclosure Agreement	Page 35, line 3;

3.

Written pleading	Information to be kept confidential	Section
Statement of defence (Non-technical part) of defendant no. 2 dated 23.07.2025	Names of the members of the Confidentiality Club	<p>In the applications under section I.3 (<b>page 10</b>) and I.4 (<b>page 15</b>);</p> <p>In the justification in the paragraph</p> <p>“Regarding the applications for confidentiality” under sections B.II (<b>page 36</b>), B.III (<b>page 37</b>) and B.III.2 (<b>page 39</b>);</p>
	Information regarding witnesses	<p>In the justification in paragraphs</p> <p>“Intended applications in the interim procedure” under section I.1 (<b>page 20</b>);</p> <p>“Regarding the applications for confidentiality” under section B.III.2 (<b>pages 38 and 39</b>);</p> <p>“FRAND license objection” under section C.III.2.c)bb)(1)(d) (<b>page 98</b>) and C.III.2.e)bb)(1) (<b>page 113</b>);</p>
Statement of defence (Technical part) and Counterclaim for revocation of defendant no. 2 dated 23.07.2025	Information regarding witnesses	<p>In the justification in paragraph</p> <p>“Lack of infringement actions” under sections C.IV.1 and C.IV.2 (each on <b>page 19</b>).</p>

4. For the purpose of granting access, it is ordered that:

- a) defendant no. 1 shall upload the Statement of claim dated 24.03.2025,
- b) defendant no. 3 shall upload the Statement of defence dated 23.07.2025 as well as the Counterclaim for revocation dated 23.07.2025,

each in the redacted version in accordance with the above requirements, within four weeks of the issuance of this order, to the CMS.

5. To prevent the disclosure of confidential and/or personal information, the defendants are invited to coordinate among themselves, prior to uploading, the adequately redacted versions of the pleadings and then upload them to the CMS in “HC” mode.

#### INSTRUCTION TO THE REGISTRY

After successful GDPR review of the written pleadings uploaded in accordance with the order, they shall be set to “R”.

- 8 The judge-rapporteur essentially justified his decision as follows:

“The applicant’s interest in accessing the partially redacted versions of the pleadings outweighs the other protected interests involved, mainly because the main proceedings have been concluded, and therefore access to the file is granted.

According to the case law of the Court of Appeal, law firms are considered part of the public, and their requests for access to files for training and advisory purposes not only enhance their ability to advise clients before the Unified Patent Court, but also serve the interests of the Court and its users. Therefore, in concluded proceedings, access should generally be granted, with appropriate protection of personal data and confidential information (see Court of Appeal, decision of 22.12. 2025, UPC\_CoA\_886/2025 – Herbert Smith v. Insulet/EOFlow). Once the main proceedings have been concluded, the protection of the integrity of those proceedings no longer plays a significant role, so that the public interest in access will generally prevail.

This likewise applies to the present case. The objections raised by defendant no. 1 do not succeed and are therefore dismissed.

Above all, it has failed to sufficiently demonstrate that the request for access was intended as a fishing expedition or that the stated interests were merely pretextual. After the applicant denied the allegation, defendant no. 1 failed to present sufficient facts to substantiate it. The fact that the applicant’s requests were filed in parallel in different proceedings is not sufficient to demonstrate any improper purpose. Rather, they demonstrate the applicant’s comprehensive interest.

Insofar as defendant no. 1 objects that the applicant is not willing to enter into the confidentiality agreement requested by it, this does not negate the training interest. Contrary to the assumption of defendant no. 1, the applicant is not obliged to do so. There

is no need for such an agreement. The decisions relied upon by defendant no. 1 do not support this view. Insofar as the Court of Appeal mentioned a confidentiality agreement in its decision of 10.04.2024 (UPC\_CoA\_404/2023), this concerned access in ongoing proceedings and not, as in the present case, concluded main proceedings. The order of the Nordic-Baltic Regional Division dated 17.10.2023 likewise does not support the view of defendant no. 1. This is because only protective measures were ordered in that case to safeguard the appeal against the granted access to the file and to avoid effectively depriving it of its purpose by granting access. The redactions ordered in the respective pleadings are sufficient to protect the legitimate confidentiality interests.

Irrespective of whether these proceedings were concluded by a decision on the merits, the exchange of pleadings may serve the defendant's asserted interest in legal training. The training interest is not limited to proceedings concluded by a decision on the merits. ...

Since the applicant does not seek publication of the written pleadings in the register, the copyright objections raised by defendant no. 1 in this regard are unfounded."

9 Upon payment of a fixed fee pursuant to R. 333.3 RoP in the amount of €1,300, defendant no. 1 filed an application on 02.02.2026 **seeking**:

1. to have the order of the judge-rapporteur dated 27.01.2026 reviewed by the full panel (R. 333.1 RoP) and to reject the applicant's request for access to the file (R. 262.1(b) RoP);

in the alternative, to grant the applicant's request for access to the file (R. 262.1(b) RoP) subject to the condition that the applicant be bound by a confidentiality obligation;

2. to suspend the effects of the order of the judge-rapporteur dated 27.01.2026 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).

10 The applicant **requests**:

1. to dismiss the main application (application for review, section 1) and to uphold the order of the judge-rapporteur dated 27.01.2026; and

2. to dismiss the auxiliary request (application for review, section 1) and not to impose any confidentiality obligation on the applicant.

In the event that these two requests are granted in full:

3. to dismiss the further auxiliary request (application for review, section 3) and not to grant leave to appeal.

In the alternative, in the event that (a) the main application (application for review, section 1) is at least partially granted and the request for access to the file is at least partially refused, or (b) the main application (application for review, section 1) is dismissed but a confidentiality obligation is imposed on the applicant in accordance with the auxiliary request (application for review, section 1):

4. to grant leave to appeal.

11 Defendant no. 3 has not filed any substantive request. It draws the panel's attention to the prohibition of *reformatio in peius* (see further below).

12 With regard to the requested "suspension of access to the file", the judge-rapporteur indicated on 03.02.2026 that, in view of the effects of granting access, he intends to amend the order of 27.01.2026 pursuant to R. 335 RoP as follows:

- in section II.5, to order the defendants to upload the written pleadings to the CMS in "HC" mode, so that only the Court has access to their content, and
- in section I, to stipulate that the applicant will only be granted access after the final conclusion of these proceedings, and
- to revoke the instruction issued to the Registry on 27.01.2026.

13 At the same time, the judge-rapporteur instructed the Registry not to change the mode of written pleadings uploaded by the parties in "HC" mode without instruction from the judge-rapporteur or the panel. With regard to the remaining content, reference is made to the order of 03.02.2026.

14 The parties have raised no objections to the order envisaged in this respect. The applicant merely pointed out that an application for suspensive effect is subject to the payment of a corresponding fee pursuant to R. 223.1, second sentence, RoP.

15 On 24.02.2026, the defendants uploaded redacted versions of the written pleadings referred to in the order of 27.01.2026 in "HC" mode.

16 On 26.02.2026, the judge-rapporteur, pursuant to Rule 335 RoP, issued the following order to prevent the panel's decision from being effectively pre-empted by granting access to the file.

The order of 27.01.2026 is amended as follows:

- In section I, the following wording is inserted after 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".

- The instruction to the Registry dated 27.01.2026 is revoked.

#### ISSUES IN DISPUTE BETWEEN THE PARTIES

- 17 In support of its application for review, defendant no. 1 submits that the judge-rapporteur failed to sufficiently weigh the competing interests. The specific circumstances of the case were not adequately taken into account. The applicant had not, in any event, demonstrated a legitimate interest in access to the file. Rather, its request is intended to fish for information about the proceedings. Such an interest should not prevail. The written pleadings to which access is sought do not provide information on how the Court handled the case. Only the Statement of claim, the Statement of defence, and the Counterclaim for revocation have been filed. At most, these reveal what the parties consider necessary in relation to the patent at issue, its validity, and the infringement arguments, but not how the Court assesses or manages the case. The requested access would not yield any insight into the Court's handling of the dispute and would not enhance the applicant's ability to advise its clients before the Unified Patent Court. Rather, the applicant is solely interested in the parties' pleadings and is not concerned with any potential development of the law or with how proceedings are conducted before the Unified Patent Court. The requested access does not serve the purpose of scrutinising the Court.
- 18 At the very least, the judge-rapporteur should have restricted access by imposing a confidentiality obligation on the applicant in respect of the requested pleadings. If access were granted without such a confidentiality obligation, the applicant would obtain more information than is necessary for its professional training. It could disseminate and publish the written pleadings. This would be equivalent to publication in the register. However, such publication has neither been requested nor is it justified. Even if the applicant were not required to accept a confidentiality obligation, it could voluntarily submit to such an obligation in order to dispel the concerns of defendant no. 1. The contested order does not address this and fails to give sufficient consideration to the interests of defendant no. 1.
- 19 The applicant submits that the application for review is, in part, inadmissible for lack of standing to bring the application. Defendant no. 3 did not object to the ordered access to its written pleadings pursuant to R. 333.1 RoP. In any event, the judge-rapporteur followed the case law of the Court of Appeal and applied it correctly. The timing of the application and the stage of the proceedings in respect of which access is sought were duly taken into account. The general interest in access to the selected written pleadings relied on by the applicant prevails, and is further reinforced by the applicant's training and advisory interest, since the main proceedings have been terminated by withdrawal of the action. The defendants' interests in confidentiality and data protection have been adequately safeguarded by the redactions. Moreover, defendant no. 1 has not substantiated its

allegation that the request for access is abusive. An unspecified “fishing expedition” lacks any factual basis. It is also overlooked that any application under Rule 262.1(b) RoP inherently involves an interest in information not previously known. The Court of Appeal grants third parties access to written pleadings on the basis of purely academic and/or pedagogical interests. Parallel requests for access to files by the applicant rather demonstrate its asserted interest in professional training and do not render the request abusive.

- 20 A confidentiality obligation sought by defendant no. 1 in the auxiliary request is not warranted. The Court of Appeal considers such a measure solely for the purpose of safeguarding the integrity of ongoing proceedings. In the present case, no such need arises, as the action has been withdrawn.
- 21 With regard to the auxiliary request of defendant no. 1, defendant no. 3 submits that, in any event, access to the file must not extend beyond what was ordered by the judge-rapporteur, in light of the prohibition of *reformatio in peius*. The applicant agreed from the outset to the redaction of personal data. It also made clear that its request relates solely to the redacted versions of the three written pleadings filed in the proceedings, and that it consents to further redactions.

#### GROUNDINGS FOR THE ORDER

- 22 The application for review is inadmissible and unfounded.
- 1.
- 23 The application for review is inadmissible because it is not available as a remedy (see (a)). It is therefore unnecessary to consider the alleged partial lack of standing (see (b)).
- a)
- 24 The application by defendant no. 1 under R. 333.1 RoP is inadmissible against a decision of the judge-rapporteur under R. 262.1(b) RoP.
- 25 Such an application for review is inadmissible, as R. 262.1(b) RoP does not provide for any transfer of competence from the panel to the judge-rapporteur, and therefore no review of the (delegated) decision of the judge-rapporteur by the panel is warranted.
- 26 If the panel is not competent for proceedings such as those under R. 262.1(b) RoP, the decision of the judge-rapporteur designated as competent cannot be reviewed by the panel by way of this special remedy on the basis of an application under R. 333.1 RoP. According to R. 262.1(b) RoP, competence to decide on third-party applications for access to the file is only assigned to the judge-rapporteur. Unlike other orders under R. 262 of the RoP (see paras. 3 to 6), only the judge-rapporteur and not “the Court” is competent in this

respect. And R. 262.1(b) of the RoP does not concern a delegation of competence or of responsibilities of the panel to the judge-rapporteur. While, for example, case management under R. 331 et seq. RoP is initially entrusted to the judge-rapporteur rather than the panel, and may be reviewed by the panel upon application, R. 262.1(b) RoP confers sole and original competence on the judge-rapporteur.

27 Accordingly, the following decisions of the Court of Appeal against decisions of the judge-rapporteur under R. 262.1(b) of the RoP were not preceded by an application for review under R. 331.1 RoP:

- UPC\_CoA\_404/2023, decision of 10.04.2024 – X. v Ocado/Autostore,
- UPC\_CoA\_480/2024 and UPC\_CoA\_481/2024, decisions of 09.01.2025 – Powell v Abbott/Sibio.

28 The lack of admissibility of the special remedy does not lead to the possibility of a decision of the judge-rapporteur under R. 262.1(b) RoP being reviewed. The Court of Appeal derives admissibility from R. 220.1(b) RoP (see UPC\_CoA\_404/2023, decision of 10.04.2024 – X. v Ocado/Autostore). Accordingly, it is immaterial that R. 262.1(b) RoP does not refer to an appeal, unlike, for example, Rules 21, 157 and 381 RoP, which each concern decisions of the judge-rapporteur.

b)

29 As the application for review is not admissible, the partial lack of standing of the applicant, as alleged by defendant no. 1, is no longer relevant.

30 Regardless of this fact, such lack of standing is likely to exist, since it may be assumed that the written pleadings of defendant no. 3, to which access is sought, respond to the submissions of defendant no. 1 in the claim and, in that respect, concern information originating from defendant no. 1. Apart from this, the wording of R. 333 RoP does not expressly provide for standing as a requirement for the application.

2.

31 Notwithstanding the inadmissibility of the application for review, the main application of defendant no. 1 is also unfounded, as the judge-rapporteur correctly considered the conflicting interests, particularly in light of the grounds advanced, and properly weighed them in the individual case.

a)

32 The applicant is entitled, on the basis of its training and advisory interest, to inspect the file to the extent granted by the judge-rapporteur. It has sufficiently substantiated this interest.

33 According to the case law of the Court of Appeal, law firms are considered part of the public, and their requests for access to files for training and advisory purposes not only enhance their ability to advise clients before the Unified Patent Court, but also serve the interests of the Court and its users (see Court of Appeal, decision of 22.12.2025, UPC\_CoA\_886/2025 – Herbert Smith v. Insulet/EOFlow). Therefore, it is sufficient for a law firm to assert an interest in training and advisory activities.

34 For the training and advisory interest of a law firm justifying third-party access to the file under R. 262.1(b) RoP, an abstract assessment is required.

35 Therefore, it is generally sufficient that the requested access can objectively serve to satisfy the interest in obtaining information for training and advisory purposes. This interest exists independently of whether the Court could be scrutinised through access to the files. In an individual case, access to the files neither has to subjectively provide the applicant with specific information on how the Court is handling the case, nor does it have to result in an enhancement of the applicant's ability to advise clients before the Unified Patent Court. This may be a (desired) consequence. However, the training and advisory interest is not necessarily to be measured on that basis. In this respect, an applicant does not need to specifically set out and justify which information it seeks to obtain and why it is significant or necessary for its training and advisory purposes.

36 Likewise, it is not relevant whether the written pleadings to be inspected directly provide information on how the Court handled the case. For the purposes of training and advisory interests, it is sufficient if the written pleadings are capable of providing information on the handling of cases or on the Court's case law, as the training and advisory interest is not limited to a specific case. Even if only a Statement of claim, a Statement of defence and a Counterclaim for revocation have been submitted, an employee of a law firm can indirectly infer from the parties' submissions and their arguments how the Court handles patent cases and how the law develops. Such indirect acquisition of information is sufficient for the asserted training and advisory interest and justifies a legitimate interest in access to the file or parts of it.

b)

37 The "fishing expedition" objection raised by defendant no. 1 against this interest is without merit.

38 It is true that access to third-party files requested on the basis of a training and advisory interest necessarily entails a gain of information for the applicant. Otherwise, such training and advisory interest would be rendered meaningless. Where the defendant contends that

this amounts to an impermissible “fishing expedition”, they must substantiate this specifically.

39 The circumstances relied on by defendant no. 1 do not give rise to an inadmissible fishing expedition. For this purpose, the allegation raised is too vague, and the requested access to parallel proceedings does not justify assuming such a fishing expedition.

c)

40 The judge-rapporteur correctly weighed the interests concerned in the specific case.

41 In particular, he correctly considered, in favour of the applicant, that according to the case law of the Court of Appeal, access to the files is generally to be granted in the case of concluded proceedings.

3.

42 The auxiliary request to grant access to the file subject to the condition that a confidentiality obligation be imposed on the applicant is likewise unfounded.

43 Contrary to the assumption of defendant no. 1, access did not have to be restricted by imposing a confidentiality obligation on the applicant in respect of the requested pleadings.

44 Contrary to defendant no. 1’s position, access does not entitle the applicant to disclose or publish the pleadings. In this respect, access without a confidentiality obligation is not equivalent to publication in the register.

45 Moreover, the judge-rapporteur correctly recognised that defendant no. 1 has no entitlement to the requested confidentiality obligation. Its argument that the applicant could voluntarily submit to such an obligation in order to dispel the concerns of defendant no. 1 is unfounded. What is relevant is not what the applicant could do within the scope of its freedom of disposition, but rather what defendant no. 1 is entitled to claim.

4.

46 Leave to appeal is not granted.

47 The principles governing third-party access to the case file are settled. In this respect, the present case merely concerns their application to the individual case. There is no deviation from these principles.

48 Nor is an appeal warranted on account of the application being considered inadmissible under R. 333.1 RoP. This is because it is not decisive for the outcome, since, in any event, the merits of the application for review were examined and the decision of the judge-rapporteur was confirmed.

5.

49 If the applicant relies on the fact that, in section I. of the order of the judge-rapporteur, there is a spelling mistake in the date of the Statement of defence and the Counterclaim for revocation (which is stated correctly in other occurrences of the order), the judge-rapporteur reserves the right to issue a rectification.

ORDER

The decision of the rapporteur dated 27 January 2026, referred to as a procedural order, is upheld.

Dr. Voß (Presiding judge)	
Dr. Werner (legally qualified judge)	
Kupecz (legally qualified judge)	