



Mannheim local division
UPC_CFI_1390/2025

Decision
of the Court of First Instance of the Unified Patent Court,
delivered on 27 March 2026
concerning EP 4 250 732
(para. 265, para. 370.9 of the RoP)

CLAIMANT

Nokia Technologies Oy

Karakaari 7, 02610, Espoo, Finland

Represented by: Dr Julius WINKLER et al., Arnold Ruess Attorney-at-laws PartGmbH

DEFENDANT

- 1. Warner Bros. Discovery, Inc**
230 Park Avenue South, New York, NY 10003, USA

- 2. Dplay Entertainment Limited**
Chiswick Park Building 2, 566 Chiswick High Road, London, W4 5YB, United Kingdom

- 3. Discovery Communications Deutschland GmbH & Co. KG**
Leopoldstr. 57, 80802 Munich, Germany

- 4. Discovery Communications, LLC**
230 Park Avenue South, New York, NY 10003, USA

- 5. HBO Nordic AB**
Kungsgatan 12, 111 35 Stockholm, Sweden

6. HBO Europe s.r.o.

Jankovcova 1037/49, Prague 7, 170 00, Czech Republic

7. Discovery Communications Benelux B.V.

Piet Heinkade 173, 1019 GM Amsterdam, Netherlands

8. WarnerMedia Global Digital Services, LLC

30 Hudson Yards, New York, NY 10001, USA

9. Home Box Office, Inc.

230 Park Avenue South, New York, NY 10003, USA

All defendants represented by Dr Steffen Elmar STEININGER et al., Hogan Lovells International LLP

PATENT IN SUIT: EP 4 250 732

PANEL: Mannheim local division

DECIDING JUDGE: Böttcher as judge-rapporteur

SUBJECT: Action for infringement – Withdrawal of the action, Rule 265 of the RoP;
Reimbursement of fees, Rule 370.9 of the RoP

BRIEF SUMMARY OF THE FACTS:

The claimant applies, prior to the conclusion of the written procedure and with the defendant's consent, for leave to withdraw the infringement action. Both parties declare that they will not submit any claims for costs. As the (extended) time limit for filing a defence is still running, no counterclaim for nullity has been filed.

Concurrently with the application for leave to withdraw the action, the claimant requests that 60% of the court fees incurred be reimbursed to her pursuant to R. 370.9 (b) (i) RoP.

GROUNDINGS FOR THE DECISION:

1. The withdrawal of the claim is granted with the defendant's consent. There are no grounds to the contrary. No decision on costs is required because the parties have declared

they will not submit any claims for costs (see Court of Appeal, decision of 28 May 2025, UPC_CoA_808/2024).

2. The partial reimbursement of the court fees incurred is based on R. 370.9 (b) (i) of the RoP, in the version valid until 31 December 2025. This provides the basis for the amount to be reimbursed, calculated on the basis of the relevant value in dispute.

a) By resolution of 4 November 2025 amending the scale of court fees and making other related amendments to the Rules of Procedure and guidelines, the Administrative Committee amended the court fees and, in this context, Rule 370.9 of the RoP. Pursuant to Article 5 of this decision, the amended scale of court fees and the revised provisions of the Rules of Procedure apply in particular to all actions and applications filed after 31 December 2025. In this regard, the Administrative Committee's explanatory notes state in Section IV, at the end of the English version: 'In the interest of legal certainty, the amendments apply only to those actions and applications filed after 31 December 2025'.

Actions and applications filed within the aforementioned meaning are those actions and applications which, by virtue of their filing, give rise to or have given rise to a fee. Article 5 cannot be interpreted to mean that 'applications' also include applications that do not trigger a fee, such as an application for the refund of court fees, an application for leave to withdraw the action, or similar applications aimed at the (premature) termination of the proceedings. The interest in legal certainty referred to in the explanatory notes to the grounds lies in not undermining the considerations regarding the expected court fees that the claimant made when filing the action or application triggering the fee. These considerations to be protected include the effects of a premature termination of proceedings on court fees.

For these reasons, Rule 370.9 of the RoP, in the version applicable until 31 December 2025, applies if the action in question was filed before that date, even if applications seeking or relating to an early termination of proceedings are received only after that date (see Court of Appeal, decision of 9 March 2026, UPC_CoA_15/2026, Orthoapnea; decision of 9 January 2026, UPC_CoA_328/2025, Juul Labs v NJOY; LD Hamburg, decision of 24 March 2026, UPC_CFI_1049/2025, BTL v Lexter; a dissenting view is likely to be found in the Court of Appeal, decision of 6 March 2026, UPC_CoA_895/2025 and UPC_CoA_896/2025, Black Sheep v HL Display).

b) It follows from this for the present proceedings that Rule 370.9 of the RoP, in the version in force at that time, applies to the infringement action filed before 31 December 2025. Accordingly, as the infringement action was withdrawn before the conclusion of the written procedure, the Claimant is to be reimbursed 60% of the court fees, Rule 370.9(b)(i) of the RoP (previous version).

3. In the absence of better information, the value of the claim as determined and uncontested corresponds to the amount stated in the statement of claim and the counterclaim for nullity.


DECISION:

1. The withdrawal of the action is permitted on the claimant's application and with the defendant's consent.

2. The infringement proceedings are hereby declared to be terminated.
3. This decision is to be entered in the register.
4. There is no need to rule on the parties' costs.
5. The Registrar is instructed to reimburse the claimant as soon as possible for 60% of the court fees paid by her in these proceedings in relation to the infringement claim, amounting to EUR 18,600.00 (bank details are set out in the claimant's statement of 19 March 2026).
6. The value in dispute for the infringement action is set at EUR 3,000,000.00.

Issued in Mannheim on 27 March 2026

Dirk
Andreas
Böttcher



Digitally signed by Dirk
Andreas Böttcher
Date: 27 March 2026
11:05:56 +01:00

Böttcher

Legally qualified judge