



Düsseldorf Local Division
UPC_CFI_1034/2025
UPC_CFI_931/2026

Procedural Order
of the Court of First Instance of the Unified Patent Court
issued on 1 April 2026
concerning EP 3 909 047

CLAIMANT:

Yangtze Memory Technologies Co., Ltd., No.88 Weilai 3rd Road, East Lake High-tech Development Zone, Wuhan, Hubei 430000, China

represented by: Attorney-at-law Oliver Jan Jüngst, Attorney-at-law Lucas Brons, Bird & Bird LLP, Carl-Theodor-Straße 6, 40213 Düsseldorf, Germany

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participating: Patent Attorney Dr. Felix Landry, Patent Attorney Leonard Lotz, Bird & Bird LLP, Am Sandtorkai 50, 20457 Hamburg, Germany

DEFENDANTS:

1. **Micron Technology, Inc.**, 8000 South Federal Way Boise, Idaho 83707-0006, USA
2. **Micron Europe Ltd.**, Venture House 2 Arlington Square, Downshire Way, Bracknell, Berkshire, RG12 1WA, United Kingdom
3. **Micron Semiconductor (Deutschland) GmbH**, Leopoldstrasse 250 B, 80807 München, Germany
4. **Micron Semiconductor France SAS**, Immeuble Iliade, 23 Avenue Carnot, 91300 Massy, France

represented by: Attorney-at-law Prof Dr Tilman Müller-Stoy, Attorney-at-law Dr Jan Bösing, Patent Attorney Tobias Kaufmann, Patent Attorney Dr Christian Haupt, Bardehle Pagenberg, Prinzregentenplatz 7, 81675 München, Germany

PATENT IN SUIT:

European Patent n° 3 909 047

PANEL/DIVISION:

Panel of the Local Division in Düsseldorf

DECIDING JUDGES:

The order was issued by Presiding Judge Thomas acting as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT: R. 262A RoP – Protection of confidential information

FOUNDATIONS FOR THE ORDER:

1.

Pursuant to R. 262A RoP, a party may make an Application to the Court for an order that certain information contained in its pleadings or the collection and use of evidence in proceedings may be restricted or prohibited or that access to such information or evidence be restricted to specific persons. The classification of information as a trade secret requires that (a) the information is not, as a body or in the precise configuration and assembly of its components, generally known among or readily accessible to persons within the circles that normally deal with the kind of information in question; (b) the information has commercial value because it is secret; and (c) the information has been subject to reasonable steps under the circumstances, by the person lawfully in control of the information, to keep it secret (UPC_CoA_930/2025, Order of 18 March 2026, mn. 17-19 - EoFlow v. Insulet).

2.

Based on these principles, the conditions for the R. 262A RoP-order to protect confidential information sought by the Defendants are met.

a)

The formal requirements of R. 262A.2 and .3 RoP were complied with. The Claimant's representatives were also heard before the confidentiality order was issued, as required by R. 262A.4 RoP. They made use of the opportunity to submit observations.

b)

The Claimant has not substantially disputed that the information contained in the passages marked in gray in the Statement of Defence and the Counterclaim for Revocation and Exhibit BP 6 constitutes confidential information.

According to the Defendants, the information considered as confidential contains information on the estimated gross profit that the Defendants will achieve in 2026 with direct sales of the attacked embodiments to Germany and France. Defendants state that this information is of economic value, as it would be of interest for Defendants' competitors and customers to learn Defendants' profit estimates and therefore to evaluate Defendants' market position. The information provided is neither publicly known nor readily available and is treated confidentially by the Defendants. Furthermore, the Defendants point out that it is also not publicly known what the current gross profit numbers of the Defendants are and what gross profit numbers Defendants are expecting for 2026. This information is strategic financial information of economic value that is also not accessible to Defendants' competitors and the disclosure of which would allow conclusions to be drawn about Defendants' profit margins and marketing strategies.

The Claimant did not contest these arguments, which justify the classification of the information as confidential. Instead, the Claimant has merely pointed out that the Defendants themselves disclosed that the estimated figures amount “more than EUR 13.000.000”. Therefore, the Claimant believes that “in the likely event that the estimated figure marked as confidential by the Defendants falls anywhere within the region of EUR 13.000.000, it cannot reasonably be characterized as confidential business information”. However, as the Defendants correctly pointed out, this submission cannot successfully challenge the confidential nature of the information that has been classified as such by the Defendants. The precise gross profit estimate provided by the Defendants is neither publicly known nor accessible, a fact that the Claimant’s submission has not called into question.

c)

Pursuant to R. 262A.6 RoP, the group of authorised parties must include at least one natural person of the party concerned. This applies in any event unless, as here, the parties have not agreed otherwise.

In the first instance, only the party whose access is to be restricted can assess how many people need access in order to exercise its rights effectively. Similarly, only the party concerned is in a position to identify the individuals concerned and has insight into the necessary internal processes. Once the party has exercised its right of proposal on this basis, it is up to the party claiming confidentiality to raise specific objections in a second step. It is not sufficient for the party to object to the proposal in general terms. If the party in question objects to the proposed number of natural persons, it is rather up to that party to explain why the protection of the information for which confidentiality is requested would be jeopardised by the proposed person in particular, despite the confidentiality obligations that also exist vis-à-vis the authorised users. On the other hand, if that party objects to the number of persons proposed, it is up to that party to explain in concrete terms why its rights would be compromised by the proposed number of natural persons (UPC_CFI_336/2024 (LD Düsseldorf), Order of 23 December 2024, p. 4 – Maxeon Solar v. Aiko).

The Claimant has made such a submission and named four employees for whom it seeks access. As the Defendants’ did not object, there is no reason to deny these individuals access to the information classified as confidential.

ORDER:

- I. The following information is classified as confidential within the meaning of Art. 58 UPCA, R. 262.2 RoP:

The information highlighted in gray in the Statement of Defense (SoD) and in the accompanying Witness Declaration of [REDACTED] (Exhibit BP 6), whereas this information contains specifically the estimated gross profit Defendants will attain with the attacked embodiments in France and Germany in 2026, as well as values that were calculated based on this estimate.

- II. Access to the unredacted version of Defendants' Statement of Defence and Counterclaim for Revocation dated 16 March 2026, and the accompanying Witness Declaration of [REDACTED] (Exhibit BP 6) shall be restricted on Claimant's side:

1. to Claimant's UPC representatives and their internal assistant, insofar as their access to the information classified as confidential in Section I. of this order is required for their work in these proceedings;
2. to the following employees of the Claimant:

Name	Name on passport (Surname, given name)	Title
[REDACTED]	[REDACTED]	General Counsel
[REDACTED]	[REDACTED]	Deputy General Counsel, Chief IP Counsel
[REDACTED]	[REDACTED]	Patent Dispute Manager
[REDACTED]	[REDACTED]	Senior Patent Engineer

- III. Information classified as confidential in Section I. shall be treated as strictly confidential – even after these proceedings – by the Claimant's representatives and their internal assistants and by the natural reliable persons that have been granted access until further notice and shall not be used or disclosed outside of these court proceedings, except to the extent that it has come to the knowledge of the receiving party outside of these proceedings, provided that the receiving party has obtained it on a non-confidential basis from a source other than the Defendants or their affiliates, provided that such source is not bound by a confidentiality agreement with or other obligation of secrecy with the Defendants or their affiliates.
- IV. In the event of a culpable breach of this order, the Court may impose a penalty payment for each breach, to be determined having regard to the circumstances of each case.

Issued in Düsseldorf on 1 April 2026

NAMES AND SIGNATURES

Presiding Judge Thomas