



Order
of the Court of First Instance of the Unified Patent Court
delivered on 10/04/2026
regarding: R.105.5

CLAIMANT/DEFENDANT IN THE COUNTERCLAIM PROCEEDINGS

- 1) **Maxell, Ltd.** Represented by Benjamin Beck
Koizumi - 618-8525 - Oyamazaki, Oyamazaki-cho,
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DEFENDANTS/ CLAIMANTS IN THE COUNTERCLAIM PROCEEDINGS

- 1) **Samsung Electronics Co., Ltd.** Represented by Christian
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gu - 16677 - Suwon-si, Gyeonggi-do - KR
- 2) **Samsung Electronics GmbH** Represented by Christian
Frankfurter Straße 2 - 65760 - Eschborn - DE Lederer
- 3) **Samsung Electronics France, S.A.S.** Represented by Christian
6 rue Fructidor - 93484 - Saint-Ouen - FR Lederer
- 4) **Samsung Electronics Benelux B.V.** Represented by Christian
Evert van de Beekstraat 310 - 1118 CX - Lederer
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PATENT AT ISSUE

<i>Patent no.</i>	<i>Proprietor/s</i>
EP2061230	Maxell, Ltd.

The panel/deciding judge

The composition of the panel is as follows:

Edger Brinkman	presiding judge
Stefan Johansson	legally qualified judge
Dennis Kretschmann	technically qualified judge
Margot Kokke	judge-rapporteur

This order is issued by the judge-rapporteur

LANGUAGE OF PROCEEDINGS: English

INTERIM CONFERENCE

1. On 10 April 2026 an interim conference was held by video conference (Webex) in the above mentioned cases, which was audio-recorded. The following persons attended:
 - for Claimant Maxell, Ltd. (“**Maxell**”): its representatives Benjamin Beck, Christoph Crützen of Mayer Brown and Dr. Thomas Hell of BoschJehle
 - for Defendants (“**Samsung**”): its representatives Christian Lederer, Jan Phillip Rektorschek, Julia Fischer and Tobias Baus of PENTARC and Martin Kuschel and Christoph Hewel of Paustian & Partner.
 - From the Court: the TQJ, the JR and the presiding judge (part)
2. Pursuant to R.105.5 RoP, the decisions taken at the interim conference are set out below.
3. Samsung’s objection (mentioned in para. 21 of its last submission, the Rejoinder to the Application to Amend) to paragraphs on the de-facto-Frand defence (in Maxell’s Rejoinder to the CC), was discussed. This objection shall be decided if this proves to be relevant for the decision. This objection is related to Maxell’s assertion that Samsung (inadmissibly) added Google Mobile Services to its de-facto-Frand defence in its submission of 12 January 2026, which Samsung in return assets was prompted by Maxell’s allegedly late-filed supplemental scenarios (Spotify and YouTube) for infringement (in the Reply of 10 November 2025, para 49, p. 17), to which Samsung objects, and which Maxell asserts were triggered by the infringement defence.

ORDER

- A. The value of the infringement action/proceedings is set at **EUR 1,500,000.00**.
- B. The value of the counterclaim-action/proceedings is set at **EUR 2,000,000.00**.
- C. Maxell's requests are clarified as follows:
 - Request I can be understood as a request for an injunction not to (directly) infringe the asserted patent-claims, without the need for spelling out the complete patent-claims
 - Maxell considers request II.2 and 3 to supplement each other
 - In Request X '*provisionally enforce*' should be read as '*immediately enforce*'.
- D. Samsung's requests/submissions are clarified as follows:
 - Requests III and IV are meant to apply in addition to each other
 - Request VI should be understood as an alternative for request IV, so the phrase "*without regard to any security provided by claimant*" can be ignored
 - The phrase "*Evidence: court expert*" that occurs regularly in the submissions should be understood as a R.185 request to appoint a court expert, at the Court's discretion.
- E. No further submissions are needed regarding the skilled person.
- F. Maxell's objection to new invalidity attacks mentioned in Samsung's Rejoinder to the Application to Amend (mentioned in Maxell's submission re agenda topics for the IC), is granted: these new attacks are not part of the proceedings.
- G. The parties agree that the information asserted to be (R.262.2-)confidential in the submission, and which are greyed-out in the redacted versions, are to be considered confidential. A confidentiality order can be issued accordingly.
- H. Within one week from today, that is on 17 April 2026 at the latest, Samsung shall clarify on which most promising invalidity attacks it intends to rely at the oral proceedings to focus the case, specifying the parts of its submissions relevant thereto. During the IC three-five was suggested as a reasonable number.
- I. At the latest one week after Samsung submits aforementioned at H, Maxell shall submit a list of auxiliary requests ("ARs") on which it intends to rely, specifying the parts of its submissions relevant thereto. Five-ten is suggested as a reasonable number. For each AR Maxell shall indicate to which invalidity attack the AR is a response.
- J. At the latest one week after Maxell submitted the list mentioned at I above, Samsung shall inform the court on which invalidity attacks it intends to rely against the ARs, specifying the parts of its submissions relevant thereto. One (max two) per AR is suggested as reasonable, where Samsung is urged to rely on the same prior art as for (claim 1 of) the patent as granted where possible.
- K. The following further submissions shall be made:

- a. (updated) comprehensive overviews of exhibits
 - b. the second exhibit MB1 shall be renumbered
- L. At the oral hearing the maximum pleading time for each side is **90 minutes**, with an additional **30 minute** rebuttal each side. All issues are to be pleaded together, Maxell starts. A PowerPoint presentation is permitted under the conditions discussed (no new info); these must be exchanged and sent to the Court at the latest one hour before the start of the oral hearing.
- M. Unless parties reach an agreement on the costs (which they are urged to do; the maximum reimbursable amount is EUR 400,000), parties are ordered to submit a **specified overview of the costs** that they will seek to recover to the court and to the other party two days before the oral hearing.