



**Düsseldorf local
division**

**UPC_CFI_1648/202
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**Order
of the Court of First Instance of the Unified Patent Court issued
on 30 April 2026
concerning EP 1 954 091 B1**

Claimant:

Avago Technologies International Sales Pte. Limited, represented by its Board of Directors, 1 Yishun Avenue 7, Singapore 768923, Singapore

represented by: all lawyers admitted to practise in the Federal Republic of Germany of Grünecker PartG mbB, in particular Dr Bernd Allekotte, Attorney-at-law, and Sebastian Ochs, Attorney-at-law, Leopoldstraße 4, 80802 Munich, Germany

also represented by: all European patent attorneys of Grünecker PartG mbB who possess the necessary qualifications pursuant to Art. 48(2) of the UPC Agreement, in particular patent attorney Dr Thomas Kronberger and patent attorney Valerie Faessler, Leopoldstraße 4, 80802 Munich, Germany

Electronic service address:

allekotte@grunecker.de

DEFENDANT:

Telefónica Germany GmbH & Co. OHG, represented by its shareholders Telefónica Deutschland Holding AG and Telefónica Germany Management GmbH, Georg-Brauchle-Ring 50, 80992 Munich, Germany

represented by: Dr Philipp Neuwald, Attorney-at-law, Lorenz Seidler Gossel Rechts- Patentanwälte Partnerschaft mbB, Widenmayerstraße 23, 80538 Munich, Germany

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PATENT AT ISSUE:

European Patent No. EP 1 954 091 B1

TRIAL PANEL/CHAMBER:

Panel 1 of the Düsseldorf local division JUDGES:

This order was delivered by the presiding judge Thomas, the legally qualified judge Dr Schumacher as judge-rapporteur, and the legally qualified judge Mlakar.

LANGUAGE OF THE PROCEEDINGS: German

SUBJECT: R. 370.9 RoP – Application for reimbursement of court fees

BRIEF SUMMARY OF THE FACTS:

1. By document dated 19 November 2025, the claimant brought a patent infringement action against the defendant.
2. Even before the conclusion of the written procedure, the claimant declared the withdrawal of the action by a document dated 3 February 2026. The defendant consented to the withdrawal of the action.
3. By order of 11 February 2026, the Düsseldorf local division approved the withdrawal of the action and declared the proceedings closed.
4. On 24 February 2026, the claimant applied for a refund of 60% of the court fees.

REASONS FOR THE ORDER:

5. The order for the pro rata refund of court costs is based on Rule 370.9(b) of the RoP, in the version applicable from 1 January 2026. According to this provision, in the event of the withdrawal of the action, the party liable for payment of the court fees shall receive a refund of 50% if the action is withdrawn – as in this case – before the conclusion of the written procedure.
6. By order of 4 November 2025 amending the scale of court fees and making further related amendments to the Rules of Procedure and the 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.
7. The relevant ‘application’ in this sense is the application for leave to withdraw the action (see CoA_895/2025, decision of 6 March 2026 – Black Sheep v HL Display). This was filed on 3 February 2026 and thus after 31 December 2025.

ORDER:

The Registrar is instructed to reimburse the Claimant as soon as possible 50% of the court fees paid by her in these proceedings, amounting to EUR 7,500.

The claimant's application in respect of the remainder is dismissed.

Issued in Düsseldorf on 30 April 2026

NAMES AND SIGNATURES

Presiding Judge Thomas	
Legally qualified judge Dr Schumacher	
Legally qualified judge Mlakar	