



UPC_CFI_851/2025
Procedural Order
of the Court of First Instance of the Unified Patent Court
delivered on 04/05/2026

CLAIMANT

Dyson Technology Limited
(Claimant) - Tetbury Hill - SN16 ORP - Malmesbury,
Wiltshire - GB

Represented by Dr. Joshua
Fiedler, Dr. Constanze Krenz,
David Kleß, Julia Pehe

DEFENDANTS

- 1) **DREAME INTERNATIONAL (HONGKONG) LIMITED**
(Defendant) - Room H28G, Blk EH, 10th
Floor, Golden Bear Ind. Ctr., 66-82 Chai
Wan Kok St., Tsu-en Wan - Hong Kong - HK
Represented by Christian Stoll
Dr. Anna Friese-Okoro
- 2) **Teqphone GmbH**
(Defendant) - Nördlicher Park 16 - 61231 -
Bad Nauheim - DE
Represented by Christian Stoll
Dr. Anna Friese-Okoro
- 3) **Eurep GmbH**
(Defendant) - Schlüterstraße 3 - 85057 -
Ingolstadt - DE
Represented by Christian Stoll
Dr. Anna Friese-Okoro
- 4) **Dreame Technology AB**
(Defendant) - Sigrid Undsets Gata 20 - lgh
1101,168, 49 - Stockholm (Bromma) - SE
Represented by Christian Stoll
Dr. Anna Friese-Okoro
- 5) **Dreame Technology Netherlands B.V.**
(Defendant) - Spicalaan 29, 2132JG
Hoofddorp - NL
Represented by Christian Stoll
Dr. Anna Friese-Okoro
- 6) **Cellcom Ltd.,**
(Defendant) - WSF House, Unit 3D Pard
Road East, NG14 6LL Calverton, UK
Represented by Christian Stoll
Dr. Anna Friese-Okoro

PATENT AT ISSUE

Patent no.

Proprietor/s

EP3119235

Dyson Technology Limited

DECIDING JUDGE

Judge-rapporteur Dr. Stefan Schilling

SUBJECT-MATTER OF THE PROCEEDINGS

Infringement action

SUBJECT-MATTER OF THE REQUEST

Request to stay the proceedings

SHORT SUMMARY OF FACTS

1. With their Statement of Defense the Defendants 1) – 6) request a stay of proceedings based on two arguments.
2. Firstly, the Defendants have submitted a request for either a stay of proceedings or a referral to the Court of Justice of the European Union (SoD, mn. 791 ff.).
3. They argue that if the Court should come to the conclusion that the interpretation of Art. 8 no. 1 BR is relevant in the present case despite the Defendant's submission, the question of applicability of Art. 8 no. 1 BR must be referred to the CJEU under R. 266.1 RoP or, at least, the proceedings have to be stayed pending the referral to the CJEU by the UPC Court of Appeal (CoA) in its decision dated 6 March 2026 (Exhibit HL 11).
4. They argue that the CoA has referred a similar question with respect to its jurisdiction for Spain, which might be relevant for a decision on jurisdiction with respect to Defendant 6, who is based in the UK. The CoA referred to the CJEU the question whether Defendant 3) in its role as "EU representative" can be the "anchor defendant" for Defendant 1) only by virtue of its alleged liability as "intermediary" (see CoA, Order of 6 March 2025 – UPC_CoA_789/2025 and UPC_CoA_813/2025, GRUR-RS 2026, 3074 mn. 15 – Referral order Dyson/Dreame, question 1). They are of the opinion that the additional circumstances given in the present case make the claims directed against Defendant 6) even more remote to the territory of this Court than the circumstances that led the CoA to refer the case with respect to the jurisdiction for Spain.
5. Secondly, the Defendants request in the alternative that the infringement action is not dismissed in full that the proceedings are stayed until a final decision is handed down in the opposition proceedings before the European Patent Office (SoD, mn. 798 ff.).
6. The Defendants argue that a rapid decision of the EPO may be expected within the next 7 months. The opponent in the opposition proceedings has requested accelerated processing of the opposition before the EPO within the opposition period (Exhibit HL O10 page 1, request 3; page 4 et seq.) and the EPO has ordered accelerated proceedings (Exhibit HL 14). Accordingly, the EPO has set a deadline to the Claimant to comment on the opposition within three months. Thereafter, the EPO shall, within further two months, summon the parties to the oral hearing at the minimum notice of another two months (see OJ EPO 2023, A99 and Rule 115(1) Implementing Regulations to the Convention on the Grant of European Patents).

They assert that the accelerated opposition proceedings are supposed to take around 7 months until the oral hearing and the issuing of a decision of the Opposition Division.

7. The Defendants argue that the Court should consider that the infringement proceedings are at an early stage and that it is highly likely that the Opposition Division will revoke the Patent in Suit. They claim that the patented invention is not disclosed in a manner which is sufficiently clear and complete for it to be carried out by a person skilled in the art within the meaning of Art. 100 (b) EPC, because its subject matter extends beyond the content as originally filed according to Art. 100 (c) EPC in conjunction with Art. 123(2) EPC, and because its subject matter lacks patentability according to Art. 100 (a) EPC in conjunction with Art. 54 EPC (novelty) and/or in conjunction with Art. 56 EPC (inventive step). Therefore, they are of the opinion that the Claimant cannot claim an overriding interest in continuing the infringement action despite the pending opposition proceedings before the EPO.
8. The judge-rapporteur invited the Claimant to comment on these requests by communication dated 29 April 2026, prior to having the Court enter into finding and setting of a date for the oral hearing.
9. The Claimant responded on 4 May 2026 and requests to reject those requests for a stay, continue with the proceedings and schedule an oral hearing.
10. The Claimant argues that pursuant to R. 295 (a) RoP, a stay in view of pending EPO opposition proceedings is only appropriate if a decision of the EPO is expected to be issued “rapidly”. Based on the case law of the CoA, the current case is under no circumstances a case in which a decision is expected to be issued “rapidly”. So far, even the deadline for responding to the opposition hasn’t expired nor has the EPO set a date for the hearing yet.
11. It claims that nothing different applies with respect to the pending CJEU referral in one of the underlying proceedings for preliminary measures. As it is very evident, the questions referred to the CJEU only relate to the intermediary liability and the corresponding question as to whether an intermediary can qualify as an anchor defendant in the meaning of Art. 8 No. 2 Brussels Recast. However, and as decided by this local division in the other underlying case for preliminary measures, the CJEU referral is irrelevant for cases in which the defendants are liable as direct infringers under the respective national law. In addition, even if in the end the result for some of the Defendants might be a partial stay of the case, this by no means justifies a stay of the entire case.

GROUNDS FOR THE ORDER

12. The request to stay the proceedings are, at the present time, unfounded.
13. According to Rule 295 RoP the Court may stay the proceedings in any case where the proper administration of justice so requires, see R. 295 lit. m) RoP.
14. The general concept of the rules regarding a stay of infringement proceedings is that a stay is an exception as the CoA laid out in its order of 28 May 2024 (UPC_CoA_22/2024 App_21545/2024 – Carrier/BITZER Electronics). According to this case law, Art. 33(10) UPCA and R. 295 RoP must be applied and interpreted in accordance with the fundamental right to an effective legal remedy and a fair and public hearing within a reasonable time as guaranteed by Art. 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and, to the extent that European Union Law is concerned, Art. 47 of the Charter. It follows that, as a general principle, the Court will not stay proceedings. Otherwise, the Court cannot ensure that the final oral hearing will normally take place within one year.

15. R. 295 lit. a) RoP provides an exception to this general rule when a rapid decision may be expected from the EPO. According to it the Court may stay the proceedings where it is seized of an action relating to a patent which is also the subject of opposition proceedings or limitation proceedings (including subsequent appeal proceedings) before the European Patent Office or a national authority where a decision in such proceedings may be expected to be given rapidly.
16. The term “may” in Art. 33(10) UPCA and R. 295(a) means that the Court has a discretionary power to stay the proceedings when a rapid decision may be expected from the EPO, in particular if a decision of the Boards of Appeal can be expected before or just after, in any case rapidly, in relation to the possible date for an oral hearing before the UPC (UPC_CoA_237/2025, order of 28. April 2025, GRUR-RS 2025, 8681 mn. 9 – Juul Labs/NJoy). Acceleration as such is however not sufficient for establishing the expectation of a rapid decision within the meaning of R. 295 lit. a) RoP (comp. UPC_CoA_22/2024, GRUR-RS 2024, 16704).
17. The judge-rapporteur executes his discretion not to grant a stay at the present stage of the proceedings but to proceed with scheduling the oral hearing for late 2026. That is because, neither the deadline for responding to the opposition has expired nor has the EPO set a date for the opposition hearing, yet. Furthermore, a decision of the EPO *Boards of Appeal* cannot be expected before or just after, in any case rapidly, in relation to the possible date for an oral hearing before the UPC. The questions regarding validity as raised by the Defendants will have to be assessed by the panel of the local division by its own virtue, anyway.
18. Weighing the interests of the parties against each other in the present case on the one hand and keeping the goal of the UPC proceedings being efficient and conducted in a timely manner on the other, the interests of the Defendants to stay the proceedings do not prevail. The objective of harmonising decisions on the validity of a European patent can be promoted by ensuring that the body that decides last can take the decision of the body that decides first into account in its decision. Hence, in any case, can a possible earlier decision by the EPO Opposition Division be taken into account by the panel at any time.
19. With respect to the pending referral to the CJEU a stay is not necessary at the present stage. In the event of a referral to the CJEU Rule 295 lit. i) in conjunction with Rule 266 RoP oblige the Court to stay the proceedings. Although R. 266.5 states that the Court (only) may stay the proceedings, it also requires the Court, in case it does not stay proceedings, not to give judgement until the CJEU has given a ruling on the question.
20. The questions referred to the CJEU by the CoA only relate to the intermediary liability and the corresponding question as to whether an intermediary can qualify as an anchor defendant in the meaning of Art. 8 No. 2 Brussels Recast; and to the international jurisdiction for preliminary measures in general. This means, that the CJEU referral is irrelevant for cases in which the defendants are liable as direct infringers under the respective national law (LD Hamburg, Final Order of 07 April 2026 - UPC_CFI_2255/2025, mn. 55 – Dyson / Dreame II). As far as the questions referred to the CJEU might be relevant for the decision of the present case at least for some of the Defendants, the Court might order a partial stay of the case at a later stage. It does currently not justify a stay of the entire case.
21. For the time being, there is no need to refer any questions to the CJEU according to Art. 38 of the Statute of the UPC and R. 266 RoP as suggested by the Defendants (SoD, mn. 795), based on the same reasons.

ORDER

1. The Defendants' requests to stay the proceedings are, at the present time, refused.
2. The Court will proceed with setting a date for the oral hearing.

ISSUED IN HAMBURG, 04 MAY 2026

Judge-rapporteur Dr. Stefan Schilling