



LISBON – LOCAL DIVISION

UPC\_CFI\_757/2024

UPC\_CFI\_539/2025

**DECISION**  
**of the Court of First Instance of the Unified Patent Court**  
**Local Division in Lisbon**  
**delivered on 6 May 2026**  
**concerning EP 2 819 131**

HEADNOTES:

1. Where an infringement action is filed in respect of acts occurring prior to the expiry of the patent and the possibility of claiming retroactive damages is at issue, the defendant has a legal interest in filing a counterclaim to revoke that patent, even if it has already expired. That legal interest arises from the infringement action brought by the claimant, since, under Article 47(6) of the UPCA, any person affected by a patent may bring an action in accordance with the Rules of Procedure.

2. The holder of a sub-domain is responsible for the content of the sub-domain as much as for the content of the main domain, either for offering or placing on the market the infringed products.

KEYWORDS: LEGAL INTEREST, ADDED MATTER, AUXILIARY REQUEST, NOVELTY, INVENTIVE STEP, ACTS OF INFRINGEMENT, TECHNICAL INFRINGEMENT.

CLAIMANT

**TELEFONAKTIEBOLAGET LM ERICSSON**

21 Torshamnsgatan, Kista, 164 83 Stockholm, Sweden.

*represented by*  
Mr. Wim Maas, Mr. Mark Goorts, Mr. Tim Mimpfen and Mr. Karlijn van Laar,  
Taylor Wessing N.V.

DEFENDANT

**ASUSTEK COMPUTER INC**

15, Lide Road, Beitou Dist., Taipei City 112019, Taiwan.

*represented by*

Mr. Alexander Wiese, Ms. Eva Geschke, Dr. Eva Maria Thörner, and Mr. Christian Koeker,  
Wildanger Kehrwald Graf v. Schwerin & Partner mbB Attorneys at Law

Ms. Sara Nazaré and Ms. Joana Piriquito Santos,  
nlp Nazaré, Lima, Piriquito Santos & Associados, Sociedade de Advogados, SP RL

Dr. Rudolf Reichold, Dr. Thomas Hell, and Dr. Matthias Drews,  
Bosch Jehle Patentanwaltsgesellschaft mbH

PATENT AT ISSUE:

EUROPEAN PATENT NO EP 2 819 131 B1

PANEL/DECIDING JUDGES:

Presiding judge and Judge-rapporteur: Rute Lopes  
Legally qualified judge: Sam Granata  
Legally qualified judge: Petri Rinkinen  
Technically qualified judge: Johannes Mesa Pascasio

LANGUAGE OF THE PROCEEDINGS:

English

ORAL HEARING:

24 March 2026

SUBJECT-MATTER OF THE PROCEEDINGS

Patent infringement and Counterclaim for revocation

1. PROCEDURAL HISTORY

- 1 On 29 November 2024, TELEFONAKTIEBOLAGET LM ERICSSON (hereinafter “Ericsson” or “Claimant”) filed a Statement of Claim (hereinafter “SOC”) regarding an infringement action against Defendants ASUSTEK COMPUTER INC (hereinafter “AsusTek” or “Defendant”) and DIGITAL RIVER IRELAND LTD (hereinafter “Digital River”) at the Lisbon Local Division of the Unified Patent Court (hereinafter “UPC”) based on an alleged infringement of EP 2 819 131 B1 (hereinafter “EP’ 131” or “the Patent”).
- 2 On 10 March 2025, Ericsson filed an Application for leave to withdraw the action against Digital River, after it was ordered to be insolvent by the High Court of Ireland on 25 February 2025. By order of 4 April 2025, the withdrawal was allowed (R. 265 Rules of Procedure,

hereinafter “RoP”).

**3** During the written phase, the parties lodged the following submissions:

- On 16 June 2025, AsusTek lodged a Statement of Defence (hereinafter “SOD”) and a Counterclaim for Revocation of EP’ 131.
- On 26 August 2025, the Claimant lodged a Reply to the SOD, and a Defence to the Counterclaim, as well as an Application to Amend the Patent;
- On 27 October 2025, the AsusTek lodged a Rejoinder, a Reply to the Defence to the Counterclaim, and a Reply to the Application to Amend the Patent;
- On 27 November 2025, the Applicant lodged a Rejoinder to the Reply to the Defence to the Counterclaim and a Reply to the Defence to the Application to Amend the Patent; and
- On 29 December 2025, AsusTek lodged a Rejoinder to the Reply to the Defence to the Application to Amend the Patent.

**4** An interim conference was held on 22 January 2026.

**5** On 10 March 2026, the Parties submitted the following agreement on costs:

- a. If AsusTek is successful in its Counterclaim for Revocation and successfully defends itself against Ericsson’s Infringement Action, Ericsson will bear the costs in the total amount of EUR 150 000 (one hundred and fifty thousand euros);
- b. If Ericsson is successful in the Counterclaim for Revocation proceedings, but the Court rules that the Patent is not infringed, then the costs will be split between the parties;
- c. If Ericsson is successful in its Infringement Action and successfully defends itself against AsusTek’s Counterclaim for Revocation, AsusTek will bear the costs in the total amount of EUR 150 000 (one hundred and fifty thousand euros).

In view of the decision issued by the Local Division Düsseldorf on 14 April 2025 in the cases with numbers UPC\_CFI\_363/2023 and UPC\_CFI\_677/2024, the parties hereby clarify that, as a consequence of their agreement, the parties waive their right to claim reimbursement for any additional costs, such as travel expenses. The reimbursement costs are therefore limited to representation costs, and the recoverable ceiling is set to the fixed amount of EUR 150 000 (one hundred and fifty thousand euros).

**6** An oral hearing took place in Lisbon on 24 March 2026. During the oral hearing, Ericsson withdrew its claim for the publication of a rectification on the Defendant’s website.

**7** Prior to this action, Ericsson initiated Preliminary Injunction proceedings against AsusTek and two other parties seeking to prohibit Defendants from offering and/or selling (or act as an intermediary to that purpose) products (such as laptops and notebooks) that contain either

the Intel Wi-Fi 6E AX211 Module or the Intel Wi-Fi 6 AX201 Module (hereinafter also “AX201”, “AX211”, “Modules” or “Infringing Products”). The Preliminary Injunction was dismissed for lack of urgency on 15 October 2024.

## 2. PARTIES' REQUESTS

8 Ericson asserted that the Defendant has infringed EP' 131 by selling laptops and notebooks that contain the Infringing Products and requested that the Court (excluding the matters already referred to in paragraphs 5 and 6 above):

- declare that AsusTek, directly and/or indirectly, infringed EP 2 819 131 B1, in particular by making, offering, placing on the market and/or using the Infringing Products as well as by importing or storing the Infringing Products (or components thereof) for those purposes and/or by supplying or offering to supply the Infringing Products (or components thereof) to persons who are not entitled to exploit the Patent (Articles 25 and 64 UPCA).
- declare that AsusTek is liable for the damage suffered by Ericsson as of 14 August 2019, or alternatively as of September 2019 or alternatively at another date to be determined by this Court (Articles 64 and 68 UPCA).
- order AsusTek to pay damages or compensation to Ericsson in the amount to be determined in separate proceedings for the award of damages (Article 68 UPCA and Rules 118.1 and 125-144 RoP).
- order AsusTek to provide counsel for Ericsson within 4 weeks after service of the judgment to be rendered in this matter with a written statement, substantiated with appropriate documentation, drawn up and signed by an independent auditor, or any other professional that this Court deems suitable for providing such statement, comprising:
  - (i) the total number of the Infringing Products that AsusTek, including any of its affiliates, has traded, sold, supplied, transferred and/or delivered to its customers and/or distributors in the relevant Contracting Member States as of 14 August 2019, or alternatively as of September 2019, or alternatively another date to be determined by this Court, as well as any and all copies of invoices pertaining to those acts which also shows the price obtained for these products;
  - (ii) the internal costs calculated, or the purchasing costs paid, as well as the sales prices charged for the Infringing Products in the relevant Contracting Member States, by AsusTek, including its affiliates, as of 14 August 2019, or alternatively as of September 2019, or alternatively another date to be determined by this Court;
  - (iii) the total amount of net profit which AsusTek, including its affiliates, has gained as a result of trading the Infringing Products in the relevant Contracting Member States as of 14 August 2019, or alternatively as of September 2019, or alternatively another date to be determined by this Court, and the calculation thereof (Article 67(1) UPCA).

- order AsusTek to comply with the orders under (d) and (e) subject to a recurring penalty payment of EUR 50 000 for each violation of, or non-compliance with, the order(s), plus EUR 25 000 for each day, a part of a day counting as an entire day, that the violation or non-compliance continues, or another amount as determined by this Court in the proper administration of justice (Article 63(2) UPCA and Rule 354.3 RoP).
  - append an order for the enforcement to its decision, while declaring that the judgment is immediately enforceable (Article 82(1) UPCA).
- 9 AsusTek argued that EP' 131 is invalid because it contains added matter and lacks novelty and inventive step. Furthermore, the Patent is not infringed. AsusTek, therefore, requested (excluding the matters already referred to in paragraph 5 above):
- the revocation of the Patent in its entirety with effect in all territories of those Contracting Member States for which the Patent has effect pursuant to R. 118(3) RoP and Art. 65 UPCA and the registration of the Court's decision to the European Patent Registry pursuant to Art. 65(5) UPCA.
  - that Ericsson's Infringement Action be dismissed.
- 10 With its Defence to the Counterclaim, the Claimant filed a conditional application to amend the Patent. The Claimant relies on seven auxiliary requests (hereinafter also "AR"), AR1 to AR7:

AR	AMENDMENTS
1	<a href="#">Claim 1, feature 1.6.: and the first loop (206a; 1004) having a shape that is substantially symmetrical about a first predefined axis, and the second loop (206b; 1008) having a size and shape substantially identical to a size and shape of the first loop (206a; 1004)</a>
2	Claim 1, feature 1.4: arranged such that <u>a</u> current in the first loop (206a; 1004; 1002) travels in a direction that is opposite to <u>the</u> current in the second loop (206b; 1008) such that electromagnetic field components emanating at a certain distance from the first loop (206a; 10 1004) and the second loop (206b; 1008) also have opposite directions and tend to counteract each other
3	<p>Claim 1, feature 1.1: A semiconductor die having formed thereon: a first inductor (200, 1000, 1300) comprising an inductor coil (202) <a href="#">wherein the inductor coil (202) is in the form of an eight-shaped structure</a>, and terminals</p> <p><del>Claim 6: The semiconductor die according to any preceding claim, wherein the inductor coil (202) is in the form of an eight-shaped structure.</del></p> <p><del>Claim 7: The semiconductor die according to any of the claims 1-5, wherein the inductor (1000) is four-leaf clover shaped.</del></p> <p><del>Claim 8: The semiconductor die according to any of the claims 1-5, wherein the 5 inductor coil has four loops.</del></p> <p>Claim 9 6: The semiconductor die according to any of the claims 1-85, comprising an inductor arrangement, the inductor arrangement comprising the first inductor and a second 10 inductor</p>

**Claim 7:** The semiconductor die according to claim 9, wherein the second inductor has the same shape as the first inductor.

**Claim 8:** The semiconductor die according to any of the claims 1-7, comprising a first voltage-controlled oscillator comprising the first inductor.

**Claim 9:** The semiconductor die according to claim 8 or 7, comprising a first voltage-controlled oscillator comprising the first inductor and a second voltage-controlled oscillator comprising the second inductor.

**Claim 10:** The semiconductor die according to claim 8 or 9, comprising a radio frequency transceiver comprising the first voltage-controlled oscillator.

The following auxiliary requests are combinations of the foregoing ones

4	AR 1 + AR 2
5	AR 1 + AR 3
6	AR 2 + AR 3
7	AR 1 + AR 2 + AR 3

### 3. FACTS

- 11** In its Decision, the Court takes into consideration the facts listed below, as they have been accepted by the parties in their written submissions and/or result from the evidence (annexes) presented by the parties.

#### *The Patent*

- 12** Ericsson is the proprietor of European Patent number EP 2 819 131 B1.
- 13** The title of the Patent reads: *“Inductor layout for reduced VCO coupling”*.
- 14** The Patent was applied for on 15 February 2005 and was granted on 14 August 2019. It invokes priorities from applications US 549611 P of 3 March 2004, US 565328 P of 26 April 2004, and US 919130 of 16 August 2004.
- 15** The Patent was valid and in force until 15 February 2025 in the Contracting Member States of Austria, Belgium, Germany, Denmark, France, Italy, Portugal, and Sweden; and until 14 February 2025 in the Netherlands.
- 16** Grant of the Patent was not opposed in the EPO.
- 17** The invention relates to voltage-controlled oscillators (or VCOs). Voltage-controlled oscillators are circuits that generate a periodic signal, the frequency of which is determined by electrical voltage, and are used in what is known as “transceivers” (i.e., a contraction of “transmitter” and “receiver” – they can both transmit and receive information).
- 18** The patent contains the following claims (only the relevant claims are mentioned):
1. A semiconductor die having formed thereon:

a first inductor (200, 1000, 1300) comprising an inductor coil (202) and terminals (204a, 204b; 1310a, 1310b), wherein the first inductor (200, 1000, 1300) is substantially symmetric about a symmetry axis, wherein the inductor coil (202) has a first loop (206a; 1004) and a second loop (206b; 1008) arranged such that current in the first loop (206a; 1004; 1002) travels in a direction that is opposite to current in the second loop (206b; 1008) such that electromagnetic field components emanating at a certain distance from the first loop (206a; 1004) and the second loop (206b; 1008) also have opposite directions and tend to counteract each other; characterized in that the terminals (204a, 204b; 1310a, 1310b) are connected to the second loop (206b, 1008).

(note: Both in the Patent and in this decision, electromagnetic field or EM field are used interchangeably)

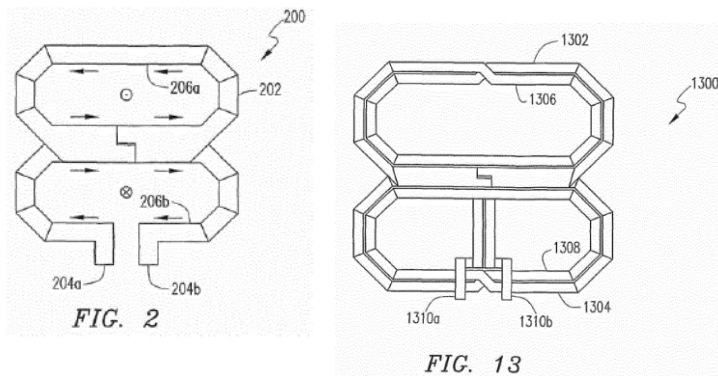
2. The semiconductor die according to claim 1, wherein the terminals (204a, 204b; 1310a, 1310b) are positioned at a side of the second loop (206b, 1008) that is opposite to the first loop (2006a, 1004).
3. The semiconductor die according to claim 1 or 2, wherein the terminals (204a, 204b; 1310a, 1310b) are positioned such as to minimise the far-field emanating from the inductor.
4. The semiconductor die according to claim 1, 2, or 3, wherein the terminals (204a, 204b) are positioned closely.
5. The semiconductor die according to any preceding claim, wherein the inductor coil (202) has more than one turn.
6. The semiconductor die according to any preceding claim, wherein the inductor coil (202) is in the form of an eight-shaped structure.

(...)

9. The semiconductor die according to any of the claims 1-8, comprising an inductor arrangement, the inductor arrangement comprising the first inductor and a second inductor.

(...)

**19** Figures 2 and 13 of the Patent are as follows:



**20** The description of the Patent contains *inter alia* the following:

[0003] A number of techniques exist for reducing the mutual EM coupling between the VCOs due to the inductors. One technique involves reduction of EM coupling by careful design of the inductors to provide maximum isolation of the inductors. Another technique calls for frequency separation by operating the two VCOs at different even harmonics of the desired frequency. Still another technique involves frequency separation by using a regenerative VCO concept. The frequency separation methods exploit the filtering properties of the resonator to reduce interference. However, these solutions require additional circuitry (dividers, mixers, etc.) that may increase current consumption, making them less attractive than other mutual EM coupling reduction alternatives.

[0005] An inductor design for reducing mutual EM coupling between VCO resonators and a method of implementing the same on a single semiconductor chip. A method and system involve using inductors that are substantially symmetrical about their horizontal and/or their vertical axes and providing current to the inductors in a way so that the resulting magnetic field components tend to cancel each other by virtue of the symmetry. In addition, two such inductors may be placed near each other and oriented in a way so that the induced current in the second inductor due to the magnetic field originating from first inductor is significantly reduced. The inductors may be 8-shaped, four-leaf clover-shaped, single-turn, multi-turn, rotated relative to one another, and/or vertically offset relative to one another.

[0006] In general, in one aspect, an inductor having a reduced far-field comprises a first loop having a shape that is substantially symmetrical about a first predefined axis, and a second loop having a size and shape substantially identical to a size and shape of the first loop. The second loop is arranged such that a magnetic field emanating therefrom tends to cancel a magnetic field emanating from the first loop.

[0007] In general, in another aspect, a method of reducing mutual electromagnetic coupling between two inductors on a semiconductor die comprises the step of forming a first inductor on the semiconductor die having a shape that is substantially symmetrical about a first predefined axis, the shape causing the first inductor to have a reduced far-field, at least in some directions. The method further comprises the step of forming a second inductor on the semiconductor die at a predetermined distance from the first inductor, wherein a mutual electromagnetic coupling between the first inductor

and the second inductor is reduced as a result of the first inductor having a reduced far-field.

[0011] As mentioned above, various embodiments of the invention provide an inductor design and method of implementing the same where mutual EM coupling is reduced. The inductor design and method serve to reduce the EM field at a certain distance from the inductor (i.e., the far-field), at least in some directions, by using inductor shapes that are substantially symmetrical. As used herein, the term "symmetrical" refers to symmetry relative to at least one axis. This reduced far-field may then be used to reduce the mutual coupling between two inductors. The inductor design and method may also be used to reduce the coupling between an inductor and another on-chip or external structure (e.g., an external power amplifier). This helps to reduce the sensitivity of the VCO to interfering signals from other than a second on-chip VCO.

[0016] FIGURE 2 shows an example of an inductor 200. The inductor 200 has an inductor coil 202 and terminals 204a and 204b, and has been designed so that it is substantially symmetrical about a horizontal axis X. In the present example, the inductor coil 202 is in the form of a single-turn 8-shaped structure with an upper loop 206a and a lower loop 206b. By virtue of the figure-8 shape, current in the upper loop 206a travels in a direction (e.g., counterclockwise, see arrows) 5 that is opposite to current in the lower loop 206b (e.g., clockwise). As a result, the EM field components emanating at a certain distance from the two substantially symmetrical loops 206a and 206b also have opposite directions and tend to counteract each other. The directions of the EM field components are indicated by conventional notation in the middle of each loop 206a and 206b. Consequently, the inductor 200 has been found to have a significantly reduced far-field at a certain distance from the inductor coil 202. Thus, by making the two loops 206a and 206b substantially symmetrical, cancellation of a significant amount of far-field on either side of the horizontal symmetry axis X may be achieved. It should be noted, however, that perfect symmetry between the two loops 206a and 206b may be difficult to achieve given the presence of the terminals 204a and 204b.

[0017] In addition, the positioning of the terminals 204a and 204b may help minimise the far-field. For example, positioning the two terminals 204a and 204b as close to each other as possible helps make the field contributions from the two parts of the inductor 200 identical. It is also desirable to minimise the additional loop external to the inductor 200 created by the connections to the varactors and switches. This extra loop may compromise the symmetry of the inductor itself to some extent and may reduce the cancelling effect. In theory, it should be possible to modify the geometry of the inductor (e.g., make the upper loop slightly larger) to compensate for this effect. The symmetry of the inductor 200 with respect to a center vertical axis is also important for minimizing the generation of common-mode signal components.

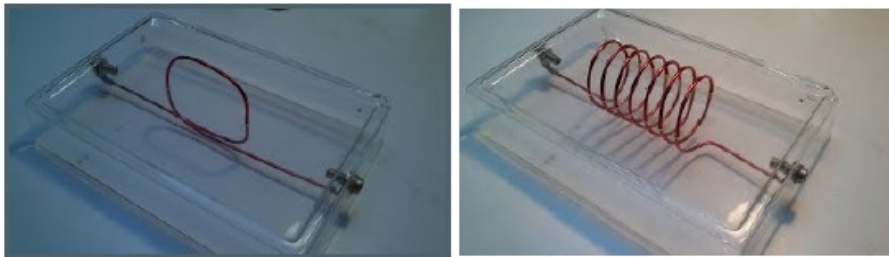
[0039] In applications where higher inductance values are needed, it is possible to use inductor coils with more than one turn, since single-turn designs tend to take up too much chip area. An example of a two-turn 8-shaped inductor 1300 is shown in FIGURE 13. As can be seen, the two-turn 8-shaped inductor 1300 is essentially similar to the 8-shaped inductor 200 of FIGURE 2, except that the two outer loops 1302 and 1304 of the inductor 1300 each turn into an inner loop 1306 and 1308, respectively. The terminals 1310a and 1310b of the inductor 1300 are then connected to the lower inner loop 1308.

Such a two-turn inductor 1300 may provide a higher inductance value without taking up too much chip area, while also reducing the Q-factor. In the embodiment shown here, the Q-factor may be reduced from approximately 15 to 12.5 at 4 GHz.

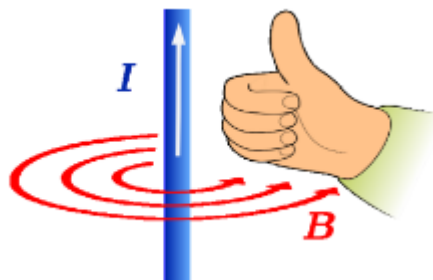
[0040] Although a two-turn 8-shaped inductor has been shown, other configurations may also be used, such as a two-turn four-leaf clover shaped inductor, provided that near symmetry can be maintained given the crossing of the inner and outer loops and positioning requirements of the terminals. Other symmetrical shapes besides those described thus far may also show the same or even better coupling reduction if a satisfactory balance between parameters such as Q factor, coil size, and coupling coefficient can be reached.

### *Technical background of the invention*

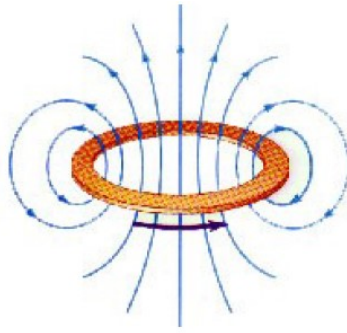
- 21** A conductor in electrical science is a material or object that allows electric current to pass through and has a low resistance. A turn is a conductor that forms a loop, and a coil has one or more turns, as shown in the pictures below.



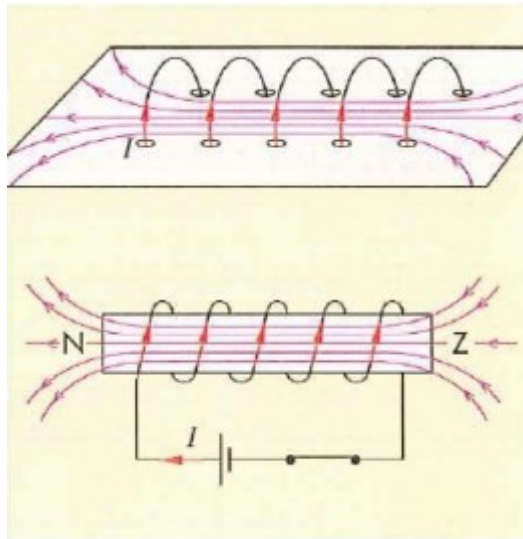
- 22** The electric current through a conductor generates a magnetic field due to the moving electric charges. The direction of the magnetic field depends on the shape of the conductor. In a straight conductor, one can determine its direction using the right-hand rule: the magnetic field ( $B$ ) points in the direction of the fingers if the thumb points in the direction of the electric current, as shown in the picture below. The magnetic field encircles the electric current.



- 23** In a ring-shaped or circular conductor, this leads to a magnetic field with a direction as shown in the picture below:



- 24** In an elongated coil, this leads to a magnetic field which is bundled with a direction as shown in the picture below:



- 25** When several coils are placed next to each other, the magnetic fields can interact, which is sometimes explicitly the intention, as in the case of transformers, where energy is transmitted from one coil to the other via electromagnetic induction. This interaction is called inductive or magnetic coupling. Besides the above-mentioned desired magnetic coupling in the case of transformers, there is also the case of undesired magnetic coupling, in which a magnetic field unintentionally interacts with other parts (e.g., inductors) on the die. Such magnetic coupling can lead to undesirable results, e.g., on a semiconductor die, because the fields can "interfere" with other parts of the die. It may cause spurious receiver responses and unwanted frequencies in the transmit spectrum.
- 26** Several solutions have been proposed to address these disadvantages. For example, the inductors (consisting of coils and terminals for the current) were designed in such a way that they were isolated as much as possible from other inductors, to avoid interaction. Another solution is the use of voltage-controlled oscillators with different frequencies, resulting in less interference. However, each of the solutions described requires additional circuits that increase power consumption, which is not desirable.
- 27** Another solution is disclosed in prior art publication WO 2004/012213 A1. This application discloses a design with coils in the shape of spirals, where the current travels in the first turn (or loop) in the shape of a spiral in a direction that is opposite to the current in a second turn

in the shape of a spiral. As a result of such a topology, magnetic fields with an opposite direction are created. Outside of these coils, these fields at least partially cancel each other out, so that there is less interaction with the adjacent components.

#### *Prior art*

**28** The State of the art at the Priority Date of EP' 131 includes the following:

- International PCT patent application WO 99/49513 (Zhou), which is titled "An Inductance Device". Zhou was filed on behalf of Ericsson on 23 March 1999 and was published on 30 September 1999 (Exhibit ASU-10).
- US Patent No. 6,529,720 B1 (Jovenin), which is titled "Integrated Circuit of Inductive Elements". Jovenin was filed on 20 December 1999 and published on 4 March 2003 (Exhibit ASU-11).
- International PCT patent application WO 2004/012213 A1 (Einzinger), which is titled "Planar Inductance". Einzinger was filed on 16 July 2003 and was published on 5 February 2004 (Exhibit ASU-12).
- The IEEE paper by J. Bhattacharjee, D. Mukherjee, E. Gebara, S. Nuttinck and J. Laskar, "A 5.8 GHz fully integrated low power low phase noise CMOS LC VCO for WLAN applications", 2002 IEEE MTT-S International Microwave Symposium Digest (Cat. NO.02CH37278), Seattle, WA, USA, 2002, p. 585-588 vol.1, doi: 10.1109/MWSYM.2002.1011688 (Exhibit ASU-13).
- US Patent Application No. 2003/0063034 A1 (Taniguchi), which is titled "Radio Guidance Antenna, Data Communication Method, and Non-Contact Data Communication Apparatus". Taniguchi was filed on 26 September 2002 and published on 2 April 2003 (Exhibit ASU-14).
- US Patent No. 6,337,640 B2 (Lees), which is titled "Inductive Loop Sensor for Traffic Detection, and Traffic Monitoring Apparatus and Method Using Such a Loop Sensor". Lees was filed on 31 March 1999 and published on 8 January 2002 (Exhibit ASU-15).

#### *Other proceedings*

**29** There are no parallel proceedings between the parties regarding this Patent.

**30** The Patent Trial and Appeal Board (PTAB) of the United States Patent and Trademark Office (USPTO) has issued a decision against the Claimant that confirms partial invalidity of US 7,151,430, a patent that belongs to the same patent family as the Patent. The USPTO found claim 1 of the American patent not novel over prior art US Patent Application No. 2003/0063034 A1 (Taniguchi).

*The parties and the accused products*

- 31** Ericsson is a corporation existing under the laws of the Kingdom of Sweden, a supplier of telecom networks, and a global supplier of telecommunication technology. Ericsson holds a patent portfolio comprising standard-essential patents for the 4G (also known as Long Term Evolution, or LTE) and 5G (also known as New Radio, or NR) standards. In addition, Ericsson owns patents related to technology implemented in various devices, particularly mobile devices. The Claimant's revenue from IPR licensing was SEK 14 billion (approx. EUR 1 285 million) in 2024, increasing from SEK 11.1 billion (approx. EUR 945 million) in 2023.
- 32** AsusTek is the holding company of the ASUS group of companies, established in 1989 and domiciled in Taiwan. It is a multinational group known for its motherboards, personal computers, monitors, graphics cards, routers, and other technology solutions, with its own patent portfolio. The registered business scope of AsusTek includes activities relating to engineering, manufacturing, wholesale, retail sales, and international trade of apparatus, software, and equipment across a wide range of fields, including computer equipment.
- 33** AsusTek is the parent company within the ASUS group of companies and a 100% shareholder of various subsidiaries.
- 34** AsusTek is the holder of the domain name [www.asus.com](http://www.asus.com) and sub-domains [www.estore.asus.com](http://www.estore.asus.com).
- 35** AsusTek holds the following domains:
- For Portugal, [www.asus.com/pt](http://www.asus.com/pt)
  - For Belgium, [www.asus.com/be](http://www.asus.com/be)
  - For Denmark, [www.asus.com/dk](http://www.asus.com/dk)
  - For France, [www.asus.com/fr](http://www.asus.com/fr)
  - For Italy, [www.asus.com/it](http://www.asus.com/it)
  - For the Netherlands, [www.asus.com/nl](http://www.asus.com/nl)
  - For Germany and Austria, [www.asus.com/de](http://www.asus.com/de), and
  - For Sweden, [www.asus.com/se](http://www.asus.com/se)
- 36** Through these domains, it is possible for any person located in any of the relevant UPC Contracting Member States (including Portugal) to buy ASUS products.
- 37** AsusTek is mentioned as the copyright owner in the copyright notice visible on [www.asus.com](http://www.asus.com) and the local European ASUS webpages (such as [www.asus.com/pt](http://www.asus.com/pt)) in the lower left corner, and also on the User Manuals of the accused products.
- 38** When placing an order or buying a product on the local webpage of the respective UPC Contracting Member State, the ASUS Terms of Use (the "Terms of Use") apply. AsusTek's name is mentioned as the provider of products and services. Additionally, AsusTek's contact information is mentioned at the end of these Terms of Use. This applies to the following local ASUS webpages for the following relevant UPC Contracting Member States: Belgium, Denmark, France, Germany, Italy, Netherlands, Portugal, and Sweden. Both the "Terms of Use" and the "Privacy Policy" are drafted in the local languages. AsusTek is the owner of the User Manuals for the Products and the provider of the simplified EU Declaration of Conformity

for CE marking, which is included in the User Manuals and attached to ASUS products.

- 39 AsusTek provides a simplified EU Declaration of Conformity, included in the User Manual. It is referred to as the “Manufacturer” in multiple EC Declarations of Conformity.
- 40 On the various local ASUS webpages, AsusTek is also mentioned in the applicable Privacy Policy (the “Privacy Policy”) as the relevant point of contact. This applies to the local ASUS webpages for the following Contracting Member States: Belgium, Denmark, France, Germany, Italy, the Netherlands, Portugal, and Sweden.
- 41 Wi-Fi 6 and Wi-Fi 6E (IEEE 802.11ax) are Wi-Fi Alliance standards for wireless local area networks (WLANs).
- 42 Intel is a manufacturer of Wi-Fi modules. The AX201 is part of the Intel Wi-Fi 6 Series, launched in Q2 2019, and certified for Wi-Fi 6 (802.11ax). The AX211 is part of the Intel Wi-Fi 6E (Gig+) Series, launched in Q3, 2021.
- 43 After Intel launched them, certain ASUS products have incorporated AX201 or AX211 since Q2 2019 and Q3 2021, respectively.
- 44 The ASUS ROG Zephyrus, including the GU605MY and/or the ASUS ExpertBook, including the B1502CVA, incorporate the AX211 or AX201 and, at least until 15 February 2025, were displayed and could be purchased on the respective local Danish, Belgian, French, Dutch, Italian, Portuguese, German/Austrian, and Swedish sub-domains of the website [www.asus.com](http://www.asus.com) or [www.estore.asus.com](http://www.estore.asus.com).
- 45 On 5 May 2024, the Claimant purchased the ASUS ROG Zephyrus G16 (2024), more specifically of the sub-type “GU605MI” containing the AX211, via [www.asus.com/pt](http://www.asus.com/pt) in Portugal.
- 46 On 22 July 2024, the Claimant made a test purchase of the ASUS ExpertBook, containing the AX211, via the Belgian sub-domain of the website [www.asus.com](http://www.asus.com), <https://estore.asus.com/be>.
- 47 On 22 July 2024, the Claimant made a test purchase of the ASUS ExpertBook, containing the AX201, via the Netherlands sub-domain of the website [www.asus.com](http://www.asus.com) (<https://estore.asus.com/nl>).

#### 4. GROUNDS FOR THE DECISION

##### *4.1. Jurisdiction*

- 48 The jurisdiction and competence of the UPC, or of this local division, are not disputed. The jurisdiction and competence are based on the place where the actual infringement has occurred (Arts. 7(2), 71, 71a, 71b Brussels Regulation and 31, 32(1)(a) and 33(1)(a) UPCA).

##### *4.2. Legal interest*

- 49** Ericsson argued that AsusTek has no legal interest in obtaining the revocation of the Patent in its entirety with effect in all territories of those Contracting Member States for which the Patent has effect pursuant to Art. 65 UPCA and R. 118.3 RoP, given that the Patent has expired. It therefore requests that the Court dismiss the counterclaim for revocation pursuant to Rule 363 RoP.
- 50** AsusTek responded that its interest is justified in light of Article 65(4) UPCA, which stipulates that *"to the extent that a patent has been revoked it shall be deemed not to have had, from the outset, the effects specified in Articles 64 and 67 of the EPC"*. According to AsusTek, revocation of the patent in its entirety is the only way to ensure that Ericsson has no title to assert infringement claims.
- 51** The Court finds that Ericsson is not right. The legal interest AsusTek has in revoking the Patent stems from the action for past infringement filed by Ericsson, which concerns acts of infringement occurring before the Patent expired, and the possibility of obtaining retroactive damages. Furthermore, pursuant to Art. 47(6) UPCA, any person concerned by a patent may bring an action in accordance with the Rules of Procedure.
- 52** In that regard, AsusTek has a legitimate interest in legal protection, as it has been exposed to the possibility of both patent infringement and the right to compensation for damages being recognised retrospectively.

### *4.3. Claim Interpretation*

#### *Principles*

- 53** In accordance with Art. 69 of the Convention on the Grant of European Patents (hereinafter "EPC") and the Protocol on its Interpretation, the Court adopts the standard for the interpretation of patents set by the Court of Appeal of the UPC (cf. CoA, 26 February 2024, UPC\_CoA\_335/2023, NanoString/10x Genomics, and CoA, 13 May 2024, UPC\_CoA 1/2024, VisionGroup/Hanshow, para. 29), as follows:
- i. The patent claim is not only the starting point, but the decisive basis for determining the protective scope of the European patent.
  - ii. The interpretation of a patent claim does not depend solely on the strict, literal meaning of the wording used. Instead, the description and drawings must always be used as explanatory aids for interpreting the patent claim, not merely to resolve any ambiguities in it.
  - iii. However, this does not mean that the patent claim serves only as a guideline and that its subject-matter also extends to what, after examining the description and drawings, appears to be the subject-matter for which the patent proprietor seeks protection.
  - iv. The patent claim is to be interpreted from the point of view of a person skilled in the art.

- v. When applying these principles, adequate protection for the patent proprietor should be combined with sufficient legal certainty for third parties.
- vi. The principles for the interpretation of a patent claim apply equally to the assessment of the infringement and the validity of a European patent. This follows from the function of patent claims, which under the European Patent Convention (hereinafter “EPC”) serve to define the scope of protection of the patent under Art. 69 EPC and thus the rights of the patent proprietor in the designated Contracting States under Art. 64 EPC, while considering the conditions for patentability under Art. 52 to 57 EPC.
- vii. A feature in a patent claim is always to be interpreted in light of the claim as a whole.

### *Skilled person*

- 54** The person skilled in the art (hereinafter “PSA” or “skilled person”) is a notional entity with general specialist knowledge customary in the relevant field of technology, as well as average knowledge, experience, and abilities in such a field.
- 55** The skilled person stands for the average expert who is typically active in the technical field of the invention and has had the usual prior training, acquired average knowledge, skills, and practical experience – cf. CoA, 30 April 2024, UPC\_CoA\_768/2024; CD Paris, 5 November 2024, UPC\_CFI\_315/2023, para. 7.10.
- 56** The skilled person has no inventive skills and no imagination and requires a pointer or motivation that, starting from a realistic starting point, directs them to implement the next step in the direction of the claimed invention - cf. CoA, 25 November 2025, UPC\_CoA\_528/2024; CoA, 25 November 2025, UPC-CoA\_464/2024.
- 57** AsusTek finds and accepts that the skilled person is someone who holds a master’s degree in telecommunications engineering and has experience designing RF circuits on semiconductor substrates.
- 58** Ericsson disagrees and contends that this definition may overstate the capabilities of the skilled person, as it attributes excessive technical expertise to the skilled person, who is someone who can apply established techniques to solve routine technical problems. Ericsson defines a skilled person as someone accustomed to designing inductors on semiconductor substrates.
- 59** In light of the jurisprudence of the CoA above cited, the Court finds that the skilled person in this case would possess good knowledge in telecommunications engineering and would have experience in designing RF circuits on semiconductor substrates. A PSA would apply established techniques to solve routine technical problems, using the general knowledge available in the art at the priority date.

### *Common General Knowledge*

- 60** Regarding Common General Knowledge (hereinafter also “CGK”), the Court adopts the

description of the CD Paris, 22 January 2025, UPC\_CFI\_310/2023, para. 44-45:

“The ‘CGK’, in general, is information which has been commonly known to the skilled person from written sources or from practical experience in the relevant technical field. The ‘CGK’ includes knowledge which is directly available from familiar sources of information relating to the specific technical field at the prior date, but is not to be confused with publicly available knowledge, which may not be general and common. A familiar source of information typically is a source to which a skilled person regularly turns for guidance on standard design solutions that are generally applicable, such as standard textbooks, encyclopaedias, manuals, handbooks, dictionaries, and databases, which the skilled person knows and can use as a suitable and reliable source for the respective information in the respective technical field. A familiar source of information should not, however, be confused with all publicly available prior art documents.

In any case, the ‘CGK’ is a subject of evidence. Pursuant to Art. 54 of the UPCA, the burden of proving the existence of the ‘CGK’ lies with the party invoking it. Without bearing the burden of proof, the opposing party may present evidence to establish the ‘CGK’, including evidence to the contrary.”

- 61** Ericsson accepted AsusTek’s definition of CGK, except concerning the knowledge of antennas, arguing that inductors are from a different field than the design of antennas. Ericsson considers that an antenna is a distinct device that operates in a manner completely different from that of an inductor, as claimed in the Patent.
- 62** AsusTek considers that antennas have electromagnetic properties, regardless of whether they differ in size and purpose of use from the inductors in the present case. They function analogously and should therefore be included in the CGK relevant to this case.
- 63** The Court finds, as AsusTek, that there is no reason to exclude antennas from the CGK of the skilled person *per se*. An antenna is intentionally a device that, although distinct from an inductor, produces an electromagnetic field to be radiated, whereas an inductor generates an electromagnetic field to store its energy. Although there are certain similarities, electrically speaking, these devices are different in their characteristics. Therefore, those who design antennas and inductors understand the distinction between them.
- 64** The skilled person as defined above would be familiar with the functioning of inductors and antennas, and the design thereof, as both are devices that generate electromagnetic fields but at the same time such person understands their differences as explained above. They are not interchangeable and they are different in size, function, purpose of use and characteristics.
- 65** In conclusion, the Court finds that CGK in this case includes the following:
  - a. It was commonplace for wireless transceivers to be implemented on a semiconductor die.
  - b. It was commonplace for VCOs and inductors to be implemented on a semiconductor die.
  - c. Techniques for addressing electromagnetic coupling included optimising the layout of conductors to manage the interaction of electromagnetic fields.

- d. Semiconductor dies operate at high frequencies, and so electromagnetic coupling must be considered in laying out passive components on them.
- e. The electromagnetic characteristics of inductors and antennas.
- f. The shape and arrangement of a conducting loop carrying an alternating current will dictate the regularity of the shape of the magnetic field generated by it.
- g. Techniques for addressing electromagnetic coupling included oppositely winding the coils.
- h. Inductor coil configurations.
- i. The typical operational frequencies of applications in the field of wireless communications technology.
- j. The differences between inductors and antennas in their functioning and designing are known to the skilled person who understands that they are not interchangeable but used for different purposes.

*Claim interpretation in this case*

**66** Claim 1 is as follows (with feature breakdown):

- 1.1A. A semiconductor die having formed thereon:
  - 1.1B. a first inductor (200, 1000, 1300) comprising an inductor coil (202) and terminals (204a, 204b; 1310a, 1310b),
    - 1.2. wherein the first inductor (200, 1000, 1300) is substantially symmetric about a symmetry axis,
    - 1.3. wherein the inductor coil (202) has a first loop (206a; 1004) and a second loop (206b; 1008),
    - 1.4. arranged such that current in the first loop (206a; 1004; 1002) travels in a direction that is opposite to current in the second loop (206b; 1008) such that electromagnetic field components emanating at a certain distance from the first loop (206a; 1004) and the second loop (206b; 1008) also have opposite directions and tend to counteract each other;
    - 1.5. characterised in that the terminals (204a, 204b; 1310a, 1310b) are connected to the second loop (206b, 1008).

**67** Parties dispute the interpretation of the following features of Claim 1:

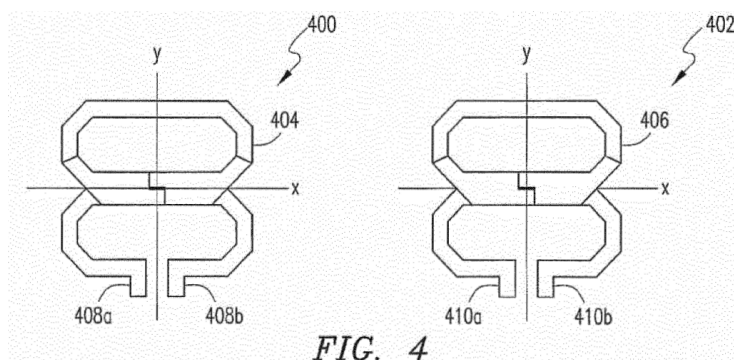
- Feature 1.1B – How to interpret an inductor;
- Feature 1.2. – How to interpret substantially symmetric about a symmetry axis, particularly with regard to the feature having or not having a technical effect;
- Features 1.1.B and 1.3 combined (Ericsson also added to the combination feature 1.5) – whether this relates to a single conductive path in the sense that an electrical coupling with the first loop and the second loop is needed;
- Feature 1.5. – Whether “terminals connected to the second loop” means connected only to the second loop, or whether the feature comprises means by which they are electrically connected, which can be a direct or indirect connection (e.g., through the first loop or other conductive paths as stated by AsusTek).

### An inductor - feature 1.1B

- 68 The Court agrees with AsusTek that an inductor is characterised by its inductance. Inductance defines the ideal behaviour of an inductor.

### Substantially symmetric about a symmetry axis - feature 1.2

- 69 The parties agree that substantially symmetric amounts to near symmetry. However, they disagree on whether the feature has a technical effect.
- 70 AsusTek states that feature 1.2 must be construed broadly, without restriction to any specific orientation or technical effect, as symmetry has no immediate effect. AsusTek further argues that the Patent description provides different purposes for the symmetry axes (vertical and horizontal; in this context, horizontal/vertical and x-/y-axis are always with regard to FIG. 4 of the Patent, see below). Consequently, as no unique technical effect can be driven from the description, and vertical symmetry does not contribute to reducing the far-field electromagnetic fields, no specific purpose is defined in claim 1, so no technical effect can be seen in the claim.



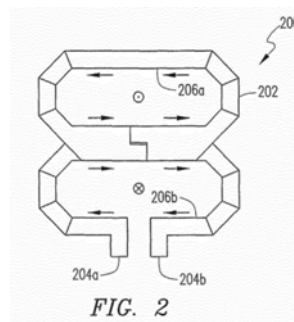
**FIG. 4**

*Fig. 4 of the Patent*

- 71 In response, Ericsson argues that the technical effect obtained by the inductor in accordance with the Patent is that the inductor has a reduced electromagnetic field at a certain distance from the inductor and that this effect is obtained by the symmetric layout of the inductor as defined in claim 1 of the Patent. At the oral hearing, Ericsson specified that both horizontal and vertical symmetry contribute to the reduction of the electromagnetic field. Ericsson based this understanding on the word “also”, found in the last sentence of para. 17 of the description related to the vertical symmetry.
- 72 The Court finds that based solely on the content of the claim, the skilled person would understand the term “symmetric” with its general meaning. It refers to the property of a geometric object when it can be mapped onto itself by reflection across an axis, i.e. it appears unchanged after the mapping. The feature would not be regarded differently when applied to an inductor, because the skilled person would know that the concept of symmetry does not apply to currents. Furthermore, the skilled person would know that the reduction of the EM far-field is provided by the symmetry of the inductor's shape.

**73** In addition, when reading the description, the skilled person would further find that:

- The inventive concept of the invention regards reducing the electromagnetic far-field (para. 5);
- Symmetry regards the horizontal and/or vertical axes of the inductor (para. 5), and it may relate to at least one of those axes (para. 11). Meaning that it can relate either to the horizontal, or to the vertical, or even both;
- It is the inductor's design – shapes of the inductor that are substantially symmetrical with respect to at least one axis – that reduces the electromagnetic field at a certain distance from the inductor (paras. 7, 8, 11);
- FIG. 2 (see below) shows an example of an inductor with a design substantially symmetrical about the horizontal axis (para. 16);
- Still in FIG. 2, additionally, the position of the terminals may help minimise the far-field, and the symmetry of the inductor 200 with respect to the vertical axis is also important for minimising the generation of common-mode signal components (para. 17).



*Fig. 2 of the Patent*

**74** The Court acknowledges that in light of the description of the Patent, the skilled person would understand that substantial symmetry may envisage a technical effect related to the horizontal axis, axis X, (to reduce the EM far-field) and a further technical effect (given by the wording “is also” of para. 17, line 19, of page 4 of the Patent) related only to the vertical symmetry, axis Y, (to minimise the common-mode signals). Ericsson argued that the wording “is also” means that vertical symmetry also contributes to the cancellation of the electromagnetic field. However, the Court does not accept Ericsson’s argument. The wording “is also” in the context of para. 17 only means that vertical symmetry provides an additional (but different) effect to the one of reducing the EM field already provided by the horizontal symmetry (para. 16) and by the position of the terminals as close to each other as possible (first part of para. 17).

**75** Furthermore, AsusTek provided the following convincing example to argue that it is possible to have vertical axis Y symmetry with practically no reduction of the EM far-field:

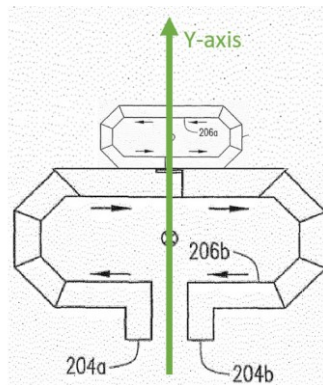


Figure provided by AsusTek

- 76** According to the example, the Court agrees that it is therefore possible to conceive a vertical symmetry of the inductor without the envisaged technical effect of reduction of the EM far-field.
- 77** The different technical effects found in the description regarding horizontal and vertical symmetry in the same embodiment would not lead the skilled person to consider that the claimed symmetry was uniquely related to the cancellation of the EM far-field, particularly in light of the knowledge that such person would have that the reduction of the EM far-field is provided by the symmetry of the inductor's shape and that the concept of symmetry does not apply to currents. Once the claim omits the relevant symmetry, in light of what has been said, the skilled person would understand symmetry in feature 1.2 as merely a geometric feature, with no technical effect.
- 78** In this regard, the Court does not accept Ericsson's argument that feature 1.2 must be interpreted as having the technical effect of reducing the EM far-field. Such a solution is not supported by the description. Since the description discloses that each one of the X and Y axes of symmetry has a different technical effect, Ericsson's interpretation, limiting the feature to one of the technical effects alone – that of reducing the EM far-field – does not find a basis in the description, and even conflicts with the description. In light of this, the skilled person would consider only the general concept of symmetry to interpret the claim.
- 79** In conclusion, the Court agrees with AsusTek that the interpretation of this feature must not be linked to any technical effect, but relates only to the property of a geometric object which is itself symmetric about an axis.

Single conductive path – features 1.1B and 1.3 combined (Ericsson added feature 1.5 to the combination)

- 80** The parties disagree on whether features 1.1B and 1.3 combined relate to a single conductive path in the sense that an electrical coupling between the first loop and the second loop is needed, as Ericsson asserts, or not.
- 81** The skilled person, reading feature 1.3 in light of the entire claim, particularly features 1.1 and 1.5 (as Ericsson argues), understands that the inductor coil refers to a single continuous conductive path wound into loops through which current flows to generate a magnetic field. The meaning of this feature is therefore clear. The inductor coil regards only one conductive path wound into loops through which current flows to generate a magnetic field.

**82** Given the clear wording of the claim, AsusTek is wrong in interpreting that the features may include 1<sup>st</sup> and 2<sup>nd</sup> loops connected in parallel, or that 1<sup>st</sup> and 2<sup>nd</sup> loops correspond to separate circuits not electrically connected. There is no basis for such an interpretation. In this regard, the Court follows Ericsson’s interpretation.

#### Terminals connected to the second loop – feature 1.5

**83** Feature 1.5 concerns the terminals connected to the second loop.

**84** Both parties accept that the skilled person would interpret this feature only in light of figures 2, 4, 5, 7, 9, 10, 11, and 13 of the Patent. It is also acknowledged that in the Patent description, no indication is given regarding the connection of the terminals. Following this, the Court agrees with Ericsson that, according to those figures, the terminals are physically connected to the second loop, rejecting AsusTek’s view that the feature includes embodiments where the terminals are connected only electrically, whether directly or indirectly, to the second loop.

**85** Furthermore, the skilled person would understand that from the structural point of view, there are only two ways to physically connect the terminals to the inductor, they are either connected to the same loop or to different loops.

**86** It follows from the figures of the Patent that the skilled person can only determine that terminals are physically connected only to the second loop.

#### *4.4. Validity*

##### *4.4.1. Added Matter*

##### *Principles*

**87** A patent may be revoked on the grounds of Art. 138(1) EPC – Art. 65(2) UPCA – if the subject-matter of the European patent extends beyond the content of the application as filed or, if the patent was granted on a divisional application (as is the case here) or on a new application beyond the content of the earlier application as filed.

**88** The Court of Appeal has established the principles to assess added matter (CoA, 25 November 2025, UPC\_CoA\_528/2024, Amgen v Sanofi).

**89** According to this decision:

“In order to ascertain whether there is added matter contrary to Art. 123(2) EPC, the Court must thus first ascertain what the skilled person would derive directly and unambiguously using his common general knowledge and seen objectively and relative to the date of filing,

from the whole of the application as filed, whereby implicitly disclosed subject-matter, i.e. matter that is a clear and unambiguous consequence of what is explicitly mentioned, shall also be considered as part of its content (UPC\_CoA\_382/2024, 14 February 2025, Abbott v Sibio, para. 52). The underlying rationale for this requirement is that the patentee cannot claim more than he actually contributed to the state of the art at the priority date. Therefore, an amendment that is made after the priority date should not provide the skilled person with additional technically relevant information which was not derivable from the original application”.

- 90** The Court of Appeal has also pointed out (25 November 2025, UPC\_CoA\_464/2024, para.79) that added matter may result from an intermediate generalisation, i.e., the extraction of a specific claim feature from an originally disclosed combination of features. There will be added matter where the person skilled in the art would not consider the use of omitted features necessary for achieving the overall aim and effect of the invention based on their common general knowledge. When assessing intermediate generalisation, it is therefore important to understand whether the specific feature extracted has a structural or functional relation with the disclosed combination of features.

*Added matter in this case*

- 91** Added matter must be assessed in light of WO 2005/096328 A1 (hereinafter “WO328”), filed on 15 February 2005, as it is the publication of the PCT application underlying application EP05715341.3, which is the parent application to EP’ 131. AsusTek holds that the subject-matter of EP’ 131 extends beyond WO328 with respect to features 1.1A, 1.2, 1.4 and 1.5 as well as certain dependent claims, and should, therefore, be revoked. The present set of claims is not found in WO328 but instead the claims are drafted based on the embodiments and figures presented in WO328.

Feature 1.1A – “A semiconductor die having formed thereon” the inductor of claim 1

- 92** AsusTek argues that the WO328 application provides no basis for “a semiconductor die having formed thereon” the inductor of claim 1, as WO328 does not disclose “a semiconductor die having formed thereon” the inductor of claim 1. It only discloses a semiconductor having multiple inductors. So, according to WO328, the disclosed semiconductor dies must comprise multiple inductors. Omitting a second inductor from claim 1 represents an unallowable intermediate generalisation.
- 93** AsusTek is not correct. WO328 application already disclosed the feature in its first sentence of the Summary of the Invention: “An inductor design for reducing mutual EM coupling between VCO resonators and a method of implementing the same on a single semiconductor chip”. A chip is considered to be the same as a die. Furthermore, this also includes a single inductor on a die.

94 Furthermore, WO328 (p. 2, l. 8 – p. 3, l. 22 and p. 4, l. 17–19) reads (emphasis added in bold):

“An inductor design for reducing mutual EM coupling between VCO resonators and a method of implementing the same on a single semiconductor chip. A method and system involve using inductors that are substantially symmetrical about their horizontal and/or their vertical axes and providing current to the inductors in a way so that the resulting magnetic field components tend to cancel each other by virtue of the symmetry.

**In addition**, two such inductors may be placed near each other and oriented in a way so that the induced current in the second inductor due to the magnetic field originating from the first inductor is significantly reduced.

In general, in one aspect, an inductor having a reduced far-field comprises a first loop having a shape that is substantially symmetrical about a first predefined axis, and a second loop having a size and shape substantially identical to a size and shape of the first loop. The second loop is arranged such that a magnetic field emanating therefrom tends to cancel a magnetic field emanating from the first loop.

In general, in another aspect, a method of reducing mutual electromagnetic coupling between two inductors on a semiconductor die comprises the step of forming a first inductor on the semiconductor die having a shape that is substantially symmetrical about a first predefined axis, the shape causing the first inductor to have a reduced far-field, at least in some directions. The method further comprises the step of forming a second inductor on the semiconductor die at a predetermined distance from the first inductor, wherein a mutual electromagnetic coupling between the first inductor and the second inductor is reduced as a result of the first inductor having a reduced far-field.

(...)

The inductor design and method may also be used to reduce the coupling between an inductor and another on-chip or external structure (e. g., an external power amplifier).”

95 The reference to the wording “in addition” (see emphasis above) indicates that the subsequent content covers a different topic: two inductors. Consequently, the first two paragraphs focus on a single inductor. This can be deduced purely from logic, as the first two paragraphs do not mention a first/single inductor, but rather an inductor design and inductors in general. If the text were to be read the other way around, i.e. if there were more inductors, then “two such inductors” would make no sense at all.

96 WO328, page 2, l. 23: “In general, in another aspect, a method ... of forming a second inductor” explicitly states “another aspect”, i.e. an option or optional. The same goes for the fourth paragraph: it is optional. The third paragraph allows for a single inductor.

97 For this reason, there is no extraction of a specific claim feature from an originally disclosed combination of features and hence this could not be seen as an unallowable intermediate generalisation. No added matter is found.

Feature 1.2 - The first inductor (200, 1000, 1300) is substantially symmetric about a symmetry axis

98 AsusTek argues that WO328 does not disclose a broad and abstract definition of symmetry for

the single inductor with first and second loops of claim 1. Instead, what is essential to achieve the counteract effect required by claim 1 is that the first and second loops are symmetric with respect to each other. According to AsusTek all the embodiments and figures presented in WO328 include this requirement and hence AsusTek further states that omitting this specific symmetry between the first and second loops from claim 1 amounts to an unallowable intermediate generalisation.

**99** Ericsson argues that there is no unallowable intermediate generalisation as the substantial symmetry is described in page 2, lines 7-12 and page 4, lines 11–17, and there is no requirement of the symmetry in relation to the first and second loops.

**100** AsusTek is correct. In WO328, the technical effect linked to symmetry is expressly stated (WO328, for example, p. 5, l. 28 – p. 6, l. 1 and 9–12):

“FIGURE 2 shows an example of an inductor 200. The inductor 200 has an inductor coil 202 and terminals 204a and 204b, and has been designed so that it is substantially symmetrical about a horizontal axis X. (...). Consequently, the inductor 200 has been found to have a significantly reduced far-field at a certain distance from the inductor coil 202. Thus, by making the two loops 206a and 206b substantially symmetrical, cancellation of a significant amount of far-field on either side of the horizontal symmetry axis X may be achieved.”

**101** WO328 clearly states in all presented embodiments that the loops must be substantially symmetrical about a horizontal symmetry axis X for the EM far-field to be cancelled. This is also seen in all the figures. This teaching would be consistent with the skilled person’s knowledge. WO328 does not provide any indication, whether direct or indirect, that any other kind of symmetry by itself may achieve the same result. The parts of the description that Ericsson refers to do not, as such, disclose an embodiment of the invention, and hence they cannot be taken as grounds for the newly drafted set of claims of the Patent.

**102** Feature 1.2 of claim 1 of the Patent only requires that the first inductor be substantially symmetric with respect to any symmetry axis, covering embodiments substantially symmetric to any axis, whether or not such symmetry contributes to the cancellation of the EM far-field. The two substantially symmetrical loops disclosed in WO328, with the effect of cancelling the EM far-field on either side of the horizontal symmetry axis X, are missing from feature 1.2 of the Patent.

**103** In that regard, the skilled person would understand that the mere symmetry of the inductor about any symmetry axis is irrelevant for reducing the EM far-field. What would be necessary to achieve such a result would be the omitted feature: the symmetry of the loops. In other words, the skilled person would find that the omitted features were necessary to achieve the objective of the invention, of reducing the EM far-field.

**104** In conclusion, the Court finds that the skilled person would not derive directly and unambiguously from the original application that the symmetry of the inductor about any symmetry axes would be covered by WO328. Hence, there is added matter in claim 1, as it extends beyond the content of the original application due to the lack of symmetry of the loops as required in the original application. The Patent is therefore invalid as granted.

**105** However, the Court finds that auxiliary request 1 overcomes this added matter invalidity.

AR1

**106** The Applicant submitted an auxiliary request adding to claim 1 the following feature (for better reference, feature 1.6):

*Feature 1.6.: and the first loop (206a; 1004) having a shape that is substantially symmetrical about a first predefined axis, and the second loop (206b; 1008) having a size and shape substantially identical to a size and shape of the first loop (206a; 1004)*

**107** AsusTek argues that claim 1, as amended in auxiliary request 1, goes beyond what was directly and unambiguously disclosed in WO328 (added matter) and that the amendment introduces several clarity issues. Ericsson disputes these arguments.

**108** Art. 84 of the EPC provides that the claims shall define the matter for which protection is sought. They shall be clear and concise and be supported by the description. The requirement of clarity aims to provide legal certainty to the public. The public must respect the exclusive right the patent grants. Therefore, the scope of the claim must be clear to the public. Figures and the description of the patent may be consulted to construe the claim when assessing if the claim lacks clarity (CD Milan, 10 April 2026, UPC\_CFI\_480/2025).

**109** Lack of clarity is not a reason to revoke a patent. However, any amendment to a patent must comply with Art. 84 EPC, as is clear from Rule 50.2 RoP (LD Munich, 22 August 2025, UPC\_CFI\_248/2024). The Court shall not assess clarity issues if they stem from a lack of clarity already present in granted dependent claims on which an amendment is based (CD Milan, 27 November 2025, UPC\_CFI\_613/2024; LD Düsseldorf, 28 January 2025, UPC\_CFI\_355/2023; CD Milan, 10 April 2026, UPC\_CFI\_480/2025).

**110** In the present situation, feature 1.6 is not based on a dependent claim but on the description of the original application. Hence, clarity issues shall also be examined by the Court.

**111** The Court finds that AR1 is admissible and clear. AsusTek is not right in raising added matter and clarity issues under Art. 123(2), 76(1) and 84 EPC.

**112** For added matter, the Court refers to the principles already stated in this decision. The Court does not agree with AsusTek and finds that WO328 provides a basis for the amended claim, in p. 2, l. 16-22, particularly as it states that the inductor “comprises a first loop having a shape that is substantially symmetrical about a predefined axis and a second loop having a size and shape substantially identical to a size and shape of the first loop.” Hence, this feature is directly and unambiguously disclosed in WO328.

**113** With regard to clarity, AsusTek argues that it is unclear whether the “first predefined axis” in feature 1.6 is intended to be the same axis as the “symmetry axis” already recited in feature 1.2, or whether an additional axis of symmetry is required. The claim fails to define the relationship between these axes and, as a result, both can be arbitrary axes.

**114** Ericsson disagrees with these arguments and considers the auxiliary request 1 to be clear. Further, Ericsson states that the skilled person interpreting this feature will also consult the

figures of the Patent. According to Ericsson figures 2, 4, 5, 7, 9, 10, and 11 of the Patent clearly disclose a first loop being substantially symmetrical about a first predefined axis.

- 115** The Court finds that, even if the “first predefined axis” differed from the symmetry axis already cited in feature 1.2 and disputed by AsusTek, this would only eliminate asymmetrical shapes. It would not prevent the two shapes from being symmetrical about the X and Y axes.
- 116** AsusTek further argues that some variations in line width, curvature, positioning, or orientation could differ, e.g., the first and second loops are rotated by 90 degrees with respect to each other. Again, this is the problem of the symmetry axes being chosen arbitrarily in the x- or y- direction. The Court finds that, given the symmetry between the loops, such an arrangement would work in terms of EM far-field cancellation, as suggested. However, as neither variations in line width, curvature and positioning nor a different orientation are envisaged in EP’ 131, there is no teaching for that.
- 117** Based on the above, AsusTek's claims for lack of clarity are rejected.

Feature 1.4 - arranged such that current in the first loop (206a; 1004; 1002) travels in a direction that is opposite to current in the second loop (206b; 1008) such that electromagnetic field components emanating at a certain distance from the first loop (206a; 1004) and the second loop (206b; 1008) also have opposite directions and tend to counteract each other.

- 118** AsusTek argues that the WO328 application provides no basis for “generalised current flow and EM field effects for the inductor of Claim 1” if it is not related to the specific inductor structure of FIG. 2. In other words, this functional feature only finds basis in the context of the specific structural features disclosed for the inductor of FIG. 2, and claim 1 does not define any of those additional specific structural features of the inductor of FIG. 2 that give rise to this EM counteract effect.
- 119** The Court sees no generalisation regarding this feature. When discussing FIG. 2, WO328 (page 6, lines 3–7) states that “due to the current travelling in opposite directions in the two loops, the resulting EM field components emanating at a certain distance from the two loops also have opposite directions and tend to counteract each other.”
- 120** Undoubtedly, the Patent states that the counteracting effect arises from the opposite current directions in the loops. This effect is a direct consequence of the current flow, which the skilled person knows. Hence feature 1.4 is a clear and unambiguous consequence of what is explicitly mentioned in the Patent.

Feature 1.5 - characterised in that the terminals (204a, 204b; 1310a, 1310b) are connected to the second loop (206b, 1008).

- 121** AsusTek argues that the WO328 application provides no basis for the feature: “the terminals are connected to the second loop”. This feature is based on FIG. 2, but the claim does not define any other specific structural features of the inductor shown in FIG. 2, rendering it an unallowable generalisation.

- 122** According to Ericsson, the basis for this feature can be found in figures 2, 4, 5, 7, 9, 10, 11, and 13 of the application as filed, in which terminals are connected to the second loop.
- 123** The Court agrees with Ericsson that the figures, and the figures only, from the Patent are the basis for this feature. As all figures showing connections according to the Patent present terminals connected to the second loop, this feature is obviously not linked to FIG. 2 alone. Furthermore, as stated before, there are only two possibilities to connect the terminals to the inductor (see claim interpretation on this feature). The other possible connection is not shown or described anywhere in the Patent. Hence, the connection to the second loop is a clear and unambiguous consequence of what is explicitly shown in the pictures.

#### Conclusion on added matter

- 124** The Court found that there is added matter in feature 1.2 of the Patent as granted, raising invalidity, which, however, was overcome by AR1. No other issues with added matter were found.
- 125** Hence, the Court will from now on use the AR1 as the basis for the evaluation of validity and infringement of the Patent.

#### Dependent claims

- 126** The dependent claims argued to be invalid are either related to features found to be valid or overcome by AR1.
- 127** In that regard, the arguments regarding the independent Claim 1 are applicable to the dependent claims. In conclusion, no invalidity is found.

#### *4.4.2. Prior art*

- 128** The Defendant has presented the following prior art documents for the assessment of novelty and/or inventive step:

#### Zhou

- 129** Patent application WO 99/49513, titled "An Inductance Device", was filed on 24 March 1998 and was published on 30 September 1999.
- 130** Zhou addresses the problem of providing an inductor with an advantageously high Q-value. More particularly, the invention relates to the problem of providing an inductance device with low resistive loss while maintaining a high inductance value. Furthermore, the invention relates to the problem of providing an integrated circuit inductor with advantageous performance characteristics at high frequencies.
- 131** Figure 4 of the description is the following:

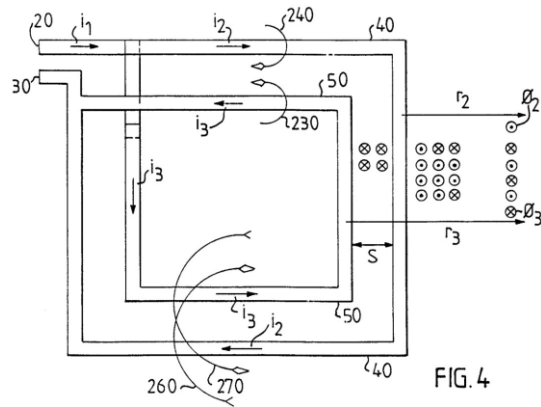


FIG. 4

Jovenin

**132** Jovenin regards US Patent No. 6,529,720 B1 titled "Integrated Circuit of Inductive Elements". Jovenin was filed on 20 December 1999, and granted and published on 4 March 2003.

**133** Jovenin relates to an integrated circuit that includes at least an inductive element and an active region, which may include resistive, capacitive, and semiconductor elements. The inductive element and part of the active region are superimposed. The integrated circuit includes a screen to insulate the active region from an electromagnetic field generated by the inductive element. The screen allows the implementation of inductive elements having high quality factors in integrated circuits of reduced size, in which the electromagnetic interactions between the inductive elements and the other elements are reduced.

**134** Figure 3 of Jovenin is as follows:

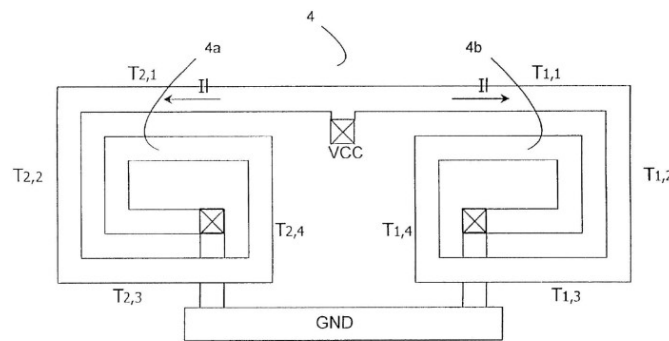


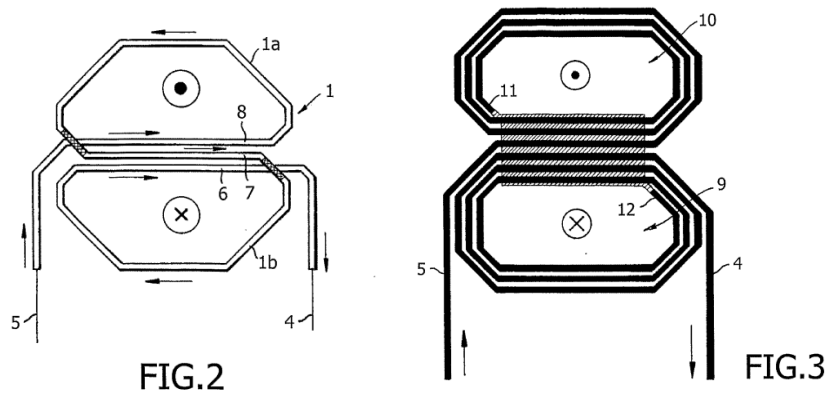
FIG. 3

Einzinger

**135** Einzinger regards patent application WO 2004/012213 A1, which is titled "Planar Inductance". Einzinger was filed on 16 July 2003 and was published on 5 February 2004.

**136** The invention relates to a planar inductance, in particular for monolithic HF oscillators with planar spiral windings, wherein each winding is in the form of an "eight" with three cross-conductors, carrying current in the same direction and running between two loops.

137 Einzinger's figures 2 and 3 are the following:

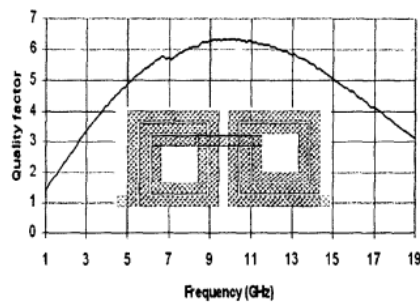


Bhattacharjee

138 Bhattacharjee regards the IEEE paper titled "A 5.8 GHz Fully Integrated Low Power Low Phase Noise CMOS LC VCO for WLAN Applications". It was published in the IEEE MTT-S International Microwave Symposium Digest (Cat. No.02CH37278) in 2002 (J. Bhattacharjee, D. Mukherjee, E. Gebara, S. Nuttinck and J. Laskar).

139 It relates to a fully integrated low-power and low-phase-noise 5.8 GHz VCO designed and fabricated in a standard 0.24  $\mu\text{m}$  single-poly, 5-metal digital CMOS process. The orientation of the inductor pair used in the design minimises the effect of any unwanted common-mode magnetic coupling that may arise from other on-chip inductors in an integrated environment.

140 Bhattacharjee has the following figure:

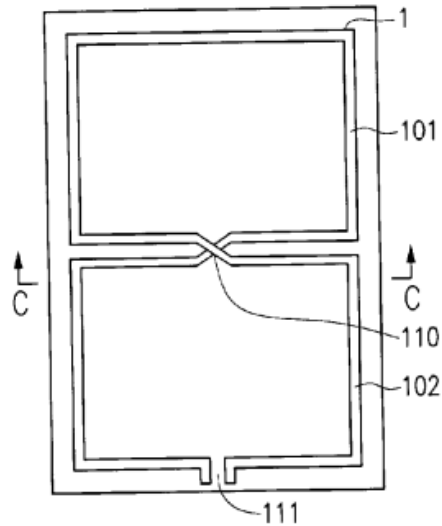


Taniguchi

141 Taniguchi is a US Patent Application No. 2003/0063034 A1 titled "Radio Guidance Antenna, Data Communication Method, and Non-Contact Data Communication Apparatus". Taniguchi was filed on 26 September 2002 and published on 2 April 2003.

**142** It relates to a radio guidance antenna, a data communication method, and a non-contact data communication apparatus which makes use of such an antenna.

**143** Taniguchi has the following figure:



**FIG. 8B**

Lees

**144** Lees is a US Patent No. 6,337,640 B2 titled “Inductive Loop Sensor for Traffic Detection, and Traffic Monitoring Apparatus and Method Using Such A Loop Sensor”. Lees was filed on 31 March 1999 and granted and published on 8 January 2002.

**145** It relates to an inductive loop sensor for detecting vehicles travelling along a lane of a roadway that comprises a figure-of-eight conducting loop. The loop is arranged with its three segments transversely across the roadway to detect the wheels of vehicles travelling along the roadway. The length of the loop in the direction of travel along the roadway is less than 60 cm. The traffic monitoring apparatus energises the loops and detects the passage of vehicle wheels over them to provide vehicle classification by axle count.

**146** Figure 1 of Lees is as follows:



flows through conductor 40, and  $i_3$ , which flows through conductor 50.

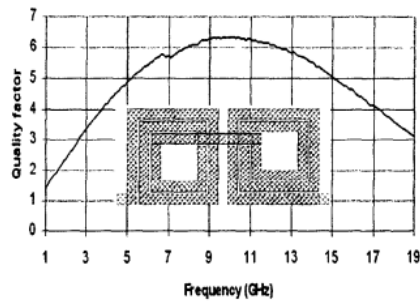
- 150** Furthermore, in Zhou, the loops are different in size: The magnetic field at a point far away is not cancelled out due to the different sizes of the loops, although the Court accepts that the far-field EM components tend to cancel each other out (feature 1.4). In any case, the added feature 1.6 (AR1) is not met.
- 151** For the above reasons, the Court does not consider that claim 1 is invalid for lack of novelty in view of Zhou.

#### Jovenin

- 152** AsusTek is not correct in arguing that Jovenin anticipates claims 1, 2, 3, 4, 6, and 9.
- 153** Jovenin uses two inductive elements in parallel (i.e., no single conductive path), and hence the current splits into clockwise and counterclockwise flows, which could differ due to the structure. In that regard, features 1.3 and 1.4 are not present.
- 154** Furthermore, the terminals are not connected to the second loop (feature 1.5), as the figure clearly indicates. One terminal is in the centre of each inductive element, and the other is in the centre of the whole structure.
- 155** In addition, the problem of the undesired coupling is not solved in this integrated circuit of Jovenin by the layout of the inductors themselves, but by the addition of a “screen”, as follows from the patent specification.
- 156** For the above reasons, the Court does not consider that claim 1 is invalid for lack of novelty in view of Jovenin.

#### Bhattacharjee

- 157** AsusTek argues that Bhattacharjee anticipates all features of claims 1, 5, 6, and 9, but without success.
- 158** The Court finds that there is a lack of symmetry as Bhattacharjee provides rather an arrangement of two consecutive coils. The terminals are clearly not connected to the second loop, as they are connected to each loop individually. Even more, the terminals are not connected to the same loop. Bhattacharjee lacks feature 1.2: there is no symmetry axis, and feature 1.5: the terminals are not connected to the second loop. Consequently, no anticipation of the dependent claims either.
- 159** For the above reasons, the Court does not consider that claim 1 is invalid for lack of novelty in view of Bhattacharjee.



Einzinger

**160** Contrary to AsusTek’s argumentation, the Court finds that EP’ 131 is novel over the embodiment shown in FIG. 3 of Einzinger, as this figure does not directly and unambiguously disclose features 1.2 and 1.5.

**161** The Court refers to Einzinger, FIG. 3, as edited by Ericsson:

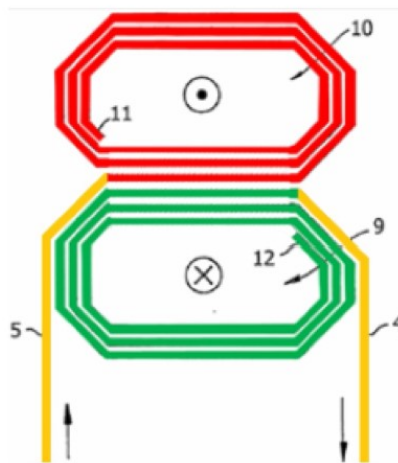


FIG. 3 of Einzinger edited by Ericsson

**162** With regard to feature 1.5, at the oral hearing, parties debated the location of the terminals in Einzinger.

**163** AsusTek argued that in Einzinger, the terminals are located somewhere in the black part of the supply lines 5 and 4 (image edited by AsusTek, see below):

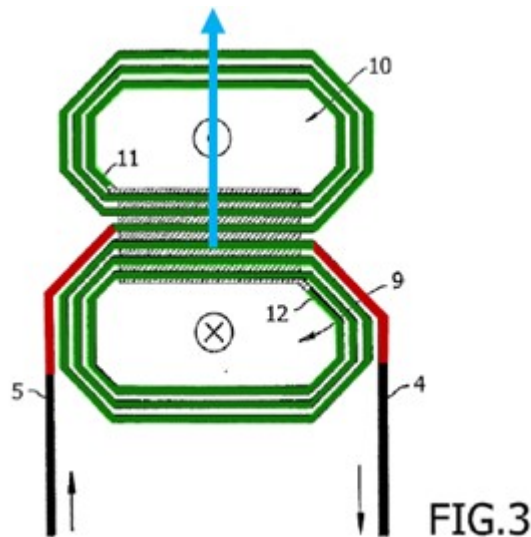


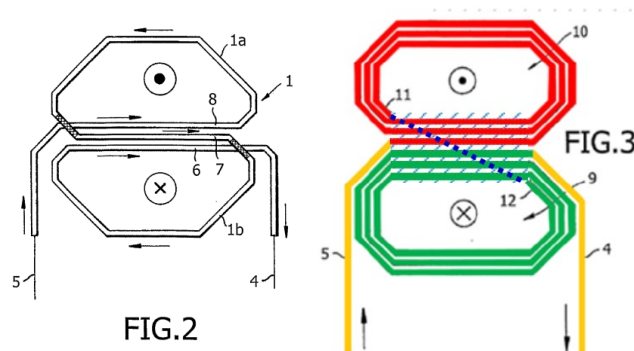
FIG. 3 of Einzinger edited by AsusTek

- 164** AsusTek further argued at the oral hearing that the evidence that the terminals are connected to the second loop arises from Einzinger itself, p. 3, l. 11-14, as it states that FIG. 3 shows an example of an embodiment where “the conductor layout is arranged in such a way that it starts from the supply line 5, at the bottom eye 9” (bottom eye 9 meaning the centre of the lower loop of FIG. 3). The lines referred to by AsusTek are as follows in Einzinger: “Fig. 3 shows an example of embodiment of a planar inductance with multiple windings. Here, the conductor layout is arranged in such a way that, starting from supply line 5 of the bottom eye 9, the top eye 10 is firstly wound in such a way that the conductor tracks are arranged spirally inside each other. The end 11 of the inner winding of the top eye 10 is joined to the end 12 of the inner winding of the bottom eye 9”.
- 165** Ericsson argued that the terminals are located at the top end of supply lines 5 and 4 (at the end of the yellow section of supply lines 5 and 4 – see image provided by Ericsson above), therefore, in the middle section of the figure.
- 166** Regardless of where the terminals exactly are, in Einzinger, the supply line 5 is connected to the first (upper) loop (“the top eye 10 is firstly wound”) and the supply line 4 to the second (lower) loop. AsusTek’s argument that the supply line 5 also connects to the second loop because a part of that runs alongside the second loop cannot be accepted. It is clear to the skilled person that the supply line 5, even if it passes the second loop, does not directly connect to it. The path of the supply line 5 first goes to the first loop and the path travels around it until it finally travels to the second loop. The supply line 5, therefore, does not physically connect to the second loop, even though it runs next to it for a short distance. The physical connection is only to the first loop. Hence, Einzinger does not disclose feature 1.5.
- 167** It is also to be noted that there is no substantial symmetry between the loops. Even when the path and also the current from supply line 5 first travels to the first loop, it affects the electromagnetic field and size of the second loop. Hence, the supply lines must be taken into account when evaluating the substantial symmetry as that relates to cancelling the EM far-fields of the loops. Then it is clear to the skilled person that the second loop has four windings over part of its circumference, whereas the first loop has only three windings. This is also acknowledged in Einzinger, as it is suggested that the first loop can be increased in size in order for the EM-fields to cancel each other. Therefore, feature 1.2 of claim 1 is not disclosed

by Einzinger.

**168** For the same reasons, EP' 131 is new over the dependent claims as well.

**169** The same argument applies to FIG. 2, also argued by AsusTek as novelty-destroying (see para. 160 et seq. of the Rejoinder and Reply to the Defence to the Counterclaim for revocation filed by the Defendant on October 27, 2025), as the images below demonstrate:



**170** For the above reasons, the Court does not consider that claim 1 is invalid for lack of novelty in view of Einzinger.

### Taniguchi

**171** AsusTek generally states that all features of claim 1 of the Patent are disclosed in light of Taniguchi, but this is incorrect.

**172** Taniguchi does not disclose that the inductor is formed on a semiconductor die – instead, Taniguchi discloses more generally that the inductor is formed on a “substrate”. Taniguchi provides an antenna that is not formed on a semiconductor substrate. Taniguchi does not provide an inductor *per se*. Therefore, Taniguchi does not disclose an inductor or a semiconductor substrate with an inductor (and not even an antenna) formed thereon (feature 1.1B).

**173** At the oral hearing, AsusTek pointed out that before the United States Patent and Trademark Office (WKS\_T6 exhibit, filed on 19 January 2026, p. 21), Ericsson acknowledged that “antennas are a species of inductor” in a case where patent US 7151430 B2 (hereinafter “US430”) belonging to the same patent family as EP' 131 was challenged. Ericsson argued that this was done by its US representative at an oral hearing concerning a different patent with different content and different procedural rules, and that it is not accepted by Ericsson in this action before the UPC. Whilst the Court acknowledges that, in that case, Ericsson has recognised antennas as a type of inductor, the Court also notes that such an acknowledgement must be interpreted only within the scope of patent US430, which is different from that of EP' 131. US430 refers to an inductor layout and EP' 131, differently, to a semiconductor.

**174** Given the differences in scope between the two patents, AsusTek failed to demonstrate why the Court should conclude in the present case that Taniguchi’s disclosure includes the inductor

formed on a semiconductor die.

**175** Accordingly, claim 1 and consequently all dependent claims of EP' 131 are new over Taniguchi.

#### 4.4.4. Inventive Step

##### *Principles*

**176** According to Article 56 of the EPC, inventive step exists if an invention is not obvious to a person skilled in the art based on the prior art.

**177** The Court adopts the inventive step approach outlined by the Court of Appeal, in its decisions CoA, 25 November 2025, UPC\_CoA\_528/2024, Amgen vs Sanofi and 464/2024, Meril vs Edwards:

- It first has to be established what the object of the invention is, i.e. the objective problem. This must be assessed from the perspective of the skilled person (m/f – hereinafter referred to as “it”), with its common general knowledge, as at the application or priority date (also referred to as the relevant date) of the Patent. This must be done by establishing what the invention adds to the state of the art, not by looking at the individual features of the claim, but by comparing the claim as a whole in context of the description and the drawings, thus also considering the inventive concept underlying the invention (the technical teaching), which must be based on the technical effect(s) that the skilled person on the basis of the application understands is (are) achieved with the claimed invention.
- To avoid hindsight, the objective problem should not contain pointers to the claimed solution.
- The claimed solution is obvious when, at the relevant date, the skilled person, starting from a realistic starting point in the state of the art in the relevant field of technology, wishing to solve the objective problem, would (and not only *could*) have arrived at the claimed solution.
- The relevant field of technology is the field relevant to the objective problem to be solved, as well as any field in which the same or similar problem arises and of which the person skilled in the art of the specific field must be expected to be aware.
- A starting point is realistic if the teaching thereof would have been of interest to a skilled person who, at the relevant date, wishes to solve the objective problem. This may, for instance, be the case if the relevant piece of prior art already discloses several features similar to those relevant to the invention as claimed and/or addresses the same or a similar underlying problem as that of the claimed invention. There can be more than one realistic starting point, and the claimed invention must be inventive starting from each of them.
- The skilled person has no inventive skills and no imagination and requires a pointer or motivation that, starting from a realistic starting point, directs them to implement the next step in the direction of the claimed invention. As a general rule, a claimed solution must be considered not inventive/obvious when the skilled person *would* take the next step prompted by the pointer or as a matter of routine, and arrive at the claimed invention.

- A claimed solution is obvious if the skilled person would have taken the next step in expectation of finding an envisaged solution to his technical problem. This is generally the case when the results of the next step were clearly predictable, or where there was a reasonable expectation of success.
- The burden of proof that the results were clearly predictable or the skilled person would have reasonably expected success, i.e. that the solution he envisages by taking the next step would solve the objective problem, lies on the party asserting invalidity of the patent.
- A reasonable expectation of success implies the ability of the skilled person to predict rationally, based on scientific appraisal of the known facts before a research project was started, the successful conclusion of that project within acceptable time limits.
- Whether there is a reasonable expectation of success depends on the circumstances of the case. The more unexplored a technical field of research is, the more difficult it is to predict its successful conclusion, and the lower the expectation of success. Envisaged practical or technical difficulties as well as the costs involved in testing whether the desired result will be obtained when taking a next step may also withhold the skilled person from taking that step. On the other hand, the stronger a pointer towards the claimed solution, the lower the threshold for a reasonable expectation of success.
- When the patentee brings forward and sufficiently substantiates uncertainties and/or practical or technical difficulties, the burden of proof that these would not prevent a skilled person from having a reasonable expectation of success falls on the party alleging obviousness.

**178** The Patent is directed to an improved inductor design in a VCO (para. 1 of the Patent). It acknowledges that when integrating a complete RF transceiver on a single chip, undesired interactions between the two VCOs may arise due to various mutual-coupling mechanisms, resulting in spurious receiver responses and unwanted frequencies in the transmit spectrum (para. 2).

**179** In that regard and following the CoA's assessment, the Court finds that the patent aims at finding a solution for reducing the electromagnetic far-field emanated by an inductor and a method of implementing the same on a single semiconductor chip, where symmetry (substantial symmetry) plays a significant role in cancelling the magnetic field components.

*Inventive Step in this case*

Einzinger's FIG. 2 – claim 1, 2, 3, 4, 5, 6, and 9

**180** Einzinger is a realistic starting point, since Einzinger discloses the same idea as the Patent: providing a planar inductance, in particular for monolithic HF oscillators with planar spiral windings (feature 1.1A). Monolithic in this instance refers to a single-piece circuit construction built up on a semiconductor die. Einzinger demonstrates an inductor coil (feature 1.1B) comprising two spiral shaped loops (feature 1.3) close to each other with opposite current directions so that their magnetic fields cancel each other (feature 1.4) and terminals (feature 1.5) which are considered to be at the lower end of each supply line.

**181** AsusTek argued (SOD para. 110) that even if it is to be considered that Einzinger does not destroy novelty for lack of disclosure of feature 1.5, it would have been routine work for the

skilled person to consider and change the placement of the terminals as part of their common general knowledge and hence would have arrived at the invention of the Patent. AsusTek further states that, in light of the teaching in Einzinger to reduce the electromagnetic field outside of the inductor windings to prevent “interfering coupling” with other on-chip components, it would be entirely obvious to the skilled person to minimise any electromagnetic contribution from the terminals, for example, by placing the terminals closer together such that they are connected to the second loop. An example, provided by AsusTek, of how this could be routinely implemented by the skilled person is indicated in the modified version of the inductor of FIG. 2 below (AsusTek’s figure under para. 111 of the SOD):

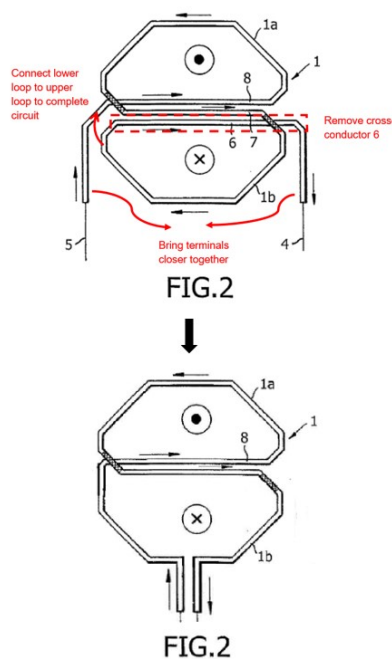


FIG. 2 of Einzinger modified by AsusTek

- 182** AsusTek is not right. AsusTek bears the burden to prove that the results were clearly predictable or that the skilled person would have reasonably expected success, i.e. that the solution such a person envisages by taking the next step would solve the objective problem (CoA’s decisions of 25 November 2025). CoA’s principles on assessment of inventive step state that a claimed solution must be considered not inventive/obvious when the skilled person would take the next step prompted by a pointer or, as a matter of routine, and arrive at the claimed invention.
- 183** AsusTek argued at the oral hearing that to achieve the invention starting from Einzinger FIG. 2, the skilled person would simply bring the supply lines together, which would finally become a distinctive part of the lower loop with its terminals closely spaced. According to AsusTek, the skilled person would do this because the closer the terminal spacing, the greater the reduction in far-field radiation. But AsusTek failed to explain why the unimaginative skilled person would be prompted to do that, particularly given that Einzinger already provides an alternative solution for reducing the EM far-field, namely, different loop sizes. Whether the skilled person would bring together Einzinger’s FIG. 2 supply lines as part of its routine work was also not clear, particularly as the Court further notes that the modified FIG. 2 (above) is not the result of only bringing together the supply lines 4 and 5 of the original FIG. 2. In fact, modifying FIG.

2 to achieve the invention would require the removal of these supply lines, cutting the lower loop and inserting additional supply lines or terminals to the lower loop and, after that, altering the connections in the middle for the current to flow into the 8-shaped inductor.

**184** In light of this, the Court concludes that AsusTek's argument was an oversimplification of the modifications required. Furthermore, by stating that the “cross-conductor” is to be removed, that the lower loop is to be “connected” to the upper loop, and that the terminals need to be brought “closer together” (i.e. bent fully) contradicts Einzinger itself, which discloses that “the invention provides that each winding is in the form of an 'eight' with three cross-conductors carrying current in the same direction and running between two loops” (page 1, lines 20 – 22). Einzinger thus teaches the opposite, i.e. to include a cross-conductor, which AsusTek has now removed from their modified figure.

**185** Based on the above, AsusTek has not been able to show that it is obvious that the skilled person would have arrived at the invention of the Patent from Einzinger.

#### Taniguchi

**186** The Court finds that Taniguchi is not a realistic starting point.

**187** Taniguchi does not disclose an inductor formed on a semiconductor die (feature 1.1B); instead, Taniguchi discloses more generally an antenna formed on a “substrate”.

**188** AsusTek argued that antennas as disclosed by Taniguchi are in the same technical field as the invention, based also and especially on the decision of the United States Patent and Trademark Office (WKS\_T6 exhibit, filed on 19 January 2026, p. 21 - see also para. 173 above).

**189** The Court finds that the skilled person would intentionally use an antenna to radiate an electromagnetic field and the same skilled person would use an inductor to prevent the device from radiating stored energy in a magnetic field when an electric current flows through it. Electrically speaking, antennas and inductors are distinct devices with different characteristics, and they are not usually interchangeable. Furthermore, Taniguchi operates antennas in the near-field, whereas the inductor in the Patent would prevent radiation in the far-field. Taniguchi refers to radio frequency identification (RFID) antennas that interact with identification tags to provide a non-contact RFID distribution-tracking system. It is only as a secondary feature that Taniguchi also suggests a measure to prevent radiation in the far-field in relation to those RFID antennas. Therefore, the Court finds that the skilled person would not regard Taniguchi as being in the same technical field as the invention, and that it is not a suitable starting point for the evaluation of inventive step.

**190** Furthermore, the Court acknowledges that even though a semiconductor die was one of the available “substrates” at the priority date, the skilled person wouldn't transpose Taniguchi's antenna design into an inductor because Taniguchi's antenna is hundreds or thousands of times the size of a semiconductor die. The difference in size between Taniguchi's antenna and the inductor of the Patent indicates that they are operating at a different frequency, which means that the skilled person would first have to transpose the arrangement of Taniguchi to the operating frequency of the VCO, which is a factor of 1,000 higher than Taniguchi's. This transposition would shrink the antenna by a factor of 1,000 - a fact that would be common

knowledge to a skilled person. The Court agrees that, at that factor, the antenna could then be a suitable size for placement on a die. However, the PSA does not want to design an antenna on a die, but rather an inductor. In that regard, although the coupling problems seem similar to those that forced Taniguchi to reduce the far-field, if the PSA intended to design an inductor, it would not look at the field of the antennas. From this perspective, even if it were to be recognised that the coupling inductor problem could be solved using Taniguchi's antenna, such a solution would not be obvious. Transposing this solution can still be considered inventive.

**191** Based on the above, AsusTek has not been able to show that Taniguchi would have been a promising starting point for the evaluation of inventive step. Furthermore, the skilled person would have too many issues to solve and this is hence not obvious. Therefore, the Patent is inventive over Taniguchi.

#### Zhou, Bhattacharjee, and Lees

**192** The Court finds that the claimed invention is even less obvious starting from Zhou, Bhattacharjee and Lees than it is starting from Einzinger or Taniguchi, because these documents do not address the objective problem. Furthermore, it was not demonstrated in which respects these documents would motivate the skilled person to modify them to achieve the invention.

**193** In particular, regarding Lees, the Court notes that AsusTek did not sufficiently explain why a person skilled in the art would transpose Lees' idea into inductors formed on semiconductor substrates. Hence, it is not even a realistic starting point.

**194** Regarding Zhou, it would not have been obvious for the skilled person to arrange the loops in an eight-shaped form. Zhou discloses an inductor with a high Q-factor. Changing this arrangement would not only lead away from Zhou's intention of a high Q-factor but also provide a completely different topology: loops in series.

**195** With regard to Bhattacharjee, the Court follows Ericsson's arguments that even if the two inductances in Bhattacharjee were considered loops only, they are clearly not connected in the sense of EP' 131. There is only one conductive trace connecting the midpoints of the respective loops. Therefore, a PSA would not have reason to add a further trace to meet the requirements of claim 1 of EP' 131. Furthermore, there is a lack of symmetry as Bhattacharjee provides rather an arrangement of two consecutive coils. It is not obvious how the symmetry issue should or even could be overcome by a PSA. There is no reason to do so. Finally, the terminals are clearly not connected to the second loop, as they are connected to each loop individually. Even more, if a PSA were to bend and/or stretch the terminals in a different direction and the terminals are positioned closely, due to the topology of the inductor in Bhattacharjee, the terminals would never be connected to the same loop.

**196** Accordingly, EP' 131 is also inventive over Zhou, Bhattacharjee, and Lees.

## 4.5. Infringement

### 4.5.1. Technical infringement

#### *AsusTek's argument of insufficient proof*

- 197** It is undisputed that the above-referred AsusTek computers contain the AX201 and AX211 Modules fabricated by Intel. It is also accepted that the images provided by Ericsson are from the Intel Wi-Fi 6E AX201 and Intel Wi-Fi 6 AX211 Modules.
- 198** AsusTek argues that Ericsson has not provided sufficient proof of the technical infringement. In particular, some features are defined in functional terms, making it necessary to measure the inductor's electromagnetic properties or to know how the current flows to assess whether the infringing products have the same functional characteristics. This cannot be achieved by the series of 2D images of the Modules that Ericsson provided.
- 199** The Court finds that the evidence provided by the Claimant in Annexes D3 and D8 of the Statement of Defence is sufficient to demonstrate that the images are from the Modules used in certain AsusTek products. Regarding the functional elements, the skilled person would understand from those images how the inductor functions and how current flows in the electromagnetic field. As to the structural features of claim 1, the Court finds the images sufficient for assessing infringement.

#### *Technical infringement*

- 200** AsusTek only disputes that Modules AX201 and AX211 have the following features of claim 1:
- a first inductor comprising an inductor coil and terminals (feature 1.1B);
  - substantially symmetric about a symmetry axis (feature 1.2);
  - the inductor coil has a first loop and a second loop (feature 1.3);
  - arranged such that current in the first loop travels in a direction that is opposite to current in the second loop, such that electromagnetic field components emanating at a certain distance from the first loop and the second loop also have opposite directions and tend to counteract each other (feature 1.4);
  - that the terminals are connected to the second loop (feature 1.5).

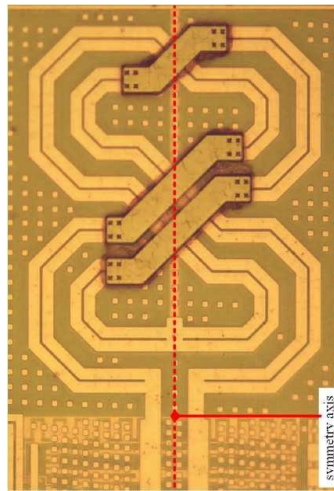
Feature 1.1B - a first inductor (200, 1000, 1300) comprising an inductor coil (202) and terminals (204a, 204b; 1310a, 1310b)

- 201** According to Ericsson, from the analysis of the images of the AX211, it is possible to see an electrical component that is an inductor (understanding supported by expert statement – Prof. van Roermund in annex D6 to the SOC).
- 202** AsusTek disputes that the images provided by Ericsson are sufficient to describe the structure of the accused components and their connections. In particular, it has not been shown that a current is flowing into this component; therefore, it cannot be concluded that it functions as an inductor, although AsusTek accepts that the image is consistent with an inductor.

- 203** AsusTek further argues that the functionality of the structure shown in the pictures depends on dimensions, the surrounding environment, and the applied frequency, as stated by expert Dobkin (annex WKS-T 1 to the Rejoinder and Reply to the Defence to the Counterclaim from 27 October 2025). Accordingly, above a certain frequency, the accused structure could therefore no longer have inductive properties (i.e., store electricity in a magnetic field), but rather capacitive properties (storing electricity in an electric field).
- 204** Ericsson states that AsusTek's reasoning is not acceptable, as it would result in a component with no purpose.
- 205** The Court acknowledges that the image of the Modules is consistent with an inductor, as AsusTek also accepts, and finds no reason to consider why such a component, looking like an inductor, would be placed in the Modules if it did not have the function it appears to have.
- 206** In fact, although raising the possibility that the functionality of the structure shown in the pictures depends on dimensions, the surrounding environment, and the applied frequency, AsusTek did not provide an alternative, even in abstract, for such a component, different from an inductor. The component appears to be an inductor and is to be placed in the Modules. Instead, AsusTek presented another inductor in a different environment, based on Dr. Dobkin's expert statement, and arbitrarily transferred its properties to the Modules. So, the Court sees no logical reason to accept that such a module would have a component that looks like an inductor, but for no such purpose.
- 207** Furthermore, the Court finds that if a skilled person had been provided with a real circuit containing an inductor according to claim 1 of EP' 131, and replaced the inductor with the structure according to the Module, it would result in a real circuit with a module in it in the same environment at the same frequencies and with the same semiconductor layers as before. In this scenario, the skilled person would assume they both function the same way.
- 208** In conclusion, the Court finds that Ericsson has provided sufficient evidence of an inductor, which AsusTek did not sufficiently or logically question.

Feature 1.2 - wherein the first inductor (200, 1000, 1300) is substantially symmetric about a symmetry axis

- 209** According to Ericsson, the inductor of the AX211 Module is symmetrical about the symmetry axis (axis Y) marked in red below (Image provided by Ericsson and turned 90 degrees from the pictures of the submissions in order to achieve corresponding direction with the figures of the Patent):



*Allegedly infringing embodiment, picture provided by Ericsson*

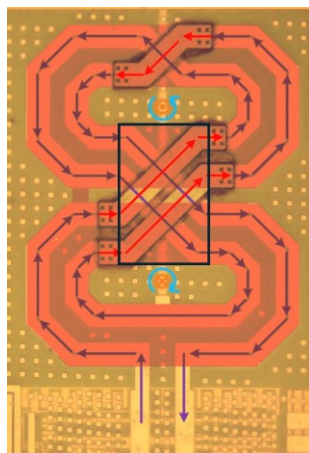
- 210** Ericsson further states that the inductor of the AX211 Module is substantially symmetric, as supported by the cited expert statement of Professor van Roermund (Annex D6 to the SOC).
- 211** AsusTek disputes that the AX201 and AX211 Modules are substantially symmetric about a symmetry axis, stating that, from a physical layout perspective, the current flow is not symmetric about this axis (vertical in the image above) because it flows in the same direction on either side of the axis. And from a functional perspective, a complete cancellation of the magnetic field along the axis of symmetry is not expected.
- 212** In feature 1.2, as interpreted (claim interpretation), the term “symmetry” is purely geometric and refers to the property that the inductor, as a geometric object, can be mapped onto itself by reflection across an axis, i.e., it appears unchanged after the mapping. Furthermore, the concept of symmetry does not apply to currents. Due to the Module’s loops, which are of the same size and shape, substantial symmetry is given for both the horizontal and the vertical axis, anyway (this is also the content of feature 1.6 (AR1): the loops are of the same size and shape).
- 213** Accordingly, the accused modules fulfil feature 1.2, as they are substantially symmetric about a symmetry axis, i.e. about both the x- and y-axis.

Feature 1.3 - wherein the inductor coil (202) has a first loop (206a; 1004) and a second loop (206b; 1008)

- 214** According to AsusTek, the loops in the accused devices are partially incomplete in the central region due to the relatively large crossover region.
- 215** Ericsson contests this, stating that the current flows in complete loops (otherwise, it cannot flow from one terminal to the other).
- 216** The Court finds that the accused Modules have a first loop and a second loop, spaced apart. Although this may lead to a minor reduction of the EM far-field, the Modules fulfil feature 1.3.

Feature 1.4 - arranged such that current in the first loop (206a; 1004; 1002) travels in a direction that is opposite to current in the second loop (206b; 1008) such that electromagnetic field components emanating at a certain distance from the first loop (206a; 1004) and the second loop (206b; 1008) also have opposite directions and tend to counteract each other

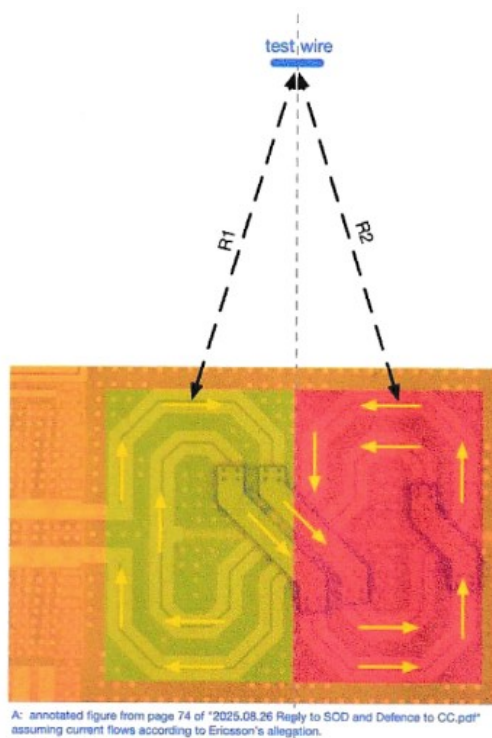
- 217** Ericsson argues that the first and second loops of the accused Modules are arranged such that the current in the first loop travels in a direction that is opposite to the current in the second loop. Ericsson provided the following image to illustrate its point, stating that a skilled person can infer the functional result of the current flow on the electromagnetic field already from the layout of the inductor (conclusion supported by Professor van Roermund's Statement - Annex D6 to the SOC):



*Picture from the expert opinion of Prof. van Roermund*

- 218** AsusTek states that the assumptions made by Ericsson are not necessarily correct, because the images upon which these assumptions are based do not provide complete information about the full configuration of the accused components and all their electrical connections, which could affect the current flow.
- 219** AsusTek further argues that in the relatively large, central region (indicated by the black box in the image above), the conductive paths – and hence any current flow – are at a 45-degree angle to the trajectory of the loops indicated by Ericsson and are at a 90-degree angle to each other. In addition, the accused component has a more complex, multi-turn configuration.
- 220** In conclusion, according to AsusTek, the evidence provided by Ericsson does not allow a reliable conclusion to be drawn regarding this claim feature.
- 221** Although the Court accepts AsusTek's argument that Ericsson's simple modelling may not be a reliable guide to the EM far-field effects, this is irrelevant to the assessment, as further explained below.
- 222** If the currents in the black box are part of the respective loops, they counteract each other less than in EP' 131. However, EP' 131 also requires crossings comprising angled currents that do not fully cancel each other out.

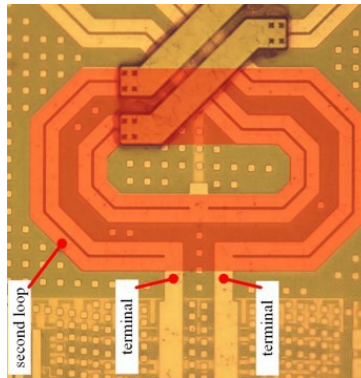
**223** AsusTek provided a statement by expert Dr Dobkin (annex WKS-T 1 to the Rejoinder and Reply to the Defence to the Counterclaim from 27 October 2025) to distinguish between a Module and the inductor of EP' 131. In his declaration, Dr Dobkin explained how the counteraction of the loops works, or, more precisely, he explained how the coupling between a Module and a distant inductor (test wire) would work. The arrows in his example indicate the components of the current and how they work (see image below). However, he did not provide any evidence as to whether this makes a difference to the Patent, as no calculations or simulations have been carried out to produce results.



**224** The Court finds that the loops are arranged such that the current in the first loop (on the right in this picture) travels in a counterclockwise direction, which is opposite to the clockwise direction of the current in the second loop (on the left in this picture). This causes the electromagnetic field components to have opposite directions and to counteract each other at a certain distance from the first and second loops. The electromagnetic field generated in the loops is considered to be formed by surrounding currents rather than by conductor paths. According to the crossover regions, as in EP'131, the crossing sections disrupt this configuration, forming 'near' symmetry.

Feature 1.5 - characterised in that the terminals (204a, 204b; 1310a, 1310b) are connected to the second loop (206b, 1008).

**225** According to Ericsson, it is clear from the following close-up that terminals are connected to the second loop:



- 226** AsusTek contests the presence of feature 1.5, arguing that it cannot be asserted from the images. Furthermore, AsusTek states that there are a number of other unexplained features visible in the images of the accused component, including features that could potentially be terminals and/or provide electrical connections to the accused component.
- 227** Ericsson replies that the terminals of an inductor are understood as the interface between the inductor coil and an external circuit. The terminals allow current to enter and exit the inductor coil. Responding to AsusTek's arguments of other features in the images, Ericsson argues that the presence of a connection in the central region of the inductor structure is consistent with standard design practices in integrated circuit inductors and that said connection does not carry any signal current between the two terminals of the inductor but instead ensures that the alternating current signal provided at the terminals of the inductor oscillates symmetrically around a reference current value.
- 228** The Court agrees with Ericsson that the two terminals on the bottom of this picture are genuine terminals. The upward-pointing stub in the centre of the picture most likely serves as a direct-current bias reference. Therefore, the module fulfils feature 1.5.

#### *4.5.2 Acts of infringement*

##### *Principles*

- 229** The patent grants its proprietor the right to prevent third parties not having his consent from making, offering, placing on the market or using a product which is the subject-matter of the patent, or importing or storing the product for those purposes – Art. 25 UPCA.
- 230** Where a decision is taken finding an infringement of a patent, the Court may grant an injunction against the infringer aimed at prohibiting the continuation of the infringement.

##### *Assessment in this case*

- 231** Ericsson accuses AsusTek of manufacturing, offering, placing on the market, using, importing or storing the infringing Products in the following relevant Contracting Member States: Belgium, Denmark, France, Germany, Italy, Netherlands, Portugal, and Sweden.

- 232** AsusTek owns the global websites [www.asus.com](http://www.asus.com) and <https://estore.asus.com>, which are specifically related to local European web pages, each providing pricing information for the subset of products offered for sale in the corresponding country and links to online shopping facilities through which the products may be purchased.
- 233** AsusTek argues that, although it holds the domain [www.asus.com](http://www.asus.com) and its local sub-domains <https://estore.asus.com>, it cannot be considered to offer or sell the accused products. The global website is not located in any UPC-relevant country, nor does it include pricing or offer products for sale or purchase. With regard to the local sub-domains, AsusTek argues that it does not have operational control over those sites. AsusTek does not select, upload, or review their content.
- 234** AsusTek further argues that simply holding a domain name used by other companies (even if it belongs to the same group) cannot provide grounds for its liability. In other words, if an offer or sale is made on a web page associated with a specific local sub-domain by a local company that controls that sub-domain, it does not mean that AsusTek itself offered any of those products on that page.
- 235** The allegation that AsusTek's webpage [www.asus.com](http://www.asus.com) does not offer its products is irrelevant in light of the Court of Appeal's decision of 3 October 2025 (UPC\_CoA\_534/2024 and 19/2025 Belkin/Philips), according to which the term "offer" within the meaning of Art. 25(a) UPCA must be interpreted autonomously. An offer is to be understood in an economic sense, not as a legally binding contractual offer. The offer, therefore, does not need to contain all the details necessary for the immediate conclusion of a contract by mere acceptance. It is sufficient to present an item in a way that allows viewers to make an offer to acquire it, e.g., by entering into a purchase, rental, or lease agreement. This, therefore, already covers the "invitatio ad offerendum". For this reason, it is not necessary to specify a price.
- 236** The Court finds that AsusTek's website offers the infringing products within the meaning of Art. 25 UPCA, as interpreted by the CoA. Even if no pricing is displayed, or there is no possibility to directly buy from the website, AsusTek's products are displayed in a manner sufficiently clear to allow any viewer to access them, their characteristics and then acquire them.
- 237** With regard to the offer made via sub-domains, at the oral hearing, AsusTek argued that the CoA's understanding in the Belkin/Philips Decision regarding the liability of directors (para. 190), should be applicable to the sub-domains in the present case, as it is clear that AsusTek has no operational control over the local sub-domains.
- 238** This understanding is flawed in one fundamental premise. Physical persons are not to be mistaken for enterprises, nor are they subject to the same liability regime. Physical persons are only liable for acts carried out directly and deliberately by themselves, attributed to them or under their control (para. 190 Belkin/Philips Decision). However, enterprises are liable for the acts of their representatives. The holder of a sub-domain is responsible for the content of the sub-domain as much as for the content of the main domain, either for offering or placing on the market the infringed products.
- 239** The circumstance that AsusTek is the holder of the domain name [www.asus.com](http://www.asus.com) and the sub-domains [www.estimate.asus.com](http://www.estimate.asus.com) is, in fact, what permits the Court to conclude that AsusTek is infringing. As the owner, AsusTek is responsible for ensuring the accuracy of its website's

content. A decision not to do that cannot be held in its favour. Furthermore, as stated by the Local Division of Düsseldorf (LD Düsseldorf, 18 October 2023, UPC\_CFI\_177/2023), the consumer searching online for Asus products, including the allegedly infringing products, will associate this offer with AsusTek, and consider that it is just another channel owned by AsusTek, which in fact corresponds to the reality, as AsusTek is the owner of the websites. It is not possible to declare the ownership of a website and, at the same time, deny responsibility when infringement is performed through that website. As a legal entity, an enterprise, AsusTek is responsible for the content on its website

- 240** Additional arguments for the responsibility of AsusTek regarding the offering and placing on the market are found in it being mentioned in the copyright notice visible on [www.asus.com](http://www.asus.com) and the local European ASUS webpages (such as [www.asus.com/pt](http://www.asus.com/pt)), and also mentioned in said sites as the provider of products. Also, in this regard, and for the same reasons, it is irrelevant that those mentions are used by AsusTek's affiliates.

#### *4.6. Legal consequences*

- 241** The Court finds that Ericsson has provided sufficient evidence that AsusTek offered and placed on the market the infringing products in the relevant UPCA Contracting Member States, from the date the Modules were launched until 15 February 2025 (the date of expiry of the Patent), rendering AsusTek a direct infringer in light of Art. 25 UPCA.

#### Declaration of infringement

- 242** In light of what has been found, Ericsson is entitled to be granted a declaratory decision that AsusTek has infringed the Patent from Q2 2019 with regard to products incorporating AX201 and from Q3 2021 with regard to products incorporating AX201, until the expiry date of the Patent – 15 February 2025 – by offering and placing on the market the said products in the relevant Contracting Member States that Ericsson lists: Belgium, Denmark, France, Germany, Italy, Netherlands, Portugal, and Sweden.
- 243** The Court finds that it is possible to clearly define the infringing products within the specific period mentioned above. A more general declaration with regard to the infringing products, as Ericsson seems to suggest with the argument that a broader declaration allows for the anticipation of every possible product that could incorporate the patented technology and be launched, is not necessary, due to the expiry of the Patent.

#### Damages

- 244** According to Art. 68 UPCA and R. 118.2 RoP, the Court shall, at the request of the injured party, order the infringer who knowingly, or with reasonable grounds to know, engaged in patent infringing activity, to pay the injured party damages appropriate to the harm actually suffered by the party as a result of the infringement.
- 245** Ericsson requests that the Court order that damages should be determined in separate damages proceedings, which is possible pursuant to R. 125 et seq. RoP.

**246** In light of the infringement found and considering also that AsusTek neither argued that there are insufficient grounds for damages in this case, nor disputed the causal link between infringement and damages, the Court finds that AsusTek, at least, should have realised, with due care, that its actions infringed the Patent. Since it did not act with due care in that respect, AsusTek is liable to Ericsson for damages.

### Information

**247** Ericsson requests that the Court order AsusTek to inform Ericsson of the quantities it or any of its affiliates has produced, manufactured, delivered, received, or ordered, as well as the price obtained for the infringing products in the relevant Contracting Member States in the relevant period, in order for the Claimant to correctly assess the damages. At the oral hearing, Ericsson accepted that a 10-week period would be reasonable for AsusTek to provide the information, as suggested by AsusTek.

**248** AsusTek contests this request, stating that it should be made in separate proceedings related to damages.

**249** AsusTek is incorrect. Art. 67 UPCA expressly allows that the infringer provide information on the quantities of infringed products produced, manufactured, delivered, received, or ordered. Such information is not excluded even if the claimant requests damages to be awarded in separate proceedings. In fact, this information is necessary to enable the holder of the right to damages to correctly calculate the damages that should be awarded.

**250** In that regard, the Court finds that AsusTek must inform Ericsson of the quantities it or any of its affiliates have offered or placed on the market in the relevant Contracting Member States, as well as the price obtained for the Infringing Products in the relevant Contracting Member States until 15 February 2025, as requested. This information must be provided within ten weeks of the service of the decision (R. 118.8 RoP).

### Penalty

**251** Pursuant to Art. 82(4) UPCA and R. 354.3 RoP, the Court's order or decision may provide for periodic penalty payments if the party fails to comply with the terms of the order. The penalty amount that may be forfeited shall be set by the Court, considering the importance of the order in question. This amount should be sufficiently deterrent to be coercive, but also within reasonable limits for it to be an appropriate (proportionate) penalty – CoA, 14 October 2025, UPC\_CoA\_699/2025.

**252** The Court considers it necessary and appropriate to impose a penalty to ensure that AsusTek complies with the obligation to provide the information. AsusTek contests the amount suggested by Ericsson, stating that it lacks any basis for calculation.

**253** It is undisputed that when a party does not comply with the terms of an order of the Court, it may be sanctioned with a recurring penalty payable to the Court pursuant to Art. 82(4) UPCA. Both the Court of Appeal and the first-instance local divisions have decided that a penalty can

already be imposed in the final decision – cf. CoA, 14 October 2025, UPC\_CoA\_699/2025; LD Munich, 13 September 2024, UPC\_CFI\_390/2023; LD Düsseldorf, 3 July 2024, UPC\_CFI\_7/2023.

- 254** The Court considers a penalty payment of both a fixed sum, up to EUR 50 000, in case of non-compliance with the order to provide information, and a sum of EUR 2 500 for each day of non-compliance with the order to provide information to be reasonable and proportionate.

#### Enforceability of the order

- 255** This decision is enforceable pursuant to Art. 82(1) UPCA and R. 118.8 RoP.
- 256** AsusTek requested that, under Rule 9 RoP, any order in the present proceedings be suspended pending AsusTek's request to the Court of Appeal for any appeal to have suspensive effect (Article 74(1) UPCA).
- 257** AsusTek did not provide any grounds for such suspension. The Court of Appeal has consistently decided that only very exceptional circumstances clearly and unambiguously argued by the party when requesting to suspend a first instance order or decision upon appeal, justify that such a suspension is granted (see, among others, CoA's order of 7 July 2025, UPC\_COA\_900/2025). That is not the case here.

#### Counterclaim for revocation

- 258** As the Patent was found to be valid, AsusTek's request for revocation of the Patent must be dismissed.
- 259** However, as the Patent was found to be valid in its amended form, a copy of this Decision must be sent to the European Patent Office, pursuant to Art. 65(5) UPCA.

#### 5. VALUE IN DISPUTE

- 260** At the Interim Conference, after hearing the parties, the value in dispute for the entire proceedings was set at EUR 2 000 000 (EUR 1 000 000 each for the Infringement action and the Counterclaim).

#### 6. COSTS

- 261** Parties have settled on costs, and the Court refers to the settlement (see above para. 5). No confirmation of the Court was required by the parties (R. 365.1 RoP). In that regard, nothing is to be ordered on costs.

## DECISION

Having heard the parties on all relevant aspects of the case, the Court decides that:

### *I. Infringement action*

1. AsusTek is found to have infringed EP 2 819 131 B1, from Q2 2019, with regard to products incorporating Modules AX201 and from Q3 2021, with regard to products incorporating Modules AX211 until 15 February 2025, in the relevant Contracting Member States: Belgium, Denmark, France, Germany, Italy, the Netherlands, Portugal, and Sweden.
2. AsusTek is liable for damages arising from the said acts of infringement and ordered to pay damages in the amount to be determined in separate damages proceedings.
3. Within 10 (ten) weeks of the date of service of this decision, AsusTek must inform the Claimant's representative with a written statement, substantiated with appropriate documentation, drawn up and signed by an independent auditor, regarding its products incorporating AX201, from Q2 2019 and AX211, from Q3 2021, until 15 February 2025:
  - (i) the total number of Modules AX201 and AX211 that AsusTek, including any of its affiliates, has traded, sold, supplied, transferred and/or delivered to its customers and/or distributors in Belgium, Denmark, France, Germany, Italy, Netherlands, Portugal, and Sweden, as well as provide all copies of invoices pertaining to those acts which also show the price obtained for these products;
  - (ii) purchasing costs paid, as well as the sales prices obtained for the said products incorporating Modules AX201 or AX211 in the relevant said Contracting Member States, by AsusTek, including by its affiliates;
  - (iii) the total amount of net profit which AsusTek, including its affiliates, has gained as a result of trading Modules AX201 and AX211 in the said relevant Contracting Member States.
4. AsusTek is subject to a penalty of a fixed sum, up to EUR 50 000, in case of non-compliance with the order to provide information, and a sum of EUR 2 500 for each day in which non-compliance with the order to provide information continues.

### *II. Counterclaim for revocation*

The counterclaim for revocation is dismissed as the Patent is found to be valid in its amended form.

### *III. Value of the Case*

The value in dispute for the entire proceedings was set at the Interim Conference at EUR 2 000 000 (EUR 1 000 000 each for the Infringement action and the Counterclaim).

*IV. Costs*

Parties reached an agreement on costs.

\*

Delivered on 6 May 2026

RUTE LOPES PRESIDING JUDGE AND JUDGE-RAPPORTEUR	
PETRI RINKINEN LEGALLY QUALIFIED JUDGE	
SAMUEL GRANATA LEGALLY QUALIFIED JUDGE	
JOHANNES MESA PASCASIO TECHNICALLY QUALIFIED JUDGE	
REGISTRY CLERK	

*INFORMATION ON APPEAL:*

An appeal against this decision may be brought before the Court of Appeal by any party whose claims have been unsuccessful, in whole or in part, within two months of service of the decision (Art. 73(1) UPCA, R. 220.1 (a) RoP, 224.1 (a) RoP).

\*

*INFORMATION ON ENFORCEMENT (Art. 82 UPCA, Art. 37(2) UPCS, R. 118.8, 158.2, 354, 355.4 RoP):*

An authentic copy of the enforceable order will be issued by the Deputy-Registrar upon request of the enforcing party - R. 69 of the Rules governing the Registry adopted by the Presidium of the UPC, on 6 April 2023.

\*

*COMMUNICATION TO THE EPO (Art. 65(5) UPCA):*

A copy of the decision will be sent to the European Patent Office.