

ORDER
of the Court of Appeal of the Unified Patent Court issued
on 13 May 2026
concerning an application for a review of discretion (Rule 220.3 of the RoP)

APPLICANT (AND FIRST RESPONDENT IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

Huawei Technologies Co. Ltd., Shenzhen, China

(hereinafter referred to as “Huawei”)

represented by Dr Matthias Meyer, Attorney-at-law, Bird & Bird LLP, Düsseldorf, Germany

RESPONDENT (AND APPLICANT IN THE PROCEEDINGS BEFORE THE Court of First Instance)

Quinn Emanuel Urquhart & Sullivan, LLP, Mannheim, Germany

(hereinafter referred to as ‘Quinn Emanuel’)

represented by Dr Marcus Grosch, Attorney-at-law, Quinn Emanuel Urquhart & Sullivan, LLP,
Mannheim, Germany

RESPONDENTS 2) AND 3) IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE

1. **MediaTek Inc.**, Hsinchu, Taiwan
2. **MediaTek Deutschland GmbH**, Düsseldorf, Germany

(hereinafter referred to individually as “**MediaTek Taiwan**” and “**MediaTek Deutschland**” and collectively as “**MediaTek**”)

represented by Dr Antje Brambrink, Attorney-at-law, Finnegan, Henderson, Farabow, Garrett & Dunner,
LLP, Munich, Germany

PATENT AT ISSUE

EP 3 905 840

DECIDING JUDGE

This order was issued by Bart van den Broek, legally qualified judge and permanent judge.

CONTESTED DECISION OF THE COURT OF FIRST INSTANCE

- Decision of the Munich local division, 26 March 2026, issued on 27 March 2026
- Reference numbers:
 - UPC-CFI-0001234/2025 (Application for access to the file pursuant to Rule 262.1(b) of the RoP)
 - UPC_CFI_248/2025 (infringement

proceedings) LANGUAGE OF THE PROCEEDINGS

German

FACTS

1. On 20 October 2025, Quinn Emanuel filed an application pursuant to Rule 262.1(b) of the RoP for access to certain pleadings filed in the infringement proceedings UPC_CFI_248/2025 between Huawei and MediaTek before the Munich local division ('LK' or '**LK** Munich'). The infringement proceedings were terminated before the application for access to the file was made and before a decision had been issued in the infringement proceedings.
2. On 27 January 2026, the judge-rapporteur issued a decision¹ granting Quinn Emanuel the requested access, subject to the redaction of certain parts of the pleadings containing confidential information.
3. On 2 February 2026, Huawei applied for a review of the decision by the panel of the LD Munich pursuant to Rule 333.1 of the RoP. In view of this, on 26 February 2026, the judge-rapporteur amended his decision pursuant to Rule 335 of the RoP, stating that access would only be granted once the review proceedings had been concluded.
4. On 26 March 2026, Panel 2 of the Munich LD issued a decision ('**the contested** decision'), in which it upheld the judge-rapporteur's decision and found that the application for review was inadmissible and unfounded. The panel did not allow an appeal against the contested decision.
5. On 13 April 2026, Huawei filed an application for a discretionary review of the contested decision by the Court of Appeal pursuant to Rule 220.3 of the RoP. The formal deficiencies identified by the Registry were remedied by Huawei on 14 April 2026. According to a notice from the law firm, Huawei resubmitted its corrections on 16 April 2026 using the correct method of filing.
6. By order of 16 April 2026, Quinn Emanuel and MediaTek were invited to submit their observations on Huawei's application for a discretionary review. Subsequently, MediaTek submitted its observations on 23 April 2026 and Quinn Emanuel on 24 April 2026.
7. On 27 April 2026, Huawei filed a further document in response to Quinn Emanuel's submission.

¹ The judge-rapporteur has referred to this decision as a "procedural order". In accordance with R. 262.1(b) of the RoP, the term "order" is used in this order.

APPLICATIONS BY THE PARTIES

8. Huawei requests the Court of Appeal:
 1. to review the contested decision in accordance with Rule 220.3 of the RoP;
 2. to allow the appeal against the contested decision pursuant to Rule 220.4 of the RoP;
 3. to set aside the contested decision in so far as it confirms the decision of the judge-rapporteur of 27 January 2026, designated as a procedural order, and to reject Quinn Emanuel's application for access to the file pursuant to Rule 262.1(b) of the RoP;
 4. in the alternative to 3: to set aside the contested decision in so far as it confirms the decision of the judge-rapporteur dated 27 January 2026, described as a procedural order, and to grant Quinn Emanuel's application for access to the file pursuant to Rule 262.1(b) of the RoP only on condition that a duty of confidentiality is imposed on Quinn Emanuel.
9. Quinn Emanuel requests the Court of Appeal to reject the application for a discretionary review.
10. MediaTek states that MediaTek Taiwan did not file any documents in the infringement proceedings and is therefore not participating in the proceedings concerning access to the file. In the event that Huawei's alternative application under 4. is granted, MediaTek Germany requests that access to the file not be extended beyond the scope ordered by the judge-rapporteur on 27 January 2026.

ARGUMENTS OF THE PARTIES

11. Huawei argues that the contested decision is manifestly flawed for a number of reasons. Firstly, the Munich LD wrongly held Huawei's application for a review by the panel pursuant to Rule 333.1 of the RoP to be inadmissible. Secondly, the Munich LD failed to weigh up the parties' interests correctly when it upheld the judge-rapporteur's decision. In particular, the Munich LD's decision is incorrect in that it held that an abstract assessment of a law firm's interests in professional development and advice would suffice in the balancing of interests. In Huawei's view, this would undermine the requirement for a "reasoned application" in Rule 262.1(b) of the RoP. Furthermore, the Munich LD wrongly rejected Huawei's argument that the application for access served merely as a pretext for spying. Huawei points to a number of circumstances intended to support the claim that Quinn Emanuel's application is merely a pretext. Finally, the LD München wrongly rejected Huawei's alternative application to grant access to the requested documents only on condition that a confidentiality agreement be concluded.
12. In addition to these manifest errors, Huawei considers that the contested decision also raises fundamental legal issues. Firstly, Huawei argues that it is unclear whether there is in fact no possibility for the panel to review a decision by the judge-rapporteur based on Rule 262.1(b) of the RoP in accordance with Rule 333.1 of the RoP. In this context, Huawei refers to a decision by the judge-rapporteur of the Paris local division based on Rule 262.1(b) of the RoP, in which, contrary to the contested decision, it was held that the decision was subject to review by a panel pursuant to Rule 333.1 of the RoP (UPC_CFI_697/2025, 19 February 2026, *Gowling v Merz and Viatris*). Secondly, in Huawei's view, it remains unclear what criteria apply to a training interest as opposed to a mere investigative interest,

to what extent such an interest must be substantiated, and how the relevant burden of proof is allocated.

13. Quinn Emanuel argues that the contested decision contains no manifest errors and does not raise any fundamental legal issues. In Quinn Emanuel's view, the decision on admissibility is irrelevant to the application for a review of discretion, as the Munich LD upheld the judge-rapporteur's decision on substantive grounds. Quinn Emanuel argues that this decision was correct and that the LD merely applied the general principles for access to documents established by the Court of Appeal. Consequently, there are no fundamental legal issues for the Court of Appeal to address.
14. MediaTek has not put forward any substantive arguments regarding Huawei's application for a discretionary review. As already mentioned, MediaTek Germany has merely pointed out that any decision by the Court of Appeal should not go beyond the access granted by the judge-rapporteur in the decision of 27 January 2026.

REASONS FOR THE ORDER

15. The question of whether the judge-rapporteur's decision of 27 January 2026 is subject to review by the panel pursuant to Rule 333 of the RoP, and whether and how an appeal may be lodged against that decision, raises fundamental legal issues that must be clarified by the Court of Appeal. The standing judge therefore considers that the application for a review of discretion should be granted (UPC_CoA_489/2024, 6 September 2024, Motorola v. Ericsson; UPC_CoA_805/2025, 1 September 2025, Centripetal v. Keysight).
16. Neither this order nor the reference in this order to Rule 220.2 of the RoP can be regarded as an acknowledgement by the Court of Appeal that an appeal under Rule 220.2 *et seq.* of the RoP is admissible in the present case. This issue is the subject of the appeal proceedings concerning the contested decision.
17. Huawei, Quinn Emanuel and MediaTek Deutschland are given the opportunity to submit further written submissions on the question of the admissibility of the application for review of the judge-rapporteur's decision of 27 January 2026 pursuant to Rule 333 of the RoP and/or on the applicable provision in Rule 220 of the RoP regarding an appeal against that decision.
18. Once any submissions pursuant to paragraph 17 of this order have been received, the written procedure shall be concluded. The Court of Appeal shall take the files of the proceedings before the Court of First Instance into consideration.

ORDER

1. The appeal is allowed.
2. The President of the Court of Appeal shall perform the allocation of the proceedings to a panel of the Court of Appeal for decision.

3. Huawei must pay court fees of €2,700 by **22 May 2026**, corresponding to the difference between the fee of €1,300 for an application for a discretionary review and the fee of €4,000 for an appeal pursuant to R. 220.2 RoP. If the fee is not paid by the deadline, a default judgment may be issued.
4. Huawei, Quinn Emanuel and MediaTek Deutschland are given the opportunity to submit comments in accordance with paragraph 17 of this order by **29 May 2026**.

Issued on 13 May 2026

Bart van den Broek, legally qualified judge and permanent judge