



UPC_CFI_ 1599/2026
Procedural order of the Court of First Instance
of the Unified Patent Court
issued on 22/05/2026
(R. 262 A RoP Confidentiality
and exemption of translation)

RESPONDANT

SharkNinja Operating LLC
89A Street, Suite 100,
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Represented by Paul Bettridge and Agathe
Michel-de Cazotte
Carpmaels & Ransford LLP

APPLICANTS

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SEB International Service (SIS)
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Groupe SEB WMF Consumer GmbH,
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Represented by Thomas Bouvet, Colin
Devinant and Célia Benmesbah
Jones Day

Patents no.

Proprietor

EP3689198

SharkNinja Operating LLC

DECIDING JUDGES:

Judge-rapporteur

Carine Gillet

LANGUAGE OF PROCEEDINGS: English

ORDER

On 10 April 2026, Paris LD dismissed SharkNinja's application for provisional measures based on EP 3 689 198 (hereafter referred to as 'EP 198'), ordering the applicant to cover Seb's legal costs and other expenses incurred during the proceedings.

On 10 May 2026, Seb filed an application for costs pursuant to R151 RoP, as well as other measures, as follows :

Having regard to Article 69.1 of the Agreement on a Unified Patent Court and Rules 150 et seq. as well as Rules 262.2 and 262A of the Rules of Procedure of the Unified Patent Court:

Regarding The Costs

-Order SharkNinja Operating LLC, as the unsuccessful party in the proceedings UPC_CFI_1594/2025, to pay Groupe SEB France, SEB S.A., SEB INTERNATIONAL SERVICE (SIS) and Groupe SEB WMF Consumer GmbH, the sum of [REDACTED] as legal costs and other expenses,

-Order that any amounts that would be paid by SharkNinja in compliance with the EUR 120.000 interim award of costs of 10 April 2026, will be offset against the above total amount of legal costs and other expenses ordered by the Court, it being specified that such offset will not apply to any (i) penalties that could be ordered against SharkNinja,

or

(ii) enforcement expenses incurred by SEB, in both cases in the event of non- and/or late-compliance with the interim award of costs,

Regarding The Confidentiality

-Order that the information in red in the present application and the redacted passages in SEB Exhibits marked Confidential is confidential information between the parties;

-Order that the information in red in the present application and the redacted passages in SEB Exhibits marked Confidential and the unredacted version of SEB Exhibits marked Confidential be excluded (i) from publications; (ii) from any documents made available; and (iii) from any information made available in response to an application;

-Order that the information in red in the present application and the redacted passages in SEB Exhibits marked Confidential be made available only to SharkNinja's representatives and for use only for the purpose of the present proceedings,

Regarding The Exemption From Translations

-Order that exhibits and the caselaw of the UPC adduced in French shall not have to be translated into English.

In a communication dated 12 May 2026 and sent via CMS, the judge rapporteur informed the parties that the unredacted application and exhibits classified as 'Highly Confidential' had been set to 'Mutual', thereby allowing SharkNinja's representatives to access them.

At the same time, both parties were requested to provide written comments by 27 May 2026, including their views on the possibility of a stay, bearing in mind the pending appeal proceedings.

On 15 May 2026, SharkNinja asks the judge-rapporteur to :

-access to the unredacted version of the cost application of 10 May 2026 and SEB Exhibits marked Confidential (Exhibits 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, 3.4 and 4.2) be granted to :

a) the Applicant's legal representatives and their legal team on case UPC_CFI_1594/2025, and support staff

and

b) four natural persons/employees of the Applicant, namely :

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED];

c) In the alternative to b, three natural persons/employees of the Applicant, namely :

[REDACTED]
[REDACTED]
[REDACTED]

In a communication dated 15 May 2026 and amended by email on 19 May 2026, the judge-rapporteur asked Seb's representatives to submit any comments on SharkNinja's request by 21 May 2026.

In response dated 20 May 2026, Seb asks the judge-rapporteur to :

-Order that the information in red in the Application for a cost decision dated 10 May 2026 and the redacted passages in SEB Exhibits marked Confidential to which this Application referred to, is confidential information between the parties;

-Order that the unredacted version of SEB's Application for a cost decision dated 10 May 2026 and of SEB

Exhibits marked Confidential be excluded (i) from publications;

(ii) from any documents made available;

and

(iii) from any information made available in response to an application;

-Order that the access to the unredacted version of SEB's Application for a cost decision dated 10 May 2026 and of SEB Exhibits marked Confidential be only granted to SharkNinja's UPC representatives identified in its written submissions, namely Ms. Agathe Michel-de Cazotte and Mr. Paul Bettridge as well as the "legal team" designated in the CMS, all from Carpmiels & Ransford LLP;

in the alternative,

-Grant access to the unredacted version of SEB's Application for a cost decision dated 10 May 2026 and of SEB Exhibits marked Confidential only to SharkNinja's representatives identified in its written submissions, Ms. Agathe Michel-de Cazotte and Mr. Paul Bettridge, its "legal team" designated in the CMS, all from Carpmiels & Ransford LLP, as well as one employee of SharkNinja.

GROUNDINGS FOR THE ORDER

I- Confidentiality requests

- On public access (R. 262.2 RoP)

R. 262 RoP relating to Public access to the register, establishes the principle that decisions and orders must be made public and that written pleadings and evidence are available to the public upon reasoned request.

R. 262.1(b) RoP provides that written submissions and documents shall be made available to the public only if a reasoned request is granted.

R. 262.2 RoP concerns the restriction of public access, at the request of a party, to procedural information: ‘A party may request that certain information of written pleadings or evidence be kept confidential and provide specific reasons for such confidentiality. (...) When a party lodges a request that parts of written pleadings or evidence shall be kept confidential, he shall also provide copies of the said documents which the relevant parts redacted when making the request.’

In the case at hand, Seb requests that parts of the costs application, marked in red, and some exhibits, highlighted in grey, are classified as « confidential » and be excluded from public access.

As no third-party application has yet been made under Rule 262.1(b) of the Rules of Procedure, the Court considers that Bosch’s application for confidentiality is reasonable and well-founded, given the nature of the information contained in these documents. However, this authorisation must be declared provisional at the stage of the proceedings, and must be subject to review should a member of the public request access to the aforementioned documents.

- On the protection of confidential information (R262A RoP)

Legal grounds

EU Directive 2016/943 on Trade Secret provides in its Article 9.3: “When deciding on the measures referred to in paragraph 2 and assessing their proportionality, the competent judicial authorities shall take into account the need to ensure the right to an effective remedy and to a fair trial, the legitimate interests of the parties and, where appropriate of third parties, and any potential harm for either of the parties, and where appropriate for third parties, resulting from the granting or rejection of such measures.”

Article 58 UPCA provides that: “To protect the trade secrets, personal data or other confidential information of a party to the proceedings or of a third party, or to prevent an abuse of evidence, the Court may order that the collection and use of evidence in proceedings before it be restricted or prohibited or that access to such evidence be restricted to specific persons.”

Rule 262A.5 RoP on Protection of Confidential Information states that: “The Court may allow the Application considering in particular whether the grounds relied upon by the Applicant for the order significantly outweigh the interest of the other party to have full access to the information and evidence in question.”

Rule 262A.6 RoP further provides that: “The number of persons referred to in paragraph 1 shall be no greater than necessary in order to ensure compliance with the right of the parties to the legal proceedings to an effective remedy and to a fair trial, and shall include, at least, one natural person from each party and the respective lawyers or other representatives of those parties to the legal proceedings.”

Order of the UPC Court of Appeal of 12 February 2025 (CoA_621/2024) ruled: “Pursuant to R. 262A.6 RoP the number of persons to whom access is restricted shall be no greater than necessary in order to ensure compliance with the rights of the parties to the legal proceedings to an effective remedy and to a fair trial, and shall include, at least, one natural person from each party and the respective lawyers or other representatives of those parties to the legal proceedings. Whether a particular person may be granted full access under this provision must be determined on the basis of the relevant circumstances of the case, including the role of that person in the proceedings before this Court, the relevance of the confidential information to the performance of that role and the trustworthiness of the person in keeping the information confidential.

Classification of information as “confidential”

The Applicants (Seb) request that the redacted information in the costs application marked in red, and in Exhibits 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, 3.4 and 4.2, highlighted in grey, be declared confidential information, as they relate to non-public financial information and are subject to various secrecy measures and could disclose information regarding Seb’s litigation strategy.

SharkNinja does not dispute that the information alleged as confidential by Seb must be classified as such and protected accordingly.

The said information relates to financial information and trade secrecy and could disclose commercially valuable information equal to trade secrets, information on Seb’s litigation strategy and must be protected under Rule 262 A of the Rules of Procedure (RoP).

The information classified as confidential will be mentioned in the operative part of the present order.

-Restriction of access

Seb requests that access to and use of this information be limited to the present proceedings and not be available to others than SharkNinja’s UPC representatives only. Seb asks in any event, external representatives and SharkNinja’s employees should be excluded from the confidentiality agreement or, alternatively, that only one employee should be included in this arrangement.

Seb adds that granting access to four employees is too broad and is not justified, particularly as, in the context of the appeal proceedings, SharkNinja requested that only two Seb’s employees be granted access to the information.

SharkNinja requests the establishment of a confidentiality club comprising the legal representatives within the meaning of Article 48 of the UPCA, as well as members of their team actively involved in these proceedings, and three or four natural among its employees.

The information that Seb wishes to have protected belongs to Seb and constitutes confidential information. In view of the circumstances of the case and the interests of the parties, the measure to protect this information, on the basis of R262A, is justified.

Restricted access to this information should therefore be organised for the benefit of SharkNinja, comprising the persons mentioned in the operative part of this order, for the exclusive purpose of these proceedings, including the SharkNinja's UPC representatives, as well as the legal team as defined by the Court of Appeal as *'comprising solely the internal support staff of the firm to which the relevant JUB representative belongs and who have been engaged by that UPC representative to work on the case, provided that the designated UPC representative assumes responsibility for ensuring that each member of the legal team is bound by the provisions of the confidentiality order'* (decisions of 26 January 2026 UPC_CoA_755/2025, UPC_CoA_757/2025, UPC_CoA_791/2025 and UPC_CoA_793/2025).

In accordance with above-mentioned R 262A.6 RoP, access must be given to at least, one natural person. Indeed, contrary to SharkNinja's proposal to appoint four or three individuals as a member of the confidentiality club, it appears that one in-house individual would be sufficient and proportionate, given the nature of the information concerned, to ensure a fair trial and efficient protection of the confidential information.

The individual appointed to participate in the confidentiality circle, is by virtue of its position and qualification, fully informed about the issues at stake (costs' representatives) and is capable of maintaining confidentiality.

The list of the members of the confidentiality club will be mentioned in the operative part of the present order.

II- Translation's exemptions

Seb requests to be exempted to translate into English, the produced documents written in French, filed in support with the costs' application, in order to avoid unnecessary and unrecoverable costs, stating that a similar exemption has already been accepted, in the PI's proceedings; that the parties and UPC representatives are able to understand these documents in their original language and that the caselaw is provided for court's convenience and is supposed to be known by the court.

SharkNinja didn't submit any comments on this request.

For the reasons previously set out in the decision of 21 January 2026, to which reference is made, regarding an exemption from translation, having regard to the nature of the documents, the status of the parties and their representatives, their languages' knowledge and their ability to work either in English or in French, it is justified to grant such exemptions, as said in the operative part of this order.

For these reasons,

The judge rapporteur orders that:

I- Confidential information

-The redacted information as mentioned in Seb's Costs Application, marked in red, and in Seb's Exhibits 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, 3.4 and 4.2, highlighted in grey, which form part of the costs application filed on 10 May 2026, is classified as "confidential" within the meaning of Art. 58 UPCA and R. 262 A RoP,

II- Access to confidential information

Access to the information classified as confidential under item I. above is limited, on the part of SharkNinja to the following persons:

- 1. SharkNinja's representatives appointed in the present proceedings including their legal team,
- 2- the following natural person of SharkNinja :

- [REDACTED]

The persons authorized to access the confidential information must treat the confidential information confidential and must not use or disclose it outside of the present proceedings or to a person who is not authorized to access the confidential information pursuant to Request II.;

In the event of a culpable breach of the order pursuant to Request III., an appropriate penalty, to be determined by the Court having regard to the circumstances of each case, be paid for each violation of that order;

The obligation to maintain secrecy pursuant to Requests I.-III. shall continue to apply after the present proceedings have been concluded;

When publishing an order or decision (or any other announcement) in the present proceedings, all confidential information pursuant to Request I. shall be redacted to prevent disclosure.

III- Exemption of translation

-Exempts Seb from translating into English the following documents, in part or in whole: Exhibits n° 2.2, 3.2, 3.3, 3.4, 4.1, 4.2 and Case Law : n° DJ 2.3,

IV- Further steps

- SharkNinja is requested to submit its written comments by 05 June 2026, on costs application, including the question of the opportunity of a stay, taking into account the pending appeal proceedings,
- Seb is requested to give its opinion on the opportunity of a stay on costs application, by 05 June 2026.

This order may be reviewed in accordance with Rule 333 RoP.

Issued in Paris, on 21 May 2026

Carine Gillet, Judge-rapporteur

2026.05.21

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ORDER DETAILS

Case number: UPC_CFI_ 1599/2026

Action type: Application for Costs R151 RoP

Details : Confidentiality Request R262A & 262.2

Date of issue: 21 May 2026

