

DECISION
of the Court of Appeal of the Unified Patent Court
concerning an application for withdrawal (R. 265 RoP) and
an application for reimbursement of Court fees (R. 370.9 RoP)
issued on 26 May 2026

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

Hurom Co., Ltd., 80-60, Golden root-ro, 62184, Juchon-myeon, Gimhae-si, Gyeongsangnam-do,
Republic of Korea
(hereinafter “**HUROM**”)

represented by Klaus Haft, Attorney-at-law, and other representatives of Hoyng ROKH Monegier

RESPONDENT (DEFENDANT IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

NUC Electronics Co., Ltd, 280, Nowon-ro, 41548, Buk-gu, Daegu, Republic of Korea
(hereinafter “**NUC**”)

represented by Martin Momtschilow, Attorney-at-law, and other representatives of Preu Bohlig & Partner

PATENT AT ISSUE

EP 2 028 981

DECIDING PANEL

Klaus Grabinski, President of the Court of Appeal
Emmanuel Gougé, legally qualified judge and judge-rapporteur
Peter Blok, legally qualified judge

LANGUAGE OF THE PROCEEDINGS

English

IMPUGNED DECISION OF THE COURT OF FIRST INSTANCE

- Decision of the Court of First Instance of the Unified Patent Court, Mannheim Local Division, dated 2 October 2025
- Reference attributed by the Court of First Instance:

UPC_CFI_162/2024
ACT_17365/2024

SUMMARY OF FACTS AND PARTIES' REQUESTS

1. On 2 October 2025, the Mannheim Local Division of the Court of First Instance of the Unified Patent Court (hereafter "Mannheim LD") issued its decision in the case UPC_CFI_162/2024 concerning the alleged infringement of the patent at issue by NUC in Poland, Spain and the UK (hereafter the "impugned decision").
2. In an earlier decision dated 11 March 2025 in the same case UPC_CFI_162/2024, which was subject to the appeals UPC_CoA_410/2025 and UPC_CoA_420/2025, the Mannheim LD had already found that the patent at issue was infringed by NUC in the territories of Germany, France, Denmark, Italy and the Netherlands. In a parallel decision of the same date issued in the case UPC_CFI_159/2024 and which was subject to the appeal UPC_CoA_409/2025, the Mannheim LD found that patent at issue was also infringed by NUC Electronics Europe GmbH ("NUC Europe") and Warmcook in the territories of Germany, France, Denmark, Italy, the Netherlands and Romania.
3. In both cases (UPC_CFI_162/2024 and UPC_CFI_159/2024, Mannheim LD, procedural order of 11 March 2025), the Mannheim LD decided to separate the proceedings concerning Poland, Spain and the UK.
4. On 2 December 2025, HUROM filed an appeal (UPC_CoA_916/2025) against the impugned decision.
5. On 27 March 2026, the Court of Appeal issued the decision in the appeal cases UPC_CoA_409/2025, UPC_CoA_410/2025 and UPC_CoA_420/2025.
6. Following this decision, HUROM filed an application pursuant to R. 265 RoP to withdraw the appeal UPC_CoA_916/2025 against the impugned decision.
7. Pursuant to R. 370.9(b)(i), HUROM also requested the reimbursement of 60% of the appeal court fees amounting to EUR 11,000 (i.e. EUR 6,600). Additionally, HUROM requested that the Court reimburse the overpaid Court fees of EUR 2,500, which was paid as a precautionary value-based fee, as the value in dispute was indicated as EUR 675,000 in the CMS at the time of filing the appeal.
8. While NUC was provided with an opportunity to comment on HUROM's application pursuant to R. 265.1 RoP, NUC did not, within the eight days time period granted to NUC by the judge-rapporteur (CoA JR Order of 13 April 2026), file any comments in this regard or mentioned any legitimate interest in the action being decided by the Court.

9. On 29 April 2026, NUC filed its Statement of Response, requesting the Court of Appeal to reject the appeal and to order HUROM to bear the costs of the proceedings both on appeal and in first instance. It argues that it has a legitimate interest in a decision on the appeal by the CoA.
10. Following the Statement of response HUROM filed comments regarding the withdrawal of the appeal in which it undertakes to bear NUC's reasonable and proportionate costs of representation pursuant to R. 152 RoP and other necessary expenses for the conduct of the proceedings.

GROUND FOR THE DECISION

Withdrawal

11. The withdrawal of the appeal is admissible and shall be permitted.
12. As long as there is no final decision in an action, a claimant may, pursuant to R. 265.1 RoP, apply to withdraw his action. The application to withdraw shall not be permitted if the other party has a legitimate interest in the action being decided by the Court. This provision applies equally (*mutatis mutandis*) to an appellant who requests to withdraw its appeal (Court of Appeal, 5 July 2024, 10x v Curio, CoA_234/2024).
13. In this case NUC has been given an opportunity to be heard, within the time period set out by the judge-rapporteur, on the application to withdraw the appeal filed by HUROM but has decided not to do so. It follows that, absent any comment timely filed by NUC following the order of the judge-rapporteur, NUC cannot be considered to have a legitimate interest in having the appeal decided by the Court.
14. The conclusion would not be any different if the Court of Appeal were to take into account the submissions made by NUC in the Statement of response, which NUC filed after the expiry of the time period for comments on the application for withdrawal. In the Statement of response, NUC argues that it has a legitimate interest in having the appeal decided since the Mannheim LD ordered that the parties must bear their own legal costs. Even if this order could be set aside and replaced with an order that HUROM must bear the costs of NUC without NUC having filed a cross-appeal, NUC would still not have a legitimate interest in having the appeal decided, since HUROM will be ordered to bear these costs in the present order.

Value of the action

15. In accordance with the value of the action set at first instance, the value in dispute of the separated proceedings is also set at EUR 75,000 for the appeal proceedings.

Costs

16. R. 265.2 (c) RoP provides that the Court shall issue a cost decision in accordance with Part 1, Chapter 5.
17. Considering the undertaking given by HUROM (see paragraph 10 above), this Court will order that HUROM bears NUC's reasonable and proportionate costs of representation, including other necessary expenses for the conduct of the proceedings. The Court of Appeal considers HUROM's undertaking to apply to the costs of the proceedings on appeal and in first instance, since HUROM i) expressly refers to the Statement of response, in which NUC submitted a request for reimbursement of costs of the proceedings in both instances; ii) emphasizes that the undertaking is submitted to contribute to a timely termination of the proceedings

without a decision on the merits; and iii) “generally” undertakes to bear the costs of the proceedings. Accordingly, the cost decision in the present order will cover the costs of the proceedings in both instances.

Reimbursement of Court fees

18. According to R. 370.9(b)(i) RoP as it reads until 31 December 2025, in case of the withdrawal of an action (R. 265 RoP), the party liable for the Court fees will be reimbursed by 60 % if the action is withdrawn before the closure of the written procedure.
19. This provision has been modified following the amendments to R. 370.9 RoP, which entered into force on 1 January 2026. The amendments apply to actions and applications filed after 31 December 2025 (see page 4 of the Decision of the Administrative Committee of 4 November 2025 on the Amendment of the table of court fees and other related changes to the Rules of Procedure and Guidelines).
20. In case the application for withdrawal and reimbursement is filed after 1 January 2026, reimbursement shall therefore be ordered in accordance with the new provision (see CoA, 9 January 2026, CoA_257/2025, VMR Products LLC v. NJOY Netherlands BV).
21. Following the amendments to R. 370.9(b) RoP, in case of the withdrawal of an action (R. 265 RoP), the party liable for the Court fees will be reimbursed by 50 % if the action is withdrawn before the closure of the written procedure.
22. In the present case, the application to withdraw the appeal was filed before the lodging of the Statement of response. Therefore, the withdrawal was made before the closure of the written procedure. Reimbursement by 50 % is to be ordered in accordance with the provision of R. 370.9 RoP, as applicable from 1 January 2026.

DECISION

The Court of Appeal

- I. permits the withdrawal of the appeal and declares the proceedings closed;
- II. orders that this decision be entered on the register;
- III. orders that HUROM shall bear NUC's reasonable and proportionate legal costs and other expenses incurred of representation in both instances;
- IV. orders that 50 % of the appeal Court fees amounting to EUR 11,000 (i.e. EUR 5,500) be reimbursed to HUROM;
- V. orders the Registry to reimburse in addition the overpaid Court fees of 2,500 € to HUROM.

This decision was issued on 26 May 2026.

Klaus Grabinski, President of the Court of Appeal

Emmanuel Gougé, legally qualified judge and judge-rapporteur

Peter Blok, legally qualified judge