Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

The Hague - Local Division

UPC-CFI-0001568/2025
UPC-CFI-0001791/2025
UPC-CFI-0001793/2025

Order
of the Court of First Instance of the Unified Patent Court
issued on 27/05/2026
regarding: R.262A/262.2 RoP and procedural issues

Claimant:

1) Telefonaktiebolaget LM Ericsson (publ)
Torshamnsgatan 21, Kista
164 83 Stockholm
Sweden
"**Claimant**" or "**Ericsson**"

represented by Wim Maas, David Mulder, and others (Taylor Wessing)

Defendants:

1) Shenzhen Transsion Holdings Co. Ltd
Unit 1, Floor 24, Chuanyin Building, No.8, Xianyuan Road, Xili Sub-district, Nanshan District
518000 Shenzhen City
China

2) Tecno Mobile Limited
Flat N, 16/F., Block B, Universal Industrial Centre, 19-25 Shan Mei Street, Fotan, New Territories
Hong Kong
Hong Kong, China

3) Itel Mobile Limited
Flat N, 16/F., Block B, Universal Industrial Centre, 19-25 Shan Mei Street, Fotan, New Territories
Hong Kong
Hong Kong, China

4) Infinix Mobility Limited
Flat N, 16/F., Block B, Universal Industrial Centre, 19-25 Shan Mei Street, Fotan, New Territories

Hong K
Hong Kong, China

5) Tekpoint GmbH
Leopold Ungar Platz 2
1190 Wien
Austria

6) IRD Distribuce, S.R.O.
3 – Vinohrady, nám. Jiřího z Poděbrad 1658/11
13000 Prague
Czechia

7) x-kom GmbH
Cottbus Charlottenstraße 34
01099 Dresden
Germany

8) TradeInn Retail Services, S.L
C/ Dels Pirineus, 9, Nave 1B, Polígono Industrial Celrà
17460 Girona
Spain

9) Egenta s.r.o.
Varšavská 715/36, Vinohrady
120 00 Prague
Czechia

10) NTT System S.A.
Trakt Brzeski 89, Zakręt, Warszawa-Wesoła,
Mazoweickie
0555-007 Wiazowna
Poland

Defendants 1-7 and 10 are collectively referred to as **"Represented defendants",** and defendants 1-4 collectively as "**Transsion".**
Representation: the Represented defendants are represented by Andreas Kramer, Alex Wilson and Ari Laakkonen (Powell Gilbert).
Defendants 8 and 9 are not represented in these proceedings.

PATENTS AT ISSUE:
EP 2 712 236 B1 (case 1568/2025)
EP 3 836 631 B1 (case 1791/2025)
EP 3 245 744 B1 (case 1793/2025)
all of Telefonaktiebolaget LM Ericsson (publ)

DECIDING JUDGE:
This order is issued by the panel composed as follows:

Presiding Judge	Edger Brinkman
Judge-rapporteur	Margot Kokke
Legally qualified judge	Samuel Granata
Technically qualified judge	Christian Keller

LANGUAGE OF THE PROCEEDINGS: English

Subject-matter of the proceedings: Infringement actions

BACKGROUND AND PROCEDURE

1. On 13 November 2025, Ericsson initiated infringement proceedings concerning three patents with a statement of claim (the "Combined SoC"). Because the Combined SoC concerned alleged infringement of three unrelated (standard essential) patents ("SEPs") pertaining to different technical effects, Claimant was instructed to split the case into three separate cases. This resulted in additional infringement cases numbered UPC_CFI_1791/2025 and UPC_CFI_1793/2025. The three cases are collectively also referred to as the "**Proceedings"**. It was agreed that for service the Combined SoC would be used.

2. Together with the Combined SoC, and resubmitted on 28 November 2025, Ericsson filed a R.262A/262.2 Application (the "**Confidentiality Application**"). Claimant requested that the Court order certain information contained in the Combined SoC in case UPC_CFI_1568/2025 and documents lodged (or to be lodged) in these proceedings filed in the Local Division The Hague (referred to in the Statement of Claim and in this Application as "**The Hague Action**"), to be qualified as confidential, and to establish a confidentiality club as proposed in the Confidentiality Application. The Confidentiality Application also pertains to the split off cases UPC_CFI_1791/2025 and UPC_CFI_1793/2025.

3. Ericsson distinguishes two categories of confidential information in its SoCs and documents lodged with them, for which it seeks different confidentiality regimes:

   (i) Information exchanged between Ericsson and Transsion in relation to licence negotiations (the "**Confidential Correspondence**"), which information is/will be highlighted in grey and annexes containing such information will be labelled as "**Confidential Annex**"; and

   (ii) Information contained within the unredacted Mills Report (as defined below) and any other documents in the proceedings, which information includes, is derived from and/or relates to Ericsson's 4G and 5G Comparable Licences (as defined in the Statement of Claim) and/or materials related to the formation of those licences, as well as proprietary third-party market intelligence data (the "**Ericsson Restricted Information**"); this information will be highlighted in green and annexes containing such information will be labelled as "**Restricted Annex**".

4. In the Confidentiality Application, Ericsson also requests the LD The Hague to set a common confidentiality regime for the The Hague Action and for some other proceedings pending between the same parties at other divisions of the UPC. These proceedings are case UPC_CFI_1571/2025 pending at the Paris Central Division (referred to in the Statements of Claim and in the Confidentiality Application as the "**Paris Action**") and case UPC_CFI_1570/2025 pending in the Mannheim Local Division (referred to in the Statements of Claim and in the Confidentiality Application as the "**Mannheim Action**"), and any other cases into which these actions may have been split.

5. On 13 February 2026 ("Preliminary Confidentiality Order"), the Court granted the request provisionally, granting access to the Confidential Correspondence and to the Ericsson Restricted Information (collectively also: the "**Redacted Information**") to the representatives of the Represented defendants only, pending their response to the Confidentiality Application. Pending a final R.262A order, the Confidentiality Application was provisionally granted as requested <u>for the cases pending before the LD The Hague only</u> apart from the confidentiality club. The unredacted version of Ericsson's SoCs were subsequently made available to the UPC representatives and their assistants. It was noted that if and how the regime can also encompass confidential and redacted information exchanged in the Paris and Mannheim, needs to be discussed. Separate provisional confidentiality orders are in place in the Paris and Mannheim Actions.

6. A case management hearing (CMH) was held on 5 March 2026. The confidentiality regime and club covering the access to the Confidential Information, was discussed. The Represented defendants insisted that they were unable to reply to Ericsson – in the meantime updated - Confidentiality Application before 10 April 2026. The JR urged the parties to reach an agreement on confidentiality issues. The order issued after the CMH contains inter alia the following:

   Transsion defendants'[1] representatives indicate that in view of all worldwide actions, they are not in a position to comment on the confidentiality regime before 10 April 2026. The JR pointed out that access to the confidential information submitted by Ericsson, including licences with third parties, continues to be restricted to the Transsion defendants' representatives only until an order deciding otherwise is issued. The Transsion defendants, i.e. any employees/natural persons, cannot access such information, including the licences. The JR suggested the parties to consider the possibility of a phased confidentiality regime, starting with a limited confidentiality club which can be extended when the information asserted to be confidential indeed proves to be relevant for deciding the case.

7. On 9 March 2026 Ericsson uploaded a further amended Confidentiality Application, as requested during the CMH.

8. On 10 April 2026, the Represented defendants uploaded a response to the Confidentiality Application, rejecting Ericsson's proposal and submitting a counter-proposal.

[1] The parties refer to the Represented defendants as Transsion defendants.

9. On 4 May 2026 Ericsson submitted an update regarding the Confidentiality Application. It informed the Court that Transsion had selected a licensing/valuation expert, who had signed a confidentiality undertaking and been given access (since 23 April 2026) to the complete Redacted Information. This access was on the same terms as Transsion's UPC representatives, in accordance with the Court's preliminary confidentiality order dated 13 February 2026. Ericsson also reiterated its request for a phased confidentiality regime, whereby in the first phase only the Represented defendants' UPC representatives as well as the independent private valuation/licensing expert appointed by the Represented defendants and an external licensing counsel, would have access to the Redacted Information. This is referred to as an 'external eyes only' (EEO) regime. In this brief it was indicated, inter alia, that the Represented defendants maintain the position that, in addition to the external expert(s), one employee of each defendant should be part of the confidentiality club.

10. By communication of the Court of 8 May 2026, the Represented defendants were given the opportunity to respond to Ericsson's update of 4 May 2026. No timely response was received.

11. Also on 8 May 2026, the Represented defendants filed a R.9.3 Rules of Procedure (RoP) Application (the "**Original R.9.3 Application**") requesting an extension for filing the technical statement of defence (SoD), which was due on 15 May 2026, until a confidentiality club had been established, granting at least one employee from each Represented defendant access to the Redacted Information. Ericsson responded on 11 May 2026. The Original R.9.3 Application was dismissed by order of 13 May 2026.

12. At the start of 14 May 2026, just after midnight, the Represented defendants submitted a new R.9.3 application combined with a (conditional) R.263 RoP request (the "**New R.9.3 Application**"). Almost simultaneously, they filed an R.333 application requesting the revision of the R.9.3 RoP order of 13 May 2026 (the "**R.333 Application**"). These Applications contain a response to Ericsson's submission of 4 May 2026, providing an update from Transsion's perspective and suggesting considerable developments regarding the confidentiality club. The text of a letter sent to Ericsson on 13 May 2026 was also shared:

> *"Dear Wim and Tom*
>
> *In relation to your client's application for a confidentiality regime following our numerous discussions, I wanted to check your client's position on the following, pending the Court making a decision on your application:*
>
> *Would your client agree to one in house individual from Transsion, (…) to access the Ericsson Restricted Information?*
>
> *We have been working to be in a position to file Transsion's defence and expert report on 15 May and the only issue preventing us from doing so is an inability to take instructions.*
>
> *Alternatively, Tom suggested in one of our discussions that Ericsson would not object to our client filing its FRAND evidence over more than one pleading- kindly confirm that this is still your client's position.*
>
> *Kindly respond by return.*

Alex Wilson"

13. On the same day, and in view of new information provided in the New R.9.3 Application, the Court granted a two-week extension to prevent Transsion's New R.9.3 and R.333 Applications becoming redundant (R.360 RoP), on the basis that this extension would not delay the Proceedings as a whole. Inter alia the following was ordered:
    - I. *Grants a two-week extension for the filing of the non-technical SoD until **29 May 2026;***
    - II. *Orders Ericsson to comment on the 'new information' (see 15. And 17. above) on or before Tuesday **19 May 2026 11 a.m.** (CEST);*
    - III. *Allows both parties the opportunity to provide further comments with respect to the confidentiality regime and confidentiality club and to provide an updated request on or before Tuesday **19 May 2026 at 11 a.m** (CEST).*

    Reference is made to the order for further details.

14. On 19 May 2026, apparently after further discussions between the parties on 18 May 2026 regarding a confidentiality regime/club, Ericsson submitted an updated version of the Confidentiality Application. This version took into account several agreed amendments, including the appointment of Transsion's licensing/valuation expert. In the same submission, Ericsson informed the Court that, in the afternoon of 18 May 2026, the Represented defendants had informed them that the Court (and Ericsson) had "*misunderstood*" Transsion's proposal of 13 May 2026 (i.e. for [….] to be the sole in-house person in the confidentiality club). This proposal was apparently not serious, but rather an attempt to establish whether an impasse had been reached. The Represented defendants reverted to the original position that each Represented Defendant should be allowed (at least) one in-house representatives in the confidentiality club. The covering email suggested that the Represented defendants might initially agree to fewer than nine in-house representatives, but Powell Gilbert was "*awaiting instructions on this point*".

15. With its submission of 19 May 2026, Ericsson also filed a R.190 RoP application, requesting the court to order Transsion to disclose its relevant comparable licences.

16. The Represented defendants also provided an update on 19 May 2026, together with a marked up version of (the 9 March version of) the Confidentiality Application, discussed below.

17. On 21 May 2026, Ericsson submitted a further updated Confidentiality Application, reflection some small changes suggested by the Represented defendants.

<u>REQUESTS</u>

18. With its submission of 19 May 2026, Ericsson requests that the Court:

    1) uphold Ericsson's Confidentiality Application of 13 November 2025, as updated in Annex 1;
    2) dismiss Transsion's New R.9.3 Application for an extension of deadlines to file the Non-Technical SoD, to the extent the Represented defendants seek any further extension beyond 29 May 2026;
    3) dismiss Transsion's application for leave to amend its Statement of Defence; and

4) order that Transsion shall within 21 days of the Order produce all licence agreements to date, whether as a result of settlement of litigation or otherwise, entered by the Transsion group of companies relating to one or more patents declared essential to the 4G/LTE and/or 5G cellular standards, as well as any side letters, modifications, amendments, supplementary agreements and similar documents relation to one or more of the agreements referred to. (the **R.190 Application**)

With the Confidentiality Application as last updated on 21 May 2026, Ericsson requests the Court to order that:

I. Defendants 1-4 shall be permitted to access the **Confidential Correspondence**;

II. in the case of Defendants 5-10, access to the Confidential Correspondence is restricted to: (1) those Defendants' external UPC Representatives and their assistants; and (2) one independent private licensing/valuation expert, being Mr Philip Kline (and his assistants) and one licensing counsel (and this licensing counsel's assistants), both expressly designated by the Defendants for the purposes of the Proceedings, and neither of which is an employee of any of the Defendants or their affiliates in the Proceedings (Rule 262A RoP);

Primarily

III. during a first phase of the Proceedings ("**Phase 1**"), in the case of Defendants 1-10, access to the Ericsson **Restricted Information** is restricted to: (1) the Defendants' external UPC Representatives and their assistants in the Proceedings; and (2) one independent private licensing/valuation expert being Mr Philip Kline (and his assistants) and one licensing counsel (and this licensing counsel's assistants), both expressly designated by the Defendants for the purposes of the Proceedings, and neither of which is an employee of any of the Defendants or their affiliates in the Proceedings (Rule 262A RoP). Prior to being given access to Ericsson Restricted Information the Defendants' licensing/valuation expert and their assistants shall sign an undertaking in the form provided in Appendix A to this Application (the "**Confidentiality Undertaking**").The Phase 1 confidentiality regime shall remain in effect until after the interim proceeding in The Hague Action and will only end when the Local Division of The Hague issues a further order in respect of the confidentiality regime. The parties shall be permitted, either by mutual agreement or independently, to apply to the Local Division of The Hague at the interim proceeding for a further order in respect of an extended confidentiality regime, which will govern the remainder of the Proceedings ("**Phase 2**"). Such an application may be made if one or more parties consider that further disclosure (i.e. beyond the Phase 1 confidentiality regime) of the Ericsson Restricted Information, or parts thereof, is necessary. In the event that no such application is made at the interim proceeding and/or the Local Division of The Hague does not issue a further order in respect of the confidentiality regime in The Hague Action, the terms of this Order shall remain in effect.

Alternatively

Under the condition that this Court finds that the primary Request cannot be upheld, in the case of Defendants 1-10, access to the Ericsson Restricted Information is restricted to: (1) the Defendants' external UPC Representatives and their assistants in the Proceedings; (2) one independent private licensing/valuation expert being Mr Philip Kline (and his assistants) and one licensing counsel (and this licensing counsel's assistants), both expressly designated by the Defendants for the purposes of the Proceedings, and neither of which is an employee of any of the Defendants or their affiliates (Rule 262A RoP). Prior to being given access to Ericsson Restricted Information the Defendants' licensing/valuation expert and their assistants shall sign a Confidentiality Undertaking, in the form provided in Appendix A to this Application; and (3) one natural person on behalf of all the Defendants, who is to be named by the Defendants (the "**In-House Recipient**"), and is not involved in licensing negotiations with Ericsson or any of the counterparties to Ericsson's comparable licence agreements and shall not participate in or advise upon any licensing negotiations with Ericsson or any of the counterparties to Ericsson's comparable licence agreements for a period of five (5) years from the date on which the In-House Recipient ceases to have access to the Ericsson Restricted Information in accordance with Request XIII. of this Order, save with the relevant counterparty's consent (Rule 262A RoP). Prior to being given access to Ericsson Restricted Information, the In-House Recipient shall sign an undertaking in the form provided in Appendix A to this Application;

IV. prior to the Defendants' appointment of a licensing/valuation expert (the "**Candidate**"), the Defendants (via Ericsson's external UPC Representatives) shall notify Licensee A of the Candidate and Licensee A shall have no more than ten (10) working days to object to the Candidate. If Licensee A objects to the Candidate within the aforementioned ten (10) working days, the Defendants and Licensee A shall have an additional ten (10) working days in which to resolve Licensee A's objection. If no resolution is reached within the second ten (10) working day period Licensee A shall have a further two (2) working days from the end of that second ten (10) working day period to make an application to the Court regarding the Candidate. If no such application is made the Defendants shall be permitted to appoint the Candidate;

V. in the event that an In-House Recipient is given access to the Licensee A Confidential Information under Request III. above the In-House Recipient shall only be permitted to access the Licensee A Confidential Information via a secure, virtual data-room provided by the Defendants' external UPC Representatives, whereby the In-House Recipient is not permitted to print. download, produce electronic copies or by any means extract the Licensee A Confidential Information from the virtual data-room;

VI. the Confidential Correspondence and Ericsson Restricted Information, including where such information appears in any further pleadings, evidence or annexes designated by one of the parties to the Proceedings as containing Confidential Correspondence and/or Ericsson Restricted Information, shall be treated as confidential by the individuals listed in Requests II. and III. above and shall not be disclosed to any other individuals or used for purposes other than the Proceedings, except to the extent that such information has lawfully come to the knowledge of the receiving party outside of the Proceedings and provided that the receiving party has obtained it on a non-confidential basis or is complying with any confidentiality restrictions associated with this other acquisition of knowledge, including without limitation any restrictions arising from contractual confidentiality agreements (Rule 262A RoP);

VII. to the extent that the Confidential Correspondence and/or Ericsson Restricted Information is referred to in further (procedural) documents and Orders, either by Ericsson, any of the Defendants or the Court, including but not limited to the Order to be given in this matter and any other Orders to be given in the Proceedings, such confidential information shall also be regarded as confidential and treated accordingly, including that the Confidential Correspondence and/or Ericsson Restricted Information referred to in such further documents and Orders shall be redacted;

VIII. prior to any disclosure of Licensee A Confidentiality Information to individuals other than those identified in Request III. above, or any change to the terms on which the Licensee A Confidential Information is disclosed under Requests III above ("**Further Disclosure**"), Ericsson shall notify Licensee A of the proposed Further Disclosure and Licensee A shall have no more than ten (10) working days to object to the Further Disclosure;

IX. in the event of a breach or suspected breach of the Order to be given in this matter which concerns Licensee A Confidential Information, the Defendants shall (via Ericsson's external UPC Representatives) notify Licensee A of such a breach as soon as practicable after it becomes aware of the breach;

X. in the event of a culpable breach of the Order to be given in this matter, a penalty payment for each breach shall be imposed, the amount of which shall be determined having regard to the circumstances of each case (Rule 354.3 RoP);

XI. the obligation to keep the Confidential Correspondence and Ericsson Restricted Information confidential under the threat of penalty payments in case of a breach, as well as the Defendants' obligations to ensure that their representatives, their assistants and external experts keep the Confidential Correspondence and Ericsson Restricted Information confidential under the threat of penalty payments in case of a breach, shall continue to apply after the termination of the Proceedings / The Hague Action (Rule 354.3 RoP);

XII. no later than ninety (90) days after the termination (meaning settlement between the parties and confirmed by the Court in Accordance with Rule 365 RoP) or final judgment (including termination and exhaustion of all appeals) of the Proceedings / The Hague Action, save for the Defendants' external UPC Representatives and their assistants, all individuals receiving Ericsson Restricted Information under Request III. above shall destroy or delete all copies of the Ericsson Restricted Information and the Defendants shall confirm the same to Ericsson's external UPC Representatives. The Defendants' external UPC Representatives and their assistants retaining Ericsson Restricted Information after termination of the Proceedings / The Hague Action shall do so only in accordance with their usual policies for retaining case files;

XIII. unredacted or partially unredacted versions of documents containing Confidential Correspondence and/or Ericsson Restricted Information shall not be provided by the Registry to any members of the public nor shall they be published in the register or otherwise (Rules 262.2 and 262.3 RoP);

XIV. attendance at such parts of the interim conference and/or oral hearing when the Confidential Correspondence and/or Ericsson Restricted Information are discussed is restricted to the respective individuals listed in Requests I., II. and III., (Article 45 UPCA; Rule 115 RoP);

XV. under the condition that the Court wholly or partially dismisses any of Ericsson's Requests for confidentiality under Requests I. to XIV. above, that the information and/or documents lodged and subject to the Requests shall be deemed to have been submitted and may be used in the Proceedings / The Hague Action by the Defendants and the Court only if and to the extent that Ericsson does not object within 4 weeks of service of the Order to be given in this matter and/or, to the extent there are any appeals of the Order to be given in this matter, within 4 weeks of service of the Order that is to be finally given in this matter on appeal.

19. The Represented defendants request that

1) the Court reject Ericssons Confidentiality Application and make the order as set out in the Schedule (with its submission of 19 May 2026);
2) the 13 May [2026] Order be set aside and
3) a revised case management order be made as follows: the deadline for filing the combined non-Technical Defence (including FRAND) in cases UPC-CFI-0001568/2025, UPC-CFI-0001791/2025 and UPC-CFI-0001793/2025, be extended to a date two weeks from the date of service of any confidentiality order that allows the [Represented] Defendants' representatives to share the Ericsson Restricted Information with those individuals who are designated in such order. (2 and 3 pursuant to the R.333 Application)
4) the Court grant leave to the [Represented] Defendants to amend their Combined non-Technical Defence by 29 May 2026 (or such later date as the Court may determine appropriate after the date on which it decides the Claimant's updated [Confidentiality Application] to add FRAND aspects and rely on expert evidence of Mr Kline responsive to Mr Mills' report. (in the New R.9.3 Application)

In the Schedule filed with the submission of 19 may, 2026, the Represented defendants submitted the following marked up version of Ericsson's (9 March 2026 version of) the Confidentiality Application (clean text shown):

I. Transsion defendants 1-4 shall be permitted to access the Confidential Correspondence subject to any prior and existing obligations in respect of such information;
Primarily
II. access to the Confidential Correspondence is restricted to: (1) those the Defendants' external UPC Representatives and their assistants; and (2) one independent private licensing/valuation expert, being Mr Philip Kline (and his assistants) and one licensing counsel (and his assistants), both expressly designated by the Defendants for the purposes of the Proceedings, and neither of which is an employee of any of the Defendants or their affiliates in the Proceedings (Rule 262A RoP);
[Ericsson's primarily proposed text at III. rejected; alternatively proposed text at III. slightly amended:]
III. In the case of Defendants 1-10, access to the Ericsson Restricted Information is restricted to:
(1) the Defendants' external UPC Representatives and their assistants in the Proceedings;
(2) one independent private licensing/valuation expert being Mr Philip Kline (and his assistants) and one licensing counsel (and this licensing counsel's assistants), both expressly designated by the Defendants for the purposes of the Proceedings, and neither of which is an employee of any of the Defendants or their affiliates (Rule 262A RoP). [Prior to being given access to Licensee A Confidential Information the Defendants' licensing/valuation expert and their assistants has signed a Confidentiality Undertaking, in the form provided in Appendix A to this Application]; and
(3) [individuals X and Y], being natural persons appointed on behalf of Defendants 1-4, who is to be named by [each of] the respective Defendants (the "In-House Recipients"), and is not involved in licensing negotiations with Ericsson or any of the counterparties to Ericsson's comparable licence agreements and shall not participate in or advise upon any licensing negotiations with Ericsson or any of the counterparties to Ericsson's comparable licence agreements for a period of five (5) years from the date on which the In-House Recipients cease to have access to the Ericsson Restricted Information in accordance with Request XIXIII. Of this Order, save with the relevant counterparty's consent (Rule 262A RoP).
[the Represented defendants consider Ericsson's proposals at IV, V, VIII and IX., which are specific for Licensee A, inappropriate and Ericsson's proposed text at VI. And VII. unnecessary; these paragraphs are omitted here]
IV. the parties may apply to the Court to amend this order to replace or add further In House Recipients to be given access to the Ericsson Restricted Information or Confidential Correspondence.
X. in the event of a culpable breach of the Order to be given in this matter, a penalty payment for each breach shall be imposed, the amount of which shall be determined having regard to the circumstances of each case (Rule 354.3 RoP);
XI. the obligation to keep the Confidential Correspondence and Ericsson Restricted Information confidential under the threat of penalty payments in case of a breach, as well as the Defendants' obligations to ensure that their representatives, their assistants and external experts keep the Confidential Correspondence and Ericsson Restricted Information confidential under the threat of penalty payments in case of a breach, shall continue to apply after the termination of the Proceedings / The Hague Action (Rule 354.3 RoP);
XII. no later than ninety (90) days after the termination (meaning settlement between the parties and confirmed by the Court in Accordance with Rule 365 RoP) or final judgment (including termination and exhaustion of all appeals and referrals) of the Proceedings / The Hague Action, save for the Defendants' external UPC Representatives and their assistants, all individuals receiving Ericsson Restricted Information under Request III. above shall destroy or delete all

copies of the Ericsson Restricted Information and the Defendants shall confirm the same to Ericsson's external UPC Representatives. The Defendants' external UPC Representatives and their assistants retaining Ericsson Restricted Information after termination of the Proceedings / The Hague Action shall do so only in accordance with their usual policies for retaining case files;

XIII. unredacted or partially unredacted versions of documents containing Confidential Correspondence and/or Ericsson Restricted Information shall not be provided by the Registry to any members of the public nor shall they be published in the register or otherwise (Rules 262.2 and 262.3 RoP);

XIV. attendance at such parts of the interim conference and/or oral hearing when the Confidential Correspondence and/or Ericsson Restricted Information are discussed may be restricted to the respective individuals listed in Requests I., II. and III., (Article 45 UPCA; Rule 115 RoP)

20. The Represented defendants oppose the primarily requested restricted confidentiality regime for the Ericsson Restricted Information in a first phase of the proceedings, arguing that additional access by in-house recipients is required. Until last week, their position was that at least one natural person/employee from each Represented defendant must be given immediate access to all Confidential Correspondence and Redacted Information. In their response on 19 May 2026, they submitted:

> The Defendants consider that the RoP and the case law to [sic] clearly require that each party should be able to appoint one natural person. This is the Defendants' primary position. However, the Defendants recognise that the Ericsson Restricted Information concerns FRAND related matters and only Defendants 1-4 are directly involved in those matters (Defendants 5-10 being mostly resellers/distributors etc). Accordingly, in the interests of procedural efficiency, the Defendants would be prepared to agree to a phased release of information so that the named individuals from Defendants 1-4 identified below would have access immediately and if in due course additional natural persons were needed to protect the interests of the Defendants, an application could be made at that stage to the Court. This would avoid the potential disclosure to a significant number of individuals at this stage in the proceedings. This proposal is contingent on the individuals below being appointed in view of their responsibilities and knowledge which are required to protect the legitimate interests of the Defendants at this stage in the proceedings.

Two individuals of Transsion are identified in the submission.

GROUNDS

21. The confidentiality regime is set with this order, partly confirming what is now agreed by the parties. Some (related) case management /procedural issues will be addressed as well.

Confidentiality of the Redacted Information – R.262.2RoP

22. The Represented defendants do not oppose the confidential nature of the Redacted Information (i.e. the Confidential Correspondences and the Ericsson Restricted Information) in the SoC and in the Confidential and Restricted Annexes. The parties agree that this information is and should be kept confidential from third parties (R.262.2). The Court sees no reason to judge otherwise. The Redacted Information will thus be classified as confidential regarding third parties as requested in the (updated) Confidentiality Application at XIII, subject to any application based on R. 262.3.

Access to the Confidential Correspondence (R.262A RoP)

23. From the parties' submissions on 19 May 2026, the Court understands that the parties agree that only those defendants directly involved in the negotiations, should have full access to the Confidential Correspondence concerning the licensing negotiations between Ericsson and Transsion, see 3.i above), i.e. the defendants 1-4.

24. Access by any in-house individuals of defendants 5–7 and 10 (resellers and distributors of Transsion) is not deemed necessary at this time, nor is this (any longer) envisaged by the parties. The legal representatives shared by all Represented defendants and the party expert appointed on behalf of all Represented defendants, already have access to the Confidential Information, also on behalf of defendants 5–7 and 10, but with an obligation not to disclose the information to any in-house individuals of defendants 5–7 and 10. This effectively constitutes an agreed 'external eyes only' ("EEO") regime for defendants 5–7 and 10.

25. The above is reflected in paragraphs I and II of the updated Confidentiality Application and this will be ordered or rather confirmed with this order.

Access to the Ericsson Restricted Information (R.262A RoP)

26. When assessing access to confidential information, the Court must determine whether the grounds for protection relied upon by the applicant, significantly outweigh the opposing party's interest in full access (R.262A.5 RoP). When deciding on measures to protect confidential information and assessing their proportionality, the Court must consider the need to ensure the right to an effective remedy and to a fair trial, the legitimate interests of the parties involved and any potential harm to either party, and, where appropriate, to third parties, resulting from granting or rejecting such measures. Similarly, the Court of Appeal of the UPC ("CoA") has emphasised that confidentiality protection must be balanced against the legitimate interests of the parties and the potential harm likely to result from disclosure or non-disclosure. [2]

27. Regarding the circle of persons granted access (the 'confidentiality club'), R.262A.6 RoP stipulates that the number of persons to whom access is restricted 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. In the event that one of the parties is a legal person, the CoA considered that that party should be able to propose one of more natural persons to form part of the circle of persons entitled to access, in order to ensure proper representation of the legal person, subject to appropriate judicial control to prevent the objective of restricting access to evidence and hearings from being undermined. Whether a proposed person may be granted access to the confidential information must be determined on the basis of the relevant circumstances of the case, including their role in

[2] See two orders of the CoA dated 26 Januari 2026, see UPC_CoA_755/2025, *Sun v Vivo* and UPC_CoA_631/2025 and UPC_CoA_632/2025), *Asus v Ericsson and Apple*

the proceedings before this Court, the confidential information's relevance to their role and their trustworthiness in maintaining confidentiality.[3] The fact that a person is an employee of a party is, as a general rule, not sufficient to deny access. Also, as a general rule, the interest of the party in having full access for at least one of its employees outweighs the interests of the applicant, even if the imposition of an EEO regime would be preferable from the perspective of safeguarding confidentiality.[4] However, the CoA also considered that 'R. 262A.6 RoP does not require that the person to whom access is given be an employee of a party or a representative within the meaning of Art. 48 UPCA'.[5]

28. The Ericsson Restricted Information includes Ericsson's 'comparable licences' and the Mills Report (see 3.ii above). Taking into account the circumstances of the Proceedings at hand, the Court considers that it remains to be seen whether any, some or all of the considerable number (more than twenty) of Ericsson comparable licences discussed in the Mills Report, will be deemed relevant for the assessment in the present Proceedings. While this is not yet the case, the Court finds that, given the uncontested confidential nature of the licences involved, an EEO regime as set out below is possible and appropriate for the time being. In these circumstances, such a phased regime strikes the best balance between the interests of the parties and of third parties to the Ericsson comparable licences, as required by R.262A.5 RoP (cf LD The Hague order of 9 April 2026 in Philips v TLC). It is therefore ordered that, during a first phase, access is restricted to the authorised UPC representatives and external natural persons appointed by Transsion, including the licensing/valuation expert, Mr Philip Kline (and his assistants). This regime is not ruled out by the relevant CoA orders (see footnote 1), as long as the relevant in-house individuals are granted access to confidential information that is deemed <u>relevant</u> to the Proceedings (as was the case in the CoA orders). The authorised UPC representatives and the external experts are best placed to assess the relevance of comparable licences, with input from the in-house individuals, who have access to the Confidential Correspondence (see 26. above). Postponing such access until it has been established which licences, if any, are relevant for the assessment in the Proceedings, is not considered to interfere with the right to a fair trial or to an effective remedy. The Represented defendants have not convincingly argued that phased access in the present circumstances would interfere with these rights. If deemed relevant, an additional written round may be permitted for non-technical (FRAND) issues, as explicitly approved by Ericsson.

29. Apart from the above, the following specific circumstances of the Proceedings were considered in the above assessment:

- Licensing negotiations between Ericsson and Transsion have been ongoing for many years, without Transsion making any (provisional) license payments. A phased access in these Proceedings does not materially affect this timeline, nor is it expected to affect the timeline of these Proceedings.
- The Represented defendants considerably delayed the confidentiality negotiations by requiring more than two months to respond to the

[3] UPC_CoA_621/2024, order of 12 February 2025, point 12, Daedalus v Xiaomi
[4] Decisions cited in footnote 2 para. 27 and 21 respectively.
[5] In Daedalus v Xiaomi, cited in footnote 3.

Confidentiality Application and even then, on 10 April 2026, they did not provide a constructive alternative. They cannot now use this to support applications for extensions to file the non-technical SoD at the eleventh hour.

- Until very recently Transsion/the Represented defendants had not (publicly) decided whether to run a FRAND defence. In its New R.9.3 Application of 14 May 2026, it clarified this for the first time. Whether there will be a counterclaim for FRAND rate setting is as yet unclear. This is relevant for assessing the relevance of access to the Ericsson Restricted Information.
- Judging by Ericsson's recent R.190 Application, Transsion has apparently not agreed to share any Transsion comparable licences
- In this context, Ericsson also raised concerns about enforcing confidentiality, referencing an order of the CoA which noted that enforcing UPC orders in China (where Transsion are based) might be difficult, given past experience with service.[6] This supports the restriction of access to what is in fact relevant.

Other contentious conditions of the confidentiality regime

30. The confidentiality regime does not apply to defendants 8 and 9, who are not represented. The Represented defendants have raised valid concerns about the suitability of certain provision involving Licensee A, including a rejection mechanism (paragraphs IV, V, VIII and IX of Ericssons Confidentiality Application). These provisions will not be included in the regime. The Court also concurs with the Represented defendants that there is no need to fix Phase 1 until the start of the interim phase, as circumstances that can make in-house access to certain specified comparable licences relevant, may arise during the written phase as well. The parties are not prevented from bringing this to the Court's and requesting amendments to the regime set with this order.

31. That being said, in the event that amending the confidentiality regime and/or extending the confidentiality club to in-house individuals becomes relevant, the Court finds the following (and assumes that the parties may use this as a basis to agree to amend the order if necessary). The Court does not consider it necessary or appropriate for a natural person to have access on behalf of each defendant, as the Represented defendants' primary position still seems to be. All Represented defendants use the same UPC representatives and filed joint submissions. Transsion, defendants 1-4, belong to the same group of companies and are the only ones directly involved in licensing negotiations with Ericsson; the other defendants are resellers/distributors of Transsion. The alternative position, whereby two employees are granted access on behalf of all Represented defendants, is considered reasonable.[7] A licensing bar cannot extend to licensing negotiations with Ericsson, as rightly objected to by the Represented defendants. The term of such a bar does not need to be decided now. It is assumed that parties will resolve this amicably, taking into account the two-year term considered reasonable in the CoA orders. Lastly, the Court finds that a similar reciprocal confidentiality regime should apply to any Transsion comparable licences.

[6] See order of 9 July 2025, *Chint v Jingao*
[7] See Philips v TCL, 9 April 2026, para 3.4.2

Other procedural/case management issues

32. Ericsson's R.190 application to order Transsion to submit Transsion comparable licences, has not yet been decided. Transsion has not responded to the R.190 Application, and the deadline thereto has not yet expired. In due course, a separate order will be required to address this, unless the parties can reach an amicable agreement based on the above guidance.

33. Transsion's New R.9.3 Application, in so far as an extension was requested, was decided by the 14 May 2026 order. However, in so far as this application contains a R.263 request to amend the non-technical SoD, it is premature and hypothetical. No such SoD has been filed yet. If, at a later stage, new relevant information becomes available that prompts a change or amendment to a submission which could not have been included in the original pleading, a reasoned R.262 RoP request can be filed.

34. In view of the extension granted with the order issued on 14 May 2026, pursuant to the New R.9.3 Application and this panel decision on the confidentiality regime, Transsion's R.333 Application to review the Original R.9.3 order has become devoid of purpose (R.360 RoP). As there is no need to adjudicate the R.333 application, it is dismissed.

ORDER/DECISION

The Court, having heard the parties:

1. CONFIDENTIALITY REGIME

regarding the Confidential Correspondence (R.262A RoP)

I. Orders that for the defendants 5–7 and 10, access to the **Confidential Correspondence** is restricted to: (1) those defendants' external UPC Representatives and their assistants; and (2) one independent private licensing/valuation expert, being Mr Philip Kline (and his assistants) and one licensing counsel (and this licensing counsel's assistants), both expressly designated by these defendants for the purposes of the Proceedings, and neither of which is an employee of any of the defendants or their affiliates in the Proceedings (Rule 262A RoP);

II. orders that Transsion (defendants 1-4), as well at their external representatives and licensing/evaluation experts, (shall) have access the **Confidential Correspondence**;

regarding the Ericsson Restricted Information (R.262A RoP)

III. Classifies the Ericsson Restricted Information and any other confidential information relating to (comparable) licences with third parties as confidential within the meaning of Art. 58 UPCA and R. 262A RoP;

IV. Orders that the same shall apply to any Transsion Restricted Information submitted into the Proceedings, i.e. 4G and/or 5G comparable license agreements concluded by Transsion or related companies with third parties;

V. Orders that during a first phase of the Proceedings ("**Phase 1**"), in the case of the Represented defendants 1-7 and 10, access to the Ericsson Restricted Information is restricted to (subject to a subsequent order expanding the access):
   (1) the Represented defendants' authorised UPC Representatives and their assistants in the Proceedings; and
   (2) one independent private licensing/valuation expert being Mr Philip Kline (and his assistants) and one licensing counsel (and his licensing counsel's assistants), both expressly designated by the Defendants for the purposes of the Proceedings, and neither of which is an employee of any of the Defendants or their affiliates in the Proceedings (Rule 262A RoP).

VI. Orders that the individuals under 5(2) (and their assistants) shall, prior to being given access to Ericsson Restricted Information, sign an undertaking in the form agreed by the parties (the "**Confidentiality Undertaking**").

VII. Orders that the Phase 1 confidentiality regime shall remain in effect until the Local Division of The Hague issues a further order in respect of the confidentiality regime, or the parties reach a different agreement. Whether or not an application to amend is made, the confidentiality regime shall in any case be reviewed at the latest during the interim conference.

<u>regarding R.262A confidentiality</u>

VIII. Orders that the Confidential Correspondence and Ericsson Restricted Information, including where such information appears in any further pleadings, evidence or annexes designated by one of the parties to the Proceedings as containing Confidential Correspondence and/or Ericsson Restricted Information, shall be treated as confidential by the individuals listed in 1, 2 and 5 above and shall not be disclosed to any other individuals or used for purposes other than the Proceedings, except to the extent that such information has lawfully come to the knowledge of the receiving party outside of the Proceedings and provided that the receiving party has obtained it on a non-confidential basis or is complying with any confidentiality restrictions associated with this other acquisition of knowledge, including without limitation any restrictions arising from contractual confidentiality agreements (Rule 262A RoP);

IX. Orders that the parties or any of the individuals under I and V., not being UPC representative, in case of a culpable breach of the **Confidentiality Regime** set with this order, shall forfeit a penalty of up to up to EUR 1,000,000 (one million Euro) (Rule 354.3 and 4 RoP);

X. Orders that the obligation to keep the Confidential Correspondence and Ericsson Restricted Information confidential under the threat of penalty payments in case of a breach, as well as the Represented defendants' obligations to ensure that their representatives, their assistants and external experts keep the Confidential Correspondence and Ericsson Restricted Information confidential under the threat of penalty payments in case of a breach, shall continue to apply after the termination of the Proceedings / The Hague Action;

XI. Orders that no later than ninety (90) days after the termination (meaning settlement between the parties and confirmed by the Court in Accordance with Rule 365 RoP) or final judgment (including termination and exhaustion of all appeals and referrals) of the Proceedings / The Hague Action, save for the Represented defendants' authorised UPC Representatives and their assistants, all individuals receiving Ericsson Restricted

Information pursuant to V. above shall destroy or delete all copies of the Ericsson Restricted Information and the Represented defendants shall confirm the same to Ericsson's authorised UPC Representatives. The Represented defendants' authorised UPC Representatives and their assistants retaining Ericsson Restricted Information after termination of the Proceedings / The Hague Action shall do so only in accordance with their usual policies for retaining case files;

regarding R.262.2 confidentiality

XII. Classifies the Redacted Information as confidential information within the meaning of R.262.2 RoP;

XIII. Excludes (any documents containing) the Redacted Information from inspection by any members of the public, subject to any order granted on an application under R. 262.3 RoP; also treats the Redacted Information as confidential, e.g. does not publish documents containing Redacted Information in the register with code "P",

XIV. Restricts the attendance at parts of the interim conference and/or oral hearing and or any case management hearing where the Confidential Correspondence and/or Ericsson Restricted Information is discussed, to the respective individuals listed in Orders I., II. and V.;

2.CASE MANAGEMENT ORDERS

I. dismisses the New R.9.3 Application in so far as not already decided;

II. dismisses the R.333 Application (R.360 RoP);

III. holds that the above orders are immediately enforceable, notwithstanding appeal, to the extent possible.

Judges Keller and Granata have reviewed and approved the order but are not able to sign now. The presiding judge is signing on their behalf as requested.

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Brinkman for Granata	Edger Frank BRINKMAN Digitally signed by Edger Frank BRINKMAN Date: 2026.05.27 12:32:45 +02'00'
Brinkman for Keller	Edger Frank BRINKMAN Digitally signed by Edger Frank BRINKMAN Date: 2026.05.27 12:33:06 +02'00'
Kokke	Margot Elsa Kokke Digitally signed by Margot Elsa Kokke Date: 2026.05.27 12:19:24 +02'00'
On behalf of the registry	Larissa Donata Hageman Digitally signed by Larissa Donata Hageman Date: 2026.05.27 12:36:40 +02'00'