



UPC_CFI_ 1599/2026
order of the Court of First Instance
of the Unified Patent Court
issued on 16/ 06/2026
(stay on Costs Application)

RESPONDANT

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APPLICANTS

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Patents no.

Proprietor

EP3689198

SharkNinja Operating LLC

DECIDING JUDGES:

Judge-rapporteur

Carine Gillet

LANGUAGE OF PROCEEDINGS:

English

ORDER

By decision on 10 April 2026 (UPC_CFI_1594/2025), The Paris Local Division 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.

SHARKNINJA filed an appeal on 27 April 2026 (UPC_CoA_061/2026).

On 10 May 2026, SEB filed an Application for costs pursuant to R.151 RoP, as well as other measures (exemption of translations).

Among other measures, the judge-rapporteur, by order issued on 21 May 2026, designates the members of a confidentiality circle, to access to confidential information and asks the parties to submit their comments, by 05 June 2026, on a possible stay, in light of the pending appeal against the decision rejecting the interim injunction.

On 05 June 2026, the SEB companies ask the judge-rapporteur to:

- Stay the cost proceedings (UPC_CFI_1599/2026) until a decision of the Court of Appeal in the case UPC_CoA_61/2026 has been issued ;
- Declare that such stay is without prejudice to the payment of the provisional account of 120.000 Euros, due by SHARKNINJA to the SEB companies by 10 June 2026.

The SEB Companies agree that a stay could be in the interest of a proper administration of justice as it will allow to determine simultaneously the cost applications for the first instance and appeal proceedings.

On 05 June 2026, SHARKNINJA requests that the cost proceedings (UPC_CFI_1599/2026) be stayed until a final decision of the Court of Appeal has been issued, and filed separately its written comments on the costs application.

In support of its claims, SHARKNINJA argues that:

- An appeal has been filed against the first instance decision,
- A stay is possible, in the context of an application for costs, in the case of a decision on the merits (LD Brussels UPC_CFI_131_2025, 02 May 2025, OrthoApnea v Anonymous)
- It would be efficient to await a final decision, before determining the reimbursement costs of the parties, should the Local Division's decision be overturned . The appeal hearing is scheduled for 23 July 2026 and a decision is expected by the end of August/early September 2026. There is no risk of insolvency on the part of either party
- SHARKNINJA was ordered to pay an interim award of costs, of EUROS 120.000 by 10 June 2026, after its withdrawal regarding the proceedings based on EP 201.

GROUND FOR THE ORDER

Pursuant to R151 RoP , "Where the successful party (hereinafter "the applicant") wishes to seek a cost decision, it shall within one month of service of the decision, lodge an Application for a cost decision, which shall contain (...)

(c) a statement as to whether the decision on the merits is the subject of an appeal, if known at the date of the Application".

According to R.295 Rules of Procedure (RoP), “the Court may stay proceedings (...) (d) at the joint request of the parties, (m) in any other case where the proper administration of justice so requires”.

In the case at hand, an appeal has been filed against the first instance decision in the preliminary injunction proceedings filed by SHARKNINJA, rejecting its claims and this appeal is still pending. Both parties agree to the stay. Furthermore, the Court of Appeal’s decision may uphold or overturn the judgment at first instance; in the latter case, it may order the other party to bear the costs and, in doing so, call into question a decision on costs had it been made immediately. In addition, there are no concerns regarding the solvency of either party.

Thus, a stay of proceedings in relation to costs is in the interests of the proper administration of justice, as it prevents unnecessary payments and allows for the reimbursement of sums paid.

For all these reasons,

The judge rapporteur, after having heard the parties:

1-Orders a stay of the proceedings for cost brought by SEB, with effect from the date of the present order, until the Court of Appeal delivers its judgment in the proceedings UPC_CoA_061/2026,

2-Orders the most diligent party to inform the judge-rapporteur of the Court of Appeal’s decision on the merits,

3- Asks the parties to notify the judge-rapporteur pf any termination of the dispute, by any means other than a decision on the merits issued by the UPC Court of Appeal.

4-States that, during the stay of proceedings, time limits shall no longer run.

Issued in Paris, on 16 June 2026

Carine Gillet, Judge-rapporteur

This procedural order issued by the judge-rapporteur, may be reviewed by the panel in accordance with R.333 RoP.

ORDER DETAILS

Case number: UPC_CFI_1599/2026

Action type: Application for Costs R151 RoP

Details : stay

Date of issue: 16 June 2026

