



Local Division Munich

UPC_CFI_2022/2025

Order

of the Court of First Instance of the Unified Patent Court

Local Division Munich

issued on 26 June 2026

APPLICANTS (CLAIMANTS IN THE COUNTERCLAIM FOR REVOCATION):

1. **Guangdong OPPO Mobile Telecommunications Corp. Ltd**, No. 18 Haibin Road, Wusha, Chang'an Town, Guangdong Province, Dongguan, 523860, China
2. OnePlus Technology (Shenzhen) Co., Ltd, 18/F, Tower C, Tai Ran Building, No.8 Tai Ran Road, Shenzhen, 518040, China
3. **Realme Chongqing Mobile Telecommunications Corp.**, Ltd, No.178 Yulong Avenue, Yufengshan, Yubei District, Chongqing, 401120, China
4. OROPE Germany GmbH, Graf-Adolf-Platz 15, 40213 Düsseldorf, Germany
5. OTECH Germany GmbH, Graf-Adolf-Platz 15, 40213 Düsseldorf, Germany
6. Oleading B.V., Weena 505, 3013AL Rotterdam, The Netherlands
7. **Reflection Investment B.V.**, Hofplein 20, 3032AC Rotterdam, The Netherlands
8. OTech Italia s.r.l., Viale Dell'Innovazione 1, Milano (MI) CAP 20126, Italy
9. Realme Germany GmbH, Wiesenhüttenstraße 11, 60329 Frankfurt am Main, Germany

(hereinafter all together as OPPO)

represented by: Dr. Gisbert Hohagen, Taylor Wessing and all UPC Representatives of Taylor Wessing Partnerschaftsgesellschaft mbB and all UPC Representatives of Taylor Wessing N.V.

RESPONDENT (DEFENDANT IN THE COUNTERCLAIM FOR REVOCATION):

ASUS Technology Licensing Inc., 2F., No. 11, Sec. 2, Beitou Rd, Beitou Dist, 112028 Taipei City, Taiwan (hereinafter ASUS)

represented by:

All UPC Representatives of EIP Europe LLP including, in particular, Dr. Christof Höhne, Isabelle Schaller, Dr. Sebastian Fuchs, Dimitri Kosenko, Maximilian Häger, Jerome Spaargaren, James Seymour, Neil Condon, Darren Smyth and Joanne Welch

and further represented by: Dr. Marina Wehler, Dr. Arno Riße, Dr. Lisa Rieth, Victoria Thüsing, Attorneys-at-Law, ARNOLD RUESS Rechtsanwälte PartmbB

PATENT AT ISSUE:

European patent n° EP 3 346 616

LANGUAGE OF THE PROCEEDINGS:

English

PANEL:

Panel 1a of the Local Division Munich

DECIDING JUDGE:

This order has been issued by the judge-rapporteur Petri Rinkinen

POINTS AT ISSUE: Application based on R. 9 RoP

SUMMARY OF FACTS AS WELL AS REQUESTS AND ARGUMENTS OF THE PARTIES

1. OPPO has submitted on 3 June 2026 "REJOINDER TO THE REPLY TO THE STATEMENT OF DEFENCE (TECHNICAL), REPLY TO THE DEFENCE TO THE COUNTERCLAIM FOR REVOCATION AND DEFENCE TO THE APPLICATION TO AMEND THE PATENT" to case UPC_CFI_525/2025, i.e. to the workflow of the infringement action to which the counterclaim for revocation UPC_CFI_2022/2025 has been submitted. In that submission it is indicated that it relates to both of the cases UPC_CFI_525/2025 and UPC_CFI_2022/2025. No submission was filed on case UPC_CFI_2022/2025.
2. The Court sent the following communication to OPPO on 12 June 2026:

"OPPO has filed on 3 June 2026 on case UPC_CFI_525/2026 a submission titled "REJOINDER TO THE REPLY TO THE STATEMENT OF DEFENCE (TECHNICAL), REPLY TO THE DEFENCE TO THE COUNTERCLAIM FOR REVOCATION AND DEFENCE TO THE APPLICATION TO AMEND THE PATENT". The submission has not been filed to case UPC_CFI_2022/2026 even though based on the content of that submission it is meant also for the latter case. Without taking any stand to the question whether this submission is filed in time to the case UPC_CFI_2022/2026, the Court encourages to submit to the case UPC_CFI_2022/2026 all the material meant to be taken into account in that."
3. OPPO filed on 13 June 2026 the submission and its exhibits to the case UPC_CFI_2022/2025.
4. OPPO filed on 15 June 2026 the application pursuant to R. 9 RoP requesting that the Court:
 - I. Confirms that the time limit for filing the Reply to the Counterclaim for revocation has been duly complied with, in view of the Reply having been filed in due time in the workflow for the infringement proceedings (Case No. UPC_CFI_525/2025).

- II. In the alternative: retroactively extends the time limit for filing the Reply to the Counterclaim for revocation in the revocation proceedings (Case No. UPC_CFI_2022/2025) until 13.06.2026.
5. OPPO's arguments in the application for filing in due time can be summarized as follows:
- The submission was unified including both the Rejoinder to the Reply to the Statement of Defence concerning the infringement proceedings (UPC_CFI_525/2025) and the Reply to the Defence to the Counterclaim for Revocation and Defence to the Application to Amend the Patent concerning the revocation proceedings (UPC_CFI_2022/2025).
 - This submission was filed in due time to the workflow of the infringement proceedings and hence the Court and ASUS had access to it in due time.
 - The failure to simultaneously upload the identical document in the parallel workflow for the revocation proceedings (UPC_CFI_2022/2025) was an inadvertent administrative oversight, caused by the exceptional complexity and volume of the filings in the present case – which included multiple confidential and non-confidential versions relating to the antitrust compulsory licensing defense in the infringement proceedings.
6. The Court requested comments from ASUS and their response on 22 June 2026 was:
- “With reference to the Court's communication dated 15 June 2026 ASUS does not wish to submit comments on OPPO's application and leaves the matter to the discretion of the Court.”

GROUND FOR THE ORDER

7. The Court notes that based on R. 4.1 RoP it is the responsibility of the parties to file submissions in due time and to the correct workflows in the Court's Case Management System (CMS). It is not the duty of the Court to accept late filed submissions and each case must be evaluated based on its own specific facts. Accepting exceptions to this main rule requires that none of the rights of the other parties of the action are violated.
8. At the same time the Court understands that the technical features of the Court's IT-systems should not be used to deny access to justice. There are several Court of First Instance decisions where the Court has accepted submissions when they have been technically filed incorrectly to wrong workflows as long as the content of these submissions has been provided to the Court and the other parties in due time. This is exactly what has taken place in this case.
9. The submission lodged in workflow UPC_CFI_525/2025 was available to the Court and to ASUS just the same way it would have been available if it would have been lodged also to the counterclaim for revocation workflow UPC_CFI_2022/2025. Lodging to that workflow is just lodging a duplicate due to the IT-system used by the Court.
10. In such situation the Court accepts that as the information provided in the submission was filed in due time, all the information provided in relation to the counterclaim for

revocation was available to the representatives of the other party and to the Court in due time. As the only error was that the duplicate was not filed to the other workflow, it would be unreasonable not to accept the submission to cover also the workflow UPC_CFI_2022/2025. None of rights of the other party are violated if the submission is accepted to be lodged in due time. The answer by ASUS also reflects this. The late lodging to the workflow of the counterclaim for revocation can be considered only a technical correction of the lodging of the submission already on 3 June 2026.

ORDER

The Court confirms that the time limit for filing the Reply to the Counterclaim for revocation has been duly complied with.

Issued on 26 June 2026

Petri Rinkinen
Judge-rapporteur