Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

UPC Court of Appeal
UPC-CoA-53/2026

ORDER

of the Court of Appeal of the Unified Patent Court,
issued on 29 June 2026
concerning an application for access to the case file (Rule 262.1(b) of the RoP)

HEADNOTE

Decisions of the judge-rapporteur under Rule 262.1(b) of the RoP may be reviewed by the panel pursuant to Rule 333 of the RoP. The remedy against the panel's decision is an appeal pursuant to Rules 220.2 and 220.3 of the RoP.

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

Huawei Technologies Co. Ltd., Shenzhen, China

(hereinafter referred to as 'Huawei')

represented by Dr Matthias Meyer, Attorney-at-law, Bird & Bird LLP, Düsseldorf, Germany RESPONDENT ON

APPELEE (AND APPLICANT IN THE PROCEEDINGS BEFORE THE Court of First Instance)

Quinn Emanuel Urquhart & Sullivan, LLP, Mannheim, Germany

(hereinafter referred to as **'Quinn** Emanuel')

represented by Dr Marcus Grosch, Attorney-at-law, Quinn Emanuel Urquhart & Sullivan, LLP, Mannheim, Germany

RESPONDENTS 2) AND 3) IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE

1. **MediaTek Inc.,** Hsinchu, Taiwan
2. **MediaTek Deutschland GmbH**, Düsseldorf, Germany

(hereinafter referred to collectively as 'MediaTek' and individually as **'MediaTek** Taiwan' and **'MediaTek** Deutschland')

represented by Dr Antje Brambrink, Attorney-at-law, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, Munich, Germany

PATENT AT ISSUE

EP 3 905 840

PANEL AND DECIDING JUDGES

Panel 3
Ulrike Voß, Presiding Judge
Bart van den Broek, legally qualified judge and judge-rapporteur
Nathalie Sabotier, legally qualified judge

CONTESTED DECISION OF THE COURT OF FIRST INSTANCE

- Decision of the Munich local division, 26 March 2026 (issued on 27 March 2026)
- Reference numbers:
  - UPC-CFI-0001234/2025 (application for access to the file pursuant to Rule 262.1(b) of the RoP)
  - UPC_CFI_248/2025 (infringement proceedings)

LANGUAGE OF THE PROCEEDINGS German

ORAL HEARING

The Court's decision shall be given, with the consent of the parties, without an oral hearing (Article 52(3) of the UPC Agreement).

FACTS

1. On 20 October 2025, Quinn Emanuel filed an application pursuant to Rule 262.1(b) of the RoP seeking access to certain pleadings filed in the infringement proceedings UPC_CFI_248/2025 between Huawei and MediaTek before the Munich local division ('LK' or **'LK** Munich'). The infringement proceedings were terminated before the application for access to the case file was made and before a decision had been issued in the infringement proceedings.

2. On 27 January 2026, the judge-rapporteur issued a decision (**'Judge-Rapporteur's** Decision')[1] granting Quinn Emanuel the requested access to the case file, subject to the redaction of certain parts of the pleadings containing confidential information.

3. On 2 February 2026, Huawei applied for a review of the BE decision by the panel of the LD Munich pursuant to Rule 333.1 of the RoP. In view of this, on 26 February 2026, the judge-rapporteur amended his decision in accordance with Rule 335 of the RoP, stating that access to the files would only be granted once the review proceedings had been concluded.

4. On 26 March 2026, the Second Panel of the LD issued a decision (the **'contested** decision'), in which it upheld the BE decision and found that the application for review was inadmissible and unfounded. An appeal against the contested decision was not permitted.

5. On 13 April 2026, Huawei lodged an application for a discretionary review of the contested decision by the Court of Appeal pursuant to Rule 220.3 of the RoP. The findings of the legal practice

[1]The judge-rapporteur has described this decision as a "procedural order". In accordance with Rule 262.1(b) of the RoP, the term 'decision' is used in the present decision.

formal defects were rectified by Huawei on 14 April 2026. Following a notification from the Registry, Huawei resubmitted its corrections on 16 April 2026 using the correct method of filing.

6. By order of 16 April 2026, Quinn Emanuel and MediaTek were requested to submit their responses to Huawei's application for a discretionary review. Subsequently, MediaTek submitted a response on 23 April 2026 and Quinn Emanuel on 24 April 2026.

7. On 27 April 2026, Huawei submitted a further document in response to Quinn Emanuel's statement.

8. On 13 May 2026, the standing judge upheld the appeal and requested Huawei, Quinn Emanuel and MediaTek Deutschland to submit their submissions on the admissibility of Huawei's application for a review of the BE decision pursuant to Rule 333 of the RoP and/or on the appeal provisions applicable in this case.

9. On 27 May 2026, MediaTek Germany replied that it would refrain from submitting a statement. Huawei and Quinn Emanuel each submitted their statements on 29 May 2026.

APPLICATIONS BY THE PARTIES

10. Huawei requests:

    1. that the contested decision be set aside in so far as it confirms the decision of the judge-rapporteur dated 27 January 2026, referred to as a procedural order, and that Quinn Emanuel's application for access to the file pursuant to Rule 262.1(b) of the RoP be rejected;

    2. in the alternative: that the contested decision be set aside in so far as it upholds the judge-rapporteur's decision of 27 January 2026, described as a procedural order, and that Quinn Emanuel's application for access to the file pursuant to Rule 262.1(b) of the RoP be granted only on condition that a duty of confidentiality is imposed on Quinn Emanuel.

11. Quinn Emanuel requests that Huawei's application for a discretionary review be dismissed.

12. MediaTek stated that MediaTek Taiwan had not filed any documents in the infringement proceedings and was therefore not participating in the proceedings concerning access to the file. In the event that Huawei's alternative application under 2. is granted, MediaTek Germany requests that access to the file not be extended beyond the scope ordered by the judge-rapporteur on 27 January 2026.

ARGUMENTS OF THE PARTIES

13. Huawei contends that the contested decision is manifestly flawed and raises fundamental legal issues.

14. Firstly, the Munich LD wrongly declared Huawei's application for a review by the panel pursuant to Rule 333.1 of the RoP to be inadmissible. In this context, Huawei refers

to an order by the judge-rapporteur of the Paris local division based on Rule 262.1(b) of the RoP, in which – contrary to the contested decision – it was held that the order was subject to review by a panel pursuant to Rule
333.1 of the RoP was subject to review by a panel (UPC_CFI_697/2025, 19 February 2026, Gowling v Merz). A similar order had been issued by the The Hague LD (UPC_CFI_1262/2025 and UPC_CFI_830/2025, 17 December 2025, Abbott v MicroTech). Consequently, the Board of Appeal's decision is subject to review by the panel pursuant to Rule 333 of the RoP, and the panel's subsequent decision is subject to the appeal provisions under Rules 220.2 and 220.3 of the RoP.

15. Secondly, the LD München failed to weigh up the parties' interests correctly when it upheld the BE decision. In particular, the LD München's decision was incorrect in holding that an abstract assessment of a law firm's interests in further training and advice would suffice in the balancing of interests. In Huawei's view, this undermines the requirement for a
'reasoned application' in Rule 262.1(b) of the RoP. Furthermore, according to Huawei, the Munich LD wrongly rejected its argument that the application for access to the files served merely as a pretext for spying. In this regard, Huawei points to a number of circumstances which, it claims, support the assertion that Quinn Emanuel's application is merely a pretext. Finally, the Munich LD wrongly rejected the alternative application to grant access to the requested documents only on condition that a confidentiality agreement be concluded.

16. Quinn Emanuel contends that the contested decision contains no manifest errors and does not raise any fundamental legal issues. According to Quinn Emanuel, there are three options regarding a review by a panel and an appeal against the rapporteur's decision: (1) an appeal against the judge-rapporteur's decision is governed by Rule 220.2 of the RoP, without there being any possibility or necessity for review by the panel; (2) an appeal against the judge-rapporteur's decision is governed by Rule 220.2 of the RoP, with the possibility of review by the panel (following the approach taken in the Huawei case), (3) the procedures set out in (1) and (2) are combined in accordance with this Court's order in the case of Netgear v Huawei (UPC_CoA_486/2023, 21 March 2024, para. 40). In Quinn Emanuel's view, the decision on admissibility is ultimately irrelevant to the outcome of these proceedings, as the Munich LD correctly upheld the BE decision on substantive grounds.

17. MediaTek does not put forward any substantive arguments. As already mentioned, MediaTek Germany merely requests that any decision by the Court of Appeal should not go beyond the scope of access granted by the judge-rapporteur in the BE decision.

REASONS FOR THE ORDER

18. The appeal is admissible but is unsuccessful on the merits.

Admissibility of the appeal

19. In the contested decision, the LD found that Huawei's application for review under
Rule 333 of the RoP was inadmissible, as Rule 262.1(b) of the RoP expressly provides that the judge-rapporteur is to decide on the application for access to the file and that no powers are delegated from the panel to the judge-rapporteur. According to the LD, instead of lodging an application for review

, it could have lodged an appeal against the Board of Appeal's decision on the basis of Rule 220.1(b) of the RoP (*'decisions which terminate the proceedings in respect of one of the parties'*). The time limit for lodging an appeal on this basis expired on 27 March 2026, one day after the contested decision was issued.

20. The Court of Appeal is unable to concur with the LD's view. Rule 333 of the RoP applies to the BE decision. Rules 220.2 to Rule 220.4 of the RoP apply to an appeal against the contested decision.

21. As is apparent from the following considerations, the Rules of Procedure do not provide a clear answer to the question as to what type of appeal the decisions of the judge-rapporteur are subject to under Rule 262.1(b) of the RoP. This is due, amongst other things, to the hybrid nature of the procedure for access to the case file. On the one hand, this procedure is not a typical court proceeding before the panels of the Court, but is – at least initially – structured as a separate administrative procedure before the Registry (see Rule 262.1(b) of the RoP: *'Pleadings and evidence [...] [shall] be made available to the public upon a reasoned application addressed to the Registry"),* which is conducted by the judge-rapporteur *("the decision shall be taken by the judge-rapporteur after hearing the* parties"). On the other hand, as the Court of Appeal recognised in the case of Ocado v Autostore (UPC_CoA_404/2023, 8 February 2024, paras. 7–8), the procedure for access to the case file also involves adversarial elements, in which not only the party requesting access is involved, but also the parties to the 'underlying' proceedings whose pleadings or evidence are to be made available (para. 262.1(b), last sentence of the RoP), as well as, where applicable, the court, should a dispute arise regarding the confidentiality of certain parts of the pleadings or evidence to be inspected (para. 262.2 et seq. of the RoP).

22. In the view of the Court of Appeal, the decision of the judge-rapporteur pursuant to Rule 262.1(b) of the RoP does not fall within any of the categories of decisions and orders set out in Rule 220.1 of the RoP.

23. The judge-rapporteur's decision is not *a 'final decision of the Court of First* Instance' within the meaning of Rule 220.1(a) of the RoP. The judge-rapporteur's decision cannot be regarded as a 'final decision' within the meaning of that provision; rather, it must be regarded as a procedural decision (see below). As the Rules of Procedure contain no express provision permitting an appeal against the judge-rapporteur's decision under Rule 220.1(a) of the RoP (as, for example, in Rule 21.1, first sentence, of the RoP), the Court of Appeal considers that this avenue of appeal is not available in respect of a decision by the judge-rapporteur under Rule 262.1(b) of the RoP.

24. The Court of Appeal does not share the view of the LD Munich that Huawei could have lodged a direct appeal against the BE decision pursuant to Rule 220.1(b) of the RoP. That provision relates to decisions which terminate the proceedings in respect of *one* of the parties, whilst they continue in respect of the other parties. That is not the case here. Proceedings for access to the case file involve both the party requesting access and the parties whose pleadings or evidence are to be made available (UPC_CoA_404/2023, 8 February 2024, Ocado v Autostore, paras. 7–8). This follows from the fact that the judge-rapporteur must hear these parties before making a decision. In the present case, too, the proceedings for access to the file are in fact

a three-party procedure. The BE decision brought the file inspection proceedings to a close for all parties, not just for one of the parties.

25. Apart from these considerations, the application of Rule 220.1(a) and (b) of the RoP to the judge-rapporteur's decision – particularly given the nature of the proceedings concerning access to the file – proves to be inappropriate. Under the rules applicable to these appeals, the time limits for lodging an appeal and submitting pleadings span several months, and the court fees involved are relatively high. These time limits and court fees are at odds with the intended swift and efficient conduct of proceedings for public access to the register.

26. As the judge-rapporteur's decision does not fall under Rule 220.1(c) of the RoP either, Rule 220.2 of the RoP applies in principle to this decision. This provision is more appropriate in terms of time limits, court fees and the facts of the case, and also has the advantage of being consistent with the appeal provisions applicable in the event of any confidentiality orders relating to pleadings and evidence to which access is to be granted pursuant to Rule 262.1(b) of the RoP (Rules 262.2 *et seq.* of the RoP: *'…an appeal under Rule 220.*2').

27. Although Rule 220.2 of the RoP is more appropriate than the provision set out in Rule 220.1 of the RoP, the Court of Appeal is aware that even this provision does not fit perfectly with decisions on an application for access to the file. Under Rule 220.2 of the RoP, an appeal against orders falling under this provision may be lodged together with an appeal against the (final) decision or, if the Court of First Instance allows the appeal, within 15 days of service of the relevant decision of the court. This mechanism assumes that, in addition to the order, a final decision is issued, so that an appeal against the order can in any event be lodged together with the appeal against the final decision, even if no separate appeal is available against the order itself. In proceedings concerning access to the register, however, there is only one decision: namely, the decision of the judge-rapporteur granting or refusing access to the files. This carries the risk that, ultimately, no appeal can be lodged (should leave to appeal be refused). This also applies, for example, to an order on contractual penalties, which is usually issued *after* the final decision on the merits (see CoA_UPC_930/2025 of 4 February 2026, EOFlow v Insulet, paras. 18–19). However, the Court of Appeal takes the view that the interests of the parties involved in public access to the register are sufficiently safeguarded by the possibility of review by the panel (Rule 333 of the RoP), which is discussed below, as well as by a review of discretion by the Court of Appeal (Rule 220.3 of the RoP).

28. This raises the question of whether the judge-rapporteur may decide on the leave to appeal in accordance with Rule 220.2 of the RoP, or whether this can only be done by the panel following a review by the panel in accordance with Rule 333 of the RoP (cf. Rule 333.5 of the RoP).

29. Unless otherwise specified, the general rule is that an appeal against a procedural decision or order of the judge-rapporteur may only be lodged if the decision or order in question has first been reviewed by the panel in accordance with Rule 333.1 of the RoP (UPC_CoA_486/2023, 21 March 2024, Netgear v Huawei, para. 21; UPC_CoA_454/2024, 21 August 2024, Microsoft v Suinno, para. 21). This follows from the fact that, in principle, it is only

possible to lodge an application for a review of discretion if leave to appeal against an order of one of the *panels* of the Court of First Instance is refused (see Rule 220.3, first sentence of the RoP). This system of review by the panel avoids unnecessary appeals and the need to refer the matter to the Court of Appeal should the panel not share the judge-rapporteur's view (UPC_CoA_486/2023, 21 March 2024, Netgear v Huawei, para. 28; UPC_CoA_651/2024, 14 January 2025, Total Semiconductor v Texas Instruments, para. 13).

30. The Court of Appeal considers that, even in the case of Rule 262.1(b) of the RoP, the general principle applies that only the panel may decide on the admissibility of the appeal. As confirmed by this court on various occasions, the system of review by the panel may be circumvented only in exceptional cases (UPC_CoA_486/2023, 21 March 2024, Netgear /Huawei, para. 40; UPC_CoA_454/2024, 21 August 2024, Microsoft/Suinno, paras. 27–29; UPC_CoA_651/2024, 14 January 2025, Total Semiconductor/Texas Instruments, para. 16). No such exceptional case is provided for in Rule 262.1(b) of the RoP. Even in a decision concerning access to documents and evidence, it is important to avoid unnecessary appeals and therefore to have the decision reviewed initially by the full panel.

31. The specific nature of the decision under Rule 262.1(b) of the RoP does not preclude review by the panel pursuant to Rule 333 of the RoP. As the Court has already held on previous occasions, the term 'procedural decision or order' in Rule 333.1 of the RoP is a broad concept that requires a broad interpretation (UPC_CoA_486/2023, 21 March 2024, Netgear v Huawei, para. 35; UPC_CoA_454/2024, 21 August 2024, Microsoft v Suinno, para. 29; UPC_CoA_651/2024, 14 January 2025, Total Semiconductor v Texas Instruments, para. 14). The Court of Appeal considers that a decision by the judge-rapporteur pursuant to Rule 262.1(b) of the RoP falls within this broad concept. Whilst the judge-rapporteur's decision in the dispute between a member of the public and the parties as to which of their documents or evidence should be made available may be of a substantive rather than procedural nature; ultimately, however, this decision concerns the administration of the case file of the panel to which the judge-rapporteur belongs (see Rules 18 and 231 of the RoP), both during the ongoing proceedings (and thus whilst the panel is fully 'active') and after their conclusion. This makes the judge-rapporteur's decision (also) a procedural ruling which, in the view of the Court of Appeal, falls within the general wording of Rule 333.1 of the RoP and the broad concept of a 'procedural ruling or order' used therein.

32. The fact that Rule 262.1(b) of the RoP expressly refers to the judge-rapporteur and not to the 'Court' does not alter this. By expressly allocating the task of deciding on applications for access to the case file to the judge-rapporteur, the interests of speed and procedural efficiency are served. However, this does not mean that such decisions should be exempt from review by the panel (see UPC_CoA_486/2023, 21 March 2024, Netgear v Huawei, para. 40). As with other procedural decisions or orders made by the judge-rapporteur in accordance with the RoP, a party aggrieved by the judge-rapporteur's decision under Rule 262.1(b) of the RoP should have the opportunity to request a review of that decision by the panel. In this way, even where the application for access to the case file is made for the first time in appeal proceedings (see UPC_CoA_10/2026, 24 February 2026, Gowling v Sumi Agro and Syngenta, para. 12), a review of the

decision of the judge-rapporteur – by the panel – guaranteed. There is no right of appeal in this respect.

33. In summary, the Court of Appeal is of the view that decisions of the judge-rapporteur pursuant to Rule 262.1(b) of the RoP is covered by the system of review by the panel under Rule 333 of the RoP and is subject to the appeal provisions of Rules 220.2 and 220.3 of the RoP. Huawei has therefore followed the correct procedure by first applying for a review by the panel in accordance with Rule 333 of the RoP and subsequently, within the prescribed time limit, applying for a discretionary review in accordance with Rule 220.3 of the RoP. The appeal against the contested decision is therefore admissible.

Merits of the appeal

34. In the contested decision, the LD rightly upheld the BE decision. Access to the files must be granted to the extent awarded.

The legal framework

35. Subject to the conditions laid down in the UPC Agreement and the RoP, the register maintained by the court registry is public (Article 10(1), second sentence, UPC Agreement). Article 45 of the UPC Agreement stipulates that proceedings are public, unless the court decides, where necessary, to conduct them in camera in the interests of one of the parties or other affected persons, or in the general interest of justice or public order.

36. Rule 262.1(b) of the RoP provides that, without prejudice to various articles and provisions, and where appropriate, personal data shall be redacted in accordance with Regulation (EU) 2016/679 and confidential information in accordance with Rule 262.2 of the RoP, documents and evidence filed with the Court and registered by the Registry shall be made available to the public upon a reasoned application addressed to the Registry. As set out above, the decision is taken by the judge-rapporteur after hearing the parties.

37. Where an application for access to the case file is made, the public member's interest in obtaining access must be balanced against the general interests set out in Article 45 of the UPC Agreement, namely the protection of confidential information and personal data, as well as the interests of justice, including the protection of the integrity of the proceedings and public order.

38. Once the proceedings have been concluded, whether by a decision on the merits, a settlement or a withdrawal, the balancing of interests generally favours granting access to the case file. The case file may then still provide insight into the court's handling of the legal dispute and/or serve another legitimate interest of such a member of the public, such as scientific and/or educational interests, which is no longer outweighed by the integrity of the proceedings once the proceedings have ended (UPC_CoA_404/2023, 10 April 2024, Ocado v Autostore, para. 51).

39. If the proceedings have not yet concluded, the court may, in order to safeguard the integrity of the proceedings, make the granting of access to the case file subject to certain conditions, such as the obligation on the

A member of the public is required to treat the pleadings and evidence to which they are granted access as confidential until the proceedings have been concluded (UPC_CoA_404/2023, 10 April 2024, Ocado v Autostore, para. 54).

40. A law firm may also constitute a member of the public within the meaning of Rule 262.1(b) of the RoP (UPC_CoA_481/2024, 9 January 2024, Abbott v Powell Gilbert; UPC_CoA_886/2025, 22 December 2025, EOFlow v Insulet, para. 10). For a law firm, a legitimate interest may be the general interest in gaining a better understanding of how the parties and the UPC have conducted the proceedings. Such an interest may enhance the law firm's ability to advise its clients professionally and knowledgeably, which may benefit both the court and its users (see UPC_CoA_886/2025, 22 December 2025, EOFlow v Insulet, para. 13; UPC_CoA_9/2026, 24 February 2026, Gowling v Boehringer Ingelheim and Zentiva, paras. 2 and 24).

Application of the principles to the present case

41. The LD was correct in its initial assessment that, in a case such as the present one, where the application for access to the file was made after the infringement proceedings had been concluded, a decision in favour of granting access to the file is generally to be made (contested decision, para. 41).

42. The LD also took note of Quinn Emanuel's professional development and advisory interests and considered these interests sufficient to grant access to the specific documents requested. In light of the above-cited case law of the Court of Appeal, this decision is not unreasonable. Contrary to what Huawei appears to assume, it is not necessary to demonstrate which specific part of a document to be inspected could be of training benefit. This cannot generally be determined in advance and would therefore unduly restrict the public's right of access to the files, particularly in a situation where the proceedings have already been concluded and access should therefore generally be granted.

43. The LD also correctly found that, for the training and advisory purposes cited by Quinn Emanuel, it is not necessary for the court to have issued a decision. As the Court of Appeal has already held on previous occasions (e.g. UPC_CoA_404/2023, 10 April 2024, Ocado v Autostore, para. 51), the parties' submissions can provide useful insights even without a decision by the court, for example regarding how the parties conduct proceedings before the UPC, how they interpret certain aspects of UPC law, etc. (contested decision, para. 36).

44. Huawei has not put forward any interests that would preclude the granting of access to the files and that would outweigh Quinn Emanuel's interests in obtaining such access. Huawei argued that Quinn Emanuel's request for access was merely a pretext for spying, but the LD München found that Huawei had not sufficiently substantiated this allegation (contested decision, para. 37–39). Given the purely abstract assertions made by Huawei in this context (such as the fact that Quinn Emanuel also handles SEP cases and has applied for access to certain documents in parallel proceedings), the LD's decision to reject this allegation is not unreasonable.

45. Huawei's reference to the confidentiality of the documents was also rightly rejected by the Munich LD. During the infringement proceedings, Huawei and MediaTek had redacted certain parts of the documents to which access was to be granted. Quinn Emanuel accepted that access to the documents would be restricted to their redacted form. During the proceedings concerning access to the files, MediaTek proposed additional redactions. These additional redactions were also accepted by Quinn Emanuel. The judge-rapporteur subsequently ordered them in the interim decision, and the LD confirmed these redactions in the contested decision. Huawei has not specified – let alone justified – which further parts of the documents in question are alleged to contain confidential information.

46. For this reason alone, the LD's rejection of the alternative application is not open to challenge. This is all the more true given that, in the present case, the infringement proceedings have already been concluded and it is therefore not necessary to protect the integrity of the proceedings by means of a confidentiality undertaking (UPC_CoA_404/2023, 10 April 2024, Ocado v Autostore, para. 54). Huawei's argument that Quinn Emanuel could make the documents to which access is granted available to the general public without a (further) confidentiality undertaking does not hold water. Quinn Emanuel has expressly confirmed that it will not use the documents to be inspected in this manner.

ORDER

The appeal is dismissed.

Issued on 29 June 2026

Ulrike Voß, Presiding Judge

Bart van den Broek, legally qualified judge and judge-rapporteur

Nathalie Sabotier, legally qualified judge