Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

UPC Court of Appeal
Appeal n°:
UPC-CoA-100/2026
UPC-CoA-101/2026
UPC-CoA-102/2026

ORDER

of the Court of Appeal of the Unified Patent Court
concerning an application for withdrawal (R. 265 RoP) and
an application for reimbursement of Court fees (R. 370.9 RoP)
issued on 16 July 2026

APPELLANTS (DEFENDANTS BEFORE THE COURT OF FIRST INSTANCE)

1. **Shenzhen Transsion Holdings Co. Ltd.,** Shenzhen City, People's Republic of China
2. **Tecno Mobile Limited**, Hong Kong, Hong Kong SAR
3. **Itel Mobile Limited**, Hong Kong, Hong Kong SAR
4. **Infinix Mobility Limited**, Hong Kong, Hong Kong SAR
5. **Tekpoint GmbH**, Wien, Austria
6. **IRD Distribuce**, S.R.O, Strasnice, Czech Republic
7. **x-kom GmbH**, Dresden, Germany
8. **NTT System S.A.**, Mazowieckie, Poland

(hereinafter jointly referred to as “**Shenzhen Transsion**”)

represented by attorney at law Andreas Kramer, Powell Gilbert LLP, Düsseldorf, Germany, and other representatives of that firm

RESPONDENT (CLAIMANT BEFORE THE COURT OF FIRST INSTANCE)

Telefonaktiebolaget LM Ericsson (PUBL), Stockholm, Sweden

(hereinafter referred to as ”**Ericsson**”)

represented by attorneys at law Wim Maas, Taylor Wessing N.V., Eindhoven, The Netherlands, and other representatives of that firm

PATENTS IN SUIT

EP 2 712 236
EP 3 836 631
EP 3 245 744

DECIDING JUDGE

Emmanuel Gougé, legally qualified judge and standing judge

IMPUGNED ORDER

- Order of the Local Division of The Hague issued on 27 May 2026 regarding R. 262A and R. 262.2 RoP in the following proceedings: UPC-CFI-0001568/2025, UPC-CFI-0001793/2025, UPC-CFI-0001791/2025

SUMMARY OF FACTS AND PARTIES' REQUESTS

1. On 13 November 2025, Ericsson commenced infringement proceedings against Shenzhen Transsion and two other co-defendants - TradeInn Retail Services, S.L. and Egenta s.r.o. - before The Hague Local Division of the Court of First Instance ("CFI") of the UPC concerning three European patents in the context of an undertaking to grant a fair, reasonable and non-discriminatory ("FRAND") licence between the parties in the field of 4G LTE and 5G NR technology, following which the Court ordered the claims to be separated into three proceedings.

2. The CFI granted Ericsson's application for confidentiality measures under R. 262A and 262.2 RoP and ordered inter alia a phased confidentiality regime (impugned order, 27 May 2026).

3. On 10 June 2026, Shenzhen Transsion, together with the two other co-defendants, filed a request for leave to appeal against the impugned order, requesting the Court to grant leave to appeal pursuant to R.220.2 RoP or, alternatively, if refused, to record refusal in order to enable a request for discretionary review under R.220.3 RoP.

4. By order of 15 June 2026, the CFI granted leave to appeal from the impugned order, assuming that the applications are admissible and should not be considered refused.

5. On 24 June 2026, Shenzhen Transsion lodged an appeal against the impugned order.

6. The appeal was assigned to the standing judge of the Court of Appeal to clarify whether the appeal should be dealt with as an appeal pursuant to R. 220.2 RoP or a request for discretionary review under R. 220.3 RoP. The standing judge invited the parties to comment on the possibility that the request for leave to appeal against the impugned order filed with the CFI on 10 June 2026 might be considered to include a request for discretionary review, if a request for leave to appeal is to be considered to be inadmissible because of expiry of the 15-day time limit of 220.3 RoP (Order of 2 July 2026, hereafter the "SJ's order").

7. The parties filed their written pleadings in response to the SJ's order on 07 July 2026.

8. On 9 July 2026, Shenzhen Transsion filed an application pursuant to R. 265 RoP to withdraw the appeals UPC-CoA-100/2026, UPC-CoA-101/2026 and UPC-CoA-102/2026 against the impugned order, indicating that the parties have reached a settlement that provides for termination of the appeal proceedings by withdrawal of the underlying CFI proceedings and that the withdrawal and the allocation of costs are made by mutual consent.

9. Shenzhen Transsion requests that the three appeal proceedings be declared closed, that the decision on withdrawal be entered in the register and that each of the parties will bear their own costs and therefore no reimbursement of costs will be made.

10. Shenzhen Transsion also filed an application pursuant to R. 370.9(b) RoP for reimbursement of 50 % of the Court fees paid in respect of the appeals.

11. In response to the order issued by the Court on 10 July 2026, inviting Ericsson to comment by 13 July 2026 on the application for withdrawal, Ericsson consented to the withdrawal of the appeal proceedings at hand.

REASONS FOR THE ORDER

Conditions for permitting withdrawal

12. The withdrawal of the appeals is admissible and shall be permitted.

13. As long as there is no final decision in an action, a claimant may, pursuant to R. 265.1 RoP, apply to withdraw his action. The application to withdraw shall not be permitted if the other party has a legitimate interest in the action being decided by the Court. This provision applies equally (mutatis mutandis) to an appellant who requests to withdraw its appeal (Court of Appeal, 5 July 2024, 10x v Curio, CoA_234/2024).

14. The decision on withdrawal according to R. 265 RoP may, pursuant to R. 1.2(b) RoP, be given by a single legally qualified judge – here the standing judge – where the action has been assigned to a single judge.

15. In view of its consent, Ericsson cannot be considered to have a legitimate interest in the action being decided by the Court.

16. The application to withdraw the appeals is therefore admissible since there is no final order on the confidentiality application in view of the pending appeal, and the Court of Appeal is competent for deciding on the admissibility of the application for withdrawal (CoA, 15 January 2025, UPC_CoA_637/2024, Avago vs Tesla).

17. On application by Shenzhen Transsion and with the agreement of Ericsson, the withdrawal of the appeal proceedings UPC-CoA-100/2026, UPC-CoA-101/2026 and UPC-CoA-102/2026 is permitted.

Costs

18. R. 265.2 (c) RoP provides that the Court shall issue a cost decision in accordance with Part 1, Chapter 5 (R.150 to 152 RoP).

19. Since Shenzhen Transsion has declared and Ericsson has not contested that each of the parties will bear their own costs and that no reimbursement of costs will be made, no decision on costs is therefore required in the present appeal proceedings.

Reimbursement of Court fees

20. According to R. 370.9(b) RoP as it reads since 1 January 2026, in case of the withdrawal of an action (R. 265 RoP), the party liable for the Court fees will be reimbursed by 50 % if the action is withdrawn before the closure of the written procedure.

21. In the present case, the application to withdraw the appeals was filed before the closure of the written procedure. Therefore, reimbursement of 50 % of the Court fees amounting to EUR 4,000; namely EUR 2,000, is to be ordered in accordance with R. 370.9 (b) RoP.

ORDER

The Court of Appeal

I. permits the withdrawal of the appeals UPC-CoA-100/2026, UPC-CoA-101/2026 and UPC-CoA-102/2026 and declares the proceedings closed;

II. orders that this decision be entered on the register;

III. declares that there is no need for a cost decision;

IV. orders that 50 % of the appeal fees be reimbursed to Shenzhen Transsion.

V. instructs the Registry to reimburse EUR 2,000 to Shenzhen Transsion.

This order was issued on 16 July 2026.

Emmanuel Gougé
Digitally signed by EMMANUEL, LUCIEN, RENÉ GOUGÉ
Date: 2026.07.16 15:12:13 +02'00'

Emmanuel Gougé, legally qualified judge and standing judge