



UPC – Court of Appeal
UPC-CoA-692/2025
UPC-CoA-854/2025

Decision
of the Court of Appeal of the Unified Patent Court,
issued on 3 August 2026
Withdrawal pursuant to Rule 265 of the RoP

APPELLANT IN CASE UPC-CoA-692/2025 AND RESPONDENT IN CASE UPC-CoA-854/2025
(CLAIMANT/COUNTER-RESPONDENT BEFORE THE COURT OF FIRST INSTANCE)

Nera Innovations Ltd., Dublin, Ireland
(hereinafter: 'the Claimant')

represented by Dr Thomas Adam, Attorney-at-law, Peterreins Schley Patent and Law Firm, Munich, Germany

RESPONDENTS ON APPEAL IN CASE UPC-CoA-692/2025 AND APPELLANTS ON APPEAL IN CASE UPC-CoA-854/2025 (DEFENDANTS/COUNTER-CLAIMANTS BEFORE THE COURT OF FIRST INSTANCE)

1. **Xiaomi Communications Co., Ltd.**, Beijing, China
2. **Xiaomi Inc.**, Beijing, China
3. **Xiaomi Technology Netherlands B.V.**, The Hague, Netherlands
4. **Xiaomi Technology Germany GmbH**, Düsseldorf, Germany

(hereinafter collectively referred to as 'the defendants')

represented by Eva Acker, Attorney-at-law, Freshfields, Düsseldorf, Germany

PATENT AT ISSUE

EP 2 642 632

LANGUAGE OF THE PROCEEDINGS

German

DECIDING JUDGE/PANEL

Panel 3
Ulrike Voß, Presiding Judge

DECISION OF THE COURT OF FIRST INSTANCE UNDER APPEAL

- ☐ Decision of the Hamburg local division, dated 10 July 2025, UPC-CFI-173/2024 (infringement action), UPC-CFI-424/2024 (counterclaim for revocation and application for amendment of the patent)

FACTS OF THE CASE AND THE PARTIES' APPLICATIONS

1. By judgment of 10 July 2025, the Hamburg local division dismissed the infringement action and declared the patent at issue invalid in so far as its subject-matter extends beyond claim 1 as set out in auxiliary claims 1 and 2.
2. On 30 July 2025, the claimant lodged an appeal against the decision on the infringement action (UPC-CoA-692/2025). On 10 September 2025, the defendants lodged an appeal against the decision on the counterclaim for revocation (UPC-CoA-854/2025).
3. In pleadings filed on 31 July 2026 and 3 August 2026 respectively, the claimant and the defendants applied to withdraw their respective appeals (UPC_CoA_692/2025 and UPC_CoA_854/2025). The parties state that they have reached an out-of-court settlement.
4. Both parties consent to the other party's application and make no claims for costs.

REASONS FOR THE ORDER

5. Pursuant to Rule 265 of the RoP, a claimant may apply to withdraw their claim provided that no final decision has yet been given on the claim. This provision also applies to the withdrawal of an appeal (Court of Appeal, UPC-CoA-895/2026 and UPC-CoA-896/2025, decision of 6 March 2026 – Black Sheep v HL Display).
6. The Court of Appeal grants the withdrawal of the appeals on the application of the respective appellant, with the consent of the respective respondent. No conflicting interests on the part of the respective respondent are apparent. Rather, the parties have stated that they have reached an out-of-court settlement.
7. Although Rule 265.2(c) of the RoP provides that a decision on costs is to be made in accordance with Part 1, Chapter 5, as both parties agree that they will not submit any claims for costs, no decision on costs is required in this case.

ORDER

- I. The withdrawal of the appeals is permitted.
- II. The proceedings are hereby declared closed.
- III. This order is to be entered in the register.

Issued on 3 August 2026

Ulrike Voß, Presiding Judge