



Decision
of the Court of First Instance of the Unified Patent Court
issued on 10 August 2026
(Withdrawal/Reimbursement of Court fees)

Claimant

Wilus Institute of Standards and Technology, Inc.

5th Fl., 216 Hwangsaoul-ro Bundang-gu - 13595 - Seongnam-si, Gyeonggi-do - KR

represented by: Oliver Jüngst

Defendants

- 1) **ASUSTeK Computer, Inc.**
15, Li-Te Rd. - 112 - Taipei - TW

- 2) **ASUS Computer GmbH**
Harkortstraße. 21-23 - 40880 - Ratingen - DE

- 3) **ASUS France S.a.r.l.**
Immeuble Copernic 2-Bat Neptune 1 Rue Galilée - 93160 - Noisy-le-Grand - FR

- 4) **ASUSTeK Italy S.r.l**
Strada Statale Padana Superiore, 28 - 20063 - Cernusco sul Naviglio - IT

5) **ASUS Europe B.V.**
Paasheuvelweg 25, Tower C, 1st Floor - 1101BP - Amsterdam - NL

6) **Ninepoint GmbH**
Bahnstadtchaussee 33 - 51379 - Leverkusen - DE

Defendants represented by: Holger Stratmann

Counterclaim Defendant 2)

SK Telecom Co., Ltd., SK T-Tower, 65 Eulji-ro, Junggu, Seoul, 04539,
South Korea

represented by: Oliver Jüngst

PATENT AT ISSUE: EP 3 849 157

PANEL/DIVISION:

Panel of the Local Division in Mannheim

DECIDING JUDGE: This decision was issued by the legally qualified judge Sender acting as judge-rapporteur.

LANGUAGE OF PROCEEDINGS: English

SUBJECT OF THE PROCEEDINGS: Patent infringement action and CCfR – here: Withdrawal and request for reimbursement of court fees.

BRIEF SUMMARY OF THE FACTS:

Claimant filed an infringement action concerning EP 3 849 157 against Defendants (UPC_CFI_452/2025) and paid 24,000 € court fees.

Defendant 2) filed a Counterclaim for revocation (UPC_CFI_1152/2025) against Claimant and Counterclaim Defendant 2). Moreover, Defendant 1), to whom the SoC was served at a later date, filed a separate Counterclaim for revocation against the same parties (UPC_CFI_752/2026). Defendant 2) paid 20,000 € court fees. Defendant 1) paid 26,500 € court fees.

Before the closure of the written procedure, the parties request – with the consent of the respective counterparties and without a request for a cost decision– to permit the withdrawal of the relevant actions.

Further, the parties request reimbursement of court fees pursuant to R. 370.11 RoP in conjunction with R. 370.9 (b) RoP.

REASONS FOR THE DECISION

The decision on the requested withdrawals is based on R. 265 RoP in accordance with the mutual agreement of the parties.

A decision on costs is not required as the present actions are withdrawn in their entirety and all parties declare that a cost decision is not requested (cf., CoA, order dated 24 January 2025, UPC_CoA_840/2024, para. 11; order dated 31 March 2025, UPC_CoA_520/2024, para. 10).

The decision for proportional reimbursement of court costs is based on the respective applications pursuant to R. 370.11 RoP in conjunction with R. 370.9 (b) RoP in its version in force since 1 January 2026.

Insofar as Defendant 1) is mentioned in the application for reimbursement of court fees with respect to the Counterclaim for revocation that was filed by Defendant 2), i.e. UPC_CFI_1152/2025, the Court corrected this obvious error and included (only) Defendant 2) in the operative part of this decision as the party entitled to reimbursement.

The same applies insofar as Defendant 1) (correctly) requests 50 % of the court fees paid for its Counterclaim for revocation, i.e. UPC_CFI_752/2026, but is nevertheless, obviously incorrect, requesting a refund of (only) 10,000 €, despite having paid court fees amounting to 26,500 €.

DECISION:

1. The withdrawal of the infringement action (UPC_CFI_452/2025) against Defendants 1) to 6) is permitted and the proceedings are declared closed.
2. The withdrawal of the Counterclaim for revocation proceedings (UPC_CFI_1152/2025) filed by Defendant 2) and the withdrawal of the Counterclaim for revocation proceedings (UPC_CFI_752/2026) filed by Defendant 1), each filed against Claimant and Counterclaim Defendant 2), are permitted and declared closed.
3. 50 % of the court fees of the infringement action (UPC_CFI_452/2025), i.e. 12,000 €, shall be reimbursed to Claimant.
4. 50 % of the court fees of the Counterclaim for revocation proceedings (UPC_CFI_1152/2025), i.e. 10,000 €, shall be reimbursed to Defendant 2).
5. 50 % of the court fees of the Counterclaim for revocation proceedings (UPC_CFI_752/2026), i.e. 13.250 €, shall be reimbursed to Defendant 1).
6. The value in dispute for the infringement action and the Counterclaims for revocation is set at 2,000,000 € each.
7. This decision shall be entered on the register.

Issued in Mannheim on 10 August 2026

NAME AND SIGNATURE

Sender

Judge-rapporteur