

**Procedural Order
of the Court of First Instance of the Unified Patent Court
delivered on 8 July 2026
regarding: panel review of order of 1 May 2026 (R. 333)**

HEADNOTES:

1. Review of an order to accept a counterclaim for rate-setting against an intervener (Pool administrator) denied.
2. R. 315.4 RoP entails that an intervener is to be treated as a party, unless otherwise ordered by the Court. This means as a principle that a counterclaim (for rate-setting) may be directed to such intervening party. The more so since Vectis intervened on the side of claimant, Dolby. According to the principle of “equal treatment” (CoA 27 November 2025, UPC_CoA_70/2025 (Strabag), m.n. 16), a counterclaim directed at the party the intervener supports may also be directed at the intervener.
3. The Court may also rely on R. 305 RoP. It makes further sense to include Vectis as a proper party (on the side of Dolby), since it already intervened voluntarily and unopposed and at an early stage of the proceedings, rendering it possible to file a (counter)claim against it.

KEYWORDS: panel review; intervention; counterclaim against intervener; addition of a party

CLAIMANT

- 1) **Dolby International AB**
77 Sir John Rogerson's Quay Block C
Grand Canal Docklands, Dublin, D02 VK60,
Ireland

Represented by Tilman MÜLLER

(herinafter also „Dolby“)

DEFENDANTS

- 1) **CPYou B.V.**
Europalaan 89, 5232BC 's-Hertogenbosch,
The Netherlands

Represented by Hsueh-Yen LI

- 2) **Acer Italy s.r.l.**

Represented by Hsueh-Yen LIN

Viale Delle Industrie, 1/A, 20044 Arese (MI),
Italy

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| 3) Acer Computer GmbH
Kornkamp 4, 22926 Ahrensburg,
Germany | Represented by Hsueh-Yen LIN |
| 4) Acer Computer B.V (Benelux)
Europalaan 89, 5232 BC 's Hertogenbosch,
The Netherlands | Represented by Hsueh-Yen LIN |
| 5) Acer Denmark A/S
Strandvejen 70, 3 tv, 2100 Hellerup,
Denmark | Represented by Hsueh-Yen LIN |
| 6) Acer Finland Oy
Teknobulevardi 7, 01530 Vantaa,
Finland | Represented by Hsueh-Yen LIN |
| 7) Acer Computer France
Immeuble Seine 2 – 8 rue Sarah Bernhardt,
CS 90045, 92601 Asnières-sur-Seine Cedex,
France | Represented by Hsueh-Yen LIN |
| 8) Acer Sweden AB
Helio, c/o Acer Sweden AB,
Frösundaviks Allé 1, 169 70 Solna,
Sweden | Represented by Hsueh-Yen LIN |

(herinafter also „Acer“ (singular))

INTERVENER

- | | |
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| 1) Vectis IP Ltd.,
1 Lyric Square, London W6 0NB,
United Kingdom,

(herinafter also „Vectis“) | Represented by Tilman MÜLLER |
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PATENT AT ISSUE

<i>Patent no.</i>	<i>Proprietor/s</i>
EP3079153	Dolby International AB

DECIDING JUDGE – FULL PANEL

Edger Brinkman - presiding judge / judge rapporteur
Margot Kokke - legally qualified judge
Anna-Lena Klein - legally qualified judge

LANGUAGE OF PROCEEDINGS: English

SUBJECT-MATTER OF THE PROCEEDINGS

Infringement action, counterclaim for revocation and “counterclaim for rate-setting”

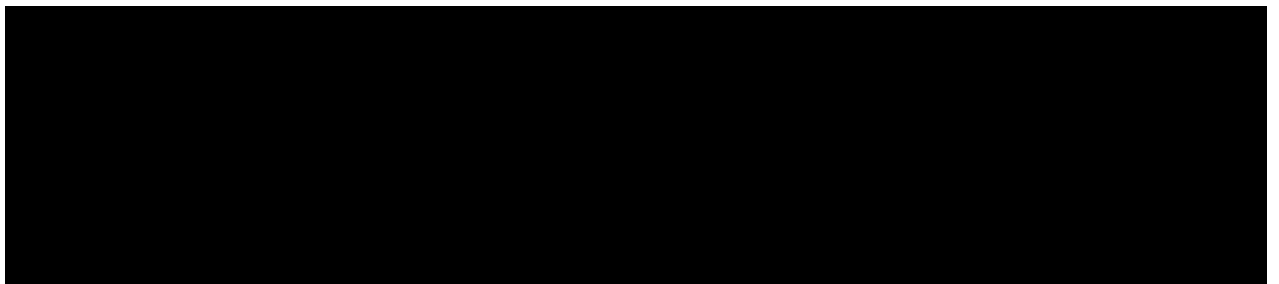
PROCEDURE

1. The following documents are in the case file:
 - Order by the JR of 1 May 2026, and the party submissions used therefor,
 - Rectification order of 4 May 2026,
 - Application for Panel Review of the Judge-Rapporteur’s order dated 1 May 2026 pursuant to Rule 333 RoP, filed 18 May 2026,
 - Follow-up on Request for Panel Review, filed 22 June 2026,
 - Reply to the application for panel review of the judge-rapporteur’s order dated 1 May 2026, filed 25 June 2026.

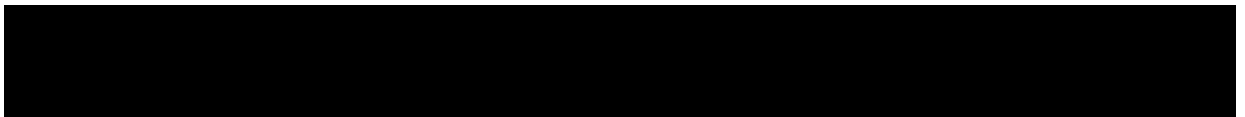
SUMMARY OF FACTS

2. The application is based on the following facts:

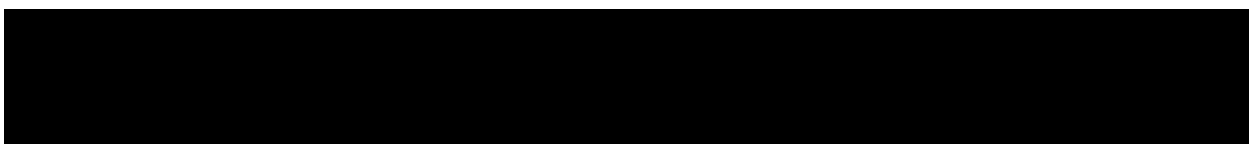
2.1.



2.2.



2.3.



STATEMENT OF FORMS OF ORDER SOUGHT BY THE APPLICANT

3. Claimant and Intervener request that:

the Panel review the order made by the Judge-Rapporteur and make the following revised order that

1. The Court declare the counterclaim against Vectis to be inadmissible.

In the alternative:

2. The Court determine an independent deadline-regime for the counterclaim for rate-setting against Vectis granting a deadline of at least three months to respond to the counterclaim as of the date of the official service of the counterclaim.

GROUND FOR THE ORDER

4. The panel reasons as follows:

- 4.1. The panel concurs with the JR that R. 315.4 RoP entails that an intervener is to be treated as a party, unless otherwise ordered by the Court. This means as a principle that a counterclaim (for rate-setting) may be directed to such intervening party. The more so since Vectis intervened on the side of claimant, Dolby. According to the principle of “equal treatment”¹, a counterclaim directed at the party the intervener supports may also be directed at the intervener.
- 4.2. The purpose of the counterclaim is furthermore to obtain a license to inter alia the patent at stake, which license may be granted not only by Dolby but also by Vectis who is specifically authorized by Dolby to do so. Furthermore, Acer takes the position that the FRAND commitments bestowed on Dolby are equally bestowed on Vectis. Whether this is indeed the case, would require an assessment of the substance of the counterclaim, which goes beyond the assessment of admissibility currently at stake.
- 4.3. In as far as Dolby and Vectis referred to R. 313 RoP, this is unconvincing and rather suggests the opposite. They assert that “Vectis applied to intervene in support of Dolby — that is, in support of the infringement claims brought by the Claimant”. However, Art. 32 (1) (a) UPCA already makes plain that “counterclaims concerning licences” are to be treated as a related defence against an infringement action. Clearly, Vectis would therefore be able to co-defend Dolby against the counterclaim directed at Dolby. It becomes rather incomprehensible and – in the words of Dolby and Vectis: – anomalous if Vectis may defend Dolby, whereas Acer would be required to initiate new proceedings to obtain an order for rate-setting against Vectis itself for partly the same patents.
- 4.4. This would furthermore go against the principle laid down in R. 316.3 RoP that the intervener is bound by the decision. It logically follows that equally the other parties are bound by the decision vis-à-vis the intervener, which then may mean that in fact Acer would be (wholly or partly)

¹ CoA 27 November 2025, UPC_CoA_70/2025 (Strabag), m.n. 16

precluded to start or argue such a claim for a license against Vectis, in case it be denied against Dolby, or at least in as far as the arguments overlap. This also undercuts the point Dolby and Vectis make that “it would produce a deeply anomalous result if a third party that voluntarily and narrowly joins proceedings in a supportive capacity thereby becomes exposed to independent substantive claims that could not be brought against it in any other forum”. In that regard, the Court cannot follow that there would not be a forum that would adjudicate a licence claim against Vectis, for instance the court of its domicile. Of course, whether such claim would ultimately be successful is another matter, not to be assessed in these admissibility proceedings.

- 4.5. Like the JR assessed, Vectis alone may not have standing to initiate proceedings before this Court as it is neither patentee, exclusive nor non-exclusive licensee (Art. 47 UPCA). The JR rightly further held, however, that this article only limits the persons who may **bring** an action, not who may join (as an intervener, for which Vectis specifically applied and to which Dolby did not object). The point raised that Vectis does not own patents and therefore cannot have any dominant market position, is – as the JR rightly held – a question of substance not of admissibility and is therefore to be decided later by the panel after the oral hearing.
- 4.6. It is also more efficient. As asserted by Acer, (and as may be deduced from the statement of reply meanwhile filed on 17 June 2026) largely similar issues would apply for both Dolby and Vectis. The Court sees no reason therefore to deviate from the main rule of R. 315.4 RoP and use its discretion to order differently.
- 4.7. Acer further correctly notes that the Court may rely on R. 305 RoP. It makes further sense to include Vectis as a proper party (on the side of Dolby), since it already intervened voluntarily and unopposed and at an early stage of the proceedings, rendering it possible to file a (counter)claim against it. For all the reasons set out above, this is efficient and appropriate. In case the Court of Appeal would not follow this Court to declare the counterclaim admissible against Vectis as an intervener, the Court will order it be added as a party. The objections Dolby and Vectis earlier stated against this (that Vectis has no standing (Art. 47 (1) UPCA), that there is no competence (Art. 32 (1) (a) UPCA) and that Vectis does not have a dominant position nor issued a FRAND declaration) have already been addressed above.
- 4.8. In as far as Dolby and Vectis oppose the international jurisdiction of the UPC over Vectis, Acer is right to point out that Vectis nor Dolby filed a preliminary objection within one month (R. 19 RoP).
- 4.9. (Dolby and) Vectis alternatively applied for an extension of their deadline which the JR denied. Since they already complied with the deadline on 17 June 2026, the Court currently fails to see a legitimate interest.
- 4.10. Dolby and Vectis requested leave to appeal. Since this review concerns an issue as yet undecided by the Court of Appeal, and has an impact going beyond the proceedings at hand, the Court will grant such leave, also bearing in mind that any delay resulting from the appeal is to the detriment of the party seeking an injunction and associated orders.

ORDER

The Court:

- Denies the review;
- In as far as necessary, adds Vectis as a party on the side of Dolby;
- Grants leave to appeal (R. 220.2 RoP).

INFORMATION ABOUT APPEAL

An appeal may be lodged in accordance with Article 73 of the Agreement and Rule 220.2 RoP.

Brinkman	Edger Frank BRINKMAN Digitally signed by Edger Frank BRINKMAN Date: 2026.07.08 13:33:48 +02'00'
Kokke	Margot Elsa Kokke Digitally signed by Margot Elsa Kokke Date: 2026.07.08 15:51:36 +02'00'
Klein	ANNA-LENA KLEIN Firmato digitalmente da ANNA- LENA KLEIN Data: 2026.07.08 14:36:54 +02'00'
On behalf of the registry	Larissa Donata Hageman Digitally signed by Larissa Donata Hageman Date: 2026.07.08 14:59:47 +02'00'