



LISBON – LOCAL DIVISION

UPC_CFI_2665/2026

ORDER

**of the Court of First Instance of the Unified Patent Court
Local Division in Lisbon
delivered on 24 August 2026**

CLAIMANT

TELEFONAKTIEBOLAGET LM ERICSSON

21 Torshamnsgatan, Kista, 164 83 Stockholm, Sweden.

represented by Mr Wim Maas

DEFENDANT

ASUSTEK COMPUTER INC

15, Lide Road, Beitou Dist., Taipei City 112019, Taiwan.

represented by Mr Alexander Wiese

PATENT AT ISSUE:

EUROPEAN PATENT NO EP 2 819 131 B1

DECIDING JUDGE:

This order is issued by the Judge-rapporteur: Rute Lopes

LANGUAGE OF THE PROCEEDINGS:

English

SUBJECT-MATTER

Stay of Proceedings – R. 295 RoP

FACTS AND SUBMISSIONS

- 1 TELEFONAKTIEBOLAGET LM ERICSSON (hereinafter “Ericsson” or “Claimant”) and ASUSTEK COMPUTER INC (hereinafter “AsusTek” or “Defendant”) were opposing parties in the infringement action filed by Ericsson. AsusTek filed a counterclaim for revocation.
- 2 On 6 May 2026, a decision on the merits of the case was issued. The Court upheld the infringement claim and dismissed the counterclaim for revocation.
- 3 On 7 July, Ericsson requested that the Court issue a decision as to costs in accordance with the terms of the cost agreement between the parties, i.e. to confirm that AsusTek must reimburse EUR 150 000 to Ericsson, arguing that AsusTek was refusing to pay the agreed Costs.
- 4 On 29 July 2026, the Court granted Ericsson’s request. AsusTek appealed that Decision (case PR-UPC-COA-0000129/2026).
- 5 Also, on 7 July, Ericsson filed an application for the re-establishment of rights under R. 320 RoP, with regard to the deadline for filing an action for costs and the corresponding action under R. 150 RoP and a request for the reimbursement of additional costs unnecessarily incurred by Ericsson with regard to the actions taken by Ericsson to recover the amount of Costs. In its submission, Ericsson argued that if the Court confirms the cost agreement in an order, the request to re-establish the right to file an action on costs may not be necessary.
- 6 In its response to Ericsson, AsusTek requested, in the alternative to the dismissal of Ericsson’s request, to stay the present proceedings on re-establishment of rights and costs pending the final decision by the Court of Appeal, in light of the potential consequences on Ericsson’s present applications.
- 7 Ericsson did not oppose the suggested stay of proceedings.

Grounds for the Order

- 8** The requested stay, to which both parties agree, is justified by the interest of justice and consideration of procedural efficiency.
- 9** According to R. 295 (m) RoP, the Court may stay the proceedings in any other case not specifically listed in Rule 295 where the proper administration of justice so requires.
- 10** Based on the above provision and in view of principles of proportionality and flexibility (cf. Preamble to the Unified Patent Court Agreement, para. 6), the Court may exercise its discretion in deciding to stay proceedings. However, it must do so in a justified manner only where a stay is necessary and strikes a fair balance between the parties' interests and the proper administration of justice.
- 11** Procedural economy and efficiency require the Court to conduct proceedings in a manner that avoids unnecessary steps, delays, or duplication of work while achieving a fair resolution of the dispute. In that regard, a stay may be justified when there is a risk of inconsistent outcomes or unnecessary duplication of decisions, as such risks are contrary to the interests of justice and the objective of ensuring expeditious, coherent and high-quality decisions
- 12** In this case, a decision confirming the agreement on costs has been issued by this Local Division, and an appeal against that decision is pending. The Court agrees with Ericsson that the application for the re-establishment of rights for the purpose of bringing an action for a costs decision may be unnecessary if the outcome of the request for confirmation of costs favours Ericsson. Furthermore, the Court finds that there may be a risk of inconsistent decisions if the re-establishment of rights and the action for costs are decided while the appeal is pending on the same fundamental issue: costs. In these circumstances, deciding on the requested re-establishment of rights and costs may be contrary to the principles of procedural economy and efficiency and, consequently, to the proper administration of justice.
- 13** In conclusion, staying the proceedings in this case avoids duplication of judicial effort and reduces the risk of inconsistent outcomes. These benefits strike a fair balance between the parties' interests and the proper administration of justice.

ORDER

The proceedings relating to the Claimant's applications of 22 July 2026 (2665/2026) under R. 320 and 150 RoP are stayed pending the final decision by the Court of Appeal to be rendered on case PR-UPC-COA-0000129/2026.

Issued on 24 August 2026