

UPC_CFI_362/2025
UPC-CFI-0001786/2025
Decision
of the Court of First Instance of the Unified Patent Court
delivered on 25/08/2026
concerning withdrawal of the action (R. 265 RoP)

CLAIMANT

- 1) Sun Patent Trust
437 Madison Avenue, 35th Floor
10022 - New York - US

Represented by
Caroline Levesque
(HOYNG ROKH MONEGIER,
Paris)

DEFENDANTS

- 1) Vivo Mobile Communication Iberia SL
Calle Orense 58, Planta 12 C
28020 - Madrid – ES
- 2) Vivo Tech GmbH
Speditionstrasse 21
40221 - Düsseldorf – DE
- 3) Vivo Mobile Communication Co., Ltd.
No. 1, Vivo Road, Chang'an Town
523866 - Dongguan City, Guangdong - CN

Represented by
Dr Georg Andreas Rauh (VOSSIUS, Munich)

PATENT AT ISSUE

<i>Patent no.</i>	<i>Proprietor</i>
EP3407524	Sun Patent Trust

COMPOSITION OF PANEL – FULL PANEL

Presiding judge & Judge-rapporteur	Camille Lignières
Legally qualified judge	Carine Gillet
Legally qualified judge	Andras Kupecz
Technically qualified judge	Dennis Kretschmann

LANGUAGE OF PROCEEDINGS: English

DECISION

SUMMARY OF FACTS AND PROCEEDINGS

On 13 August 2026, SUN PATENT TRUST (“Claimant” in the main proceedings) filed a withdrawal application pursuant to Rule 265 RoP in the proceedings registered under number UPC_CFI_362/2025.

On the same day, VIVO (“Defendants” in the main proceedings) filed an application to withdraw their Counterclaim for Revocation in its entirety in the same proceedings.

The parties explain that they reached an agreement.

PARTIES' REQUESTS

SUN PATENT TRUST's requests are as follows:

- In light of the settlement between the parties, Sun Patent Trust applies to withdraw the action for infringement in case UPC_CFI_362/2025.
- The Defendants have already given their written consent to the withdrawal of the action and will not object.
- The parties have agreed that neither party shall file an Application for reimbursement of costs.

VIVO's requests are as follows:

- Defendants hereby apply pursuant to Rule 265.1 RoP for permission to withdraw the Counterclaim for Revocation in its entirety.
- Claimant will agree to the withdrawal. The parties do not intend to file proceedings for costs.

GROUND

Rule 265 of the RoPs states that:

"1. As long as there is no final decision in an action, a claimant may apply to withdraw his action. The Court shall decide the application after hearing the other party. The application to withdraw shall not be permitted if the other party has a legitimate interest in the action being decided by the Court.

2. If withdrawal is permitted, the Court shall:

- (a) give a decision declaring the proceedings closed;*
- (b) order the decision to be entered on the register; and*
- (c) issue a cost decision in accordance with Part 1, Chapter 5.*

The withdrawal of an action by the claimant shall have no effect on any counterclaim in the action. The Court may however refer any counterclaim for revocation to the Central Division."

Considering the parties' applications, the Court sees no objection to permitting the respective withdrawals in the present case.

The Court notes that a cost decision is not requested.

The Court also notes that no application under R. 370.11 RoP for court fees reimbursement has been lodged by the parties.

DECISION

The Court orders that:

1. The withdrawal of SUN PATENT TRUST's infringement claim as regards all defendants is permitted.
2. The withdrawal of VIVO's counterclaim for revocation as regards the Claimant is permitted.
3. The proceedings in UPC_CFI_362/2025 and UPC_CFI_0001786/2025 are closed, and the oral hearing scheduled for 9-11 September 2026 is cancelled.
5. Notes that a cost decision is not requested, and that no application under R. 370.11 RoP for court fees reimbursement has been lodged by the parties.
7. This decision is to be entered on the register.

Issued in Paris, 25 August 2026.

Camille Lignières, Presiding judge and Judge-rapporteur

On behalf of Carine Gillet, Legally qualified judge

Andras Kupecz, Legally qualified judge

Dennis Kretschmann, Technically qualified judge

On behalf of the Deputy Registrar

DECISION DETAILS

Date of issuance: 25 August 2026

UPC numbers: UPC_CFI_362/2025 and & UPC-CFI-0001786/2025

Action type: Infringement Action with Counterclaim for revocation

Application Type: Application for leave to withdraw an action (RoP265)