



Düsseldorf Local Division
UPC_CFI_297/2025
UPC_CFI_651/2025

Decision
of the Court of First Instance of the Unified Patent Court
delivered on 2 September 2026
concerning EP 2 080 349

CLAIMANT:

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represented by:

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DEFENDANTS:

1. **The Walt Disney Company**, represented by its legal representatives, 500 S Buena Vista St, Burbank, CA 91521, USA
2. **The Walt Disney Company (Benelux) B.V.**, represented by the board members Matthijs Sebastiaan de Graaf, Marco de Ruiter, Evert Jan Willem van der Veer, Asterweg 15S, 1031 HL Amsterdam, the Netherlands
3. **Disney Interactive**, represented by its legal representatives, 500 S Buena Vista St, Burbank, CA 91521, USA
4. **Disney Electronic Content, Inc.**, represented by its legal representatives, 500 S Buena

Vista St, Burbank, CA 91521, USA

5. **Disney Platform Distribution, Inc.**, also trading as **Disney DTC LLC**, represented by its legal representatives, 500 S Buena Vista St, Burbank, CA 91521, USA
6. **The Walt Disney Company Limited**, represented by Deborah Margaret Armstrong, Simon Unsworth Bailey, Tracy Anne Bermingham, Dominique Ruth Cardle, Nicola Rose Keat, 3 Queen Caroline Street, Hammersmith, London, W6 9PE, United Kingdom
7. **Disney Enterprises, Inc.**, represented by its legal representatives, 500 S Buena Vista St, Burbank, CA 91521, USA
8. **Disney Streaming Services LLC**, represented by its legal representatives, 500 S Buena Vista St, Burbank, CA 91521, USA
9. **Disney Media & Entertainment Distribution LLC**, also trading as **Disney Entertainment Operations LLC**, represented by its legal representatives, 500 S Buena Vista St, Burbank, CA 91521, USA
10. **Disney Entertainment & Sports LLC**, also trading as **Disney Streaming Technology LLC** or **Disney Technology LLC**, represented by its legal representatives, 500 S Buena Vista St, Burbank, CA 91521, USA
11. **BAMTech LLC**, also trading as **BAMTech Media** or **Disney Streaming Services (LLC)** or **Disney Streaming**, represented by its legal representatives, 1211 Avenue of the Americas, New York, New York 10036, USA

all Defendants represented by: Attorney-at-law Dr Dietrich Kamlah, Attorney-at-law Dr Christian Lederer, Attorney-at-law Dr Michael Schächinger, PENTARC Rechtsanwälte PartGmbH, Schmellerstraße 4, 80337 Munich, Germany

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PATENT IN SUIT:

European Patent n° 2 080 349

PANEL/DIVISION:

Panel 1 of the Local Division in Düsseldorf

DECIDING JUDGES:

This decision is delivered by Presiding Judge Thomas, legally qualified Judge Dr Schumacher acting as Judge-rapporteur, legally qualified Judge Mlakar and technically qualified Judge Dr Kretschmann.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT OF THE PROCEEDINGS: Infringement action and counterclaim for revocation

DATE OF THE ORAL HEARING: 1 July 2026

KEYWORDS: Novelty; inventive step; auxiliary requests

SUMMARY OF THE FACTS:

1. The Claimant is suing the Defendants for infringement of the European Patent EP 2 080 349 B1 (Exhibit AR-T 01, hereinafter: patent in suit).
2. The patent in suit was filed on 20 April 2007 as International Application PCT/IB2007/001040. It claims priority of US 551312, dated 20 October 2006. The patent application was published on 22 July 2009. Mention of the grant of the patent in suit was published on 14 December 2011. No opposition was filed.
3. Applicant for the patent in suit was Sony Ericsson Mobile Communications AB, later renamed Sony Mobile Communications AB ('Sony Mobile'). Sony Mobile transferred the rights to the patent in suit to the Sony Group Corporation ('Sony Group').
4. The Claimant acquired the rights to the patent in suit from Sony Group on 1 April 2022, and is now the registered proprietor of the patent.
5. The patent in suit is in force in Germany and the Netherlands.
6. An opt-out from the exclusive jurisdiction of the UPC was withdrawn on 3 April 2025.
7. The patent in suit is titled 'SHARING MULTIMEDIA CONTENT IN A PEER-TO-PEER CONFIGURATION'. Claim 1 reads as follows:

'A method of sharing media content (12) using electronic equipment (10a-10d), comprising:

automatically transferring session data (14) from a first electronic equipment (10a) to a second electronic equipment (10b), **characterized in that** said session data

includes a queue of media content executing or executable on the first electronic equipment (10a), said queue defines a user created arrangement of the media content; and

automatically transferring media content (12) identified in the session data (14) to the second electronic equipment (10b).'

8. All Defendants are part of the US Disney Group. Defendant 1 is the parent company, Defendants 2-11 are subsidiaries and affiliated companies. They operate globally and nationally in areas such as film production, television and digital video streaming services.
9. With the infringement action, the Claimant targets the Disney+ streaming service provided jointly by the Defendants to their subscribers in the UPC Contracting Member States ('challenged embodiment' or 'challenged service').
10. Disney+ is a personalized streaming service that offers subscribers access to an extensive collection of movies, series and other video content against a monthly or annual fee. It was launched in several UPC Contracting Member States in March 2020.
11. Access to Disney+ is possible via a web browser. Users can also access the streaming service via the Disney+ app on various end devices such as smartphones, tablets, computers, smart TVs and third-party streaming devices (e.g. Apple TV, Fire TV Stick).
12. The service works according to the video-on-demand principle, where users can freely choose the time of playback. Users have the choice of streaming the content directly or downloading it to watch offline.

REQUESTS:

Infringement action

13. In its submission dated 25 June 2026, the Claimant amended its motions in accordance with the Court order. Furthermore, at the Court's request, the Claimant provided an English translation of all motions, since the statement of claim had been filed in German. Until then, only a machine translation of the statement of claim into English had been available for the purposes of service.
14. The Claimant requests:
 - I. The Defendants are ordered,
 1. to refrain from

supplying and offering to supply to third parties within the territory of the Federal Republic of Germany and/or the Netherlands

means, namely the streaming service Disney+, whether via web streaming through a Chrome browser or as the Disney+ application, particularly for Windows, macOS, Android, and iOS,

which are suitable and intended for carrying out a method of sharing media content using electronic equipment,

comprising

automatically transferring session data from a first electronic equipment to a second electronic equipment, characterized in that

said session data includes a queue of media content executing or executable on the first electronic equipment,

said queue defines a user created arrangement of the media content; and

automatically transferring media content identified in the session data to the second electronic equipment for use within the territory of the Federal Republic of Germany and/or within the Netherlands

(indirect infringement of claim 1)

especially if

transferring media content includes transferring media content from a server to the second electronic equipment

(dependent claim 4)

especially if

the method comprises synchronizing the media content between the first and second electronic equipment such that actions taken on the first electronic equipment are mimicked on the second electronic equipment;

(dependent claim 8).

2. to inform the Claimant to the extent to which the Defendants have committed the acts referred to in section I.1. since 14 December 2011, within a period of six weeks after service of the notification within the meaning of R. 118.8 sentence 1 RoP and, if applicable, the certified translation, in the form of a structured statement in electronic form capable of being evaluated by computer, organised by each month of a calendar year and by infringing product, covering all relevant information, in particular:

- a) the origin and distribution channels of the infringing products;
 - b) the quantities produced, manufactured, delivered, received or ordered, and the prices paid for the infringing products;
 - c) the identity of all third parties involved in the manufacture or distribution of the infringing products;
3. to disclose to the Claimant, within a period of six weeks after service of the notification within the meaning of R. 118.8 sentence 1 RoP and, if applicable, the certified translation, their books of account in support of the information provided pursuant to section I.2., together with information on the profits made, by making available in electronic form capable of being evaluated by computer, organised by each month of a calendar year and by each infringing use of the method and each infringing product:
- a) evidence of the number and dates of the infringing products offered and distributed;
 - b) invoices – or, if unavailable, delivery notes – for individual deliveries, broken down by quantities offered, dates of offers, prices of the products offered and type designations, as well as names and addresses of the commercial recipients of offers to sell, for all infringing products sold or otherwise disposed of;
 - c) evidence of advertising activities carried out, broken down by advertising medium, its distribution, the period of distribution and the distribution territory; including supporting documentation of such advertising activities;
 - d) evidence of costs, broken down by individual cost factors and the profits made;
 - e) invoices – or, if unavailable, delivery notes – and corresponding accounts of all costs incurred upon which the Defendants rely in calculating their profits;

and confirm the accuracy of the information provided by an affidavit,

or, in the alternative,

have it audited and confirmed by a sworn auditor appointed by the Claimant at the Defendants' expense, such auditor being bound to maintain confidentiality towards the Claimant with respect to the information specified above;

4. to pay to the Court
 - a) in the event of any violation of the orders in accordance with the requests under I.1 a repeated penalty payment of at least EUR 10,000 per violation;
 - b) a penalty payment of up to EUR 5,000 per day for each day of non-compliance in the event of any violation of the orders in accordance with the requests under I.2. and I.3.;
 5. to pay to the Claimant, as joint and several debtors, EUR 200,000 as an interim award of damages, to be adjusted should the acts referred to in section I. be continued.
- II. It is determined that the Defendants are jointly and severally liable to compensate the Claimant for the damage that Sony Ericsson Mobile Communications AB suffered between December 14, 2011 and March 22, 2022, that Sony Group Corporation suffered between March 22, 2022 and April 1, 2022, and that the Claimant has suffered since April 1, 2022 and will suffer in the future.
 - III. It is declared that the Defendants have infringed patent EP 2 080 349 by supplying or offering to supply means for sharing media content using an electronic device in the territory of the contracting member states of Germany and the Netherlands.
 - IV. The Defendants shall bear the costs of the proceedings.
15. The Defendants request:
- I. The action is dismissed.
 - II. Claimant bears the costs of the proceedings including adequate reimbursement of the Defendants' costs.

In the alternative, in case the Court should order an injunction and/or information:

- III. The enforcement of any injunction is conditional upon a financial security provided by the Claimant in the amount of at least EUR 30 million.
- IV. An order against the Defendants to provide information under motion I.2. and I.3. of the statement of claim is made conditional upon a confidentiality order against the Claimant to the effect that (a) the access to the information is restricted to Claimant's outside counsels and two representatives of Claimant who are named to the Defendants in advance and (b) the information may be used only for the purposes of calculating potential damage and compensation claims against the Defendants and for identifying other parties involved in the supply or distribution of the accused products for the purpose of asserting claims for alleged patent

infringement against them.

Counterclaim for revocation

16. On 25 June 2026, the Defendants amended their motions following a Court order. They now request a revocation of the patent in suit ‘for all Contracting Member States, i.e., for Germany and the Netherlands’ instead of ‘for all Contracting Member States, in particular for Germany and the Netherlands’.
17. The Defendants request:
 - I. EP 2 080 349 B1 is revoked to the extent of claims 1, 4 and 8 for all Contracting Member States in which EP 2 080 349 B1 has effect, i.e., for Germany and the Netherlands.
 - II. The Court sends a copy of the decision to the European Patent Office and to the national patent office of any Contracting Member State concerned in accordance with Art. 65(5) UPCA.
 - III. Claimant bears the costs of the counterclaim for revocation including adequate reimbursement of the Defendants’ costs.
18. The Claimant requests:
 - I. The counterclaim for revocation is dismissed.
 - II. The Defendants bear the costs of the proceedings including adequate reimbursement of the Claimant’s costs.

Application to amend the patent

19. Regarding the order in which the auxiliary requests are submitted, the Claimant originally referred to Exhibit AR-T 23. During the oral hearing, however, the Claimant specified a revised order in which it submitted the auxiliary requests.
20. The Claimant requests in case the Court does not dismiss the counterclaim for revocation:
 - III. EP 2 080 349 B1 is amended in accordance with one of the following auxiliary requests A1, A2, B1, C1 to C5, D1, D2, E1, F1 to F4, G1 to G3 and K1 to K19 submitted in AR-T 23 and fully formulated in the separate auxiliary request brief for all Contracting Member States in which EP 2 080 349 B1 has effect and the remaining counterclaim for revocation is dismissed, whereby the auxiliary requests are submitted in the following order: C4, G3, K5, K19, B1, D1, D2, F1 to F4, A1, A2, C1, C2, C3, C5, E1, G1, G2, K1 to K4, K6 to K18.

- IV. The Defendants bear the costs of the proceedings including adequate reimbursement of the Claimant's costs.
21. The Claimant states that, in the event that the patent is maintained in amended form, the Defendants shall be ordered on that basis in the infringement action.
22. The Defendants oppose the application to amend the patent.

POINTS AT ISSUE:

23. The parties' arguments are set out below, with only the key points emphasised.

Claim construction

'automatically transferring session data from a first electronic equipment to a second electronic equipment'

24. According to the Claimant, claim 1 does not exclude that additional session data is transferred to the second device by other means. 'Transferring session data' is indefinite and not restricted to 'all' session data of a session. It is sufficient if some session data is transmitted in this way.
25. The Claimant further states that 'session data' is data describing a state of an active session. A 'session' is a standard term in the field of computer science describing a time-delimited information exchange between two endpoints, such as a server and a client. Therefore, the data type alone cannot define whether some data is session data or not; it is a purely functional definition tied to the existence of a corresponding session. In addition, the Claimant argues that the skilled person will understand that 'session data' can only exist when a 'session' exists, and that a session is an active time-delimited event, i.e., it only exists in between a defined start and end. Therefore, the feature and claim 1 as a whole require an active session as a basis. Since a session has a start and an end, there is no such thing as an 'inactive' session; either a session is active/ongoing, or it does not exist.
26. In the Claimant's view, the media content itself is not session data. If the media content were included within the session data, it would not be transferred in an extra step as 'identified in session data'.
27. According to the Defendants, session data does not require an 'active session'. They point out that the patent description includes examples in which the session data is a playlist that specifies at least a portion of media content located on a first mobile phone (see, e.g., para. [0054]). In these examples, the first mobile equipment is not participating in an active communication session, and yet the session data is already present on the first mobile phone. Furthermore, the patent in suit explains that a communication session or a communication link may be established between two

devices before the session data is transferred from one device to the other (see paras. [0008], [0023], [0055]). The Defendants argue that this shows that session data is not required for establishing a communication session or communication link. On the contrary, it shows that a playlist as such, irrespective of such a communication session or communication link, can be session data.

28. The session to which the term 'session data' relates is thus not a communication session that could involve a time-limited information exchange between the first mobile equipment as a first endpoint and another endpoint. Rather, the session data relates to a session that involves media content, i.e., a media session.

'said session data includes a queue of media content executing or executable on the first electronic equipment'

29. According to the Claimant, the queue included within session data also needs to be tied to an active session.
30. If a user is watching a movie (active session) and wants to share it (the active session) with a second user or equipment, he or she is sharing 'session data' that contains a 'queue of media content'. Accordingly, the 'queue of media content' refers to an indication of media content that is still pending on the first electronic equipment, e.g., an indication of the part of the movie that has not yet been played or watched by the first user. The queue of media content is thus the 'remaining' media content that still needs to be executed, including content that is currently executed.
31. A current playlist can be used as a queue of media content. However, the feature goes beyond that by defining that the queue needs to be part of session data, which is not given for any arbitrary playlist. In summary, the 'queue' and the 'session data' in which the queue is included are two separate limitations. They cannot simply both be equated with a 'playlist' of any kind.
32. With regard to the 'queue', the focus is the aspect of waiting and not allegedly 'distinct media content items' or 'ordered items'. Elements in a queue are waiting or pending to be processed in some way. Whether this is a single element or multiple elements is not of relevance.
33. The Defendants object to this, considering the Claimant's definition of the term 'queue' and the alleged scope of the feature as overly broad.
34. They point out that media content in the queue need not be executed on the first electronic equipment. Rather, it is sufficient for the media content of the queue to be 'executable' on the first electronic equipment.
35. Furthermore, in the Defendants' view, a single media content item is not a queue within the meaning of the feature. A timestamp, even if it specifies a playback position, is also

not a 'queue'. A timestamp as such is not a listing of media content. The Defendants argue that a queue of media content executing or executable on the first electronic equipment means that the session data includes a list of several distinct media content items in a particular order.

36. The term 'media content' refers to media content items, which were selected and arranged in a list by the user of the first electronic equipment such as, e.g., a number of songs in a particular order (see para. [0007]), images in slide shows (para. [0006]), video files, image files or text files (see para. [0012]).
37. According to the Defendants, the term 'queue of media content' indicates a specific order. To cover all examples and embodiments disclosed in the patent in suit, the queue has to be construed as meaning a structured, ordered list of a plurality of distinct media content items.

'said queue defines a user created arrangement of the media content'

38. The Claimant argues that any arrangement created by the user is sufficient, even the mere selection of remaining parts queued to execute, by determining the playback position (see para. [0065]).
39. The Defendants, on the other hand, state that the queue, i.e., the ordered sequence of media content items, is arranged by the user.
40. They argue that the term 'arrangement' further limits the term 'queue'. The definition that the queue shall be a user created arrangement means that the consecutive order of the items of media content is created by the user, i.e., the user has defined the sequence in which the media content items shall be played back.
41. Lastly, they point out that during the prosecution process, the former patentee argued that according to claim 1, users had to create a specific playback order for media content in order to distinguish the subject matter from the prior art.

'automatically transferring media content identified in the session data to the second electronic equipment'

42. In the Claimant's opinion, the feature does not require a specific file to be transferred. Especially if the second electronic equipment has superior decoding capabilities relative to the first electronic equipment, it is preferable to utilize the decoder of the second electronic equipment (see para. [0065]). That presupposes different files matching the diverse decoding capabilities. The claim does not require identical files.
43. The Defendants point out that in any event, the media content transferred to the second electronic equipment must be identical to the media content identified in the session data, i.e., to media content executing or executable on the first electronic equipment

and included in the queue of media content. Whether the first and second electronic equipment receive the media content from the same or a different source, is irrelevant. What is required, however, is that the media content received is the same. Hence, the feature is not satisfied if any suitable files are transferred to the second electronic equipment, which may or may not be the same files. Instead, the feature requires a method that looks for precisely the identified media content to be transferred to the second electronic equipment.

Infringement

Implementation of the features when conducting the challenged service

‘automatically transferring session data from a first electronic equipment to a second electronic equipment’

44. The Claimant asserts that session data is automatically transferred from a first to a second electronic equipment by means of a ‘Load’ message. According to the Claimant, the Defendants expressly admit that an identifier of the media item (movie) and a pointer as where the playback stopped on the first device are transmitted to the second device. In the Claimant’s view, the identifier and the pointer clearly constitute ‘session data’ as claimed. It is not relevant whether further session data is downloaded from the server in addition to the claimed session data transmitted from the first device.

‘said session data includes a queue of media content executing or executable on the first electronic equipment’

45. The Claimant points out that the ‘Load’ message encompasses the parameter ‘internalTitle’ identifying media content selected by the user and the pointer ‘currentTime’ specifying a playback position of media content. The cast receiver device (sender device) uses the pointer ‘currentTime’ to define the corresponding segment number in a simple unit conversion. Therefore, the pointer as part of the session data determines which segments are queued to be executed or currently executing, and therefore implements the queue of media content.
46. According to the Defendants, there is no queue of media content within the meaning of the patent in suit and, even if so, such a queue is certainly not transferred in accordance with the specifications of the patent in suit. In the challenged service, no session data including a queue of media content is transmitted from a first playback device to a second playback device. Not even the information about ‘remaining segments’, to which the Claimant falsely refers as queue of media content, is transferred from the first to the second playback device.
47. In the Defendants’ view, the alleged list of ‘remaining segments’ does not form a queue of media content. Neither a single media content item (e.g., a single movie), nor an indication of a position within such an item, nor a combination of a single media content

item and an indication of a position within such an item can be considered an ordered listing of a plurality of content media items, i.e., a queue of media content. The 'remaining segments' of the movie do not correspond to a plurality of media content items forming a queue but rather correspond to small segments of a single media content item.

48. Furthermore, the Defendants state that according to the Claimant's new infringement read, 'currentTime' as such – without the list of remaining segments – is meant to be a queue of media content. However, the element 'currentTime' itself is clearly not an ordered sequence of media content items. What is more, the patent specification explains that an index pointer – and the Claimant refers to 'currentTime' as a 'pointer' – may additionally be included in the session data but cannot replace the queue of media content.
49. Lastly, the Defendants point out that 'currentTime' is not used by the cast receiver device to determine the playback position for the current implementation (see below).

'said queue defines the user created arrangement of the media content'

50. The Claimant argues that there are two implementations that are 'user created arrangements' of media content:
51. Firstly, by selecting the playback position, the language, and the subtitles, the user arranges the media content. Thus, the user generates 'a user created arrangement' within the meaning of the patent in suit. This arrangement remains in place even if the user decides to share the session and the corresponding session data is transferred, which includes a queue of media content defining a user created arrangement of the media content.
52. Secondly, through their arrangement, users also determine the individual segments that still need to be executed. The user determines the arrangement of these segments. The fact that the execution is then taken over by a server is irrelevant. Otherwise, the server would not play back what the user had selected.
53. In the Defendants' view, neither the list of remaining segments nor the element 'currentTime' constitute a 'queue' that 'defines a user created arrangement of media content'.
54. Moreover, even if one were of the opinion that a plurality of 'remaining segments' of a selected movie corresponds to a queue of media content, their playback sequence would be predefined by the segmentation of the movie performed by the server, i.e., not by a user. In fact, the user does not even select the 'remaining segments' but merely selects the movie and a current playback position.

55. Regarding 'currentTime', the Defendants submit that this element (a 'pointer' according to the Claimant) as such does not constitute media content, is not created by a user and cannot be considered an arrangement. The element 'currentTime' is also not indicative of a user created arrangement as the list of remaining segments itself is not a user created arrangement. What is more, this would not be sufficient as claim 1 requires that the queue itself (and not merely an indication of the queue) is transferred as session data.
56. The mere selection of a video, an audio language and a subtitle language does not constitute a user created arrangement according to the patent in suit, as the selected video and the audio/subtitle are played back simultaneously and therefore cannot form a queue of media content as required by claim 1. Moreover, these selections are entirely unrelated to the list of remaining segments and the element 'currentTime' (the alleged queues of media content).

'automatically transferring media content identified in the session data to the second electronic equipment'

57. The Claimant points out that the media content identified within the 'Load' message is automatically transferred from a server to the second electronic equipment. The media content can be transferred from any source. Thus, it is not decisive even if the media content is obtained from a different server, which, according to the Claimant, the Defendants have neither substantiated nor offered evidence for. The media content queued to execute is played back as individually arranged by the user on the first electronic equipment, i.e., starting from the specified playback position and with the selected language and subtitles.
58. The media content is identified by the session data, as required by claim 1. This is evident from the fact that the second device is able to select the correct movie at the correct time and with correct language settings based on the transferred session data.
59. The Defendants argue that the media content transferred to the second electronic equipment must be identical to the media content identified in the session data, i.e., to the media content executing or executable on the first electronic equipment and included in the queue of media content.
60. Content actually downloaded by the second playback device in the Defendants' media service is not the media content identified in the session data of the first playback device. Rather, the server in the challenged media service will determine the capabilities of the second device and then offer a technically suitable version of the selected media content for download. The selection of the correct version of the media content is completely independent from the version that was selected and downloaded on the first playback device.

'Current implementation' of the Disney+ cast receiver

61. In the infringement rejoinder, the Defendants state that the current implementation of the Disney+ cast receiver integrates the Disney Media Player, which does not use 'currentTime' to determine the playback position. In fact, in the current implementation cast receiver devices do not use 'currentTime' at all. Instead, Disney Media Player use bookmark information received from a server to determine the playback position. For this reason, newer versions of cast sender devices do not even transfer 'currentTime' to cast receiver devices anymore. To the extent that some cast sender devices may still include 'currentTime' in the Load message, that is simply due to code carried over from previous versions. In any case, no cast receiver devices use 'currentTime' to determine the playback position in the current implementation of the Disney+ cast receivers.

Art. 26 UPCA

62. The Claimant states that through their streaming offer, the Defendants indirectly infringe the patent in suit within the meaning of Art. 26(1) UPCA.
63. According to the Claimant, the streaming offer of the Defendants as web streaming via a Chrome browser or as a Disney+ application, in particular for Windows, MacOS, Android and iOS, are 'means' within the meaning of Art. 26(1) UPCA. They relate to an essential element of the invention.
64. Furthermore, the Claimant asserts that the subjective requirements of Art. 26(1) UPCA are met. The suitability and purpose of the challenged embodiment for use of the invention is obvious within the meaning of Art. 26(1) UPCA. The streaming offer as web streaming via a browser or as Disney+ application, in particular for Windows, MacOS, Android and iOS, is set up in accordance with the patent in suit. The Defendants advertise and customers use the cast functions for playback in the streaming offer. According to the Claimant, it is therefore sufficiently certain to expect that the streaming service will be used in a manner that infringes the patent. The Defendants are aware of this; the casting function is a relevant feature of their streaming service.
65. Lastly, according to the Claimant, the Defendants are jointly liable for the provision of content as co-perpetrators, as they knowingly and intentionally cooperate. Each Defendant makes a significant contribution to the offer and distribution of the challenged embodiment. Each contribution of Defendants 1 to 11 complements the actions of the others and is aimed at ensuring the offer of the challenged embodiments. This conscious and intentional cooperation shows that the Defendants are not acting in isolation, but as part of a unified action to offer and operate the Disney+ service.
66. The Defendants do not contest this.

Enforcement security

67. The Defendants state that the amount of the security deposit as condition for enforcement of an injunction must be set at a minimum of EUR 30 million to cover the damages that they could suffer from the enforcement of a judgement at first instance. In case of an injunction being enforced in the named UPC Member States for the period of one year, Defendants would suffer a minimum of EUR 30 million in damages, inter alia, due to lost revenues and a loss of customers.
68. In the Claimant's view, the Defendants have failed to substantiate why serious difficulties would be expected in connection with the recovery of any possible damages from the Claimant. The Claimant points out that, being a publicly listed technology company on Nasdaq with an international presence, it is clearly solvent and regularly publishes audited financial reports attesting to its stable financial position. Therefore, there is no risk of insolvency and no requirement for a security deposit.
69. In addition, the Claimant argues that the Defendants have failed to present any facts and arguments justifying a certain amount of security. The Defendants' allegations regarding a potential loss of revenue and customers in the event of enforcement of the injunction are completely unsubstantiated.

Legal consequences

70. The Defendants essentially argue as follows:
71. The Claimant's request to lay open books is not covered by the scope or requirements according to Art. 68(3) UPCA in conjunction with R. 191, 131.1(c), 141 RoP. Such a request is only admissible in proceedings for the determination of damages, but not in infringement proceedings.
72. In accordance with Art. 67(1)(a) to (c) UPCA, R. 191, 190.1 RoP access to the information requested by the Claimant under motions I.2 and I.3 of the statement of claim shall be restricted to Claimant's outside counsels and a limited number of representatives of the Claimant and it shall only be used by the Claimant to calculate any potential damage claims in connection with the asserted patent infringement. The pieces of information requested by the Claimant are trade secrets within the meaning of Art. 2(1) of the Trade Secret Directive. Disclosing this information without appropriate restrictions would cause disproportionate harm to the Defendants, in particular to their business interests. The information to be provided to the Claimant is highly sensitive information about the revenue, subscriber count and customers. This would not be justified, even if the patent in suit is found to be valid and infringed.
73. In the Claimant's view, laying open books shall be granted as requested. It asserts an independent substantive right to disclosure of specific information based on Art. 68(3) UPCA and R. 191 RoP.

74. The Claimant considers the Defendants' confidentiality request to be unfounded. It points out that the Defendants failed to present facts and arguments justifying their request. According to the Claimant, information according to R. 191 RoP is typically sensitive business information. It is not clear why the Defendants' information should be particularly sensitive compared to other cases of rendering information and accounting after patent infringement. This is particularly incomprehensible given that the parties are not competitors in the same market.

Validity

75. The Defendants are of the opinion that claims 1, 4 and 8 lack novelty and an inventive step, and are based on added subject matter.
76. They argue that independent claim 1 as well as dependent claims 4 and 8 lack novelty in view of the following prior art documents:
- D1: US 2003/0225834 A1
 - D2: WO 2006/018783 A1
 - D3: US 2006/0155762 A1
 - D4: US 2005/0251576 A1
 - D5: US 2006/0195521 A1
 - D6: US 2006/143236 A1
 - D7: WO 2005/034373 A2
77. According to the Defendants, claims 1 and 4 are not novel over the following further prior art documents:
- D8: WO 2004/023487 A1
 - D9: US 2006/0123131 A1
 - D10: WO 2002/033579 A1
78. Moreover, the Defendants state that claims 1 and 8 lack novelty in view of the following further prior art document:
- D11: US 2005/0286546 A1
79. In the Defendants' opinion, as mentioned before, the subject matter of claim 1 lacks novelty over each of a plurality of prior art documents. The additional features of claim 4, and the additional features of claim 8 each cannot substantiate an inventive step.

With regard to the inventive step argumentation, the Defendants additionally rely on the following prior art documents:

- D5a: US 2006/0195512 A1
- D12: US 2005/0262204 A1
- D13: EP 1 429 559 A1
- D14: US 2006/0085349 A1
- D15: WO 2006/045901 A1
- D16: US 2006/0195479 A1
- D17: US 5,808,662 A.

80. As regards the details of the inventive step argumentation, reference is made to the counterclaim for revocation.

81. In the reply to the defence to the counterclaim, and mostly with reference to the auxiliary requests, the Defendants additionally cite the following documents:

- D18: US 2005/0289236 A1
- D19: US 2002/0173273 A1
- D20: US 2003/0229900 A1
- D21: 'Universal Plug and Play Device Architecture', Version 1.0, 08 June 2000; Microsoft Corporation
- D22: Julian Moore, 'tunA: Shared Audio Experience'; master thesis, University of Limerick, 2004.

82. Reference is also made to the reply to the defence to the counterclaim as regards the prior art documents and the arguments mentioned there.

83. In the Claimant's view, the patent in suit is novel and inventive over all documents submitted by the Defendants. The subject-matter of the patent in suit does not extend beyond the content of the application as originally filed.

84. According to the Claimant, the counterclaim for revocation is, at least for inventive step, not sufficiently substantiated.

MAIN STEPS OF THE PROCEEDINGS:

Defendants' R. 9 RoP request dated 8 December 2025

85. On 8 December 2025, the Defendants requested that the Court orders the Claimant to limit the number of conditional auxiliary requests to a reasonable number of not more than eight.
86. They argued that a total of 37 auxiliary requests exceeds what is reasonable. In the view of the Defendants, the Claimant is misusing the application to amend the patent to fish for an invention. Furthermore, the Defendants regard the auxiliary requests as inconsistent and confusing, and they introduce many more obvious issues.
87. The Claimant provided its comments on 30 December 2025. It pointed out that, given the numerous attacks on the patent, the number of auxiliary requests was reasonable.
88. On 10 June 2026, the judge-rapporteur postponed the decision on the Defendants' requests until at or after the oral hearing.

Claimant's R. 36 RoP request dated 30 December 2025

89. On 30 December 2025, the Claimant requested permission to submit a further written pleading in response to the Defendants' partly new claim construction and non-infringement arguments provided in the infringement rejoinder dated 8 December 2025.
90. The Claimant argued that the Defendants had put forward entirely new arguments regarding non-infringement and new positions on claim construction relevant to infringement that went beyond any arguments previously raised. Regardless of whether these arguments are admissible, the Claimant believes that it is necessary to address them in writing in order to clarify the most significant issues.
91. The Claimant states that, for the first time, the Defendants have argued extensively against its interpretation of the term 'session data'. The Defendants remained silent on this point until now, despite having had the opportunity to address it in their statement of defence. The Claimant also wishes to clarify that the Defendants' allegation that the parties would 'agree on ... the basic definition of a queue as an ordered sequence of a plurality of media content items' is incorrect.
92. Furthermore, according to the Claimant, the rejoinder raises new non-infringement arguments based on the parameter 'currentTime' in the (original) implementation of the Disney+ service.
93. The Defendants provided their comments on 9 January 2026. They objected to the Claimant's motion for a further pleading and alternatively, requested that, should the Claimant be granted a further pleading, they likewise be granted the right to respond in a further pleading.

94. They point out that the only new fact is their clarification that the 'currentTime' indicator is no longer used in the current implementation of the Disney+ cast receiver. This issue, along with the others raised by the Claimant, can be addressed at the oral hearing.
95. On 12 January 2026, the judge-rapporteur rejected the Claimant's request, stating that the issues mentioned by the Claimant are manageable in scope and can be addressed at the oral hearing.

Claimant's R. 336 RoP request dated 11 February 2026

96. On 11 February 2026, the Claimant requested the Court to exercise its case management powers under R. 336 RoP by deciding on the following requests within the interim procedure:

I. Late-filed arguments, facts and evidence

97. The Claimant requests that:

1. The Court declares inadmissible and disregards both the Defendants' new attacks with regard to invalidity and the newly-filed documents, brought forward for the first time in their reply to the defence to the counterclaim and defence to the application to amend of 8 December 2025 ('rejoinder'), as set out in the table below,

in particular:

- a) New documents D18 to D22 and the arguments based thereon,
- b) the inventive step attacks for granted claims 1, 4 and 8 firstly raised in the rejoinder, and
- c) the novelty attacks based on new grounds only raised in the rejoinder,

as set out in the table below:

Late-filed arguments regarding	Rejoinder of 8. Dec 2025, margin number
New documents D18 to D22	mn. 416-437, 440-458, 461-484, 883-888, 992-1005 Exhibits PEN D18, PEN D19, PEN D20, PEN D21, PEN D22
Inventive step attacks for granted claims 1, 4 and 8	mn. 320-329, 330-331, 336-338, 340-342, 343-349, 350-353
Novelty attacks based on new grounds	mn. 96-113, 131-139, 170-174, 185-188, 205-212, 215-217, 223-227, 233-236, 253-256, 259, 263-267, 268-270, 272, 275-276, 279-280, 283, 296-298, 303-306

2. The Court orders that Defendants' arguments of invalidity and newly-filed documents defined in I.1. shall not be relied upon by Defendants at the forthcoming oral hearing or at any subsequent stage of the proceedings.

II. Insufficiently substantiated arguments

98. The Claimant requests that:

the Court declares inadmissible and disregards the arguments on validity which do not meet the minimum threshold for substantiation as set out in the table below, and declares inadmissible the documents which have only been used with such arguments,

in particular:

1. Documents D12, D13, D14, D15, D16, D17 and D5a and the inventive step arguments based thereon in the counterclaim for revocation;
2. any argument alleging lack of novelty or inventive step without providing at least a single reference to a specific element in the prior art and/or a single legal argument related to the cited prior art portions,

as set out in the table below:

Insufficiently substantiated arguments regarding	Brief or Exhibit and page/margin number
Documents D12-D17 and D5a	SoD (Counterclaim for revocation) p. 65 third para. - p. 67 final para., p. 70 second para. and p. 72 second para. Exhibits D12, D13, D14, D15, D16, D17, D5a
Novelty or inventive step attacks	Rejoinder mn. 336-338, 396-397, 411, 454, 489, 518, 545-548, 551, 554, 557, 559, 560, 563, 565, 566, 568, 569, 572, 574, 575, 578, 582, 586, 590, 594, 614, 618, 621, 623, 626, 628, 632, 635, 638, 641, 645, 649, 653, 659, 680, 686, 692, 694, 703, 745, 748, 750, 760, 799-804, 808-810, 828, 863, 867, 879, 889, 916, 952, 977, 983, 986, 1006, 1024-1025, 1030, 1032, 1034, 1038, 1049, 1087, 1091, 1103, 1104-1109, 1139, 1141, 1153, 1154-1163, 1197, 1213-1215, 1241, 1295

III. Limitation of number of validity attacks

99. The Claimant requests that:

the Court orders the Defendants to reduce the number of their validity attacks to two different documents to challenge the novelty and three starting points to argue for lack of inventive step;

in the alternative, that the Court order the Defendants to reduce their arguments to a number of attacks which is considered reasonable in view of the present case.

100. The Claimant argues that the Defendants' submissions rely on arguments, facts and evidence that were filed late and fail to meet the minimum substantiation threshold required by the Rules of Procedure and UPC case law. These submissions should therefore be declared inadmissible and disregarded by the Court. In particular, documents D18 to D22, which were introduced at a late stage, must be declared inadmissible. The Defendants failed to seek leave to amend the case pursuant to R. 263.2 RoP, nor have they offered a reason for advancing these submissions only at this stage. The same applies to the multiple new arguments for invalidity brought forward by the Defendants. The Defendants' submission also fails to meet the minimum requirements for substantiating an objection.

101. In any case, the excessive number of invalidity challenges should be reduced for the sake of procedural efficiency. The Defendants have submitted 19 prior art documents with the counterclaim for revocation and another 5 prior art documents with the rejoinder. Based on these 24 documents, they have raised 14 novelty attacks on claim 1 alone (3 of them from late filed documents D18 to D20), an additional 10 to 12 novelty attacks on each of claims 4 and 8, and 385 largely unsubstantiated inventive step attacks based on

alleged combinations of the prior art documents for granted claims 4 and 8.

102. In addition, dozens of invalidity requests have been made against each auxiliary request, based on alleged lack of clarity, added matter, insufficient disclosure, lack of novelty and lack of inventive step. For instance, the Defendants have raised 31 objections to the validity of auxiliary request A1.
103. Defendants responded on 2 March 2026. They requested that Claimant's requests be rejected, in the alternative, that documents D18, D10 and D20 be admitted into the proceedings also with regard to the claim as granted.
104. They pointed out that documents D18 to D22 were filed in response to Claimant's application to amend the patent. This application includes 37 auxiliary requests, introducing a variety of new features, new facts and new infringement allegations. 18 of the 37 auxiliary requests include different features, and 19 auxiliary requests are arbitrary combinations of the first 18 auxiliary requests. The application to amend the patent, thus, necessitated new prior art searches – not only regarding the teaching of the amended claims but also regarding Claimant's interpretation of these claims as reflected in the new infringement allegations. These prior art searches (based on new search terms) returned documents D18 to D20, which were not among the results of earlier prior art searches. After documents D18 to D20 were found, they were analysed also with regard to the claim as granted, which is necessarily included in any of the amended claims. Following this analysis, it turned out that documents D18 to D20 are also highly relevant for the claim as granted.
105. In the event that the Court considers an application in accordance with R. 263 RoP appropriate if such newly found documents are also cited against the claim as granted, the Defendants request that documents D18 to D20 be admitted into the proceedings also with regard to the claim as granted.
106. On 10 June 2026, the judge-rapporteur postponed the decision on the Defendants' requests until at or after the oral hearing.

Language change

107. By order of the President of the Court of First Instance dated 18 June 2025, the language of the proceedings was changed to the language in which the patent was granted, namely English.
108. The order was not conditional on specific translation or interpretation arrangements.

GROUNDS FOR THE DECISION:

A. Admissibility

I. Infringement action

109. The infringement action is admissible. In particular, it must be assumed that the UPC has international jurisdiction, since the Defendants have not lodged an objection under R. 19 RoP nor raised the issue of jurisdiction in their statement of defence (see UPC_CoA_409/2025, Decision of 27 March 2026, headnote 3 – NUC v Hurom).

II. Counterclaim for revocation

110. There are no concerns regarding the admissibility of the counterclaim for revocation. In particular, the UPC has international jurisdiction for the counterclaim for revocation on the basis of Art. 24(4) in conjunction with Art. 71b(1) and 71a(2)(a) of the Brussels Ibis Regulation.

III. Amendments to the wording of the Claimant's motions

111. The amendments to the wording of the Claimant's motions in the submission dated 25 June 2026 do not constitute a change of claim within the meaning of R. 263.1 RoP.

112. The amendments to the motions, compared with the machine translation of the statement of claim, are due to the fact that the motions were formulated in English for the first time in this submission, at the Court's request, following the change of language of the proceedings. The machine translation dated 3 April 2025 was submitted solely for service purposes.

113. Furthermore, the Court has identified no substantial changes to the content of the motions, when compared with either the English machine translation or the original German version.

IV. Procedural requests

1. Defendants' R. 9 RoP request dated 8 December 2025

114. In exercising its discretion, the Court rejects the Defendants' request to limit the number of auxiliary requests to not more than eight. The Court does not consider the number of auxiliary requests to be unreasonable in this case, given the number of attacks on the validity of the patent and the specific circumstances of the case.

2. Claimant's R. 336 RoP request dated 11 February 2026

115. There is no need to rule on the Claimant's requests of 11 February 2026, as rejecting the arguments, facts and evidence that were allegedly late-filed or insufficiently substantiated, would not affect the outcome of the case.

B. Person skilled in the art

116. The skilled person for the teaching of the patent is a computer scientist with a university degree in computer sciences and several years of experience in the design of devices and services in the field of media sharing and the programming of corresponding software for media servers and end user playback devices.

117. This definition generally follows the Defendants' view, with the modification that their proposed definition refers to 'social media sharing'. However, the patent is concerned with techniques for media sharing per se, including playlists or radio programs (cf. para. [0006]), not necessarily restricted to social media.

118. The Claimant is incorrect when it argues that sharing of media content was simply not a common field at the priority date of the patent, and that the skilled person therefore could not have had 'several years of experience.' The skilled person is well aware that sharing media files via the internet was widespread and a common technology already around the year 2000, and thus indeed many years before the priority date. Some of the pertinent prior art, such as documents D1 and D10, likewise predate the patent in suit by several years.

C. Scope of the patent in suit

119. With regard to the scope of the patent in suit, the following applies:

I. Technical background to the invention

120. The invention relates generally to electronic equipment and, more particularly, to an apparatus and method for sharing content between electronic equipment, such as mobile phones or the like (para. [0001]).

121. In the patent specification, it is set out that traditionally, media content, such as audio and video, has been distributed via conventional media such as audio and video tape, records, compact discs (CDs), Digital Versatile Disks (DVDs), or the like. While such mediums have satisfactorily served their purpose, they have some drawbacks. For example, in order to listen or to watch the media content, an individual must first obtain the medium that contains the media content. This can make sharing of media content difficult, as it requires that the physical medium be in hand and/or exchanged between each of the sharing parties (para. [0002]).

122. The patent in suit goes on to explain that presently, high speed communication networks

between electronic equipment (e.g., via an internet connection or a short range radio connection) enable media content to be shared between electronic equipment. This is advantageous, for example, in that media content can be obtained anywhere that internet or short range network connection is available. Further, since the media content is in electronic form, a physical medium is not needed in order to play the media content (para. [0003]).

123. While high speed connectivity provides numerous advantages when buying or sharing media content, new and previously unconsidered issues are introduced. For example, since the pool of media content available on the internet is extremely large, one now must sift through this large pool to find media content that suits their taste. This may not be a problem if the individual knows what they are looking for. However, if the individual would like to find new media content that suits their personal preferences, it is likely that they must view and/or listen to various content that may be unappealing to them (para. [0004]).
124. The patent description refers to the publications WO-03/098409-A and US 2004/117 442-A1 as relevant prior art documents (para. [0004]).
125. Claim 1 of the patent in suit proposes a method of sharing media content. It can be structured as follows:
 1. A method of sharing media content (12) using electronic equipment (10a-10d), comprising:
 - 1.1 automatically transferring session data (14) from a first electronic equipment (10a) to a second electronic equipment (10b),characterized in that
 - 1.2 said session data includes a queue of media content executing or executable on the first electronic equipment (10a),
 - 1.3 said queue defines a user created arrangement of the media content; and
 - 1.4 automatically transferring media content (12) identified in the session data (14) to the second electronic equipment (10b).

II. Claim Construction

1. Principles

126. The patent claim is not only the starting point but the decisive basis for determining the protective scope of a European patent under Art. 69 EPC in conjunction with the Protocol on the Interpretation of Art. 69 EPC. The interpretation of a patent claim does not depend solely on the strict, literal meaning of the wording used. Rather the description and the drawings must always be used as explanatory aids for the

interpretation of the patent claim and not only to resolve any ambiguities in the patent claim. The patent claim is to be interpreted from the point of view of a person skilled in the art. In applying these principles, the aim is to combine adequate protection for the patent proprietor with sufficient legal certainty for third parties (UPC_CoA_335/2023, Order of 26 February 2024, Headnote 2 and p. 26 et seq. – 10x Genomics v Nanostring; UPC_CoA_1/2024, Order of 13 May 2024, para. 26 – VusionGroup v Hanshow; UPC_CoA_182/2024, Order of 25 September 2024, para. 82 – Mammut v Ortovox; UPC_CoA_528/2024, Decision of 25 November 2025, para. 39 – Amgen v Sanofi; UPC_CoA_464/2024, Decision of 25 November 2025, para. 50 – Meril v Edwards).

2. Case at hand

127. Some features of claim 1 require interpretation.

a) Session data (feature 1.1)

Does session data require an 'active session'?

128. The parties discuss whether feature 1.1 requires an 'active session' that the user of the first electronic equipment establishes before it can be shared with the second electronic equipment.

129. The patent does not define the term 'session'. However, it becomes clear from para. [0040] that the term refers to the communication between the first electronic equipment and the second electronic equipment. Para. [0040] reads:

*'According to one aspect of the invention, there is provide [sic] a computer program embodied in a computer readable medium for sharing media content between electronic equipment, including code that establishes a **communication session between a first electronic equipment and a second electronic equipment**, code that **transfers session data from the first electronic equipment to the second electronic equipment**, **said session data** indicative of media content queued to execute on the first electronic equipment, and code that transfers media content identified in the session data to the second electronic equipment.'*

(emphasis added)

130. The 'session data' in feature 1.1 relates to this session, i.e., a session yet to be established by the techniques of the present invention. This terminology makes full sense in the context of claim 1, which relates to establishing a session in which media content can be shared between the first electronic equipment and the second electronic equipment.

131. The Claimant emphasized at the oral hearing that para. [0040] refers to a 'communication session', as opposed to the session of claim 1. However, claim 1 merely refers to 'session data', and does not recite any 'session' as such, in particular no session

that could convincingly be argued to differ from the ‘communication session’ referenced in para. [0040]. Rather to the contrary, the description in para. [0040] explicitly refers to the transfer of ‘session data from the first electronic equipment to the second electronic equipment, said session data indicative of media content queued to execute on the first electronic equipment’, thereby closely mirroring the wording of claim 1. Hence, the skilled person would understand that the ‘communication session’ of para. [0040] refers to the scenario of claim 1, and that the ‘session data’ of claim 1 in fact corresponds to a communication session between the first electronic equipment and the second electronic equipment.

132. The patent in suit does not impose any restrictions on the media content, especially not on its source.

133. As recited in para. [0006], the media content may be ‘a single file’. Para. [0006] reads as follows:

*‘The present invention enables users of electronic equipment to share a media experience. **In its simplest form, this may be sharing a single file.** In other forms, the experience can include part or all of a play list, a slide show, a game, a radio program, a television program, etc.’*

(emphasis added)

134. The skilled person would understand that the ‘single file’ or ‘play list’ may also be stored locally on the first electronic equipment. Para. [0060] explicitly mentions storing the content locally, as well as storing it non-locally, e.g., on a streaming server. Para. [0060] reads as follows:

*‘While the example of Figs. 1A-1B illustrates the **media content 12 residing on the first mobile phone 10a**, the media content 12 **may reside at other locations**. For example, the media content 12 and/or the session data 14 **may reside on a streaming server**. ...’*

(emphasis added)

135. The same alternatives are presented in para. [0062]:

*‘Further, sessions may be synchronized such that when the originator of the session is executing media content from a play list, for example, and selects a skip function so as to jump over the next media content in the queue, then those parties that have joined the session also will skip the next media content in the queue. In this scenario, only the sync data (e.g., current song played and the present location within that song) is transferred between clients, **as the media content itself can reside on each mobile phone 10a, 10b or can be streamed from a remote source.**’*

(emphasis added)

136. This is equally evident when para. [0053] is read in conjunction with para. [0052], which

describes the prior art techniques that the invention builds upon. In the context of the prior art or associated problems, there is no mention of a 'shared session' with an external media server. Therefore, the skilled person would not assume that the techniques of the present invention are limited to such a scenario.

137. Therefore, while implementations in which the user of the first electronic equipment has a pre-established active session with an external server that is subsequently shared with the second electronic equipment are not excluded, claim 1 is not limited in this way.
138. It is true, as the Claimant points out, that some embodiments that talk about 'pulling a session' (cf. para. [0068]) and 'joining a session' (cf. para. [0080]) could be interpreted as referring to an active ongoing session with a media server. However, the description does not directly refer to such a media server in this context. In any case, these would merely be non-limiting examples from the detailed description and would not restrict claim 1.

Can the media content itself be regarded as session data?

139. Furthermore, the parties discuss whether the media content itself can be regarded as 'session data'.
140. However, when reading feature 1.1 in conjunction with the other claim features, the skilled person would rule out such an understanding. Features 1.2 and 1.3 refer to session data including 'a queue of media content', wherein 'said queue defines the user created arrangement of the media content'. Therefore, the claim language distinguishes between the 'media content' and the 'session data' characterizing the media content.
141. The same usage appears consistently throughout the description. Such a distinction can be found, for example, in para. [0011] ('the session data is a list that identifies media content'), in para. [0029] ('the session data includes an index or pointer that identifies a current location within the media content'), or in para. [0036] ('session data indicative of media content'). Neither the claims nor the description provide any indication to the skilled person that the media content itself could form part of the session data.

b) Queue of media content (features 1.2/1.3)

142. In order to determine the meaning of the term 'queue', the skilled person will refer to features 1.2 and 1.3, in which the term is mentioned.
143. The skilled person will understand feature 1.3 as a definition of 'queue':

'said queue defines a user created arrangement of the media content'

144. Hence, according to claim 1, the term 'queue' applies to any (i) arrangement of the media content, that is (ii) created by a user.

145. This understanding is confirmed by the embodiments of the patent in suit.
146. The skilled person would understand all the embodiments mentioned in paras. [0006] and [0062] to be encompassed within the scope of the claim. Para. [0006] mentions a 'play list' as an example, but also refers to the examples of 'a single file', 'a game, a radio program, a television program etc.'. As apparent from the description in para. [0062], only an indication of a current song and a pointer suffice as session data.
147. Therefore, the skilled person would not construe the term 'queue of media content' narrowly, but would understand the queue to represent any media content being executed or executable in the first electronic equipment, as specified in feature 1.2.
148. The Claimant's assertion that the queue of media content must be associated with an 'active session' is based on the aforementioned incorrect interpretation of the term 'session'. Reference is made to the explanation set out above.

c) Arrangement of the media content (feature 1.3)

149. The patent in suit does not explicitly formulate a problem solved by the invention. However, based on the discussion of the background art in paras. [0002] to [0004] and the summary in para. [0005], the problem can be formulated as how to facilitate the sharing of media content between different electronic devices in a way that enhances the user experience.
150. Given this broad problem and the wide range of examples of shared media content discussed in the description, the skilled person would understand the 'arrangement of the media content' as referring to any user-selected presentation of media content that relates to or contributes to a user experience when that media is being played.
151. Regarding the prosecution history referenced by the Defendants, it is questionable whether and to what extent this should be taken into account. That aside, the Claimant correctly pointed out that the playlist is explicitly indicated as an 'example' in these statements. Therefore, the prosecution history does not shed any further light on this claim construction issue.

d) Transferring media content (feature 1.4)

152. With reference to feature 1.4, the parties discuss whether the transferred content needs to be identical to what was identified in the session data.
153. Feature 1.4 merely refers to 'transferring media content identified in the session data'. This leads to two conclusions. Firstly, claim 1 concerns sharing the 'media content' itself, and does not specify the media files or their format. Secondly, feature 1.4 does not explicitly refer to the 'media content executed or executable on the first electronic equipment', as specified in feature 1.2. Therefore, even if feature 1.2 were interpreted

as referring to specific media files, this would not necessarily be the case for feature 1.4.

154. The patent description supports this broad construction. The parties refer to para. [0065], which reads as follows:

'Figs. 2A-2B illustrate another example of sharing media, wherein a user may be playing media content 12 with a predefined play list 14 on mobile phone 10a. When the user arrives at home, he wishes to continue playing the media content 12 on his home stereo system 20 (e.g., a home theater pc (HTPC) sound system or the like), which may have superior decoding capabilities relative to the mobile phone 10a. Thus, it is preferable to utilize the stereo system's decoder, instead of the mobile phone's decoder. In other words, it is preferable to transfer the session data and/or media content to the home stereo 20, as opposed to simply streaming the media content from the phone 10a to the home stereo. Further, the user may wish to continue playing the media content on the home stereo system 20 from its present point on the mobile phone 10a. In this scenario, the mobile phone 10a may push the session to the home stereo 20, wherein the session data 14 including an index pointer are transferred from the mobile phone 10a to the home stereo 20. The index pointer can indicate a current song and/or current location within a song. When the stereo system 20 receives the information, it can proceed in a manner consistent with mobile phone 10b described above in Figs. 1A-1B.'

155. From this description, the skilled person deduces that different end-user devices may have different processing capabilities. In addition, the skilled person is aware that this may in many cases have implications for the media files that these devices can process, which may consequently be different.
156. From dependent claim 4 and the specific examples in paras. [0008], [0060] and [0062], the skilled person would also understand that the media content of feature 1.4 does not necessarily need to be transferred from the first electronic equipment, but could also be transferred from a remote server. Para. [0008] and dependent claim 4 read as follows (emphasis added):

Para. [0008]:

*'The present invention provides a method and apparatus that enables first and second electronic equipment to automatically establish a communication link and transfer session data, such as the play list, from the first electronic equipment to the second electronic equipment. Then, **the second electronic equipment can proceed to obtain the media content as specified in the play list (either from the first electronic equipment or from some other location).**'*

Claim 4:

*'The method according to any one of claims 1-3, wherein transferring media content (12) includes transferring media content **from a server to the second electronic equipment.**'*

157. The skilled person would also understand that the media files that are transferred from

the remote sever to the second electronic equipment do not necessarily need to be identical to the media files executed on the first equipment, as long as the media content is the same.

158. Lastly, the skilled person would understand from the discussion in the background section, as well as in paras. [0007] and [0053], that the patent in suit relates to enhancing the user experience of sharing content smoothly and without hassle. Based on this, the skilled person would understand that the user experience does not depend on the details of the specific files that are transferred, but lies in the shared media content itself.

e) *‘Automatically’ transferring session data/media content (features 1.1/1.4)*

159. The skilled person would understand from the description of the manual steps of media file transfer as described in paras. [0005] and [0052] with reference to the background art that claim 1 relates to an ‘automatic’ implementation in which the user does not need to identify and transfer session data manually, and also does not need to transfer the media content manually from the first electronic equipment to the second electronic equipment.
160. Hence, the term ‘automatically’ in features 1.1 and 1.4 distinguishes the invention from a sequence of manual steps for transferring session data and transferring media content as described with reference to the prior art.
161. Feature 1.1 does not exclude configurations in which the user of the first electronic equipment actively initiates the transfer of session data. This is evident, for example, from para. [0055], which states the following:

*‘A user of the first mobile phone 10a then **invites** a user of a second mobile phone 10b to share the media content. The second user **accepts the invite**, and the first and second mobile phones automatically establish a communication link ...’*

(emphasis added)

162. Similarly, claim 1 does not exclude embodiments in which the transfer of media content in accordance with feature 1.4 requires some form of user command or confirmation, either from the first electronic equipment or from the second electronic equipment, as long as the media files to be transferred do not have to be retrieved manually.

D. Counterclaim for revocation

163. The counterclaim for revocation is partially founded.

I. Scope of the counterclaim

164. The Defendants request the revocation of the patent in suit to the extent of claims 1, 4

and 8.

II. Claims 1, 4 and 8 as granted

1. Lack of novelty

a) Principles

165. According to Art. 54(1) EPC, an invention shall be considered to be new if it does not form part of the state of the art. Assessing novelty within the meaning of Art. 54(1) EPC requires determining the overall content of the prior publication. The decisive factor is whether the subject-matter of the patent in suit, with all its features, is directly and unambiguously disclosed in the prior art document (UPC_CoA_182/2024, Order of 25 September 2024, para. 123 – Mammüt v Ortovox).

166. The disclosure of the prior art document as a whole must be considered. However, the content of a prior art document must not be treated as a reservoir from which features may be drawn to create a particular embodiment, but rather different passages in a document may only be combined if there is a clear and unmistakable teaching suggesting this (UPC_CoA_473/2025, Decision of 13 July 2026, para. 151 – Fujifilm v Kodak).

b) Case at hand

167. When applying these principles, claims 1, 4 and 8 of the patent in suit lack novelty over prior art documents D1 and D7.

aa) D1 (US 2003/0225834 A1)

168. D1 is titled ‘Systems and methods for sharing dynamic content among a plurality of online co-users’. It was published before the priority date of the patent in suit and therefore constitutes prior art within the meaning of Art. 54(2) EPC.

169. D1 relates to providing dynamic content in a network environment. More particularly, it relates to systems and methods for enabling a plurality of client computers to establish and share a common dynamic content experience (para. [0002] of D1).

170. According to D1, there is a need for sharing dynamic content experience. Para. [0006] of D1 describes this as follows:

‘There are certain situations in which it would be desirable for a plurality of online co-users to share a dynamic content experience. That is, the online co-users would benefit from being able to experience the same dynamic content at the same time. For example, two online co-users located at different computers in different parts of the world might want to listen to a song, or watch a video clip together. Each of the users would benefit from being able to share the other’s experience, such that, when either user plays a song, for example,

the media player at the other computer would play the song automatically. Hence, there is a need in the art for systems and methods for enabling a plurality of co-users to establish and share a common dynamic content experience.'

171. All features of claims 1, 4 and 8 are directly and unambiguously disclosed in D1.

Feature 1: A method of sharing media content using electronic equipment

172. D1 discloses feature 1, which the Claimant correctly does not dispute.

Feature 1.1: automatically transferring session data from a first electronic equipment to a second electronic equipment

173. Feature 1.1 is disclosed directly and unambiguously in D1.

174. According to D1, 'session data' is automatically transmitted from the inviter to the invitee, the 'session data' allowing the invitee to replicate the playlist on the invitee client.

175. This becomes clear from para. [0092] of D1, which reads as follows:

'Preferably, the inviter can begin to build a shared playlist in the media player as soon as he initiates an invitation to the invitee. The shared playlist can be pre-filled with songs that are currently in the inviter's playlist. Additionally, if the inviter was listening to music, for example, at the time he initiated the invitation, the media player at the inviter computer should continue to play the music seamlessly until the invitee accepts the invitation. At that time, the playlist on the inviter client is replicated on the invitee client and the music that was playing on the inviter client stops so that progressive downloading and buffering can begin with the first song in the shared playlist. Preferably, if there is no current playlist, a playlist builder interface, via which the user can start to build a playlist, is opened automatically.'

176. First, the Claimant counters this argument by stating that there is no session data, because there is no active session. However, this argument does not stand up to scrutiny in terms of claim construction (see section C. II. 2. above).

177. The Claimant's second argument is, that it is the content itself, rather than the playlist, that is sent to the second device. The Claimant refers to para. [0076], arguing that, since the sending client 'pushes' the content directly to the second device in the order of playback ('begin with the first song'), there is no need to send an extra playlist which would only be redundant information.

178. However, according to para. [0092], the playlist is replicated before downloading and buffering begin (*'At that time, the playlist on the inviter client is replicated on the invitee client and the music that was playing on the inviter client stops so that progressive downloading and buffering can begin with the first song in the shared playlist.'*) This refutes the argument that the playlist is created only from the content.

179. In addition, para. [0094] of D1 explains the following:

'... Throughout the content sharing session, each co-user can be provided with options to add, remove, and shuffle songs as soon as the respective media player is launched. ...'

180. For the skilled person, this implies the existence of the playlist at the invitee client before the invitee client downloads the songs from the inviter client or from a remote server.

181. Hence, the skilled person will directly and unambiguously derive from paras. [0092], [0094] that the playlist is transmitted to the invitee client rather than only created at the invitee client from the transmitted content.

182. Furthermore, the disclosure of feature 1.1 follows from para. [0071] in conjunction with para. [0073] of D1.

183. Para. [0071] reads as follows:

'Assuming that a content sharing communication path can be established between the inviter computer and the invitee computer, a content sharing session can begin. During the content sharing session, information relating to the content sharing experience is communicated between the inviter computer and the invitee computer via the content sharing communications path. ...'

184. As further spelled out in para. [0073], the information relating to the content sharing experience that is communicated between the inviter computer and the invitee computer can include messages relating to 'skipping a track, playing, pausing, or stopping playback, inserting a track into the shared playlist, removing a track from the shared playlist, moving a track within the shared playlist, and ending the content sharing session'.

185. From para. [0073], the skilled person will understand that the 'information relating to the content sharing experience that is communicated between the inviter computer and the invitee computer' referred to in para. [0071] is session data that is transferred from the first electronic equipment to a second electronic equipment.

Feature 1.2: said session data includes a queue of media content executing or executable on the first electronic equipment

186. Feature 1.2 is also directly and unambiguously disclosed in D1.

187. The shared playlist on the inviter client according to D1 can include audio or video tracks that can be played by the media player of the inviter client (see paras. [0042], [0043] of D1).

188. In addition, in para. [0092], D1 discloses that the shared playlist can be 'pre-filled with

songs that are currently in the inviter's playlist'.

189. Therefore, the shared playlist according to D1 is a queue of media content as defined in the patent in suit. The 'session data' that is transmitted from the inviter client to the invitee client according to D1 therefore includes a queue of media content executing or executable on the invitee client within the meaning of feature 1.2.
190. Moreover, paras. [0077] et seq. give examples of certain kinds of actions that are associated with content-sharing messages that are communicated via the content sharing communication path between the inviter client and the invitee client (as described above with reference to paras. [0071] and [0073]). Para. [0083] explains the 'play action' as follows:

*'A "play" action can be sent whenever a notification is received that dynamic content has started playing. The payload for a play action can include: a **unique identifier for the content to play**, a file name, **a flag that indicates whether to reset back to the beginning of the track when starting playback**, and a timestamp of the action. Playback begins on the receiving client if the media player on the receiving client determines that the timestamp is valid.'*

(emphasis added)

191. As the information relating to a content sharing experience includes 'a unique identifier for the content to play' as well as 'a flag that indicates whether to reset back to the beginning of the track when starting playback', this also represents content queued to be played. Therefore, the content sharing message associated with the 'play action' amounts to session data including a queue of media content in the sense of the patent in suit.

Feature 1.3: said queue defines the user created arrangement of the media content

192. Feature 1.3 is directly and unambiguously disclosed in D1 as well.
193. According to the teaching of D1, the shared playlist is built by the inviter (see para. [0092] of D1). This means that the tracks and their order in the playlist are defined by the inviter. In particular, the inviter, while waiting for the invitee to accept the invitation, can utilize his media player to add a song to the shared playlist (see para. [0094] of D1).
194. Furthermore, para. [0043] notes that the user can modify a playlist by adding, sorting, or deleting tracks.
195. The Claimant points out that the user created arrangement needs to be defined by the queue. A command to insert a track into a shared playlist is, in its view, neither a 'queue' nor an arrangement.
196. But a command to insert a track into the shared playlist (cf. paras. [0097], [0073]), as

well as a 'play action' that contains a unique identifier for the content to play and a flag that indicates whether to reset back to the beginning of the track when starting playback (cf. para. [0083]) refer to a user-selected presentation of media content that relates to or contributes to a user experience. With the proper claim construction (cf. Section C.II.2.b/c), they both represent a user created arrangement of the media content.

197. The Claimant further argues that, using correct claim construction, the session data cannot contain the media itself. Session data may define media content, but does not include any content.
198. The Claimant's understanding is correct and is in fact reflected in the Defendants' discussion of D1. As explained above with reference to feature 1.1, the skilled person understands from paras. [0092] and [0094] of D1 that the playlist exists and can be shared independently of the media content. Thus, the playlist (= session data) of D1 does not contain the media content. As described in para. [0101] of D1, both clients may stream the media content directly from a source. In this configuration, the media content may not be sent from the inviter client to the invitee client, and thus cannot possibly be contained in the session data.
199. As further explained above with reference to feature 1.2 and para. [0083], the 'play' action contains 'a unique identifier for the content to play.' The identifier does not contain the media content itself, but merely indicates or defines which content the invitee client shall play.

Feature 1.4: automatically transferring media content identified in the session data to the second electronic equipment

200. Lastly, feature 1.4 is directly and unambiguously disclosed in D1. This can be derived in particular from paras. [0072], [0076] and [0101] of D1.
201. Para. [0072] begins by describing the following:

'According to the invention, during a content sharing session, when a track is played, for example, at one co-user's computer, the same track should be played concurrently at the other co-user's computer. That is, when a song begins playing on one user's machine, it should begin playing almost immediately on the other user's machine as well; ...'

202. Para. [0076] explains in further detail how the receiving client receives the media content:

'... In a system according to the invention, the sending client is "pushing" the data to the receiving client. Consequently, the data is stored in virtual memory on the receiving machine so that the media player on the receiving machine can "pull" the content from its virtual memory at whatever rate it determines it can pull the data.'

203. Para. [0101] refers to an alternative configuration in which both clients stream the

media content directly from a remote source, and the stream is not sent from one client to the other.

204. The skilled person understands from paras. [0072], [0076] and [0101] that in any case the media content is transferred automatically to the second electronic equipment for concurrent playback at the second electronic equipment, without requiring the electronic equipment to retrieve the content manually. This amounts to an automatic transfer in the sense of feature 1.4.

205. As explained above, feature 1.4 of claim 1 of the patent in suit leaves open how the media content shall be automatically transferred. The media content can indeed be pushed to the second electronic equipment; it could also be pulled by the second electronic equipment, either from the first electronic equipment or from a remote source. All these embodiments are instances of feature 1.4.

Additional feature of claim 4: wherein transferring media content includes transferring media content from a server to the second electronic equipment

206. The additional feature of dependent claim 4 is also directly and unambiguously disclosed as D1 teaches streaming from a server.

207. This can be derived, e.g., from para. [0101], which reads as follows:

‘Preferably, remote content can be shared just like any other content, however, in a preferred embodiment, both clients can stream directly from the source. That is, the stream is not sent from one client to the other.’

Additional feature of claim 8: synchronizing the media content between the first and second electronic equipment such that actions taken on the first electronic equipment are mimicked on the second electronic equipment

208. The additional feature of dependent claim 8 is directly and unambiguously disclosed in D1 as well.

209. This follows from para. [0072], which discloses that ‘when a track is played, for example, at one co-user’s computer, the same track should also be played concurrently at the other co-user’s computer’, such that ‘if one user pauses or skips a song, the same thing should happen on the other user’s machine’.

bb) D7 (WO 2005/034373 A2)

210. D7 is titled ‘Audio visual player apparatus and system and method of content distribution using the same’. It was published before the priority date of the patent in suit and therefore constitutes prior art within the meaning of Art. 54(2) EPC.

211. D7 particularly relates to a portable player that is in wireless communication with an

Internet-based file server and laterally to a peer player (cf. para. [0002] of D7).

212. All features of claims 1, 4 and 8 are directly and unambiguously disclosed in D7.

Feature 1: A method of sharing media content using electronic equipment

213. D7 directly and unambiguously discloses feature 1.

214. Para. [0101], for example, explicitly refers to the sharing of media content between users, and not only to the sharing of playlists between devices. It reads as follows:

*‘Summarizing the above, the present invention preferably provides an apparatus and method **of sharing media content by subscribers** that is more convenient for users and more secure for content owners, than existing systems. The present invention preferably also allows **users who wish to share playlists with other subscribers to do so by transceiving device-to-device a text-based copy of the playlist** from one device to the other over a WiFi connection. When the receiving device obtains the playlist, the device automatically contacts the network to confirm that the receiving device has a valid subscription **and to download any content selections the receiving device does not already have stored in its memory that are included on the playlist**. The device then **fully assembles the playlist for the user so that it is playable on demand**.’*

(emphasis added)

Feature 1.1: automatically transferring session data from a first electronic equipment to a second electronic equipment

215. Feature 1.1 is directly and unambiguously disclosed in D7 as well.

216. With regard to the Claimant’s argument that the ‘beamed’ playlists described in paras. [0068] and [0069] are not session data, reference is made to the claim construction (see section C.II.2.). Claim 1 does not require an active session that predates the transfer of session data.

217. Furthermore, the disclosure of feature 1.1 follows from para. [0082].

218. Para. [0082] refers to the preferred embodiment of Fig. 6, which shows two portable devices 601. It reads as follows:

‘... The user of 601 inputs a request to see what content selection device 602 is currently playing and, accordingly, 601 transmits a request over WiFi to 602. Device 602 acknowledges the request to device 601 and invokes an HTTP: server software module that enables 601 to see the currently playing selection on 602 by using a browser technique and to see, on request, any other content that is currently stored, even if not playing, on device 602. The user of 601 selects one or more content files stored on 602. ... In either case, 601 sends a request to 602 to obtain the selected content and 601 “pulls” the content from 602 by downloading it, using 602’s server software. The user of 601 can begin playing the

selection downloaded from 602, ...'

219. The information on the 'content selection device 602 is currently playing' also amounts to session data in accordance with feature 1.1.

Features 1.2 and 1.3: said session data includes a queue of media content executing or executable on the first electronic equipment; said queue defines a user created arrangement of the media content

220. The Claimant's counterarguments against the shared playlists rest on its flawed claim construction that presupposes an active session (see section C.II.2). With the proper claim construction, the shared playlist constitutes a queue of media content executable on the first electronic equipment, wherein the queue defines a user created arrangement of the media content.

221. The 'currently playing selection on 602' in para. [0082], as cited before, likewise constitutes a queue of media content (in this instance actively executing on the first electronic equipment) within the meaning of feature 1.2, as well as a user created arrangement of the media content in accordance with feature 1.3.

Feature 1.4: automatically transferring media content identified in the session data to the second electronic equipment

222. Feature 1.4 is also disclosed in D7. As explained in para. [0068], playlists can be 'beamed' from the sending player device to the receiving player device employing the techniques described in para. [0068] with reference to the digital audio or video files, which includes the receiving device making a request for the respective file and then pulling it over a WiFi connection. This amounts to an automatic transfer of the media content in the sense of feature 1.4. In particular, D7 provides an automated transfer of the media content in which the media files to be transferred do not have to be retrieved manually. With the proper claim construction (see section C.II.2.e), an automatic transfer does not exclude a request from the receiving device to the sending device that precedes the transfer.

223. In a similar fashion, para. [0082] describes that the device 601 sends a request to device 602 to obtain the selected content and device 601 pulls the content from 602 by downloading it. Again, an automatic transfer within the meaning of the patent in suit does not exclude an additional request as the 'request to 602 to obtain the selected content' described in para. [0082].

224. The Claimant argued that D7 comprises many different and independent embodiments that must not be mixed for the novelty assessment. In particular, the Claimant argued that the description of the 'beamed' playlists in paras. [0068]/[0069] and the description in para. [0082] refer to two separate embodiments. However, the above novelty assessment does not rely on any mixing. As explained above, each of paras. [0068]/

[0069] and par. [0082] individually anticipate claim 1.

225. In addition, while the Claimant is generally correct that different passages in a document may only be combined for a novelty attack if there is a clear and unmistakable teaching suggesting this, paras. [0068] and [0069] of D1 repeatedly refer to the embodiment of Fig. 6 when explaining the sharing of files and playlists. Para. [0082] is a more detailed description of the same Fig. 6. Hence, the skilled person would not see paras. [0068]/[0069] and par. [0082] in isolation, but would consider them a related technical teaching. The reference to Fig. 6 provides a clear and unmistakable technical link between these two embodiments.

2. Summary on claims 1, 4 and 8 as granted

226. Claims 1, 4 and 8 as granted lack novelty over D1, and claim 1 additionally lacks novelty over D7. Therefore, these claims must be revoked.

III. Auxiliary requests

227. Claim 1 of the patent in suit is not valid either in the versions set out in auxiliary requests C4 and G3. However, claim 1 is valid in the version set out in auxiliary request K5.

228. The auxiliary requests are examined in accordance with the wording in Exhibit AR-T 23-rev. Compared with the Exhibit AR-T 23 version, the changes in this version are rather clerical and insubstantial.

1. Order of the auxiliary requests

229. As mentioned earlier, during the oral hearing, the Claimant set out the following order of the auxiliary requests: C4, G3, K5, K19, B1, D1, D2, F1 to F4, A1, A2, C1, C2, C3, C5, E1, G1, G2, K1 to K4, K6 to K18.

230. In a decision handed down after the oral hearing in this case, the Court of Appeal held that R. 30 RoP does not require that the patentee submit an auxiliary request as a prerequisite for defending dependent claims (UPC_CoA_473/2025, Decision of 13 July 2026, Headnote 5 – Fujifilm v Kodak). In any case, this has no bearing on the present case. The Claimant explicitly based some of its auxiliary requests on dependent claims 4 and 8. According to auxiliary request D1, claim 1 is further limited by the features of dependent claim 4. The additional features of dependent claim 8 are subject to auxiliary request F1. Auxiliary request K6 combines the claimed features of auxiliary requests D1 and F1, therefore adds the features of both dependent claims 4 and 8 to claim 1 as granted. Further auxiliary requests combine the features of dependent claims 4 and 8 and also include additional features. As the Claimant has expressly specified an order for all auxiliary request, including those containing the features of claims 4 and 8, this order remains decisive.

2. Auxiliary request C4

231. In relation to claim 1 as granted, the main amendments are that feature 1 is replaced by features FC 1.1 and FC 1.2, and an additional feature FC 1.5 is added at the end of the claim¹:

Feature FC1.1:

A method of sharing media content (12) using a first electronic equipment executing media content (10a-10d) and a second electronic equipment,

Feature FC1.2:

by pushing a session from the first electronic equipment to the second electronic equipment, the method comprising:

Feature FC1.5:

and continuing to execute media content on the second electronic equipment.

232. In summary, the wording of auxiliary request C4 is as follows:

‘A method of sharing media content (12) using a first electronic equipment executing media content (10a-10d) and a second electronic equipment, by pushing a session from the first electronic equipment to the second electronic equipment, the method comprising:

automatically transferring session data (14) from ~~a~~ the first electronic equipment (10a) to ~~a~~ the second electronic equipment (10b),

characterized in that

said session data includes a queue of media content executing or executable on the first electronic equipment (10a),

said queue defines a user created arrangement of the media content; and

1 In the following, all changes in relation to claim 1 as granted are presented as follows:

- Additions are highlighted in blue and underlined;
- Deletions are highlighted in red and crossed out.

automatically transferring media content (12) identified in the session data (14) to the second electronic equipment (10b),

and continuing to execute media content on the second electronic equipment.'

a) *Claim construction*

233. The added/replaced features require interpretation.

aa) *Features FC1.1 and FC1.5*

234. As the Defendants correctly point out, claim 1 as granted is not limited to a handover, in which only the first electronic equipment plays the media content before the transfer and only the second electronic equipment plays the media content after the transfer.

235. The claim wording of claim 1 as granted does not place any restrictions on whether the content is stopped on the first electronic equipment after the transfer. Nor does the description require this further limitation, or even unambiguously disclose it.

236. The only embodiment that describes the second electronic equipment continuing to play the media content is para. [0065], which reads as follows:

*'... When the user arrives at home, **he wishes to continue playing the media content 12 on his home stereo system 20** (e.g., a home theater pc (HTPC) sound system or the like), which may have superior decoding capabilities relative to the mobile phone 10a. Thus, it is preferable to utilize the stereo system's decoder, instead of the mobile phone's decoder.'*

(emphasis added)

237. In the context described in para. [0065], if a user is playing his playlist on the mobile phone 10a and returns home, wishing to transfer the content to his home stereo system 20, one possible implementation would be to stop playing the content on the mobile phone 10a after it has been transferred to the home stereo system 20. However, there may also be circumstances in which the user may still wish to also continue listening to the content on his mobile phone in parallel, such as when he moves around the house.

238. When para. [0065] refers to the stereo system's decoder being preferable 'instead of the mobile phone's decoder', this discussion is tied to the superior decoding capabilities of the home stereo system 20 over the mobile phone 10a and presented as an alternative to 'simply streaming the media content from the phone 10a to the home stereo'. However, the skilled person will not unambiguously understand this to imply that the presentation of the content on the mobile phone 10a ceases after the transfer. This is left open in para. [0065] and it cannot be derived from elsewhere in the patent specification either.

239. However, even if para. [0065] were read as a handover involving a discontinuation of the media executing on the first electronic equipment, claim 1 would in any case still not contain that limitation.
240. The Defendants argue that feature FC1.5 merely recites 'media content', without specifying that this must be the same media content referred to in feature 1.4. But the skilled person will nevertheless consider the media content of feature FC1.5 to be connected to the content previously recited in the claim. In a 'method of sharing media content' (cf. FC1.1), and in view of the transfer of feature 1.4, the skilled person will not assume the media content continuing to execute according to feature FC1.5 to refer to completely unrelated media content. The previously mentioned embodiment in para. [0065] supports this understanding.

bb) Feature FC1.2

241. The patent in suit uses the term 'pushing a session' in a rather broad sense. When referring to pushing or pulling a session, the description refers consistently to a session to be established between the first electronic equipment and the second electronic equipment for sharing media content as specified in the claim.
242. Nowhere does the description refer to an active (ongoing) session between the first or second electronic equipment and an external media server.
243. Hence, the skilled person will not interpret the term 'pushing a session' to refer to an active session with an external media server.
244. The only limitation that the skilled person could derive from feature FC1.2 is that the sharing of media content is triggered by the first electronic equipment (session 'pushed' from the first electronic equipment) rather than by the second electronic equipment (session 'pulled' by the second electronic equipment).

b) Lack of novelty over D1

245. Claim 1 of auxiliary request C4 lacks novelty over D1. The additional features FC1.1, FC1.2 and FC1.5 are anticipated by D1.

aa) Features FC1.1 and FC1.5

246. As mentioned before with reference to claim 1 as granted, D1 discloses sharing actively played content. Para. [0072] of D1 describes that during the content sharing session 'when a track is played, for example, at one co-user's computer, the same track should be played concurrently at the other co-user's computer'.
247. As a consequence, after the transfer, the same media content is played on both computers, and hence the media content continues to execute on the second electronic equipment in accordance with feature FC1.5.

248. The Claimant argues with reference to paras. [0092] and [0100], that D1 always restarts and waits when users share content, so that both start at the same time.

249. However, a buffering is not excluded by claim 1 of the patent in suit. In fact, para. [0100] of D1 explicitly points out that the track is played on both co-user's computers 'as soon as a sufficient quantity of data is buffered on each co-user's computer'.

bb) Feature FC1.2

250. D1 describes in para. [0092] that the 'inviter' listening to music (i.e., executing the media) on his device 'initiates the invitation'. As further explained in para. [0092], 'if the inviter was listening to music [...] at the time he initiated the invitation, the media player at the inviter computer should continue to play the music seamlessly until the invitee accepts the invitation. At that time, the playlist on the inviter client is replicated on the invitee client and the music that was playing on the inviter client stops so that progressive downloading and buffering can begin with the first song in the shared playlist.'

251. It is evident from this description that the sharing of media content is triggered by the invitee client (= second electronic equipment), i.e., the session is pushed to the second electronic equipment in accordance with feature FC1.2.

c) Summary on auxiliary request C4

252. Consequently, claim 1 cannot be upheld in accordance with auxiliary request C4.

3. Auxiliary request G3

253. In relation to claim 1 as granted, the main amendments in auxiliary request G3 are that features FG1.1, FG1.2 and FG1.3 are added, following feature 1. These features read as follows:

Feature FG1.1:

discovering, by a first electronic equipment, if a push of a session to a second electronic equipment can be performed

Feature FG1.2:

wherein discovering comprises broadcasting in an IP network

Feature FG1.3:

establishing a WiFi communication link between the first electronic equipment and the second electronic equipment

254. In summary, the wording of auxiliary request G3 is as follows:

‘A method of sharing media content (12) using electronic equipment (10a-10d), comprising:

discovering, by a first electronic equipment, if a push of a session to a second electronic equipment can be performed,

wherein discovering comprises broadcasting in an IP network,

establishing a WiFi communication link between the first electronic equipment and the second electronic equipment,

automatically transferring session data (14) from ~~a~~ the first electronic equipment (10a) to ~~a~~ the second electronic equipment (10b),

characterized in that

said session data includes a queue of media content executing or executable on the first electronic equipment (10a),

said queue defines a user created arrangement of the media content; and

automatically transferring media content (12) identified in the session data (14) to the second electronic equipment (10b)’.

a) *Novelty over D7*

255. D7 discloses all features of granted claim 1 (see section D.II.1.b)bb)).

256. D7 also discloses establishing a WiFi communication link between the devices 601 and 602 (see para. [0082] of D7) and therefore feature FG1.3.

257. Furthermore, D7 describes a WiFi scan for player devices in device-to-device/ad hoc mode in paras. [0068] and [0082]. As explained in para. [0082], ‘this scan produces a listing of available WiFi devices in range, such as device 602.’ These techniques are described in para. [0068] both in the context of a ‘pull’ and a ‘push’ operation of transferring files: ‘The receiving device then “pulls” the file to it over the WiFi connection, FIGS. 6 and 7; this process can also be architected as a “push”.’, hence anticipating feature FG1.1.

258. With regard to feature FG1.2, Defendants point to the ‘WiFi broadcast feature’ in para. [0073] of D7. However, D7 does not directly and unambiguously disclose broadcasting in an IP network. The Defendants did not specifically identify any ‘broadcasting in an IP network’ in D7. In particular, a WiFi broadcast does not necessarily imply an IP broadcast.

259. Thus, D7 lacks feature FG1.2, and claim 1 of auxiliary request G3 is novel over D7 for that reason.

b) Lack of inventive step over D7

260. However, claim 1 according to auxiliary request G3 lacks an inventive step starting from D7.

aa) Principles

261. According to the case law of the Court of Appeal, the approach taken by the Unified Patent Court when establishing inventive step is as follows (see UPC_CoA_464/2024, Decision of 25 November 2025, headnotes 4–13, paras. 128–136 – Meril v Edwards; UPC_CoA_528/2024, Decision of 25 November 2025, headnotes 10–22, paras. 122–138 ff. – Amgen v Sanofi):

262. It first has to be established what the object of the invention is, i.e. the objective problem. This must be assessed from the perspective of the skilled person, with his or her common general knowledge, as at the application or priority date (also referred to as the relevant date) of the patent. This must be done by establishing what the invention adds to the state of the art, not by looking at the individual features of the claim, but by comparing the claim as a whole in context of the description and the drawings, thus also considering the inventive concept underlying the invention (the technical teaching), which must be based on the technical effect(s) that the skilled person on the basis of the application understands is (are) achieved with the claimed invention.

263. In order to avoid hindsight, the objective problem should not contain pointers to the claimed solution.

264. The claimed solution is obvious when at the relevant date the skilled person, starting from a realistic starting point in the state of the art in the relevant field of technology, wishing to solve the objective problem, would (and not only: could) have arrived at the claimed solution.

265. The relevant field of technology is the field relevant to the objective problem to be solved as well as any field in which the same or similar problem arises and of which the person skilled in the art of the specific field must be expected to be aware.

266. A starting point is realistic if the teaching thereof would have been of interest to a skilled person who, at the relevant date, wishes to solve the objective problem. This may for instance be the case if the relevant piece of prior art already discloses several features similar to those relevant to the invention as claimed and/or addresses the same or a similar underlying problem as that of the claimed invention. There can be more than one realistic starting point and the claimed invention must be inventive starting from each of them.

267. The skilled person has no inventive skills and no imagination and requires a pointer or motivation that, starting from a realistic starting point, directs them to implement a next step in the direction of the claimed invention. As a general rule, a claimed solution must be considered not inventive/obvious when the skilled person would take the next step prompted by the pointer or as a matter of routine, and arrive at the claimed invention.
268. A claimed solution is obvious if the skilled person would have taken the next step in expectation of finding an envisaged solution of his or her technical problem. This is generally the case when the results of the next step were clearly predictable, or where there was a reasonable expectation of success.

bb) Case at hand

269. Based on the aforementioned principles, the Defendants have sufficiently demonstrated a lack of inventive step starting from D7.

Objective problem of the invention

270. As mentioned above, the objective problem of the invention can be formulated as how to facilitate the sharing of media content between different electronic devices in a way that enhances the user experience.

Realistic starting point

271. The Panel considers D7 to be a realistic starting point for the skilled person wishing to solve the problem. As discussed in section D.III.3.a) above, D7 anticipates all features of claim 1 except feature FG1.2. In addition, D7 likewise concerns the field of sharing media content between different electronic devices, and therefore would have been of interest to the skilled person who wishes to solve the objective problem.

Matter of routine and obviousness

272. The skilled person would take the next step as a matter of routine, and arrive at the claimed invention.
273. As the Defendants have already mentioned in their written pleadings (see defence to the application to amend the patent, mn. 1294), broadcasting in an IP network is a routine modification that the skilled person would select, depending on the network architecture, to implement the WiFi scan described in paras. [0068] and [0082] of D7. The Defendants have specifically referred to Universal Plug and Play (UPnP) as an example that the skilled person would employ with proven and thus predictable success. This is a convincing argument. The Defendants also point to D21 in this regard, which is a general reference that describes Universal Plug and Play as a distributed, open networking architecture that leverages TCP/IP and Web technologies to enable seamless proximity networking in addition to control and data transfer among networked devices.

This document summarizes how the skilled person understood the Universal Plug and Play technology at the priority date. In particular, D21 confirms that Universal Plug and Play is well-known to support a multicast device discovery, such as SSDP (Simple Service Discovery Protocol), which addresses all devices in a multicast group.

274. In fact, as rightly pointed out by the Defendants, the patent description in para. [0068] itself refers to 'UPnP service discovery functionality' as an embodiment, explaining that this 'service allows devices to broadcast and respond to queries in an IP (internet protocol) network, so as to indicate whether or not certain services are supported'.
275. The Claimant acknowledges that Universal Plug and Play comprises this IP broadcasting functionality (such as in the discussion of prior art D8, cf. rejoinder to the reply to the statement of defence, mn. 791). The Claimant merely argues that the establishment of the WiFi link, the discovery step comprising the broadcasting in the IP network, and the transfer of the session data and media content, when these features are considered in combination, form a single integrated workflow that involves a synergistic effect.
276. However, as explained above, all these features, except for the broadcasting in the IP network, are already known in combination from D7. The broadcasting in the IP network follows automatically when Universal Plug and Play is chosen as a routine implementation. Under these circumstances, no synergistic effect can be attributed to the combination of these features.
277. During the oral hearing, the Defendants reiterated their argument and claimed that broadcasting via an IP network would be routine for the skilled person. The Claimant's submission did not provide any further specific counter-arguments.
278. With this routine amendment, the skilled person would have arrived at the only missing feature FG1.2 and therefore at the invention according to auxiliary request G3 as a next routine step.

c) Summary on auxiliary request G3

279. Consequently, claim 1 cannot be upheld in accordance with auxiliary request G3 either.

4. Auxiliary request K5

280. Auxiliary request K5 contains features from auxiliary requests C4 and G3, which were already discussed, and other features.
281. K5 contains features FC.1.1 and FC1.5 (but not feature FC1.2) already discussed with regard to C4:

Feature FC1.1:

A method of sharing media content (12) using [a first electronic equipment executing media content](#) (10a-10d) [and a second electronic equipment,](#)

Feature FC1.5:

[and continuing to execute media content on the second electronic equipment.](#)

282. Furthermore, K5 contains features FG1.1², FG1.2 and FG1.3, which were already discussed with regard to G3:

Feature FG1.1:

[discovering, by the first electronic equipment, if a push of a session to the second electronic equipment can be performed](#)

Feature FG1.2:

[wherein discovering comprises broadcasting in an IP network](#)

Feature FG1.3:

[establishing a WiFi communication link between the first electronic equipment and the second electronic equipment](#)

283. In addition, K5 contains the following two additional features FK1.1 and FK1.2, which are formulated in accordance with dependent claims 4 and 8:

Feature FK1.1:

[wherein transferring media content \(12\) includes transferring media content from a server to the second electronic equipment \(10b\),](#)

Feature FK1.2:

[the method further comprising: synchronizing the media content \(12\) between the first \(10a\) and second \(10b\) electronic equipment such that actions taken on the first electronic equipment \(10a\) are mimicked on the second electronic equipment \(10b\)](#)

284. In summary, the wording of auxiliary request K5 is as follows:

2 There are slight differences in the wording between G3 and K5 regarding the use of the definite or indefinite articles.

'A method of sharing media content (12) using a first electronic equipment executing media content (10a-10d), and a second electronic equipment, the method comprising:

discovering, by the first electronic equipment, if a push of a session to the second electronic equipment can be performed,

wherein discovering comprises broadcasting in an IP network,

establishing a WiFi communication link between the first electronic equipment and the second electronic equipment,

automatically transferring session data (14) from ~~a~~ the first electronic equipment (10a) to ~~a~~ the second electronic equipment (10b),

characterized in that

said session data includes a queue of media content executing or executable on the first electronic equipment (10a),

said queue defines a user created arrangement of the media content; and

automatically transferring media content (12) identified in the session data (14) to the second electronic equipment (10b), wherein transferring media content (12) includes transferring media content from a server to the second electronic equipment (10b),

and continuing to execute media content on the second electronic equipment,

the method further comprising: synchronizing the media content (12) between the first (10a) and second (10b) electronic equipment such that actions taken on the first electronic equipment (10a) are mimicked on the second electronic equipment (10b).'

a) *Requirements of Art. 84 EPC*

285. The Defendants argue in this regard that it is not clear whether the feature of 'continuing to execute media content on the second electronic equipment' and/or the features of granted claim 8 shall be part of step 'automatically transferring' or not.

286. However, the Defendants do not explain why and how the clarity of the claim would hinge on the question of whether certain features are interpreted as forming part of the 'automatically transferring'. Thus, this clarity objection is not substantiated.

287. In addition, the steps of 'continuing to execute media content on the second electronic equipment' and 'synchronizing the media content...' appear in claim 1 as method steps

distinct from the ‘automatically transferring’. The skilled person will thus not find any indication in the claim language that would lead him or her to the conclusion that these steps should be considered part of the preceding method step of claim 1.

288. The Defendants further argue that claim 1 leaves unclear whether the step of ‘continuing to execute media content on the second electronic equipment’ shall happen at the same time as transferring the media content.

289. However, with the proper claim construction (see section C.II.2.a) and para. 240) the skilled person understands that the different instances of ‘media content’ in claim 1 are related. The skilled person concludes that the step of ‘continuing to execute media content on the second electronic equipment’ cannot precede the transfer of the media content to the second electronic equipment. Claim 1 does not appear to make any further requirements on the relative timing of these steps. This results in a potentially broad claim, but does not introduce a lack of clarity.

290. Thus, claim 1 according to auxiliary request K5 is clear.

b) No added matter

291. Features FK1.1 and FK1.2 find their basis in original dependent claims 4 and 8.

292. With regard to feature FC1.5, the Defendants argue an inadmissible generalization, pointing out that the sole basis for this feature is the mobile phone/home stereo example of Figs. 2A-2B as described on p. 8, l. 33 to p. 9, l. 17 of the original specification.

293. However, the transfer of media content from the first electronic equipment to the second electronic equipment in a way that the media content continues to execute on the second electronic equipment is an advantage of sharing media content in general. Thus, the skilled person would not consider it limited to the specific mobile phone/home stereo example, nor would the skilled person assume that the shared content has to be a playlist.

294. With respect to features FG1.1 and FG1.2, the Defendants argue that the original disclosure on p. 9, l. 18-30 is limited to a plurality of interacting services described in conjunction with Fig. 3, which are missing in claim 1: a session service 32, a sharing service 34, a download service 36, a file system service 40, and a content service 42. However, the skilled person understands from p. 5, l. 11/12 of the original disclosure that Fig. 3 is a block diagram illustrating ‘exemplary services’ of a media share apparatus. The skilled person would not see any reason to assume that the technical functionality of the session service 32 as described on p. 9, l. 23-30 would necessarily always need to require the presence of the other services described in subsequent paragraphs.

295. The Defendants further argue that the original disclosure on p. 9, l. 18-30 is limited to a Universal Plug and Play (UPnP) service discovery functionality, rather than broadcasting in an IP network generally. However, the Claimant is correct that the discussion on p. 9, l. 26 presents Universal Plug and Play only as an example: ‘...may be accomplished using UPnP service discovery functionality.’ The skilled person would see no compelling technical reason to limit the disclosure to UPnP.
296. The Defendants also argue that the original disclosure provides no basis for discovering if a push of a session to the second electronic equipment can be performed, without having previously found the other device. However, the skilled person understands that discovering if a push of a session to the second electronic equipment can be performed logically requires the other device to be found. Thus, the feature that the Defendants consider missing is implicitly contained in claim 1, even if not explicitly spelled out.
297. The Defendants are incorrect when they argue that an omission of the ‘pull’ language results in an inadmissible amendment. The Claimant correctly points out that the skilled person would understand ‘push or pull of a session’ (on p. 9, l. 26 of the original disclosure) as two alternatives, and that no inadmissible amendment is associated with the selection of one of these options in the claim.
298. The Claimant is likewise correct that the skilled person would see no technical difference between pushing a session ‘in a device’ and pushing the session ‘to a device’. Since the meaning remains the same, no inadmissible amendment results from this change of terminology.
299. The Defendants further argue that the original disclosure is limited to a discovery functionality that ‘allows devices to broadcast and respond to queries’, whereas claim 1 inadmissibly omits the ‘respond’ language. However, the skilled person understands that to ‘broadcast’ and to ‘respond to queries’ are typically two different functionalities of a node in an IP network, and the skilled person would see no technically compelling reason why these two necessarily need to go together in an IP network. The link that the Defendants try to argue does not exist.
300. With regard to feature FG1.3, the Defendants argue that the original description on p. 6, l. 26-38 to which the Claimant refers for support is limited to an example in which both electronic equipments are mobile phones, and their respective users are different. However, similar to feature FC1.5 discussed above, the skilled person understands that a WiFi communication link can be advantageously established across a multitude of communication devices, not limited to mobile phones and irrespective of whether the two devices are assigned to the same or different users. The skilled person would see no technically compelling reason to understand the disclosure of the invention to apply to WiFi connections between mobile phones only.
301. The Defendants further argue that claim 1 lacks any reference to an ‘invite’ send by the user of the first mobile phone to the user of the second mobile phone, and an

acceptance of the invite by the second user, as described on p. 6., l. 34/35. However, the skilled person understands that these are implementational details that are unrelated to the underlying data carrier employed for establishing the connection between the two users, such as WiFi, Bluetooth, etc.

302. The Defendants argue that the description on p. 6, l. 26-38 necessarily requires establishing a first link via a second link different from the first link. But as correctly pointed out by the Claimant, this may simply result in a WiFi communication link, i.e., a communication between the first and the second electronic equipment over WiFi.
303. Referring to all of the additional features in combination, the Defendants argue that they stem from different parts of the description and have not been disclosed in combination. However, the Claimant argues convincingly that the skilled person will not see them as unrelated embodiments, but will see them in combination. In particular, the Claimant rightly points out that the mobile phone/home stereo example of Figs. 2A-2B explicitly refers to Figs. 1A-1B, in the context of which the establishment of the WiFi connection is described on p. 6, l. 26-38. The skilled person would also understand that the discussion of the discovery process on p. 9, l. 18-30 does not form an isolated disclosure, but contains general teaching that can be applied to all of the embodiments described in the original filing documents, including those referenced above. Finally, the features FK1.1 and FK1.2 stem from the original set of claims, where they have also been recited in combination. The skilled person would likewise understand them as general teachings that apply to all of the embodiments originally disclosed.
304. The Defendants' additional added-matter objection pertains to the allegedly missing connection between the different instances of 'media content' in claim 1. The Court does not agree with the Defendants' claim construction on which this argument is based on (see the claim construction regarding auxiliary request C4).
305. In summary, claim 1 does not extend beyond the original disclosure.

c) Novelty

306. As auxiliary request K5 is a combination of features, the Defendants refer to their previous arguments. In their defence to the application to amend the patent, they state that K5 lacks novelty 'at least over D1, D4, D7, D19, D20'.
307. However, claim 1 is novel over any one of D1, D4, D7, D19, D20.

Novelty over D7

308. With regard to D7, reference is made to the explanations regarding auxiliary request G3. D7 does not directly and unambiguously disclose broadcasting in an IP network according to feature FG1.2, which is also part of auxiliary request K5.

309. D7 further fails to disclose at least feature FK1.2. The Defendants refer to paras. [0023], [0059] and [0083], arguing that content changes will be seen by the observing user. However, while the cited passages generally refer to the sharing of content over the network, as well as to the organization of and browsing through the respective data repositories and the modification of custom playlists (cf. para. [0023]), D7 fails to unambiguously disclose that any actions taken on the first electronic equipment are mimicked on the second electronic equipment to synchronize the media content. Para. [0082] further discloses that the device 601 may see the currently playing selection on 602, but likewise fails to disclose any mimicked actions.
310. The Defendants further refer to paras. [0120]–[0125] of D7, which explain that when items get added, deleted, or modified from an available catalogue of content selections, this information is changed at the back-end of the independent server. Again here, D7 fails to unambiguously disclose that any actions taken on the first electronic equipment are mimicked on the second electronic equipment to synchronize the media content. Para. [0133] of D7 refers to the use of an indexed file pertaining to a catalogue of content. When there is a change to an existing item listing of the indexed file, or an item is added or deleted, only some information may be resent. However, the Claimant is correct that para. [0133] again fails to disclose that actions taken on the first electronic equipment are mimicked on the second electronic equipment to synchronize the media content. In addition, it remains unclear from the Defendants’ discussion how the embodiment of paras. [0120]–[0125] and [0133] relate to the embodiments of paras. [0068]/[0069] and [0082] on which the Defendants chiefly rely.
311. D7 further fails to disclose feature FG1.1 in conjunction with feature FC1.1. D7 discloses first electronic content executing on the device 602 in para. [0082] of D7, but only in conjunction with the second device pulling the content from 602. The Claimant is correct that no pushing of a session is disclosed in the embodiment of para. [0082].

Novelty over D1

312. D1 at least fails to unambiguously disclose the discovery procedure in accordance with features FG1.1 and FG1.2. The Defendants point to the Universal Plug and Play (UPNP) described in para. [0069]. However, the Claimant is correct that para. [0069] describes this protocol in the context of configuring a NAT (Network Address Translation) or a firewall. D1 does not unambiguously disclose a step of discovering if a push of a session to the second electronic equipment can be performed. D1 also fails to disclose broadcasting in an IP network.

Novelty over D4

313. D4 does not disclose a step of discovering, by the first electronic equipment, if a push of a session to the second electronic equipment can be performed, in accordance with feature FG1.1. The Defendants point in this regard to block 47 in the flow diagram of Fig. 4, according to which information representative of the selected song(s) is sent from the

first device to the second device. However, this disclosure leaves open whether the information is pushed to the second device from the first device, or pulled from the first device by the second device.

314. D4 also fails to disclose a step of establishing a WiFi communication link between a first electronic equipment and a second electronic equipment in accordance with feature FG1.3. The Defendants point to para. [0083], which discloses that the network transceiver 24 may comprise a wireless network transceiver. However, D4 does not unambiguously disclose that the wireless network transceiver is employed for establishing a WiFi communication between the first device and the second device.

Novelty over D19

315. D19 does not disclose feature FK1.2, according to which the media content is synchronized between the first and the second electronic equipment such that actions taken on the first electronic equipment are mimicked on the second electronic equipment. The Defendants refer to para. [0096] of D19, which discloses a process for audio gateway content synchronization with reference to the flow diagram of Fig. 19. However, the Claimant is correct that this disclosure is limited to the synchronization of content. D19 does not unambiguously disclose that actions taken on the first electronic equipment are mimicked on the second electronic equipment.

Novelty over D20

316. D20 does not disclose feature FK1.2 either. Defendants point to para. [0135] and the flow diagram of Fig. 6. This paragraph discloses tracking two sessions running in parallel, and keeping the two sessions synchronized as events occur on either or both of systems A and B. However, D20 refers generally to state records that system A exports to echo 'all relevant interaction events to system B', or vice versa, but without providing any details as to the nature of these interaction events. The Claimant is correct that D20 does not unambiguously disclose a synchronization such that actions taken on the first electronic equipment and relating to the media content are mimicked.

d) Inventive step

317. Claim 1 according to auxiliary request K5 does not lack an inventive step.
318. As there are no inventive step attacks regarding the combination of all features of auxiliary request K5, no further explanation is required. The Defendants only mention that claim 1 of K5, at the very least, lacks 'an inventive step when starting from one of documents D1-D11, D18-D20', but without providing any details as to why these documents could serve as realistic starting points, with which documents they should each be combined, why these combinations result in the subject-matter of claim 1, and why such a combination would be obvious. This does not represent a substantiated attack.

e) *Summary on auxiliary request K5*

319. Claim 1 is valid and shall be upheld in the version according to auxiliary request K5.

320. Dependent claims 4 and 8 are redundant, as their features are already included in claim 1 according to auxiliary request K5. Therefore, dependent claims 4 and 8 cannot be upheld.

E. Indirect infringement of claim 1

321. In view of the outcome on validity, the Court will assess indirect infringement of claim 1 of the patent in suit in amended form according to auxiliary request K5.

I. 'Original implementation' and 'current implementation'

322. In their rejoinder in the infringement action, the Defendants argue that a new implementation ('current implementation') of the Disney+ cast receiver integrates the Disney Media Player, which does not use 'currentTime' to determine the playback position.

323. The 'current implementation' is not being asserted as a separate embodiment in the present proceedings.

324. It is not clear from the Defendants' submission that the 'original implementation', as challenged by the Claimant, is no longer in use at all (see rejoinder in the infringement action, mn. 59). Furthermore, the Defendants have not issued a cease-and-desist declaration in this regard.

325. Therefore, no further explanations are necessary in this regard.

II. Implementation of all features when conducting the challenged service

1. Features of claim 1 as granted

326. The Defendants dispute features 1.1, 1.2, 1.3 and 1.4. These features are included largely unchanged in auxiliary claim K5. The only change made was to replace the indefinite article with the definite article in feature 1.1 ('automatically transferring session data from the first electronic equipment to the second electronic equipment').

327. As regards features 1.1/1.2, the Defendants argue that no session data is transferred from the first device to the second device, and the second device does not know which segments are or were played on the first device.

328. The Defendants admit, though, that the identifier of the media item (movie) and a pointer as to where the playback stopped on the first device are transmitted to the second device. Based on a correct claim construction, this pointer constitutes session

data in the sense of feature 1.1, and in fact a queue of media content in the sense of feature 1.2.

329. With reference to feature 1.2, the Defendants argue that the remaining sections of the movie do not correspond to a plurality of media content items, i.e., a queue of media content, but rather correspond to small segments of a single media content item. However, this non-infringement position is based on the Defendants' claim construction that assumes a list of several distinct media content items in a particular order, possibly inspired by the 'playlist' example discussed in the detailed description. The Court does not agree with that claim construction (see section C.II.2).
330. Furthermore, the Defendants argue that 'an indication of a position' within the media content item does not constitute a queue. However, based on a proper claim construction, a mere time pointer 'currentTime' specifying a playback position of media content does amount to a queue of media content, in accordance with feature 1.2.
331. The Defendants' argumentation with regard to the user created arrangement is also based on their claim construction. With the proper claim construction, the playback position, the language and subtitles are a user created arrangement of the media content. Given that the 'currentTime' parameter defines a queue of media content still to be executed with the same language and subtitle choices, there is a user created arrangement in the sense of feature 1.3.
332. Lastly, the Defendants' non-infringement position regarding feature 1.4 is also based on their narrow claim construction, according to which 'identical files' are required. The Court does not agree with such interpretation (see section C. II. 2.).

2.Additional features of K5

333. The additional features FC1.1, FC1.5, FG1.1, FG1.2, FG1.3, FK1.1 and FK1.2 are also fulfilled when conducting the challenged service.
- a) *Feature FC1.1: A method of sharing media content using a first electronic equipment executing media content and a second electronic equipment*
334. The Defendants argue that feature FC1.1 requires that the first electronic equipment does not stop executing the media content at any point in time but that the entire method is performed using a first electronic equipment executing media content.
335. This argument appears to be based on an improper claim construction. The claim language does not prescribe that the first electronic equipment continues executing the media content without stopping. No such limitation can be derived from the patent description either. With respect to the home stereo example of Fig. 2A/ 2B, para. [0065] explains that the user returns home playing media content 12 with a predefined play list 14 on his mobile phone 10a, and wishes to transfer the media content 12 to his home

stereo system 20. The skilled person would not understand this scenario to be irreconcilable with an interruption of the execution of the media content on the mobile phone 10a.

336. Defendants' further argue that the 'media content' referenced in feature FC1.1 is different from the 'media content' recited in subsequent claim features 1.2, FC1.5 and FK1.1, and that the Claimant has not shown different instances of the media content in the infringement read.

337. However, as discussed in Section II.2.d with respect to the construction of feature 1.4, the skilled person would understand that the different instances of the 'media content' do not necessarily relate to identical files, but they do refer to the same shared content. The skilled person would apply the same understanding also to claim 1 of auxiliary request K5. With the proper construction, claim 1 does not require instances of different media files.

b) Feature FC1.5: and continuing to execute media content on the second electronic equipment.

338. The Defendants merely reiterate that feature FC1.5 relates to some media content different from the media content of feature FC1.1. This does not go beyond the discussion of feature FC1.1 above and therefore provides no non-infringement position either.

c) Feature FG1.1: discovering, by a first electronic equipment, if a push of a session to a second electronic equipment can be performed

339. The Defendants do not provide any non-infringement position specifically with respect to feature FG1.1.

340. In fact, the Court has no doubts that the asserted products permit a sender device to discover if a push of a session to a sender device can be performed.

d) Feature FG1.2: wherein discovering comprises broadcasting in an IP network

341. With respect to the broadcasting of feature FG1.2, the Defendants argue that Claimant has at best demonstrated a multicast DNS protocol, and that multicasting is different from broadcasting.

342. The Defendants are correct that the skilled person may generally distinguish broadcasting from multicasting. A broadcast signal may generally be sent to all devices on the relevant (local) network, whereas a multicast signal is only sent to devices that have joined or listen to a multitask group.

343. However, the skilled person is further aware that broadcast and multicast are very closely related concepts, and that the difference lies mostly in whether a subgroup of all

possible recipients is chosen or pre-set in advance. Hence, a multicast signal broadcasts to the respective subgroup. The skilled person is aware that for this reason a careful notational distinction is not always made.

344. The skilled person is also aware of the objective problem as defined above, namely how to facilitate the sharing of media content between different electronic devices in a way that enhances the user experience. What matters in the context of the present invention and in view of the objective problem is that the first electronic equipment (i.e., the sender device) has a convenient means of addressing and discovering the various pieces of second electronic equipment available in the network (i.e., the potential receiver devices), so to be able to subsequently share content with them. The skilled person will understand that in some instances the available receiver devices may be pre-selected and could be grouped in a multitask group, whereas in other examples the sender device may broadcast to all the devices in the local network. The skilled person will further understand that the choice may also depend on the nature and the size of the network. However, the skilled person understands that these are implementation details that do not affect the core of the inventive teaching. Hence, the skilled person would see no need, in the context of the present invention, to distinguish notationally between broadcasting and multicasting, and will understand the term 'broadcast' in the patent in suit to refer to one-to-many transmissions generally, including also multicasting scenarios.
345. The skilled person will find explained understanding confirmed in para. [0068] of the patent in suit, which refers to 'broadcast' in connection with Universal Plug and Play (UPnP). As is well known to the skilled person, UPnP generally relies on multicast discovery rather than broadcast discovery processes, as also confirmed by D21 cited by Defendants themselves and discussed in para. 273 above. The skilled person would see the reference to broadcasting as confirmation that broadcasting can also include multicasting in the context of the present invention.
346. Based on a proper claim construction, the multicast DNS protocol to which the Claimant points in its infringement read involves broadcasting in an IP network in accordance with feature FG1.2.
- e) *Feature FG1.3: establishing a WiFi communication link between the first electronic equipment and the second electronic equipment*
347. The Defendants' non-infringement position is based on a previous claim version reciting a plurality of instances of 'a first electronic equipment' and 'a second electronic equipment', which the Defendants interpreted as several different devices. At least with these antecedent basis issues cured, the skilled person understands that the claim refers to a common 'first electronic equipment' and a common 'second electronic equipment'.
- f) *Feature FK1.1: wherein transferring media content includes transferring media content from a server to the second electronic equipment*

348. The Defendants argue that in the challenged service the second device downloads its own media files, which are separately selected in accordance with the capabilities of the second device.
349. This non-infringement position rests on an overly narrow claim construction. As discussed in section C.II.2.d) above, the content files transferred from a server to the second electronic equipment do not need to be identical to the content files executing on the first electronic equipment, as long as they reflect the same content.
- g) *Feature FK1.2: the method further comprising: synchronizing the media content between the first and second electronic equipment such that actions taken on the first electronic equipment are mimicked on the second electronic equipment*
350. The Defendants argue that feature FK1.2 requires a concurrent representation of the media content on both the first and the second electronic equipment, for otherwise the media content cannot be synchronized. In particular, devices that only exchange status information such as a currently selected language or volume cannot be synchronized in the sense of feature FK1.2.
351. The Claimant interprets feature FK1.2 in a broader sense, arguing that media status messages exchanged periodically between the devices may also amount to a synchronization. The synchronization affects not only the devices, but also the content itself, given that the first electronic equipment can be employed to control the execution of the media content on the second electronic equipment, such as to pause playback, move along the timeline or change a volume setting. Mimicked actions reflect the synchronization and thus relate to the content.
352. The Claimant is correct that the wording of feature FK1.2 does not require a concurrent representation of the media content on both the first and the second electronic equipment. Claim 1 contains no such limitation. The description likewise fails to impose such a narrow reading. Para. [0062] refers to a configuration in which content is represented and synchronized concurrently on a plurality of mobile phones, and para. [0028] explicitly refers to media content that is synchronized to execute simultaneously on two respective devices. However, these are mere examples, and the disclosure is not so limited. In particular, the skilled person understands that the examples given in paras. [0026]/[0027], such as skipping content, indexing forward or indexing backward, or changing an order do not rely on the content being executed on both devices concurrently. The skilled person further understands from feature FK1.2 that the mimicked actions on both devices characterize the synchronization. Given that the media content is synchronized, these (mimicked) actions likewise refer to the media content.
353. With this construction, feature FK1.2 is realized. When the first electronic equipment is employed, after the transfer of the display, as a remote control to control operation of the second electronic equipment, the devices remain synchronized in time to allow the

user to skip content, select forward/backward indexing or seek to shift in time. These are examples of a time synchronization in which a user action on the first electronic equipment is mimicked on the second electronic equipment.

III. Further requirements of indirect infringement

354. The Defendants indirectly infringe the patent in suit through their streaming offer, Art. 26(1) UPCA.

355. According to Art. 26(1) UPCA, a patent shall confer on its proprietor the right to prevent any third party not having the proprietor's consent from supplying or offering to supply, within the territory of the Contracting Member States in which that patent has effect, any person other than a party entitled to exploit the patented invention, with means, relating to an essential element of that invention, for putting it into effect therein, when the third party knows, or should have known, that those means are suitable and intended for putting that invention into effect. The requirements of Art. 26(1) UPCA are met. The Defendants do not contest this.

F. Legal consequences

I. Injunction

356. An injunction can be based on Art. 26(1) UPCA in conjunction with Art. 63(1) UPCA.

357. Where the proprietor files an infringement action and the Court finds that an intellectual property right has been infringed or is threatened to be infringed, it shall issue an order prohibiting the continuation of the infringement unless there are special reasons for not doing so. A special reason for denying an injunction may apply if, in the circumstances of the particular case, granting an injunction does not comply with the general obligations of Art. 3 of the Enforcement Directive, in particular the obligation that the remedies shall be appropriate. When considering the proportionality of injunctive relief and corrective measures, not only the interests of the parties to the litigation but also the interests of third parties may be taken into account (UPC_CoA_464_2024, Decision of 25 November 2025, Headnotes 14–16 – Meril v Edwards Lifesciences).

358. Based on these principles, there is no reason to refrain from an injunction in this case. The Defendants do not rely on this either.

II. Information and accounting

359. The request for information is reasonably justified.

1. Scope of information

360. The Claimant has a right to information pursuant to Art. 26(1) UPCA in conjunction with Art. 67 UPCA. Furthermore, pursuant to Art. 68(3)(a) and (b) UPCA in conjunction with R.

191.1 and 2 RoP, for the purpose of asserting its legal rights, the Claimant may request all information which it reasonably requires for the purpose of asserting its legal rights and which also enables it to verify the accuracy of the information provided and to obtain evidence for the calculation of its damages (UPC_CFI_7/2023 (LD Düsseldorf), Decision of 3 July 2024, p. 29 – Kaldewei v Bette).

361. Within the scope of its right to information and accounting, pursuant to Art. 67 UPCA, the patent proprietor may request supporting documents, namely invoices and delivery notes if invoices are not available. Apart from the interest in the information itself, the patent proprietor has an interest in being able to verify its accuracy, at least on a random basis (UPC_CFI_7/2023 (LD Düsseldorf), Decision of 3 July 2024, p. 29 – Kaldewei v Bette).
362. The specific information and evidence requested in motion I.3.a)-e) do not go beyond this in substance.

2. Verification of the information

363. In addition, it is justified to have the accounts verified and confirmed by a sworn auditor, or – alternatively – by an affidavit, as requested in motion I.3, last paragraph. As the Court of Appeal has stated in its order of 14 October 2025 (UPC_CoA_699/2024, para. 44 – Kodak v Fujifilm), it enhances legal certainty for the defendant if the claimant in its application already requests and the order or decision already specifies which evidence is required – but also sufficient – in this respect. Depending on the circumstances and at the Court’s discretion, it may be required, that the completeness of the information provided is confirmed by an accountant. For this, an explicit legal basis in the UPCA or the RoP is not required, since this a matter of evidence.

3. Request for confidentiality

364. The Defendants requested that an order obliging them to provide information be made conditional upon a confidentiality order against the Claimant to the effect that:
- (a) the access to the information is restricted to the Claimant’s outside counsels and two representatives of the Claimant who are named to the Defendants in advance and
 - (b) the information may be used only for the purposes of calculating potential damage and compensation claims against the Defendants and for identifying other parties involved in the supply or distribution of the accused products for the purpose of asserting claims for alleged patent infringement against them.
365. They argued that the pieces of information requested by the Claimant are trade secrets within the meaning of Art. 2(1) of the Trade Secret Directive. Disclosing this information to the Claimant without appropriate restrictions would cause disproportionate harm to

the Defendants, in particular to their business interests, contrary to Art. 67 UPCA. The information to be provided by the Defendants to the Claimant is highly sensitive information about the revenue, subscriber count and customers. This would not be justified, even if the patent in suit is found to be valid and infringed.

366. Thus, the Defendants are seeking protection for confidential information that must be disclosed in accordance with the Court's decision.

Legal framework

367. Pursuant to R. 262A.1 RoP, a party may apply to the Court for an order that certain information contained in its pleadings or the collection and use of evidence in proceedings may be restricted or prohibited or that access to such information or evidence be restricted to specific persons.
368. Based solely on the wording of this provision, this is not the case. The Defendants are not seeking to protect confidential information contained in their pleadings. Rather, they are seeking protection for information that they are required to disclose under the operative part of the Court's decision.
369. However, as the Court of Appeal has already stated, R. 262A RoP applies at least mutatis mutandis. This already follows from the fact that, according to R. 190.1, second sentence, RoP, the Court may order that the evidence be disclosed to certain named persons only and be subject to appropriate terms of non-disclosure for the protection of confidential information. This is also applicable to communication of information 'as is specified in Art. 67 of the Agreement' pursuant to R. 191 RoP. The same must apply in cases where the court orders the communication of information pursuant to Art. 67 UPCA (UPC_CoA_930/2025, Order of 29 January 2026, para. 26 – EOFlow v Insulet).
370. The Court of Appeal has further stated that, if the defendant can reasonably foresee that the orders and evidence requested by the claimant may require the disclosure of confidential information, this should be raised by the defendant during the proceedings on the merits. This would allow appropriate measures to be taken to protect such confidential information, where necessary in the order or decision. Although it would still be possible to file a confidentiality request thereafter, confidentiality issues generally do not stay the time period set for compliance with a penalty reinforced order (UPC_CoA_699/2025, Order of 14 October 2025, para. 45 – Kodak v Fujifilm).

Case at hand

371. In accordance with these principles, the Court includes a limitation in the operative part of the decision and issues a confidentiality order pursuant to R. 262A RoP alongside this decision.

Limitation of the use of the information

372. The Court of Appeal has stated that there is no implicit limitation on the use of information received as a result of the other party's compliance with an order to communicate information pursuant to Art. 67 UPCA and R. 191 RoP (UPC_CoA_699/2025, Order of 14 October 2025, para. 45 – Kodak v Fujifilm). Therefore, imposing the limitation requested by the Defendants would restrict the Claimant's right to information. This is a matter of substantive law that must be examined in the proceedings on the merits. During these proceedings, it can be determined whether there are grounds to include such a restriction on the use of the information in the operative part of the decision.
373. A corresponding restriction on intended use can be included in the operative part of the decision (see UPC_CFI_559/2024 (LD Düsseldorf), Decision of 28 April 2026, para. 268 – Quantificare v Canfield; see UPC_CFI_86/2025 (LD Mannheim), Decision of 16 June 2026, para. 195 – InterDigital v Disney). The Claimant has not raised any specific objections.

Restriction of access

374. With regard to the further request to restrict the access to the information to Claimant's outside counsel and two representatives of the Claimant who are named to the Defendants in advance, the Court issues an order pursuant to R. 262A RoP alongside this decision.
375. It is undisputed that all the information to be provided is confidential by its very nature. The Claimant did not contest the confidential nature of the information. Rather, it pointed out that information according to R. 191 RoP is typically sensitive business information.
376. The Claimant's argument that the Defendants have failed to present facts and arguments why their information should be particularly sensitive compared to other cases of rendering information and accounting after patent infringement, does not preclude an order being made. An order under R. 262A RoP does not require such an assessment.
377. Restrictions on access to confidential information can be ordered as requested. The Claimant did not contest the restriction itself, nor did it object to the number of people specified in the request.
378. The names of the two internal individuals on the Claimant's side who are to be granted access, can be provided directly to the Defendants, prior to the information being given.

III. Threat of penalty payments.

379. The threat of penalty payments for non-compliance does not give rise to concern.

380. The threatened penalty payment of up to EUR 10,000 in the event of a violation of the injunction and of up to EUR 5,000 per day for each day of non-compliance with the order for providing information provides the Court with flexibility to consider the circumstances, including the behaviour of the infringer when determining an appropriate penalty payment pursuant to Art. 63(2), Art. 82(4) S. 2 UPCA in conjunction with R. 354.4 RoP.

IV. Interim award of damages.

381. The request for interim awards of damages is dismissed, as it was not justified at all.

V. Determination of liability for damages

382. A finding of liability for damages can be based on Art. 68(1) UPCA. The Defendants had at least reasonable grounds to know that they engage in an infringing activity. They do not dispute this.

VI. Declaration of infringement.

383. The finding of patent infringement can be based on Art. 64(2) UPCA. The Defendants have not raised any objections in this regard.

G. No order for security

I. Principles

384. Pursuant to Art. 82(2) UPCA, R. 118.8 S. 2 RoP, the Court may impose any order or measure subject to the lodging of a security to be determined by the Court.

385. As the wording of the above provision makes clear, the Court has discretion when ordering security. The interest of the Claimant in the effective enforcement of its patent must be weighed against the interest in effective enforcement of possible claims for damages in the event of a subsequent reversal of the judgment.

386. Each case must therefore be examined individually. When deciding whether to order security, factors to be taken into account include the financial situation of the claimant, as this may give rise to legitimate and real concerns that a possible claim for damages cannot be enforced and/or executed, or can only be enforced and/or executed at disproportionate expense, if the initial decision is overturned or amended. Whether and to what extent such factors exist, must be determined on the facts and arguments presented by the parties, as with an application for security under R. 158 RoP. If the Court makes an order or measure dependent on security, this protects the defendant's position and potential rights. This protection must be weighed against the burden, placed on the claimant, by the order to provide security. Against this background, it is incumbent on the defendant to present facts and arguments as to why it appears appropriate, in this specific case, to make the order or measure pursuant to R. 118.8 RoP

dependent on security as determined by the Court. Once the defendant has done so, the claimant must substantiate its challenge to these facts and reasons, especially since it generally has knowledge of and evidence regarding their financial situation. The claimant must also explain, why their interest in enforcing its intellectual property right outweighs the need for security, despite the reasons put forward by the defendant (see UPC_CoA_328/2024, Order of 26 August 2024 – Ballino v Kinexon Sports; UPC_CFI_16/2024 (LD Düsseldorf), Decision of 14 January 2025, p. 40 – Ortovox v Mammüt; UPC_CFI_373/2024 (LD Düsseldorf), Order of 5 August 2024 – SodaStream v Aarke; UPC_CFI_514/2023 (LD Munich), Order of 23 April 2024 – Volkswagen v NST).

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387. The Defendants have not provided any justification for making enforcement in this case dependent on the provision of security. In particular, they have not refuted the argument that the Claimant is clearly solvent and regularly publishes audited financial reports attesting to its stable financial position. In this respect, the case differs from the parallel case recently decided by the Panel (UPC_CFI_87/2025). Furthermore, the Defendants have not substantiated their allegation that they would suffer a minimum of EUR 30 million in damages, inter alia, due to lost revenues and a loss of customers.

H. Cost decision

388. Pursuant to Art. 69(1) UPCA in conjunction with R. 118.5 RoP, a decision on costs had to be made.
389. Regarding the infringement action, it is reasonable to require the Claimant to cover 10 % of the costs. This takes into account the dismissal of the interim damages award and some restrictions in the operative part of the decision. The fact that the infringement action was successful on the basis of an auxiliary request does not alter the economic outcome.
390. Considering the outcome of the counterclaim for revocation, it is reasonable to require the Claimant to cover 30 % of the costs, while the Defendants shall bear 70 % of the costs.

I. Ceiling

391. Pursuant to Art. 69(1) UPCA, the costs are to be borne up to a maximum amount determined in accordance with the Rules of Procedure. In the oral hearing the parties agreed that the legal costs for both, the infringement action and the counterclaim for revocation, shall be mutually recognised depending on the cost decision pursuant to R. 118.5 RoP up to the upper limits set in the decision of the Administrative Committee of 24 April 2023.
392. The maximum limit for reimbursable costs is determined at EUR 600,000.

J. Value of the dispute

393. The Panel considers an amount of EUR 3,000,000 as an appropriate amount for each, the infringement action and for the counterclaim for revocation.

DECISION:

- I. European patent 2 080 349 B1 is revoked to the extent of claims 1, 4 and 8 with effect in all Contracting Member States in which it is in force, i.e., Germany and the Netherlands, however, claim 1 only insofar as its subject matter extends beyond the following wording:

‘A method of sharing media content (12) using a first electronic equipment executing media content (10a-10d), and a second electronic equipment, the method comprising:

discovering, by the first electronic equipment, if a push of a session to the second electronic equipment can be performed,

wherein discovering comprises broadcasting in an IP network,

establishing a WiFi communication link between the first electronic equipment and the second electronic equipment,

automatically transferring session data (14) from ~~a~~ the first electronic equipment (10a) to ~~a~~ the second electronic equipment (10b),

characterized in that

said session data includes a queue of media content executing or executable on the first electronic equipment (10a),

said queue defines a user created arrangement of the media content; and

automatically transferring media content (12) identified in the session data (14) to the second electronic equipment (10b), wherein transferring media content (12) includes transferring media content from a server to the second electronic equipment (10b),

and continuing to execute media content on the second electronic equipment,

the method further comprising: synchronizing the media content (12) between the first (10a) and second (10b) electronic equipment such that actions taken on the first electronic equipment (10a) are mimicked on the second electronic equipment (10b).’

- II. The counterclaim for revocation is dismissed in all other aspects.

- III. The Defendants are ordered,

1. to refrain from

supplying and offering to supply to third parties within the territory of the

Federal Republic of Germany and/or the Netherlands

means, namely the streaming service Disney+, whether via web streaming through a Chrome browser or as the Disney+ application, particularly for Windows, macOS, Android, and iOS,

which are suitable and intended for carrying out a method of sharing media content using a first electronic equipment executing media content, and a second electronic equipment, the method comprising:

discovering, by the first electronic equipment, if a push of a session to the second electronic equipment can be performed,

wherein discovering comprises broadcasting in an IP network,

establishing a WiFi communication link between the first electronic equipment and the second electronic equipment,

automatically transferring session data from the first electronic equipment to the second electronic equipment,

characterized in that

said session data includes a queue of media content executing or executable on the first electronic equipment,

said queue defines a user created arrangement of the media content; and

automatically transferring media content identified in the session data to the second electronic equipment, wherein transferring media content includes transferring media content from a server to the second electronic equipment,

and continuing to execute media content on the second electronic equipment,

the method further comprising: synchronizing the media content between the first and second electronic equipment such that actions taken on the first electronic equipment are mimicked on the second electronic equipment;

(indirect infringement of claim 1 according to auxiliary request K5)

2. to inform the Claimant to the extent to which the Defendants have committed the acts referred to in section III.1. since 14 December 2011, within a period of six weeks after service of the notification within the meaning of R. 118.8 sentence 1 RoP and, if applicable, the certified

translation, in the form of a structured statement in electronic form capable of being evaluated by computer, organised by each month of a calendar year and by infringing product, covering all relevant information, in particular:

- a) the origin and distribution channels of the infringing products;
 - b) the quantities produced, manufactured, delivered, received or ordered, and the prices paid for the infringing products;
 - c) the identity of all third parties involved in the manufacture or distribution of the infringing products;
3. to disclose to the Claimant, within a period of six weeks after service of the notification within the meaning of R. 118.8 sentence 1 RoP and, if applicable, the certified translation, their books of account in support of the information provided pursuant to section III.2., together with information on the profits made, by making available in electronic form capable of being evaluated by computer, organised by each month of a calendar year and by each infringing use of the method and each infringing product:
- a) evidence of the number and dates of the infringing products offered and distributed;
 - b) invoices – or, if unavailable, delivery notes – for individual deliveries, broken down by quantities offered, dates of offers, prices of the products offered and type designations, as well as names and addresses of the commercial recipients of offers to sell, for all infringing products sold or otherwise disposed of;
 - c) evidence of advertising activities carried out, broken down by advertising medium, its distribution, the period of distribution and the distribution territory; including supporting documentation of such advertising activities;
 - d) evidence of costs, broken down by individual cost factors and the profits made;
 - e) invoices – or, if unavailable, delivery notes – and corresponding accounts of all costs incurred upon which the Defendants rely in calculating their profits;

and confirm the accuracy of the information provided by an affidavit,

or, in the alternative,

have it audited and confirmed by a sworn auditor appointed by the Claimant

at the Defendants' expense, such auditor being bound to maintain confidentiality towards the Claimant with respect to the information specified above;

whereby the use of the information under sections III.2 and III.3 is limited to calculating potential damage and compensation claims against the Defendants and for identifying other parties involved in the supply or distribution of the accused products for the purpose of asserting claims for alleged patent infringement against them.

- IV. It is determined that the Defendants are jointly and severally liable to compensate the Claimant for the damage that Sony Ericsson Mobile Communications AB suffered between December 14, 2011 and March 22, 2022, that Sony Group Corporation suffered between March 22, 2022 and April 1, 2022, and that the Claimant has suffered since April 1, 2022 and will suffer in the future.
- V. It is declared that the Defendants have infringed patent EP 2 080 349 by supplying or offering to supply means for sharing media content using an electronic device in the territory of the contracting member states of Germany and the Netherlands.
- VI. In case of any violation of the orders in section III., the respective Defendant shall pay to the Court
 1. in the event of any violation of the orders in accordance with the order under III.1 a repeated penalty payment of at least EUR 10,000 per violation;
 2. a penalty payment of up to EUR 5,000 per day for each day of non-compliance in the event of any violation of the orders in accordance with the order under III.2. and III.3.
- VII. The infringement action is dismissed in all other aspects.
- VIII. The Claimant shall bear the costs of the infringement action at a rate of 10 %, while the Defendants shall bear the costs at a rate of 90 %.

The Claimant shall bear the costs of the counterclaim for revocation at a rate of 30 %, while the Defendants shall bear the costs at a rate of 70 %.
- IX. The value in dispute of the infringement action is set at EUR 3,000,000.

The value in dispute for the counterclaim for revocation is also set as EUR 3,000,000.
- X. The ceiling of recoverable representation costs is set at a total of EUR 600,000 for the infringement action and the counterclaim for revocation.

- XI. The orders under section III. shall only be enforceable after the Claimant has informed the Court which part of the orders it intends to enforce and, if necessary, has submitted a certified translation of the orders into the official language of the Contracting Member State in which enforcement is to take place, after the Defendant concerned has been served with the notification and the (respective) certified translation.

Düsseldorf on 2 September 2026

NAMES AND SIGNATURES

Presiding Judge Thomas	
Legally qualified Judge Dr Schumacher	
Legally qualified Judge Mlakar	
Technically qualified Judge Dr Kretschmann	
For the sub-registrar	

INFORMATION ON APPEAL:

An appeal against this decision may be brought before the Court of Appeal by any party whose claims have been unsuccessful, in whole or in part, within two months of service of the decision (Art. 73(1) UPCA, R. 220.1(a) RoP, 224.1(a) RoP).

INFORMATION ON ENFORCEMENT (Art. 82 UPCA, Art. 37(2) UPCS, R. 118.8, 158.2, 354, 355.4 RoP):

An authentic copy of the enforceable order will be issued by the Deputy-Registrar upon request of the enforcing party, R. 69 RegR.

INSTRUCTION TO THE REGISTRY:

A certified copy of the decision shall be sent to the European Patent Office, the German Patent and Trade Mark Office and the Netherlands Patent Office as soon as the decision on the revocation action has become legally binding.

This decision was read in open court on 2 September 2026.

Presiding Judge Thomas