

Decision
of the Court of First Instance of the Unified Patent Court
delivered on 9 September 2026
concerning EP 4 277 422
(R. 265 RoP, R. 370.9 RoP)

CLAIMANT/APPLICANT:

Telefonaktiebolaget LM Ericsson (publ),
Torshamnsgatan 21, Kista, 164 83 Stockholm, Sweden

Represented by Sören
DAHME

DEFENDANTS:

- 1) **Shenzhen Transsion Holdings Co, Ltd.,**
Unit 1, Floor 24, Chuanyin Building, No. 8,
Xianyuan Road, Xili Sub-district, Nanshan
District, 518000, Shenzhen City, China,
represented by its director Zhu Zhaojiang,
ibid
- 2) **Tecno Mobile Limited,**
Flat N, 16/F., Block B, Universal Industrial
Centre, 19 - 25 Shan Mei Street, Fotan NT,
New Territories, 00000 Hong Kong SAR,
China, represented by its directors Liang Gao
and Chunlei Xia, ibid
- 3) **Infinix Mobility Limited,**
Flat N, 16/F Block B, Universal Industrial
Centre, 19 - 25 Shan Mei Street, Fotan NT,
New Territories, 00000 Hong Kong SAR,
China, represented by its directors Liang Gao
and Chunlei Xia, ibid

Represented by Steffen
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| 4) | Tekpoint GmbH,
Leopold Ungar Platz 2, 1190 Vienna, Austria,
represented by its CEO, Mark Schwazgorn,
ibid | Represented by Steffen
STEININGER |
| 5) | IRD Distribuce, S.R.O.,
3 - Vinohrady, nám. Jirího z Poděbrad
1658/11, 13000, Prague, Czechia,
represented by its directors Milan Semerád
and Peter Pecha, ibid; new address: U Trati
3134/36a, 100 00 Strašnice, Czech Republic | Represented by Steffen
STEININGER |
| 6) | x-kom GmbH,
Charlottenstraße 34, 01099, Dresden,
Germany, by Kulas, Magorzata Izabela and
Nitka, Marek Pawel, ibid | Represented by Steffen
STEININGER |
| 7) | Tradelnn Retail Services, S.L.,
Dels Pirineus, 9, Nave 1B, Polígono Industrial
Celrà 17460 Girona, Spain, represented by
Juan David Martin Gaya, ibid | |
| 8) | Egenta s.r.o.,
Varšavská 715/36, Vinohrady, 120 00,
Prague, Czechia, represented by Norman
Wick, ibid | Represented by Aglika
IVANOVA |
| 9) | NTT System S.A.,
Trakt Brzeski 89, Zakręt, 0555-007,
Warszawa-Wesoła, Wiazowna, Mazowieckie,
Poland, represented by Tadeusz Kurek, Jacek
Kozubowski, Witold Markiewicz, Marcin
Olszewski and Grzegorz Kurek, ibid | Represented by Steffen
STEININGER |

PATENT AT ISSUE:

European patent EP 4 277 422 (UPC_CFI_1570/2025)

PANEL/DIVISION:

Panel of the Local Division in Mannheim

DECIDING JUDGES:

This decision was delivered by the legally qualified judge Böttcher acting as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT OF THE PROCEEDINGS: Patent infringement action – withdrawal (R. 265 RoP), reimbursement of court fees (R. 370.9 RoP)

SUMMARY OF THE FACTS:

Prior to the closure of the written procedure, Claimant, having reached an out-of-court settlement with Transsion, applies to withdraw its infringement action. Claimant requests that the Court does not issue a cost order and declares that the allocation of costs is by mutual consent on the basis of that settlement. Defendants 1 to 6 and 9 consent to the withdrawal and declare that they will not lodge an application for a cost decision. Defendant 8 chose not to comment. Defendant 7 has not made an appearance in the proceedings at hand.

Together with its application for withdrawal, Claimant has filed an application pursuant to R. 370.9 (b) RoP.

Claimant requests that the court:

- I. declare the proceedings closed;
- II. order that the decision be entered on the registers;
- III. issue no cost order, as each of the parties shall bear their own costs.

In accordance with R. 370.9 lit. (b)(i) RoP Claimant further requests

- IV. that the Claimant be reimbursed 60% of the Court fees on the basis that the action is withdrawn prior to the closure of the written procedure.

REASONS FOR THE DECISION:

1. The withdrawal is allowed on the instant facts. Defendants 1 to 6 and 9 explicitly consent to the withdrawal. Defendant 8 does not object to the withdrawal. Apart from that, Defendant 8 does not contest the statement in Claimant's brief of 24 July 2026 that it had agreed to the withdrawal in out-of-court correspondence between counsels. Defendant 7 has still not made an appearance so that it must be concluded that it is not interested in the proceedings at hand and therefore implicitly also consents to a withdrawal. Against this backdrop, the judge-rapporteur sees no reasons not to allow the withdrawal.

No decision on costs is necessary because Claimant and Defendants 1 to 6 and 9 have unanimously declared that there is no need for such a decision (cf. Court of Appeal, decision of 28 May 2025, UPC_CoA_808/2024). Defendant 8 has not objected to Claimant's request to issue no cost order, which is in accordance with its Statement of Defence in which it already inter alia requested that each party shall bear its own costs in relation to Defendant 8 (request no. 7). Defendant 7 has not made an appearance. It is therefore not apparent that Defendant 7 has incurred any costs. Apart from that, Defendant 7 had not raised any objection to Claimant's request not to issue a cost order.

2. Defendant's 8 request of 10 July 2026 to separate and stay the proceedings in relation to Defendant 8 has been rendered obsolete by the subsequent withdrawal of the infringement action.

3. The reimbursement of court fees is based on R. 370.9 (b) (e), 370.11 RoP.

Contrary to Claimant, the new version of R. 370.9 RoP in force since 1 January 2026 that provides

for a regular rate of reimbursement of (only) 50 % (not 60 % as previously) for a withdrawal during the written procedure applies to the case at hand. The Court of Appeal has since clarified that, for applications for reimbursement of fees submitted after 31 December 2025, R. 370. 9(b) RoP, as amended with effect from 1 January 2026, applies even if the (withdrawn) action was brought before 1 January 2026 (established case law, cf. inter alia Court of Appeal, decision of 26 May 2026, UPC_CoA_916/2025, para. 18 et seq. with further references – HUROM v NUC).

However, taking all circumstances of the individual case into account and weighing the interests involved, the judge-rapporteur exercises its discretion not to grant the regular reimbursement rate of 50 % of the court fees but to reduce the reimbursement rate to 35 % based on the exceptional circumstances of the case in accordance with R. 370.9 (e) RoP. The infringement action was withdrawn at an early stage, within the time period for the Reply. However, the intertwined structure of the requests in the infringement action required a deeper analysis than usual at this early stage and a coordination between different divisions (LD The Hague, CD Paris Seat and LD Mannheim). The confidentiality regime requested was above-average complex and had to be partly decided as a matter of dispute despite of a CMH in The Hague. There was a preliminary objection that was postponed to the main proceedings but required a clarification by the judge-rapporteur on whether so-called FRAND Specific Claims are already pending before the LD Mannheim and whether the so-called FRAND injunction constitutes/involves a request to the LD Mannheim to make a FRAND determination (cf. order of 26 May 2026). The Statement of claim concerned two patents the subject-matter of which did not appear to be sufficiently closely related to hear the respective infringement cases in joint proceedings so that the proceedings had to be separated (cf. separation order of 12 May 2026). Against this backdrop, taking all circumstances into account, a reduction of the reimbursement rate to 35 % seems appropriate and sufficient to reflect the special circumstances of the individual case at hand. This rate of reimbursement is also appropriate in relation to the rate of reimbursement of 25 % set in the lead cases of this series in The Hague (cf. LD The Hague, decision of 26 Aug 2026, UPC_CFI_1568/2025, 1791/2025, 1793/2025) in which most of the work of the court for the present series was done.

4. In the absence of better information, the amount in dispute is set to the amount stated in the statement of claim as value in dispute per patent. As far as Defendants had vaguely disputed this value in their Statement of defence without disclosing any specific numbers of Transsion, this does not cast doubt on the appropriateness of the value estimated by Claimant in the Statement of claim.

5. Based on the aforementioned rate of reimbursement and the aforementioned value in dispute, the court fees to be reimbursed amount to 12.950 EUR ([11.000 EUR fixed fee + 26.000 EUR additional value-based fee] x 0,35).

Since the infringement action was filed before 1 January 2026, the previous court fees in force before that date continue to apply (cf. Section IV of Explanatory Notes of the Administrative Committee of 4 November 2025 on the amendment of the table of court fees and other related changes to the Rules of Procedure and Guidelines).

DECISION:

1. The withdrawal of the infringement action is allowed at the application of the Claimant and with the consent of the Defendants 1 to 6 and 9 and with regard to Defendants 7 and 8 at least in the absence of an objection, if not with implicit consent, by these

Defendants.

2. The proceedings are declared closed.
3. This decision shall be entered in the register.
4. A cost decision is not required.
5. The value in dispute for the infringement action is set at EUR 4.000.000,00.
6. The rate of reimbursement pursuant to R. 370.9 (b) (e) RoP is set to 35 %.
7. The Registrar is directed to reimburse the Claimant as soon as possible 35 % of the Court fees paid by it in relation to this infringement action, namely 12.950 EUR (bank account indicated in Claimant's brief of 10 July 2026, at the end).

Delivered in Mannheim on 9. September 2026

NAME AND SIGNATURE

Böttcher
Legally qualified judge