Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

Decision
of the Court of First Instance of the Unified Patent Court
Central Division (Paris Seat)
issued on 14 September 2026
in UPC_CFI_1571/2025
UPC_CFI_710/2026

KEYNOTE: withdrawal R. 265 'RoP'; partial reimbursement for court fees 370.9 'RoP'

CLAIMANT:

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

represented by: **Wim Maas** (112021/2023) of **Winston Taylor** at Kennedyplein 201, 5611 ZT Eindhoven, The Netherlands
further represented by: **David Mulder** (195086/2023), **Jules Fabre** (23832/2025), **Gisbert Hohagen** (549560/2023) and **Tom Foster** (unregistered)
assisted by Yingyi Liu, Paula Terzini Leite (all unregistered) of **Winston Taylor**

electronic address for service on the Claimant: UPCEricssonTranssion@winstontaylor.com

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, People's Republic of China, represented by Zhu Zhaojiang **("Transsion")**

(2) Tecno Mobile Limited, Flat N, 16/F., Block B, Universal Industrial Centre, 19-25 Shan Mei Street, Fotan, New Territories, 00000 Hong Kong, Hong Kong SAR, represented by its directors Liang Gao and Chunlei Xia **("Tecno")**

(3) Itel Mobile Limited, Flat N, 16/F., Block B, Universal Industrial Centre, 19-25 Shan Mei Street, Fotan, New Territories, 00000 Hong Kong, Hong Kong SAR, represented by its directors Liang Gao and Chunlei Xia **("Itel")**

(4) Infinix Mobility Limited, Flat N, 16/F., Block B, Universal Industrial Centre, 19-25 Shan Mei Street, Fotan, New Territories, 00000 Hong Kong, Hong Kong SAR, represented by its directors Liang Gao and Chunlei Xia **("Infinix")**

(5) Tekpoint GmbH, Leopold Ungar Platz 2, 1190 Wien, Republic of Austria, represented by its CEO and founder, Mark Schwarzgorn **("Tekpoint")**

(6) IRD Distribuce, S.R.O, Vinohrady, nám. Jiřího z Poděbrad 1658/11, PSČ 13000, Prague, Czech Republic, represented by its directors Milan Semerád and Peter Pecha **("IRD")**

(7) x-kom GmbH, Charlottenstraße 34, 01099, Dresden, Federal Republic of Germany, represented by Kulas, Magorzata Izabela and Nitka, Marek Pawel **("x-kom")**

(8) TradeInn Retail Services, S.L., Dels Pirineus, 9, Nave 1B, Polígono Industrial Celrà 17460, Girona, Kingdom of Spain, represented by Juan David Martin Gaya **("TradeInn")**

(9) Egenta s.r.o., Varšavská 715/36, Vinohrady, 120 00, Prague, Czech Republic, represented by Norman Wick **("Egenta")**

(10) NTT System S.A., Trakt Brzeski 89, Zakręt 0555-007, Warszawa-Wesoła, Wiazowna, Mazowieckie, Republic of Poland, represented by Michael Kurek, Jacek Kozubowski, Witold Markiewicz, Marcin Olszewski and Grzegorz Kurek **("NTT")**

Defendants 1) to 7) and 10) represented by:

Stanislas Roux-Vaillard, **Hogan Lovells Cadwalader International LLP**
Adrien Bonnet, Hogan Lovells Cadwalader International LLP
Avocats au barreau de Paris, Representatives before the UPC, 17 avenue Matignon
75008 Paris, France

further represented by: **Dr. Alexander Klicznik**, Dipl.-Phys., Rechtsanwalt, European Patent Attorney, Representative before the UPC,
Felix Hütt, Patent Attorney, Representative before the UPC, **Hogan Lovells Cadwalader International LLP**, Dreischeibenhaus 1, 40211, Düsseldorf

electronic address for service on Defendants 1) to 7) and 10):
stanislas.roux-vaillard@hlc.com

Defendant 8) represented by: **Louis De Gaulle**
9 rue Boissy d'Anglas, 75008, Paris, France

electronic address for service on Defendants 8): upc@dgfla.com

Defendant 9) represented by: **Aglika Ivanova** - Attorney - at - Law,
IP Consulting Ltd., Mitropolit Kiril Vidinski 8,
1164, Sofia, Bulgaria

electronic address for service on Defendant 9): office@ipconsulting.eu

PATENTS AT ISSUE**:**

EP 3 672 085 B1 and **EP 3 659 314 B1.**

COMPOSITION OF PANEL:

Panel 2 of Central Division Paris
Tatyana Zhilova Presiding judge and Judge-rapporteur
Vincenzo Carnì Legally qualified judge
Dennis Kretschmann Technically qualified judge

DECIDING JUDGE:
This order has been issued by the panel**.**

LANGUAGE OF PROCEEDINGS: English

SUBJECT
Infringement action
Here – R. 265.1 'RoP' – Application for leave to withdraw the action
R. 370.9 'RoP' – Application for a partial reimbursement for court fees

SUMMARY OF FACTS

1. The Claimant is suing the Defendants for infringing two European patents EP 3 672 085 B1 and EP 3 659 314 B1. Following the separation of the proceedings under Rule 302 'RoP' by Order of 10 February 2026, the subject of proceedings 1571/2025 became the EP 3 672 085 B1 only. The EP 3 659 314 B1 became subject of the proceedings 710/2026.

2. Prior to the closure of the written proceedings, the Claimant withdrew the infringement actions by a written submission dated 10 July 2026, informing the Court that Ericsson and Transsion reached an out-of-court settlement. The terms of the settlement are that the actions are withdrawn, with the allocation of costs agreed by mutual consent on the basis of that settlement. Accordingly, the parties have stated that a decision on costs is not required. The Claimant requested, respectively, partial reimbursement of 60% of the court fees.

3. In their written submission dated 13 July 2026, Defendants 1) to 7) and 10) consented to the withdrawal.

4. As defendants 8) and 9) did not respond to the Court's request for an opinion, it is assumed that they agree.

REASONS FOR THE ORDER

5. Rule 265 'RoP' decision on withdrawal reflects the joint will of the parties involved.

6. Although Rule 265.2(c) 'RoP' states that decisions on costs shall be taken in accordance with Part 1, Chapter 5, this is not necessary here, as both parties have confirmed that they agree to bear their own costs and that separate proceedings for a cost decision are unnecessary (UPC_CoA_569/2024, Order of 24 January 2025 – DexCom v. Abbott).

7. According to Rule 370.9(b)(i) 'RoP' in force until 31 December 2025, in the event of an action being withdrawn (Rule 265 'RoP'), the party liable for the court fees will be reimbursed by 60% if the action is withdrawn before the written procedure closes.

8. This provision was modified following amendments to Rule 370.9 'RoP' which came into force on 1 January 2026. These amendments apply to actions and applications filed after 31 December 2025 (see page 4 of the Administrative Committee's Decision of 4 November 2025 on amending the court fee table and related changes to the Rules of Procedure and Guidelines). Following the amendments, in case of the withdrawal of an action, the party liable for the court fees will be reimbursed by 50 % if the action is withdrawn before the closure of the written procedure.

9. According to established case law from the Court of Appeal, if an application for withdrawal and reimbursement is submitted after 1 January 2026, reimbursement will be granted in accordance with the new provision (see, Decision of 9 January 2026, CoA_257/2025, VMR Products LLC v. NJOY Netherlands BV; UPC-CoA_916/2025, Decision of 26 May 2026, Hurom v. NUC Electronics).

10. The requirements of Rule 370.9(b) 'RoP', as applicable from 1 January 2026, are met in the present cases.

11. The purpose of reimbursing fees in the event of the action being settled, or withdrawn, as set out in R. 370.9(b) 'RoP', is to ensure that the reimbursement is proportionate to the work already carried out by the Court. This purpose is also set out in Rule 370.9(e) 'RoP'. According to this rule, the Court may, in exceptional cases and taking into account the stage of the proceedings and the party's procedural behaviour, refuse or reduce the refund payable.

12. In both cases, the Court deems the situation exceptional. Due to several parallel procedures being filed by the Claimant with different divisions of the UPC, requesting that The Hague take the lead on FRAND issues, the Court had to do more work than usual to coordinate the actions. A large number of applications and requests were filed in the cases at hand, including a highly debatable confidentiality regime.

13. Taking into account the Claimant's procedural behaviour the Court deems it appropriate to reduce the reimbursement payable to 35%.

14. The estimated value of the claims at EUR 4,000,000 per patent is not in question and is confirmed by the Court.

ORDER:

The Court

1. permits the withdrawal of the infringement actions in the proceedings 1571/2025 and 710/2026 and declares both proceedings closed;

2. orders that this decision be entered in the register;

3. declares that there is no need for a cost decision;

4. orders the Registrar to reimburse the Claimant, as soon as possible, 35 % of the court fees paid in these proceedings;

6. sets the value in dispute at EUR 4,000,000 per proceedings.

Issued in Paris on 14 September 2026

Tatyana Zhilova
Presiding judge and
Judge-rapporteur

Tatyana Borisova Zhilova
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Vincenzo Carnì
Legally qualified judge

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For the Sub-Registry

Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

Signature numérique de MARGAUX MARIE-ANGE GRONDEIN