



Brussels - Local Division

UPC_CFI_806/2025

UPC_CFI_185/2026

Procedural Order

R. 105.5 RoP

of the Court of First Instance of the Unified Patent Court

Issued on 14 September 2026

Concerning EP 3 732 827

CLAIMANT INFRINGEMENT ACTION (UPC_CFI_806/2025)

DEFENDANT COUNTERCLAIM FOR REVOCATION (UPC_CFI_185/2026)

BARCO NV

Represented by:

Christian Dekoninck, Taylor Wessing N.V.,
Waterloolaan 16, 1000 Brussel, Belgium

Wim Maas, Taylor Wessing N.V., Kennedyplein
201, 5611 ZT Eindhoven, The Netherlands

Laura Coucke, Taylor Wessing N.V., Waterloolaan
16, 1000 Brussel, Belgium
Joseph Lenthall

Hereafter referred to as:

"Claimant" or "BARCO"

DEFENDANTS INFRINGEMENT ACTION (UPC_CFI_806/2025)

CLAIMANTS COUNTERCLAIM FOR REVOCATION (UPC_CFI_185/2026)

(1) YEALINK (XIAMEN) NETWORK TECHNOLOGY

Co. Ltd.

(2) YEALINK (EUROPE) NETWORK TECHNOLOGY BV

Represented by:

Ruud van der Velden, Hogan Lovells International
LLP, Strawinskylaan 4129 - 1077 ZX – Amsterdam,
The Netherlands

Stefan Dusault (Hogan Lovells International LLP)

Floris Patijn (Hogan Lovells International LLP)

Django Wagenaer (Hogan Lovells International LLP)

Dr. Martin Fähndrich Hogan Lovells International
LLP, Dreischeibenhof 1, 40211 Düsseldorf, Germany
Together as YEALINK

Separately as YEALINK XIAMEN and YEALINK EUROPE

Co-Represented by

Hereafter referred to as:

PATENT AT ISSUE

Number	Proprietor(s)
EP 3 732 827	BARCO NV

LANGUAGE OF THE PROCEEDINGS:

English

SUBJECT MATTER:

R. 105 RoP

PANEL - LOCAL DIVISION

Presiding Judge – Judge-Rapporteur:	Samuel Granata
Legally Qualified Judge:	Petri Rinkinen
Legally Qualified Judge:	Mélanie Bessaud
Technically Qualified Judge:	Steven Richard Kitchen

DECIDING JUDGES:

Order issued by the Judge-Rapporteur

I. THE INTERIM CONFERENCE DATED 8 SEPTEMBER 2026

1. An interim conference (hereafter “IC”) was organised via video conference (Webex) on 8 September 2026 at 10 am (CEST) and was recorded (R. 105 RoP and R. 106). All parties were represented by their respective representatives.
2. During this IC, and in accordance with Rule 104(a) of the Rules of Procedure (RoP), the parties discussed the main issues of the case, as identified by the Judge-Rapporteur in the draft agenda sent to the parties on 17 August 2026 (the “Agenda”). Along with sending the Agenda, the Judge-Rapporteur invited the parties to submit comments regarding the Agenda or additional issues to be discussed at the IC and this by 31 August 2026. The parties did not raise any additional issues. Furthermore, during the interim conference, the parties responded to questions raised by the Judge-Rapporteur regarding the matters hereafter listed (see I.A.-I.G.).
3. An important issue discussed was the situation that arose after BARCO appealed the Court’s Procedural Order dated 17 August 2026, in view of the Oral Hearing (hereafter referred to as “OH”) that the Court set for 3 November 2026. In the aforementioned procedural order, the Court dismissed BARCO’s “*Application for Leave to Amend the Patent pursuant to Rules 30.2 and 263 RoP*”, meaning that AR6 was not permitted in the UPC proceedings, although permitted in the EPO opposition proceedings. As mentioned, BARCO appealed against this procedural order and the appeal is currently pending before the CoA. (see I.G.)
4. During the IC, YEALINK raised an issue regarding the inadmissibility of evidence, specifically the evidence listed by BARCO as E9 (Declaration by Luc PERNEEL). This issue was not brought to the attention of the Judge-Rapporteur beforehand, despite being invited to do so (by 31 August 2026 the latest). The Judge-Rapporteur held that, as this issue had not been raised beforehand, it could not be expected of BARCO to take a position on it, and that the issue would probably (at this stage of the proceedings) demand a panel approach, or at least consultation. The Judge-Rapporteur took note of the issue and if maintained at the OH, the Court will consider it at that stage of the proceedings.

I.A. Possibilities to settle the dispute - R. 104 (d) RoP

5. Although the parties remain open to exploring a settlement, it seems unrealistic at this stage of the proceedings that one could be reached.

I.B. Value of the Case - R. 104 (i) RoP

6. BARCO confirms that it values the infringement action at €1 million. As the Court has not been provided with convincing evidence to the contrary, the Judge-Rapporteur accepts this valuation.
8. Regarding the counterclaim action parties take a different approach. While BARCO argues that the same value should apply, YEALINK argues for a 50% increase, which would lead to a value of €1.5 million, resulting in a total value of the actions of €2.5 million.
9. Taking into account the arguments of the parties, the Judge-Rapporteur sets the value of the case at a total of €2.5 million (€1 million for the infringement action and €1.5 million for the counterclaim) and provides the following reasoning:
 - In the "*Guidelines for the determination of the court fees and the ceiling of recoverable costs*" (as adopted by decision of the Administrative Committee on 24 April 2023 and amended by decision of the Administrative Committee on 4 November 2025) under Point II.2.b. guidelines are proposed to assess the value of a counterclaim for revocation:
 - (1) *The value of a counterclaim for revocation (...) should be determined having regard to the value of the patent to be revoked.*
 - (2) *In the absence of relevant information*
 - (i) *the value of a revocation action may be assumed to be equal to the value of an appropriate licence fee calculated on the basis of the turnover of the parties for the remaining lifetime of the patent,*
 - (ii) *the value of the revocation counterclaim may be assumed as being equal to the value of the infringement action (II.1. a), above) plus up to 50%.*
 - As no concrete indications regarding the economic value of the patent were submitted by BARCO, the Judge-Rapporteur has to revert to Point II.2.b.ii, which states that the value of the counterclaim may be assumed "*as being equal to the value of the infringement action (II.1. a), above) plus up to 50%*". Although this is a guideline, it clearly expresses a (rebuttable) assumption on the valuation of the counterclaim.
 - YEALINK argues convincingly that the issue whether the patent is valid or not exceeds the value of the infringement action, taking into consideration that the economic value for the parties (and especially BARCO) exceeds the outcome of the infringement proceedings between the parties. As such, the Judge-Rapporteur does not agree with the position taken by BARCO that the value of the counterclaim should equal the value of the infringement action. The Judge-Rapporteur can in this regard also refer to opposition proceedings (where other parties besides YEALINK are identified as the opposing party), which indicates that other parties (potential competitors) may also have an interest in the outcome of the UPC proceedings.

I.C. Recoverable costs - R. 104 (j) and (k) RoP

10. The Judge-Rapporteur urged the parties to reach an agreement on the recoverable costs. BARCO informed the Judge-Rapporteur that an agreement could be reached once the value

of the case had been determined. Now that this has been determined, the Court again (strongly) urges the parties to reach an agreement on these costs.

11. The Judge-Rapporteur expects the parties to inform the Court if such an agreement could be reached (and its terms) by 28 October 2026 at the latest (6 pm CEST).

I.D. Main Legal and Technical points - R. 104 (a) RoP

12. Parties had no comments on the Judge-Rapporteur's proposals mentioned in the Agenda, as follows:

- Claim Construction (features claim 1.a, 1.b, 1.c and 1.f)
- Infringement (combination of products – “set-ups” and alleged infringing acts)
- Validity (aligned with claim construction)
- Admissibility of auxiliary requests
- Regarding AR4 and AR5: position regarding the introduction of these ARs and the defence regarding inadmissibility. (amendment infringement case)

I.E. Timeframe for the Oral Hearing

13. The following will be used as guidelines for the oral hearing, based on the proposals made in the Agenda regarding the timeframe for the oral hearing:

Guideline 1

The parties expressed their preference for the Court to provide a preliminary (non-binding) opinion on some or all of the issues to be assessed.

If a preliminary (non-binding) opinion is expressed, the parties will be given 30–45 minutes to restructure their pleadings based on the timeframe adopted after the preliminary non-binding opinion is delivered.

Guideline 2

If no preliminary (non-binding) opinion is expressed, the Judge-Rapporteur discussed with the Parties the timeframe to be adapted. The following was agreed upon by the representative as a guideline:

Action	Maximum Term
Administration and Technical checks	5 min.
Introduction by the Court	30 min.
Presentation and interpretation of the parties and the Patent by BARCO + BARCO on validity (including auxiliary requests)	75 min.
Presentation and interpretation of the parties and the Patent by YEALINK + YEALINK on validity (including auxiliary requests)	30 min
Pause	TBD

Rebuttal YEALINK and Reply BARCO on validity	30 min each
Questions by the Court	
<i>lunchbreak</i>	<i>TBD</i>
BARCO on Infringement (including requests/relief)	60 min
YEALINK on infringement (including requests/relief)	60 min
Rebuttal YEALINK and Reply BARCO	15 min. each
Questions by the Court	
Closing remarks by the Court (setting date for decision)	

The parties were informed that these were rough guidelines and that the timetable may be adapted based on (i.a.) the Court's questions. Parties are informed that if questions are raised during the pleadings, this will not affect their total pleading time on an issue.

I.F. Further Practical Guideline

14. The Parties are informed of the following:

- The respective parties must submit any visual aids they wish to use during the OH to the other party and the Court at least 24 hours before the OH.
- The Sub-Registry of the LD Brussels will inform the parties of any further practical arrangements relating to the OH and the premises where the OH is held.
- The respective parties will provide the Sub-Registry of the LD Brussels (and the other party) with names and their email addresses one week prior to the hearing.

I.G. Situation Regarding Pending Appeal Against the Court's Order dated 17 August 2026

15. The OH is scheduled for 3 November 2026. As mentioned, the pending appeal may affect the date of the OH. The following situations were discussed and are subsequently decided by the Judge-Rapporteur:

- Should the CoA confirm the Procedural Order dated 17 August 2026 in a final order issued before 3 November 2026, the date of the OH could be maintained. No follow-up IC is deemed necessary and this order should be considered final. The Interim Procedure will subsequently be closed.
- Should the CoA overturn the Procedural Order dated 17 August 2026 in an order issued before 3 November 2026, YEALINK should be able to exercise its right of defence by submitting additional comments. If so, a follow-up IC will be organised as soon as possible (ideally within two days of the CoA's final order). During the follow-up IC, the boundaries within which YEALINK can exercise its right of defence will be discussed, and the Judge-Rapporteur will determine whether the date of the OH can be maintained. If the OH cannot be organised on 3 November 2026, the parties have been informed that the panel has reserved a backup date for an OH on 20 January 2027.
- Should the CoA not issue its final order before the date of the oral hearing (ideally before 26 October 2026), and even though BARCO has not (yet) applied for the appeal to have suspensive effect (Art. 74(1) UPCA juncto R. 223 RoP), the Judge-Rapporteur will organise a follow-up IC on 28 October 2026 at 10 am CEST.

II. ORDER

The Judge-Rapporteur orders that:

1. The value of the infringement action (UPC_CFI_806/2025) is set to € 1 million and the value of the counterclaim (UPC_CFI_806/2025) at € 1.5 million, resulting in a total value of the proceedings in the amount of € 2.5 million.
2. The parties shall inform the Court via CMS, by **28 October 2026** (6 pm CEST), whether an agreement was reached (and its terms) regarding the recoverable costs.
3. Should the CoA confirm the Procedural Order dated 17 August 2026, and should such a final order be issued before 3 November 2026, the date of the OH, set at **3 November 2026**, is maintained.
4. Should a final order be issued by the CoA before the OH and such order would overturn the Procedural Order dated 17 August 2026, a follow-up IC will be organized (preferably) within two working days of such final order. During the follow-up IC, the Judge-Rapporteur will discuss the boundaries within which YEALINK is permitted to exercise its right of defence, and whether this would jeopardise the OH set for 3 November 2026.
5. Should no final order be issued by the CoA before **27 October 2026**, a follow-up IC will be organized on **28 October 2026** (10 am CEST) to discuss the whether the oral hearing should be postponed awaiting such final order.
6. Even if a follow-up IC needs to be organised (see points 4 and 5 of this order), the points 1 and 2 of this order are final and must be adhered to by the parties involved.

Issued by the Judge-Rapporteur on 14 September 2026

Samuel GRANATA Judge-Rapporteur Presiding Judge LD Brussels Legally Qualified Judge	
--	--