

Decision
of the Court of First Instance of the Unified Patent Court
Local Division Munich
delivered on 21 September 2026

CLAIMANT / DEFENDANT IN THE COUNTERCLAIM:

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PATENT AT ISSUE:

European patent No. 2 403 266 B1

PANEL/DIVISION:

Panel 1a of the Local Division Munich

DECIDING JUDGES:

Presiding Judge Dr Matthias Zigann, legally qualified Judge Tobias Pichlmaier, legally qualified Judge Stefan Johansson (judge-rapporteur) and technically qualified Judge Dr Hergen Kapels

LANGUAGE OF THE PROCEEDINGS:

English

SUBJECT-MATTER:

Infringement action & Counterclaim for revocation

DATE OF ORAL HEARING:

23 July 2026

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1. SUMMARY OF FACTS

1. This case concerns alleged infringements and the validity of European patent 2 403 266 B1 (hereinafter referred to as EP'266, the patent-in-suit or the patent).
2. The Claimant, Maxell, Ltd. (hereinafter referred to as Maxell) is a consumer electronics company based in Japan.
3. The Defendants (hereafter jointly referred to as Samsung) are members of the Samsung corporate group. This corporate group is inter alia a consumer electronics company based in the Republic of Korea. Samsung is controlled by Defendant 1). Defendants 2) to 5) are wholly owned subsidiaries of Defendant 1) and based in France, Germany, Italy and the Netherlands.
4. Maxell is the registered owner of EP'266, which relates to a portable terminal with a display unit (e.g. a cellular phone) and an information processing apparatus (e.g. a TV set), wherein content display can be passed between the displays of the devices.
5. The patent-in-suit is based on the European patent application 11182680.6 (published as EP 2 403 266 A2), which is a divisional application filed on 26 September 2011, and based on the parent applications 11157220.2 / EP 2 378 786 and 08252339.0 / EP 2 061 230 with the filing date of 9 July 2008. The Patent claims priority from the Japanese patent application 2007248353, which was filed on 26 September 2007. The mention of the grant of EP'266 was published on 8 February 2017. EP'266 is in force in four UPC member states, namely France, Germany, Italy and the Netherlands.
6. EP'266 has two independent claims (claim 1 and claim 8) and six dependent claims. The independent claims read as follows:

Claim 1

A portable terminal (101), comprising:

a receiving unit (300) arranged to receive a content;
a display unit (305) arranged to display a content received by the receiving unit;
a communication unit (306) arranged to conduct communication with an external device (100) capable of executing video processing for displaying a content for an external display which is different from the display unit of the portable terminal;
a user operation input unit (102) to which a user operation is inputted;
and
a control unit (301) arranged to control the receiving unit, the communication unit and the display unit,

wherein:

during the displaying of a content on the display unit, if a first user operation instructing a content to be processed for displaying for the external display by the external device is inputted at a first point of time

to the user operation input unit, then thereafter the control unit controls:

*the communication unit to transmit identification information identifying the content to the external device without transmitting the content to the external device, in order to let the same content as the content displayed on the display unit at the first point of time, start to be processed for displaying for the external display by the external device; and
in response to the communication unit transmitting the identification information, the display unit to terminate the display of the content on the display unit and to display information on the display unit for inputting a second user operation to operate the content which is processed for displaying for the external display by the external device after the first point of time,*

*after the displaying of content on the display unit is terminated, if the second user operation to operate the content is inputted at a second point of time to the user operation input unit, then thereafter the control unit controls the communication unit to transmit information related to the second user operation to the external device, and
during the processing of the content for displaying for the external display by the external device, if a third user operation instructing content to be displayed on the display unit is inputted at a third point of time to the user operation input unit, then thereafter the control unit controls:*

*the communication unit to transmit information related to the third user operation to the external device; and
the display unit to display the same content, without receiving the content from the external device, as the content which is processed for displaying for the external display by the external device at the third point of time.*

Claim 8

A content display system comprising a portable terminal (101) and an information processing apparatus (100), wherein:

the portable terminal comprises:

*a receiving unit (300) arranged to receive a content,
a first communication unit (306) arranged to conduct communication with the information processing apparatus,
a first display unit (305) arranged to display a content received by the receiving unit,
a user operation input unit (102) to which a user operation is inputted, and*

a portable terminal control unit (301) arranged to control the receiving unit, the first communication unit and the first display unit,

wherein:

during the displaying of a content on the first display unit, if a first user operation instructing a content to be processed for displaying by the information processing apparatus is inputted at a first point of time to the user operation input unit, then thereafter the portable terminal control unit controls:

*the first communication unit to transmit identification information identifying the content to the information processing apparatus without transmitting the content to the information processing apparatus, in order to let the same content as the content displayed on the first display unit at the first point of time, start to be processed for displaying by the information processing apparatus; and
in response to the first communication unit transmitting the identification information, the first display unit to terminate the display of the content on the first display unit and to display information on the first display unit for inputting a second user operation to operate the content which is processed for displaying by the information processing apparatus after the first point of time,*

*after the displaying of content on the first display unit is terminated, if the second user operation to operate the content is inputted at a second point of time to the user operation input unit, then thereafter the portable terminal control unit controls the first communication unit to transmit second information related to the second user operation to the information processing apparatus; and
during the processing of the content for displaying by the information processing apparatus, if a third user operation instructing content to be displayed on the first display unit is inputted at a third point of time to the user operation input unit, then thereafter the control unit controls:*

*the communication unit to transmit information related to the third user operation to the information processing apparatus;
and
the first display unit to display the same content, without receiving the content from the information processing apparatus, as the content which is processed for displaying by the information processing apparatus at the third point of time,
and*

*the information processing apparatus comprises;
an input unit (207) arranged to input the content,*

a second communication unit (210) arranged to conduct communication with the portable terminal,
a video processing unit (205) arranged to process the content inputted by the input unit for displaying for a second display unit; and
an information processing apparatus control unit (202) arranged to control the input unit, the second communication unit and the video processing unit,
wherein the information processing apparatus control unit is arranged to:

control the video processing unit to process a content for displaying for the second display unit if the second communication unit receives the identification information from the portable terminal without receiving the content from the portable terminal, and
control processing of the content for displaying for the second display unit based on second information if the second communication unit receives the second information from the portable terminal.

7. On 10 March 2025, Maxell initiated an infringement action against Samsung at the Unified Patent Court (UPC), Local Division Munich, for direct and indirect infringement of EP'266 by their involvement in the sales and distribution of the attacked embodiments. The attacked embodiments were smartphones and tablets that, according to Maxell, are capable of implementing the invention of EP'266, including Samsung Galaxy S25, Galaxy S24, Galaxy Z, Galaxy A, Galaxy XCover, Galaxy S23, Galaxy Tab S10, Galaxy Tab S6, Galaxy Tab Active5, Galaxy Tab A9, Galaxy Tab S9 and Galaxy Tab Active4.
8. On 5 August 2025, Samsung submitted their Statement of Defence, which included a Counterclaim for revocation, and argued that they do not infringe the patent inter alia because the accused devices do not exhibit all features of the claims, and because the patent is not valid.
9. On 6 October 2025, Maxell submitted its Reply to the Statement of Defence, which included additional examples/scenarios (YouTube and Spotify, including references to Google Cast Software Development Kit) and evidence (Exhibit MB INFR 22) on how the attacked embodiments allegedly infringed the patent-in-suit. Maxell also identified new models of smartphones and tablets that allegedly infringed the patent (including the new series Galaxy Tab S11). As a precautionary measure, in case the Court would consider the additional examples or scenarios of infringement would constitute an amendment of the case under Rule 263 RoP, Maxell also submitted a formal request for leave to amend pursuant to Rule 263 RoP. At the same time, Maxell submitted its Defence to the Counterclaim for revocation, which included 31 conditional requests to amend the patent-in-suit. An alternative request for cease-and-desist orders, based on these auxiliary requests (request I.3), was added.
10. On 22 December 2025, Samsung submitted their Rejoinder to the reply to the statement of defence, their Reply to the defence to the counterclaim for revocation and their Defence to the application to amend the patent-in-suit. Samsung argued inter alia that the submission of new videos (Exhibit MB INFR 22) constitutes an unallowable amendment of the case and that Maxell's new explanations regarding Google Cast and the Spotify- and YouTube-scenarios were late-filed. Samsung also submitted new arguments for non-infringement of claim 8 and, with reference to that the YouTube app and Google Cast are

part of the Android operating system with “Google Mobile Services”, which according to Samsung is a de facto standard, raised an antitrust defence, in case their non-infringement argument would not be followed. With reference to the auxiliary requests, Samsung also submitted another 12 prior art documents as basis for a large number of additional attacks on the validity of the patent.

11. On 5 February 2026, Maxell submitted its Rejoinder to the reply to the defence to the counterclaim, which included its Reply to the defence to the application to amend the patent. Maxell requested inter alia that the Court should disregard the newly submitted prior art documents and all invalidity attacks based on those documents, that the Court should disregard Samsung’s FRAND defence and the newly raised legal arguments against indirect infringement of claim 8. Maxell also submitted three more conditional requests to amend the patent and requested that they should be permitted under Rule 30.2 RoP, and a new alternative wording of its request I.3 (cease-and-desist) that also covers these new auxiliary requests. Last, but not least, Maxell requested that Samsung should be ordered to limit the number of invalidity attacks to a reasonable number.
12. On 11 February 2026, Samsung submitted their reply to Maxell’s application to permit the three additional auxiliary requests, and requested that they should be dismissed or, in the alternative, that Samsung’s deadline for filing their Rejoinder to the reply to the defence to the application to amend the patent should be extended.
13. On 5 March 2026, Samsung submitted their Rejoinder to the reply to the defence to the application to amend the patent, which included comments on the substance of the new auxiliary requests as well as additional arguments relating to the alleged infringement.
14. On 30 April 2026, the judge-rapporteur held an interim conference by video conference (see R. 105.5 Order of 5 May 2026). At the interim conference, it was agreed
 - that the Defendants would limit their attacks on the validity of the Patent as granted to not more than five or six of the already submitted attacks,
 - that the Claimant would limit their auxiliary requests to about ten of the 34 already submitted AR’s (and was allowed to include AR’s submitted on 5 February 2026 among these about ten AR’s),
 - that the Defendants should limit their attacks on the validity of the (remaining) AR’s to one or two per AR.
15. At the interim conference, the judge-rapporteur also informed the parties that the objections on the admissibility of Exhibit MB INFR 22 and the additional arguments based on GMS/Spotify/YouTube/Google Cast, as well as the FRAND defence relating thereto, will be decided by the panel if it becomes relevant for the outcome of the decision. Thus, when preparing for the oral hearing, the parties should be aware that these arguments and exhibits may be held admissible.
16. On 12 May 2026, Samsung confirmed that they intend to focus their pleadings in the oral hearing on five specified attacks against the main request (the patent as granted), see POINTS AT ISSUE.
17. On 22 May 2026, Maxell confirmed that they intend to rely on 12 specified auxiliary requests at the oral hearing, in response to the invalidity attacks advanced by Samsung against the patent as granted, see POINTS AT ISSUE.

18. On 9 June 2026, Samsung specified which attacks against the auxiliary requests they intend to focus on during the oral hearing, see POINTS AT ISSUE.
19. The value of the infringement action has been set to EUR 2.000.000, and the value of the counterclaim for revocation has been set to EUR 3.000.000. The Parties have reached an agreement on the recoverable costs of the proceedings.

2. REQUESTS OF THE PARTIES

2.1 INFRINGEMENT ACTION

2.1.1 Maxell's requests

20. Maxell requests that:

- I. Samsung be ordered to cease and desist
 1. from offering, placing on the market, using, or importing or storing for these purposes,

in France, Germany, Italy and the Netherlands,

a) portable terminals, comprising:

a receiving unit arranged to receive a content,

a display unit arranged to display a content received by the receiving unit,

a communication unit arranged to conduct communication with an external device capable of executing video processing for displaying a content for an external display which is different from the display unit of the portable terminal,

a user operation input unit to which a user operation is inputted, and

a control unit arranged to control the receiving unit, the communication unit and the display unit, wherein:

during the displaying of a content on the display unit, if a first user operation instructing a content to be processed for displaying for the external display by the external device is inputted at a first point of time to the user operation input unit, then thereafter the control unit controls the communication unit to transmit identification information identifying the content to the external device without transmitting the content to the external device, in order to let the same content as the content displayed on the display unit at the first point of time, start to be processed for displaying for the external display by the external device and in response to the communication unit transmitting the identification information, the display unit to terminate the display of the content on the display unit and to display information on the display unit for inputting a

second user operation to operate the content which is pro-cessed for displaying for the external display by the external device after the first point of time,

after the displaying of content on the display unit is terminated, if the second user operation to operate the content is inputted at a second point of time to the user operation input unit, then thereafter the control unit controls the communication unit to transmit information related to the second user operation to the external device, and

during the processing of the content for displaying for the external display by the external device, if a third user operation instructing content to be displayed on the display unit is in-putted at a third point of time to the user operation input unit, then thereafter the control unit controls the communication unit to transmit information related to the third user operation to the external device and the display unit to display the same content, without receiving the content from the external device, as the content which is processed for displaying for the external display by the external device at the third point of time;

(Claim 1, EP 2 403 266 B1, direct infringement)

in particular wherein

the communication unit conducts radio communication with the external device;

(Claim 2, EP 2 403 266 B1, direct infringement)

or wherein

the control unit conducts control such that after the transmission of the identification information to the external device, the portable terminal is made to serve as a remote control device which operates the external device;

(Claim 3, EP 2 403 266 B1, direct infringement)

in particular wherein

the control unit conducts control such that if the operation unit receives the third user operation indicating a termination of the display of the content by the external device, the control to make the portable terminal serve as a remote control device is terminated;

(Claim 5, EP 2 403 266 B1, direct infringement)

or wherein

the control unit conducts control such that if the operation unit receives the third user operation indicating a termination of the display of the content

by the external device, the control to make the portable terminal serve as a remote control device is terminated, the portable terminal receives the content, and the display unit displays the content received by the portable terminal;

(Claim 6, EP 2 403 266 B1, direct infringement)

The infringing products include, but are not limited to, the following series of smartphones and tablets:

- Galaxy S25,
- Galaxy S24,
- Galaxy Z,
- Galaxy A,
- Galaxy XCover,
- Galaxy S23,
- Galaxy Tab S10,
- Galaxy Tab S6,
- Galaxy Tab Active5,
- Galaxy Tab A9,
- Galaxy Tab S9,
- Galaxy Tab Active4.

b) content display systems comprising a portable terminal and an information processing apparatus, wherein:

the portable terminal comprises:

a receiving unit arranged to receive a content,

a first communication unit arranged to conduct communication with the information processing apparatus,

a first display unit arranged to display a content received by the receiving unit,

a user operation input unit to which a user operation is in-putted, and

a portable terminal control unit arranged to control the receiving unit, the first communication unit and the first display unit, wherein:

during the displaying of a content on the first display unit, if a first user operation instructing a content to be processed for displaying by the information processing apparatus is in-putted at a first point of time to the user operation input unit, then thereafter the portable terminal control unit controls:

the first communication unit to transmit identification information identifying the content to the information processing apparatus without transmitting the content to the information processing apparatus, in order

to let the same content as the content displayed on the first display unit at the first point of time, start to be processed for displaying by the information processing apparatus; and

in response to the first communication unit transmitting the identification information, the first display unit to terminate the display of the content on the first display unit and to display information on the first display unit for inputting a second user operation to operate the content which is processed for displaying by the information processing apparatus after the first point of time,

after the displaying of content on the first display unit is terminated, if the second user operation to operate the content is inputted at a second point of time to the user operation input unit, then thereafter the portable terminal control unit controls the first communication unit to transmit second information related to the second user operation to the information processing apparatus; and

during the processing of the content for displaying by the information processing apparatus, if a third user operation instructing content to be displayed on the first display unit is inputted at a third point of time to the user operation input unit, then thereafter the control unit controls:

the communication unit to transmit information related to the third user operation to the information processing apparatus; and

the first display unit to display the same content, without receiving the content from the information processing apparatus, as the content which is processed for displaying by the information processing apparatus at the third point of time, and

the information processing apparatus comprises;

an input unit arranged to input the content,

a second communication unit arranged to conduct communication with the portable terminal,

a video processing unit arranged to process the content inputted by the input unit for displaying for a second display unit; and

an information processing apparatus control unit arranged to control the input unit, the second communication unit and the video processing unit,

wherein the information processing apparatus control unit is arranged to:

control the video processing unit to process a content for displaying for the second display unit if the second communication unit receives the identification information from the portable terminal without receiving the content from the portable terminal, and

control processing of the content for displaying for the second display unit based on second information if the second communication unit receives the second information from the portable terminal;

(Claim 8, EP 2 403 266 B1, direct infringement)

The infringing products forming the system include, but are not limited to, the following series of smartphones and tablets:

- Galaxy S25,
- Galaxy S24,
- Galaxy Z,
- Galaxy A,
- Galaxy XCover,
- Galaxy S23,
- Galaxy Tab S10,
- Galaxy Tab S6,
- Galaxy Tab Active5,
- Galaxy Tab A9,
- Galaxy Tab S9,
- Galaxy Tab Active4.

2. from supplying or offering to supply

in France, Germany, Italy and the Netherlands

portable terminals for putting into effect a content display system comprising a portable terminal and an information processing apparatus, wherein:

the portable terminal comprises:

a receiving unit arranged to receive a content,

a first communication unit arranged to conduct communication with the information processing apparatus,

a first display unit arranged to display a content received by the receiving unit,

a user operation input unit to which a user operation is inputted, and

a portable terminal control unit arranged to control the receiving unit, the first communication unit and the first display unit,

wherein:

during the displaying of a content on the first display unit, if a first user operation instructing a content to be processed for displaying by the information processing apparatus is inputted at a first point of time to the user operation input unit, then thereafter the portable terminal control unit controls:

the first communication unit to transmit identification information identifying the content to the information processing apparatus without transmitting the content to the information processing apparatus, in order to let the same content as the content displayed on the first display unit at the first point of time, start to be processed for displaying by the information processing apparatus; and

in response to the first communication unit transmitting the identification information, the first display unit to terminate the display of the content on the first display unit and to display information on the first display unit for inputting a second user operation to operate the content which is processed for displaying by the information processing apparatus after the first point of time,

after the displaying of content on the first display unit is terminated, if the second user operation to operate the content is inputted at a second point of time to the user operation input unit, then thereafter the portable terminal control unit controls the first communication unit to transmit second information related to the second user operation to the information processing apparatus; and

during the processing of the content for displaying by the information processing apparatus, if a third user operation instructing content to be displayed on the first display unit is inputted at a third point of time to the user operation input unit, then thereafter the control unit controls:

the communication unit to transmit information related to the third user operation to the information processing apparatus; and

the first display unit to display the same content, without receiving the content from the information processing apparatus, as the content which is processed for displaying by the information processing apparatus at the third point of time, and

the information processing apparatus comprises;

an input unit arranged to input the content,

a second communication unit arranged to conduct communication with the portable terminal,

a video processing unit arranged to process the content inputted by the input unit for displaying for a second display unit; and

an information processing apparatus control unit arranged to control the input unit, the second communication unit and the video processing unit,

wherein the information processing apparatus control unit is arranged to:

control the video processing unit to process a content for displaying for the second display unit if the second communication unit receives the identification

information from the portable terminal without receiving the content from the portable terminal, and

control processing of the content for displaying for the second display unit based on second information if the second communication unit receives the second information from the portable terminal;

(Claim 8, EP 2 403 266 B1, indirect infringement)

The infringing products essential for putting into effect a content display system according to claim 8 include, but are not limited to, the following series of smartphones and tablets:

- Galaxy S25,
- Galaxy S24,
- Galaxy Z,
- Galaxy A,
- Galaxy XCover,
- Galaxy S23,
- Galaxy Tab S10,
- Galaxy Tab S6,
- Galaxy Tab Active5,
- Galaxy Tab A9,
- Galaxy Tab S9,
- Galaxy Tab Active4.

3. alternatively, in case EP 2 403 266 B1 be maintained with effect for France, Germany, Italy and the Netherlands according to one of the auxiliary requests, that Request no. I. (cease-and-desist) be amended to conform to the wording of claims 1 and 8 of EP 2 403 266 B1 as maintained;

II. Defendants be ordered, within three weeks from service of the decision, at their own expense,

1. to inform Claimant of the extent to which Defendants have, since 8 February 2017, committed the acts referred to in point I above, namely regarding
 - a) the origin and distribution channels of the infringing products, including, for each product, the names and addresses of suppliers, commercial customers and commercial end-users;
 - b) the quantities produced, manufactured, delivered, received or ordered, as well as the price obtained for the infringing products, in tabular form, by year, month and by product;
 - c) the identity of any third person involved in the production or distribution of the infringing products;

- d) the costs attributable to the production and distribution of the infringing products, broken down by individual cost categories, and the profit generated by the infringing activity;

whereby the information must be accompanied by supporting documents such as invoices, alternatively packing lists, or other relevant records;

whereby the information, including supporting documents, must be provided electronically in a readable format such as PDF or DOCX;

whereby confidential information unrelated to the subject matter of the disclosure may be redacted;

2. to recall from the channels of commerce the infringing products referred to in point I above, which have been placed on the market in France, Germany, Italy and the Netherlands since 8 February 2017, by requesting commercial customers, with reference to this Court's finding of infringement of EP 2 403 266 B1, to return the infringing products in their possession to Defendants, with a binding commitment to refund the purchase price of each product returned and to cover all costs associated with the return of infringing products, including packaging and transportation costs;
3. to remove from the channels of commerce the infringing products referred to in point I above by instructing commercial customers, with reference to this Court's finding of infringement of EP 2 403 266 B1, to cancel all pending sales and distribution of the infringing products within or to France, Germany, Italy and the Netherlands, with a binding commitment to cover all costs associated with the cancellation;
4. to destroy infringing products referred to in point I above in their possession and/or ownership in France, Germany, Italy and the Netherlands, including any infringing products that come into their possession and/or ownership as a result of the measures taken pursuant to point II.2 above, or to deliver them to a person designated by Claimant for the purpose of destruction;

whereby Defendants must inform Claimant in writing (with supporting documents) of the measures taken to comply with the orders set forth in points II.2 to II.4 above;

- III. Defendants be ordered to publish, within two weeks from service of the decision, a statement which covers at least 10 percent of the home page of their website (in particular, <https://www.samsung.com/fr/>, www.sam-sung.com/de, <https://www.samsung.com/it/> and <https://www.sam-sung.com/nl/>), which is immediately visible when visiting the website, and which remains in place for a period of at least one month, explaining that Defendants have been found by this Court to infringe EP 2 403 266 B1, owned by Maxell Ltd., by selling and distributing smartphones and tablets, in particular the models referred to in point I above;
- IV. Defendants be ordered, within two weeks from service of the decision, to jointly and severally pay to Claimant as an interim award of damages EUR 216,000;

- V. any Defendant that fails to comply with
 - 1. the order to cease and desist as set forth in point I above be held liable to pay to the Court a penalty of at least EUR 750 per infringing product;
 - 2. any of the orders as set forth point II above be held liable to pay to the Court a penalty of up to EUR 50,000 per day of delay;
 - 3. the orders set forth points III and IV above be held liable to pay to the Court a penalty of up to EUR 10,000 per day of delay;
- VI. Defendants be declared jointly and severally liable for any damage that Claimant has incurred since 8 February 2017, including any damage that Claimant will incur in the future, as a result of the acts referred to in point I above;
- VII. Defendants be ordered to jointly and severally bear the legal costs of the proceedings;
- VIII. this decision be immediately and directly enforceable from the date of ser-vice.

2.1.2 Samsung's requests

21. Samsung requests that:

- I. the action is dismissed; and
- II. the Claimant bears the costs of the proceedings including adequate reimbursement of the Defendants' costs.

22. In the alternative, in case the Court should order an injunction, information, destruction and/or recall and removal:

- III. that the Defendants are granted a grace period of 18 months after the announcement of the decision, before an injunction, destruction and/or recall and removal are enforced;
- IV. that the enforcement of any injunction, destruction or recall and removal is conditional upon a financial security provided by the Claimant in the amount specified in Samsung's Statement of Defence or another amount the Court deems appropriate;
- V. that an order against the Defendants to provide information under motion II of the Complaint 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;

- VI. that the Defendants are granted to avert enforcement of the decision, in particular in relation to injunctive relief, recall and destruction, by providing security of the amount of EUR 2,200,000, or any other amount that the Court deems appropriate, which may also be in the form of a bank guarantee,

2.1.3 Maxell's reply

23. Maxell requests that:

- IX. the Defendants' requests no. III.-VI. be dismissed;
- X. in the alternative to full dismissal of Defendants' request no. IV., that the Claimant be permitted to immediately enforce injunctive relief, destruction, recall, and removal, each separately, upon providing security – such as by bank guarantee or insurance – in amounts to be determined by the Court.

2.2 COUNTERCLAIM FOR REVOCATION

2.2.1 Samsung's requests

24. Samsung requests:

- VII. that EP 2 403 266 is revoked in its entirety for all Contracting Member States in which EP 2 403 266 has effect, in particular for Germany, France, the Netherlands and Italy;
- VIII. that 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 UPCA, Article 65(5);
- IX. that the Claimant bears the costs of the counterclaim for revocation including adequate reimbursement of the Defendants' costs.

2.2.2 Maxell's requests

25. Maxell requests:

- XI. that the Counterclaim for Revocation be dismissed;
- XII. alternatively, if the Court would find that one of the granted claims is invalid, that EP 2 403 266 B1 be maintained with effect for France, Germany, Italy and the Netherlands according to one of auxiliary requests 3, 4, 5, 6b, 7, 7b, 8, 9, 9b, 9c, 12 or 13 (in ascending order); and the Counterclaim for Revocation be dismissed to the extent that EP 2 403 266 B1 is so maintained;
- XIII. that the Defendants be ordered to jointly and severally bear the legal costs of the Counterclaim for Revocation.

3. POINTS AT ISSUE

26. The parties are in dispute about different aspects of the case at hand.

3.1 INFRINGEMENT ACTION

27. The parties are in dispute about, inter alia, whether the accused devices exhibit all features of the claims, and whether the patent is valid (see below).

28. For further details, it is referred to the parties' briefs and the corresponding Exhibits.

3.2 COUNTERCLAIM FOR REVOCATION

29. Samsung base their Counterclaim for revocation of the patent as granted on the following grounds of Article 138 EPC in conjunction with Article 65(2) UPCA:

- added matter (Article 138(1)(c) EPC).
- lack of novelty (Article 138(1)(a) in conjunction with Articles 52 and 54 EPC),
- lack of inventive step (Art. 138(1)(a) in conjunction with Articles 52 and 56 EPC).

30. During the written procedure, Samsung argued that the patent as granted lacked novelty based on the following prior art documents:

- D1 – US 2006/263048 A1 (“Sony”/“Sato”) – titled “content display-playback system” is a patent application document by Sony Corp published on November 23, 2006.
- D1a US 2006/0262220 A1 (“Sony 2”) – titled “content display-playback system” is a patent application document by Sony Corp published on November 23, 2006.
- D2 – US 2007/0053514 A1 (“Mitsubishi”) – titled “continuous content playback system” is a patent application document by Mitsubishi Denki Kabushiki Kaisha published on March 8, 2007.
- D3 – JP 2007-195121 A (“Sharp”) – titled “cellular phone” is a patent application document by Mitsubishi Denki Kabushiki Kaisha published on August 2, 2007.
- D4 – EP 1667411 A1 (“Thomson”) – titled “System and method for content relay” is a patent application document by Mitsubishi Denki Kabushiki Kaisha published on June 7, 2006.
- D5 – Dees/Shrubsole, Web4CE: Accessing Web-based Application on Consumer Devices (“Web4CE overview”), poster paper published on May 9, 2007, at the 16th International World Wide Web Conference in Banff, Canada (8-12 May 2007).

31. Samsung also argued that the patent as granted lacked inventive step based on several different combinations of those documents.

32. With respect to the Auxiliary requests, Samsung argued added matter, lack of clarity, lack of enablement and lack of inventive step also based on other combinations of the documents mentioned and/or combinations that included the following prior art documents:

- D5b – CEA Standard, ANSI/D5b “Web-based Protocol and Framework for Remote User Inter-faces on UPnP™ Networks and the Internet (Web4CE)”, published in July 2007.

- D6 – US 2005/0174489 A1 (“US489”) – titled “VIDEO DISPLAY SYSTEM AND VIDEO DISPLAY CONTROL APPARATUS” by Sony Corporation was published on 11 August 2005.
 - D7 – US 2007/0136488 A1 (“Cho”) – titled “Method And Device For Switching Media Renderers During Streaming Playback Of Content” by Samsung Electronics, published on 14 June 2007.
 - D8 – US 2001/0055951 A1 (“Slotznick”) - titled “Telephone Device With Enhanced Audio Visual Features For Interacting With Nearby Displays And Display Screens” by Amazon, published on 6 June 2006.
 - D9 – US 2005/0144321 A1 (“Forsberg”) – titled “Method for moving of flows in communication networks” by Nokia, published on 30 June 2005.
 - D10 – EP 1 760 584 A1 (“Wormald”) – titled “Method and system for transferring an application state from a first electronic device to a second electronic device” by Research In Motion Limited, published on 7 March 2007.
 - D11 – RFC 3629 – titled “UTF-8, a transformation format of ISO 10646”, Internet (IETF) Standard, published in November 2003
 - D12a – ETSI TS 126.233 V4.1.0 (release 4) – 3GPP Standard, published in December 2001.
 - D12b – ETSI TS 126 233 V7.0.0 (release 7) - 3GPP Standard, published in June 2007.
 - D12c – ETSI TS 126 234 V7.3.0 (release 7) - 3GPP Standard, published in June 2007.
 - D13 – US 2002/0097433A1 (“Chang”) - titled “Method of operating an information apparatus and software for carrying out the method” by Flexiworld Technologies Inc, published on 25 July 2002.
33. On 12 May 2026, pursuant to the interim conference, Samsung limited their pleadings for the oral hearing to the following five invalidity attacks against the patent as granted:
- Added matter
 - Lack on novelty based on
 - D1 – US 2006/263048 A1 (“Sony”/“Sato”), or
 - D2 – US 2007/0053514 A1 (“Mitsubishi”)
 - Lack on inventive step based on
 - D3 (“Sharp”) + D5 (“Web4CE overview”), or
 - D4 (“Thomson”) + D5 (“Web4CE overview”)
34. Maxell has rejected the attacks on the validity of the patent-in-suit as unfounded. During the written procedure, Maxell submitted 34 conditional applications to amend the patent.
35. On 22 May 2026, Maxell limited the number of auxiliary requests (cf. R. 30.1(c) RoP) for the oral hearing to the following: AR3, AR4, AR5, AR6b, AR7, AR7b, AR8, AR9, AR9b, AR9c, AR12 and AR13 (in ascending order).
36. On 9 June 2026, Samsung specified that, for the purpose of the oral hearing, the retained objections to the auxiliary requests could be grouped into the following seven lines of attack:
- | | |
|-----------------------------|---------------------------------|
| 1. Added matter: | all ARs except AR4 |
| 2. Insufficient disclosure: | AR8, AR9, AR9b, AR9c, AR13 |
| 3. Lack of clarity: | AR3, AR8, AR9, AR9b, AR9c, AR13 |
| 4. D1 + D7: | (a) AR3, AR4, AR5, AR7 |

- | | |
|-------------------|---|
| | (b) AR6b, AR7b, AR12 (considering also CGK; partial problems) |
| 5. D1 + D7 + D10: | (a) AR9 (partial problems)
(b) AR9b, AR9c, AR13 (considering also CGK; partial problems) |
| 6. D1 + D10: | AR3, AR8 |
| 7. D1 + D9: | AR4 |

37. For further details, it is referred to the parties' briefs and the corresponding Exhibits.

4. GROUNDS FOR THE DECISION

4.1 JURISDICTION AND COMPETENCE

38. Neither jurisdiction nor competence have been challenged by the Defendants. Pursuant R. 19.7 RoP, Samsung is therefore considered to submit to the jurisdiction of the UPC and the competence of the Local Division Munich (cf. Art. 26 Brussels I Recast Regulation [1215/2012]). Ex officio, the Court notes that Defendants 2) to 5) are domiciled in countries that have acceded to the Agreement on a Unified Patent Court (UPCA), that Defendant 1) is involved in the same alleged infringements in those countries and that the counterclaim is directed to a patent in force in countries that have acceded to the UPCA. Thus, the UPC has jurisdiction, and Local Division Munich has competence to hear the case.

4.2 THE SUBSTANTIVE SCOPE OF THE PATENT-IN-SUIT

4.2.1 Background and object

39. The patent relates to a portable terminal with a display unit (e.g. a mobile phone) and an external device/information processing apparatus (e.g. a TV set), where content display can be passed between the displays of the devices (see independent claims 1 and 8).
40. According to the patent, cellular phones capable of browsing internet sites and television (TV) programs have come into wide use. There have also been increasingly employed television sets capable of connecting to networks. In this environment, a technique in which a content received by a cellular phone is viewed by a television set with higher usability and a technique in which a cellular phone is employed as a remote control device to operate a television set are under discussion (para. [0002]).
41. The patent describes different prior art documents and states that a desire exists in which a content just being viewed by a portable terminal is to be passed to a video playback device to continuously view the content thereon (paras. [0003] - [0011]). According to the patent, known solutions of the prior art led to an increase in the number of user operations (paras. [0012] - [0014]).
42. According to the patent, no description of an idea has been given on how to achieve a smoother cooperative operation when the viewing of a content just being conducted on the portable terminal is to be relayed or passed to the video playback device (para. [0015]). It is a preferred aim to provide a portable terminal, an information processing apparatus,

a content display system, and a content display method wherein viewing of a content on a portable terminal is smoothly passed to an information processing apparatus (para. [0016]).

43. Against this backdrop, the Court concludes that the object of the invention is to transfer content display more smoothly between a portable terminal and an information processing apparatus.

4.2.2 Person skilled in the art

44. The skilled person is a notional entity that cannot be equated with any real person in the technical field of the invention. The decisive factor is not the individual knowledge and abilities of a person, but rather the general specialist knowledge that is customary in the relevant field of technology, as well as the average knowledge, experience, and abilities in this specialist field (UPC 30.4.2025, CoA 768/2024). Given the object of the invention, to smoother pass viewing of a content between a portable terminal and an information processing apparatus, the skilled person needs to understand the hard- and software of portable terminals and information processing apparatuses, as well as the communication interfaces. Therefore, the Court concludes that the skilled person is an electrical engineer with a university degree and several years of professional experience in the field of communication and information technology and specific knowledge of hard- and software of portable devices and information processing equipment, as well as their communication interfaces.

4.2.3 Solution and claim construction

45. The patent-in-suit has two independent claims (claim 1 and claim 8) and six dependent claims (claims 2 to 7). Independent claim 1 and dependent claims 2 to 7 are directed to the portable terminal, e.g. a mobile phone, while claim 8 is addressing a system that – in addition to the portable terminal – also includes an external device/information processing apparatus, e.g. a TV. For the purposes of this decision, the discussion on claim construction can be limited to independent claim 1.

46. Independent claim 1, separated into features, can be structured as follows:

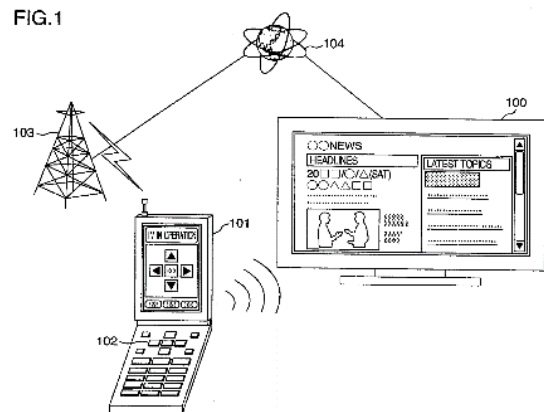
1	A portable terminal (101), comprising:
1.1	a receiving unit (300) arranged to receive a content;
1.2	a display unit (305) arranged to display a content received by the receiving unit;
1.3	a communication unit (306) arranged to conduct communication with an external device (100) capable of executing video processing for displaying a content for an external display which is different from the display unit of the portable terminal;
1.4	a user operation input unit (102) to which a user operation is inputted; and
1.5	a control unit (301) arranged to control the receiving unit, the communication unit and the display unit, wherein:

1.5.1.0	during the displaying of a content on the display unit, if a first user operation instructing a content to be processed for displaying for the external display by the external device is inputted at a first point of time to the user operation input unit, then thereafter the control unit controls:
1.5.1.1	the communication unit to transmit identification information identifying the content to the external device without transmitting the content to the external device, in order to let the same content as the content displayed on the display unit at the first point of time, start to be processed for displaying for the external display by the external device; and
1.5.1.2	in response to the communication unit transmitting the identification information, the display unit
1.5.1.2a	to terminate the display of the content on the display unit and
1.5.1.2b	to display information on the display unit for inputting a second user operation to operate the content which is processed for displaying for the external display by the external device after the first point of time,
1.5.2	after the displaying of content on the display unit is terminated, if the second user operation to operate the content is inputted at a second point of time to the user operation input unit, then thereafter the control unit controls the communication unit to transmit information related to the second user operation to the external device, and
1.5.3.0	during the processing of the content for displaying for the external display by the external device, if a third user operation instructing content to be displayed on the display unit is inputted at a third point of time to the user operation input unit, then thereafter the control unit controls:
1.5.3.1	the communication unit to transmit information related to the third user operation to the external device; and
1.5.3.2	the display unit to display the same content, without receiving the content from the external device, as the content which is processed for displaying for the external display by the external device at the third point of time.

47. The principles applicable to claim construction have been set out by the UPC Court of Appeal in its final order in the case of NanoString v 10x Genomics (UPC_CoA_335/2023, Order of 26 February 2024, as rectified). 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. These principles for the interpretation of a patent claim apply equally to the assessment of the infringement and the validity of a European patent.

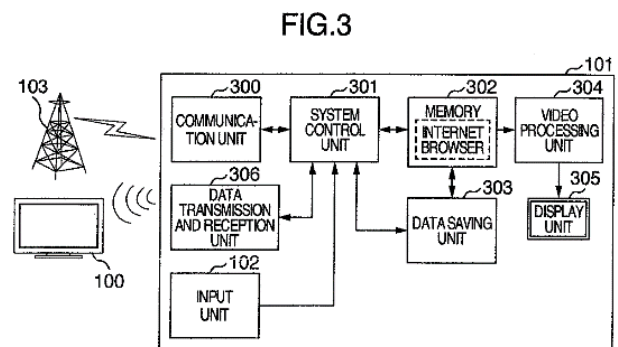
Feature 1

48. According to feature 1, the claimed device is a portable terminal (101). This terminal (101) is a portable information processing terminal, for example, a cellular phone, a Personal Digital Assistant (PDA), or a smart phone (para. [0022] and Fig. 1).



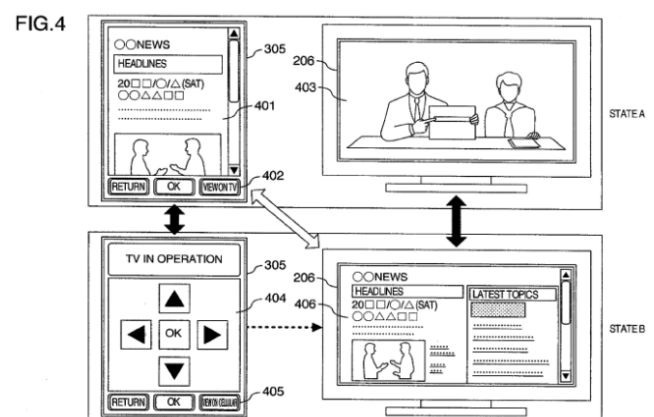
Feature 1.1

49. The portable terminal (101) comprises a receiving unit (300) arranged to receive a content. According to the description of the patent, the content can be e.g. an internet site or a TV program (para. [0021], [0098]). The portable terminal 101 can receive this content from the internet (104) via the communication unit (300) (paras. [0040], [0042], [0070] and Fig. 1, 3). However, the claimed invention is not limited to content from the internet, nor that such internet content is received from the internet while the same content is being displayed. Thus, the person skilled in the art understands the receiving unit (300) as a communication unit (300), which performs the function of receiving e.g. a website or a TV program in the portable terminal.



Feature 1.2

50. The portable terminal (101) comprises also a display unit (305) arranged to display a content received by the receiving unit - which is the communication unit (300). The screen display (401) is an example when an internet site is displayed on the display unit (305) of the mobile terminal (101) (para. [0048] and Fig. 4).



Feature 1.3

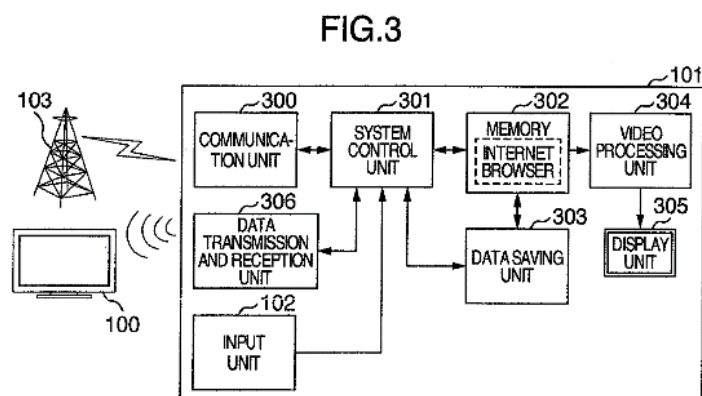
51. The portable terminal (101) also comprises a communication unit (306) which is arranged to conduct communication with an external device (100), the external device (100) being capable of executing video processing for displaying a content for an external display. Thus, the external display is different from the display unit of the portable terminal. According to the description of the patent, it is the data transmitting and receiving unit (306), which conducts radio communication with an external terminal such as an internet connection terminal (100) via, for example, Bluetooth or wireless LAN (para. [0046] and Fig. 3). In another embodiment, the data transmitting and receiving unit (306) is replaced by an infrared-ray transmitting and receiving unit (700), which communicates data by using an infrared-ray signal (para. [0102]). The external terminal respective internet connection terminal (100) may be a television (TV) set, a SetTop Box (STB), or a home server for Digital Living Network Alliance (DLNA) and has a function to output video signals and a function to connect to the internet (para. [0026]). Thus, the person skilled in the art understands the communication unit (306) as a data transmitting and receiving unit (306), which performs the function of communication with an external device (100) by using e.g. Bluetooth, WLAN or Infrared.
52. The Claimant correctly asserts that the receiving unit in feature 1.1 and the communication unit in feature 1.3 are defined functionally ("arranged to [...]"), not structurally. Thus, they may be implemented by the same hardware or software component so long as that component performs the claimed functions of each unit and these functions can be identified separately.

Feature 1.4

53. The portable terminal (101) further comprises a user operation input unit (102) to which a user operation is inputted. The input unit includes, for example, a plurality of buttons (para. [0023] and Fig. 1). By using the input unit (102), the user can press a selection button of the button display (402, 405) (paras. [0048], [0049] and Fig. 4). Instead of the button displays (402) and (405) and the buttons associated therewith, there may be an input device of touch panel type (para. [0051]).

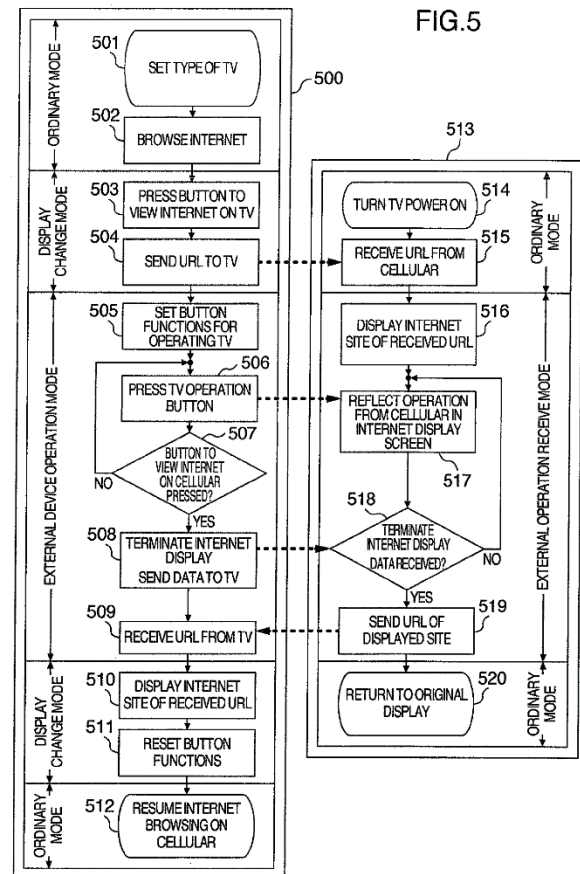
Feature 1.5

54. Furthermore, the portable terminal (101) comprises a control unit (301) arranged to control the receiving (communication) unit (300), the communication (data transmitting and receiving) unit (306) and the display unit (305) according to the features 1.1, 1.2 and 1.3 (see Fig. 3).



Feature 1.5.1.0

55. Feature 1.5.1.0 refers to the situation in which the user views a content on the display (305) of the portable terminal (101) and inputs a first user operation to the user operation input unit (102) at a first point of time. This first user operation is instructing a content to be processed for displaying for the external display by the external device and thereafter a control by the control unit (301). In the embodiment shown in Figure 4 (supra), when the user presses a selection button of the button display (402) using the input unit (102), the system executes change-over processing to pass the display of the internet site to the internet connection terminal (100) (para. [0048] and Fig. 4). The flow chart of Fig. 5 explains operations of an internet connection terminal and a mobile terminal. Assume that the user attempts, during the internet site browsing, to browse the internet site by use of the TV set. In this situation, the user operates the input unit (102) to select the button (402) in the display unit (305) of the cellular phone (step 503). Then, the cellular phone enters a display change mode to execute processing to change the display of the internet site to the TV set (para. [0079] and Fig. 5). Therefore, the feature 1.5.1.0 describes the input of the first user operation as first step of the passing of the display of a content.

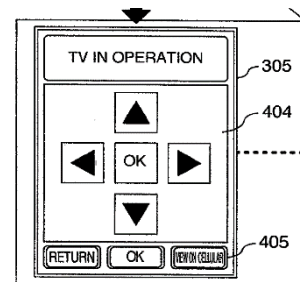


Feature 1.5.1.1

56. According to feature 1.5.1.1 the control unit (301) controls the communication unit (306) to transmit identification information identifying the content to the external device without transmitting the content to the external device, in order to let the same content as the content displayed on the display unit at the first point of time, start to be processed for displaying for the external display by the external device. According to the description, when the cellular phone enters the display change mode, the system control unit (301) of the cellular phone sends the URL of the internet site on the display via the data transmitting and receiving unit (306) to the TV set (step 504) (para. [0080] and Fig. 5). Therefore, the identification information is e.g. an URL, which is transmitted by the communication unit (306) to the external device. This allows the external device to process the same content for display on the external screen.

Feature group 1.5.1.2 (i.e. features 1.5.1.2, 1.5.1.2a & 1.5.1.2b)

57. In response to the communication unit (306) transmitting the identification information (e.g. an URL), the control unit (301) controls the display unit (305) to terminate the display of the content on the display unit (305). Therefore, first, the system control unit (301) controls the display unit (305) to terminate the display of the internet site on the cellular phone 101 after the transmission of the identification information (para. [0080]).
58. Second, the control unit (301) controls the display unit (305) to display information on the display unit (305) for inputting a second user operation to operate the content which is processed for displaying for the external display by the external device (100) after the first point of time. According to the description, the cellular phone enters, after the transmission of the identification information (URL), a state in which the system control unit (301) is capable of operating the TV set using part of the input unit (102). This mode is referred to as an operation change mode. The display unit (305) presents a display to inform the user of operations which can be conducted by pressing keys as shown e.g. in the screen display (404) (step 505) (para. [0082] and Fig. 4, 5). The screen display (404) is an example when an operation guide is displayed on the display unit (305) of the mobile terminal (101) to operate the internet connection terminal (100) from the mobile terminal (101) (para. [0049]) and Fig. 4). Thus, the skilled person understands that the display unit (305) shows information supporting the user to operate the displaying of content on the external device (100).

*Feature 1.5.2*

59. After the displaying of content on the display unit (305) is terminated, if the second user operation to operate the content is inputted at a second point of time to the user operation input unit (102), then thereafter the control unit (301) controls the communication unit (306), i.e. the data transmitting and receiving unit (306), to transmit information related to the second user operation to the external device (100).
60. The Defendants argue that that feature 1.5.2 merely specifies that information related to the second user operation is transmitted to the external device, without defining that the external device is actually remote controlled.
61. However, feature 1.5.2 explicitly states that the second user operation is inputted to the input unit (102) to operate the content, i.e. to remotely control the content on the external device (100). Furthermore, according to the description, in a state wherein the screen display (404) is being displayed on the display unit (305), the mobile terminal (101) can conduct operation for the internet connection terminal (100) (para. [0049]). In this state, in which the TV set can be operated if the user presses a desired key of the input unit (102), data which indicates an operation for the TV set and which can be interpreted by the TV set designated in step 501 is sent to the TV set. The data includes data items almost the same as those of data sent from a remote control device of the TV set. Therefore, in a situation wherein it is desired to move a selection item of an internet site being displayed on the TV set or to determine a selection item, if the user operates the input unit (102) of

the cellular phone to press a key corresponding to an operation information item shown in the screen display (404), the cellular phone sends an information item and a signal indicating an indication of the operation to the TV set (step 506). As a result of this step, the cellular phone serves as a remote control device of the TV set. The operation of this step is carried out, for example, under supervision of the system control unit (301). When the data transmitting and receiving unit (210) receives the information and the signal of the operation indication such as "move" or "select" from the cellular phone, the TV set reflects, under control of the system control unit 201, the information of the indication in the screen display (406) displaying the internet and in the operation of the browser (208) (step 517) (paras. [0083], [0084] and Fig. 4, 5). Therefore, feature 1.5.2 specifies a second user input via the user input unit (102) and its transmission to the external device (100) to operate (remote control) the content.

Feature 1.5.3.0

62. Feature 1.5.3.0 refers to the state during the processing of the content for displaying for the external display by the external device (100). In this state a third user operation instructing content to be displayed on the display unit (305) is inputted at a third point of time to the user operation input unit (102). According to the description, if the user desires to return from the state in which the user browses the internet site on the TV set to a state in which the user browses the internet site on the cellular phone, the user conducts an operation to select an item of the button display (405) in the display unit (305) of the cellular phone (step 507) (para. [0085] and Fig. 4, 5). In Figure 5, step 507 is described as "Button to view internet on cellular pressed?". Thus, the user selects an item of the button display (405) to instruct that the content be displayed again on the display unit (102). This is a single user operation. After the third user operation is inputted, the control unit controls what is described in the following features.

Feature 1.5.3.1

63. Thereafter, the control unit (301) controls the communication unit (which is the data transmission and reception unit (306)) to transmit information related to the third user operation to the external device (100). According to the description, the cellular phone sends data indicating termination of the internet display via the data transmitting and receiving unit (306) to the TV set (step 508) (para. [0085] and Fig. 5).

Feature 1.5.3.2

64. In addition, the control unit (301) controls the display unit (305) to display the same content, without receiving the content from the external device (100), as the content which is processed for displaying for the external display by the external device (100) at the third point of time. According to the description, the cellular phone receives the URL of the internet site last displayed on the TV set and then accesses and displays the internet site of the URL (step 510). Resultantly, the internet site display is changed from the TV set to the cellular phone, and hence the cellular phone enters the display change mode. The operation of the step is carried out, for example, under supervision of the control unit (301). Through the operation of this step, the cellular phone resumes the internet site display (para. [0087] and Fig. 5).

65. The Claimant has argued that the feature does not require that a single user operation simultaneously stops the viewing of content on the TV and automatically resumes it on the portable terminal and inter alia referred to that such an interpretation assumes that EP 266 addresses the problem of avoiding "a manual (re-)selection of the content after display change" while EP 266 defines no such problem.
66. However, the Claimant's argument is not convincing, because both feature 1.5.3.0 and step 507 of Figure 5 only provide for a single user operation.

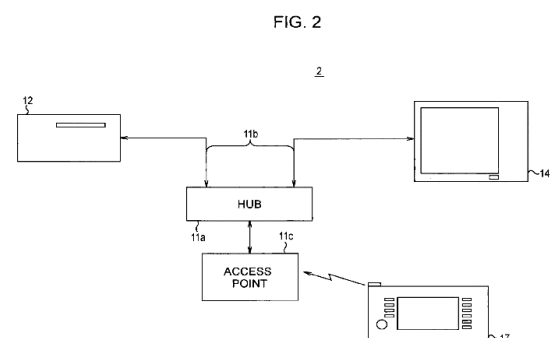
4.3 VALIDITY OF THE PATENT AS GRANTED

4.3.1 Legal framework on novelty

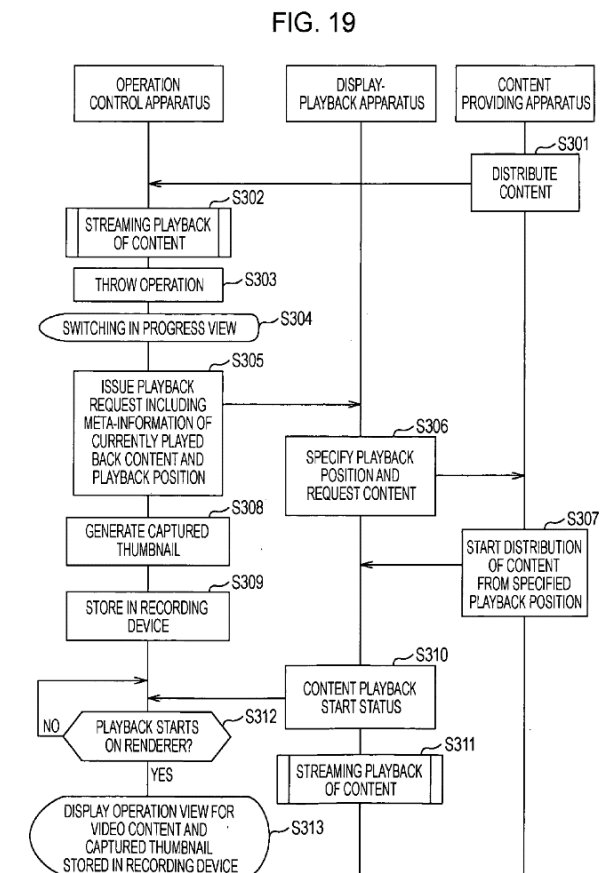
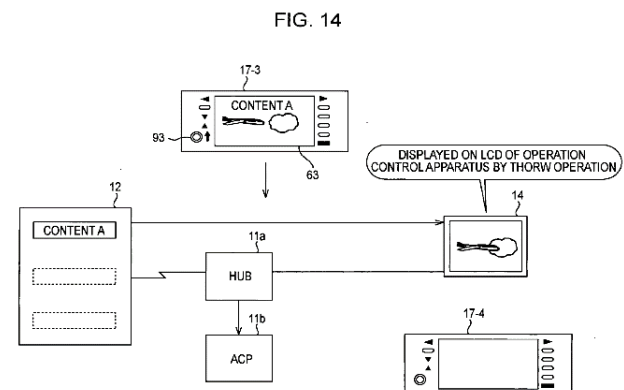
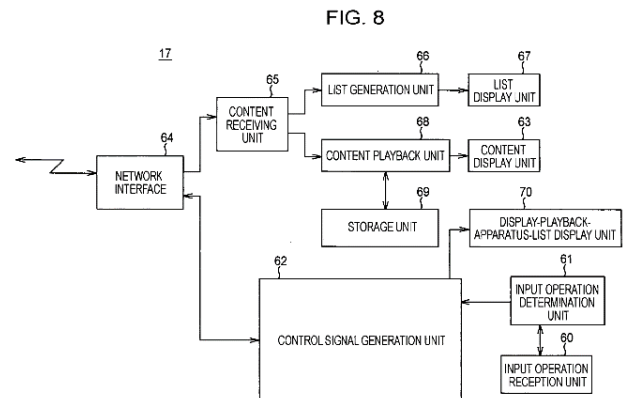
67. Pursuant to Article 65(2) UPCA and Article 138(1)(a) EPC, a European patent may be revoked if the subject-matter of the European patent is not patentable under Articles 52 to 57 EPC. To be patentable, the invention must, inter alia, be new (Article 52 EPC). Art. 54 EPC specifies that an invention shall be considered to be new if it does not form part of the state of the art, which shall be held to comprise everything made available to the public by means of a written or oral description, by use, or in any other way, before the date of filing of the European patent application.
68. The assessment of novelty requires the determination of the whole content of the prior art publication. It is decisive whether the subject matter of the claim with all its features is directly and unambiguously disclosed in the prior art citation (see Court of Appeal, Order of 25 September 2024, UPC_CoA_182/2024, Mammut v. Ortovox, para. 123). In addition, the disclosure also may be implicit when a person skilled in the art would objectively consider such disclosure as necessarily implied in the explicit content of a prior-art document or would arrive, inevitably and without any reasonable doubt, at the result falling within the scope of the claim by applying the teaching of the prior-art document (see e.g. LD Helsinki, 29 April 2026, UPC_CFI_403/2025, AIM Sport Development v. TGI Sport).

4.3.2 No novelty over D1 (US 2006/263048 A1, "Sony"/"Sato")

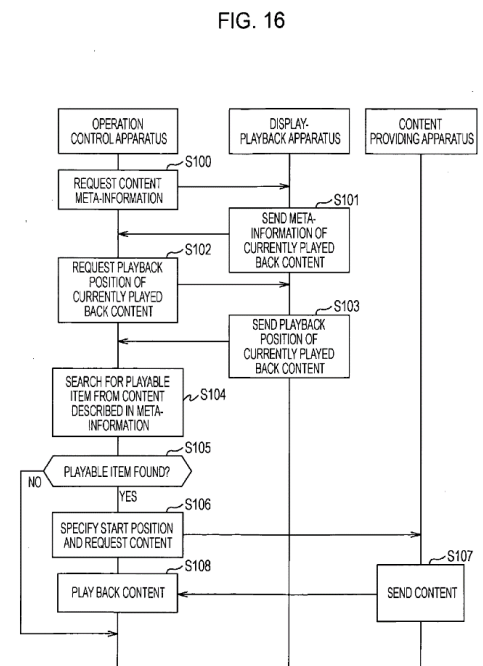
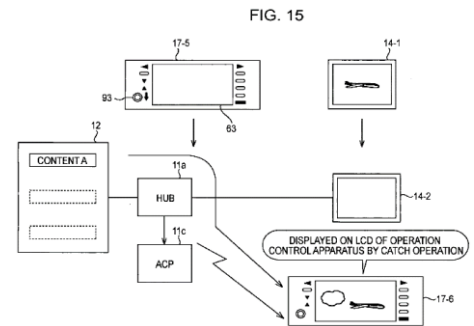
69. Document D1 describes a content display-playback system (2) in which a display-playback apparatus (14) is connected to a hub (11a). An operation control apparatus (17) is connected to a content providing apparatus (12) and the display-playback apparatus (14) on the home network (11) and controls the operations of the content providing apparatus (12) and the display-playback apparatus (14). The display-playback apparatus (14) displays video and plays back audio (para. [0062] and Fig. 2). The content providing apparatus (12) stores video and audio content received at home via satellite digital broadcasting, terrestrial analog broadcasting, or the Internet in the content storage unit (22) as streaming data (para. [0075]). The operation control apparatus (17) is a remote controller for controlling the operations of the content



providing apparatuses (12) and (13) and display-playback apparatuses (14), (15), and (16) connected to the home network (11). The operation control apparatus (17) is provided with a display device, such as an LCD, and is capable of playing back AV content distributed via streaming from the content providing apparatuses (12) and (13) (para. [0096]). The operation control apparatus (17) includes an input operation reception unit (60) that receives an operation input from the user, a content transmission/reception signal generation unit (62) and a display unit (63) that displays video information played back by streaming according to the operation signal generated by the control signal generation unit (62) (para. [0097] and Fig. 8). When a content A selected on the operation control apparatus (17) is displayed on the display-playback apparatus (14) by switching the display, the joystick handle (93) is moved up (as indicated by a black up-arrow) to perform a throw operation (17-3). The throw operation enables the content A to be played back on the display-playback apparatus (14) by streaming. The content A displayed on the LCD (63) of the operation control apparatus (17) disappears (para. [0126] and Fig. 14). The operation control apparatus (17) issues a playback request including the meta-information of the played back content, the playback position (time) information, and the content-providing-apparatus designation information to the display-playback apparatus (14) (step S305) (para. [0151] and Fig. 19). The content meta-information includes the title of the content, the location of the content, the total time of the content, the codec type of the content, the resolution of the content, and the thumbnail of the content (para. [0024]). In response to the request for the content from the display-playback apparatus (14), the content providing apparatus (12) distributes the specified content to the display-playback apparatus (14) from the specified playback position (step S307) (para. [0153] and Fig. 19). The operation control apparatus



(17) displays a switching-in-progress view on the LCD (63) and waits for a change in a playback start status sent from the display-playback apparatus (14). Upon receiving a playback start status from the display-playback apparatus (14), the operation control apparatus (17) displays a captured thumbnail, which is stored in the storage device (69) together with the content meta-information, such as the name of the content continuously played back on the display-playback apparatus (14), on the LCD (63) as an external-playback-mode view. In the external-playback-mode view, an operation panel suitable for controlling the content currently played back on the display-playback apparatus (14) may be displayed (para. [0149]). The control signal generation unit (62) not only generates playback operation signals for playing back content on the display unit (63) of the operation control apparatus (17) and stopping and pausing the playback, but also generates operation signals for starting, stopping, and pausing playback of content on any of the display-playback apparatuses (14), (15), and (16) selected to display the content (para. [0115]). The catch operation enables the content A to be played back on the operation control apparatus (17) in a streaming manner by changing the display of the content A from the display-playback apparatus (14) to the operation control apparatus (17) (17-6) (para. [0127] and Fig. 15). A catch operation is an operation of switching display and playback from the display-playback apparatus (14) to the operation control apparatus (17) when the joystick handle (93) of the operation control apparatus (17) is moved down during playback of content on the display-playback apparatus (14). In step S100, the operation control apparatus (17) issues a request for meta-information of the content to the display-playback apparatus (14). In step S103, the display-playback apparatus (14) sends the playback position of the currently played back content to the operation control apparatus (17) (para. [0129] and Fig. 16). In response to the request, in step S107, the content providing apparatus (12) sends the content. In step S108, the operation control apparatus (17) plays back the content (para. [0130] and Fig. 16).



70. The Claimant alleges that claims 1 and 8 are novel over D1 ("Sony"/"Sato") because D1 does not disclose features 1.5.1.2b and 1.5.2.
71. On feature 1.5.2b, the Claimant argues that document D1 does not disclose display information that enables the user to input a second user operation to operate the content displayed on the display-playback apparatus (14), nor does it disclose how to perform remote control operations or how functions are mapped to buttons on the operation control apparatus (17).
72. However, in particular para. [0149] of D1 explicitly states that in the external-playback-mode view, an operation panel suitable for controlling the content currently played back

on the display-playback apparatus (14) may be displayed on the LCD (63) of the operation control apparatus (17). This is, according to the same paragraph, in addition to the captured thumbnail and related meta-information indicating what content is playing. It is self-evident to the person skilled in the art that this would include information that enables the user to input a second user operation in accordance with feature 1.5.1.2b of the patent-in-suit. Feature 1.5.1.2b requires only an information display to support operation and does not specify how functions are assigned to the buttons of the control device. Thus, feature 1.5.1.2b is disclosed in D1.

73. On feature 1.5.2, the Claimant argues that document D1 does not disclose: (i) termination of content display on the portable terminal; (ii) a second user operation occurring thereafter; (iii) an interface that presents information enabling that second operation; or (iv) a causal, sequential link between termination, UI presentation, second operation, and subsequent transmission. The remote-control functionality in D1 is, according to the Claimant, independent of any hand-over flow and omits the timing and UI logic central to feature 1.5.2 and the linkage required with feature 1.5.1.2b.
74. However, D1 discloses the termination of displaying the first content on the operation control apparatus (17), because it displays first a switching-in-progress view and afterwards the operation panel on the LCD (63) (para. [0149]). Since the operation panel is suitable for controlling the content currently played back on the display-playback apparatus (14) (para. [0149]), a user operation to operate the content is also performed. Furthermore, the D1 highlights that the operation control apparatus (17) is a remote operating apparatus (remote controller) for controlling the operations of the display-playback apparatus (14) and that the control signal generation unit (62) of the operation control apparatus (17) generates operation signals for starting, stopping, and pausing play-back of content on the display-playback apparatus (14) (paras. [0096], [0115]). Therefore, the control signal generation unit (62) controls the network interface (64) as a communication unit to transmit operation signals for starting, stopping, and pausing play-back of content as the information related to the second user operation to the display-playback apparatus (14), the external device. Thus, feature 1.5.2 is also disclosed in D1.
75. Accordingly, the subject-matter of claims 1 and 8 are not new in view of document D1.

4.4 VALIDITY OF THE AUXILIARY REQUESTS

4.4.1 Introduction

76. The Claimant has confirmed that, in case the Court would find that e.g. claim 1 of the patent as granted is invalid, the Court should go directly to the auxiliary requests and not assess whether the patent could be maintained based on a dependent claim. The Claimant relies on auxiliary requests 3, 4, 5, 6b, 7, 7b, 8, 9, 9b, 9c, 12 or 13 (in ascending order).
77. The Defendants allege that also the auxiliary requests are invalid. The attacks on the auxiliary requests are inter alia based on added matter and lack of inventive step.

4.4.2 Legal framework on inventive step

78. Pursuant to Article 65(2) UPCA and Article 138(1)(a) EPC, a European patent may be revoked if the subject-matter of the European patent is not patentable under Articles 52 to 57 EPC. To be patentable, the invention must, inter alia, involve an inventive step (Article 56 EPC). Article 56 EPC specifies that an invention shall be considered as involving an inventive step if, having regard to the state of the art, it is not obvious to a person skilled in the art.
79. Based on decisions by the Court of Appeal of 25 November 2025, in cases CoA_21/2025 et al. and CoA_528/2024 et al., Meril v. Edwards Lifesciences and Amgen v. Sanofi, the UPC approach to inventive step is as follows.
- The burden and presentation of proof with regard to the facts from which the lack of validity of the patent is derived and other circumstances favourable to the invalidity or revocation lies with the claimant in a revocation action (Art. 54 and 65(1) UPCA, R. 44(e)-(g), 25.1(b)-(d) RoP). Even though proof of certain facts, if contested, may be required, the assessment of the relevant facts and circumstances is a question of law.
 - 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 person skilled in the art, with their common general knowledge, as at the application or priority date (also referred to as the effective 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 the context of the specification 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 person skilled in the art, on the basis of the application, understands is (are) achieved with the claimed invention.
 - In order to avoid hindsight, the objective problem should not contain pointers to the claimed solution.
 - The claimed solution is obvious when at the effective date the person skilled in the art, starting from a realistic starting point in the state of the art in the relevant field of technology and wishing to solve the objective problem, would (and not only "could") have arrived at the claimed solution.
 - The relevant field of technology is the specific 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.
 - A starting point is realistic if the teaching thereof would have been of interest to a person skilled in the art who, at the effective 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.

- The person skilled in the art 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 person skilled in the art would take the next step, prompted by the pointer or as a matter of routine, and arrive at the claimed invention.
- For an inventive step to be present, it is not necessary to show improvement of the technical teaching as defined by the patent claims over the prior art. An inventive step may also be found if the patent claims disclose a non-obvious alternative to solutions known in the prior art.

80. As recently pointed out by The Hague Local Division (Decision 2026.08.10, case CFI_251/2025 & CFI_769/2025), in the absence of any functional interdependencies that establish a synergistic effect, a plurality of routine modifications that the skilled person would each take as a next step and as a matter of routine, amount to a mere aggregation of features that is obvious.

4.4.3 Lack of inventive step

4.4.3.1 Auxiliary request 3

81. Auxiliary request 3 amends claim 1 by modifying features 1.1, 1.5.1.0, 1.5.1.1 and 1.5.1.2 as follows (changes are underlined or crossed out):

- 1.1: “a receiving unit (300) arranged to receive a content from the internet;”
- 1.5.1.0: “during the displaying of a content from the internet for which an authentication is required on the display unit, if a first user operation instructing a content to be processed for displaying for the external display by the external device is inputted at a first point of time to the user operation input unit, then thereafter the control unit controls:”
- 1.5.1.1: “the communication unit to transmit identification information identifying the content from the internet to the external device without transmitting the content to the external device, and to transmit display state information to the external device in order to let the same content as the content from the internet displayed on the display unit at the first point of time, start to be processed for displaying for the external display by the external device, wherein the display state information is associated with the authentication required for the content from the internet; and”

- 1.5.1.2: “in response to the communication unit transmitting the identification information and the display state information, the display unit”

82. Claim 8 is amended accordingly.

83. Thus, the amended claims add

- that the content received by the receiving unit (300) comes from the internet (e.g. an internet site),
- that the communication unit not only transmit identification information (e.g. an URL) but also display state information (e.g. a state wherein the mobile/portable terminal (101) is displaying a screen after the login of an internet site for which authentication is required (para. [0128])) to the external device, and
- that the display state information is associated with the authentication required for the content from the internet. The skilled person would understand that information associated with the authentication is e.g. login-related information.

84. Document D1 has already been discussed in detail, in relation to the patent as granted. D1 describes a content display-playback system where the display of AV content stored on a content providing apparatus (12) is transferred between a portable device (a display-playback apparatus (14)) and an external device (an operation control apparatus (17)). Thus, D1 deals with the passing of AV content between devices. The document directly and unambiguously discloses all features of claim 1 as granted. D1 also disclose that the content providing apparatus (12) stores video and audio content received at home, e.g. via the Internet, in its content storage unit (22) as streaming data (para. [0075]). Thus, it is unambiguously disclosed that the content received by the portable device in D1 includes content that comes from the internet (cf. amended feature 1.1). In addition, D1 disclose that not only identification information, but also display state information (e.g. the playback position), is transmitted to the display-playback apparatus (14) (step S305) (para. [0151] and Fig. 19 of D1). However, D1 does not disclose the transmission of a display state information that is associated with an authentication for the content from the internet, as required by the amended features 1.5.1.0, 1.5.1.1 and 1.5.1.2.

85. The teaching of D1 would certainly be of interest to a person skilled in the art who, at the effective date, wished to solve the objective problem (to smoothly transfer content display, including content from the internet for which an authentication is required, between a portable terminal and an information processing apparatus). The skilled person directly derives from D1 the concept that the content display-playback system 1 is used in a home network (11) (para. [0060]). However, the content used in this home network may – as already mentioned – be obtained from the internet (para. [0075] of D1) and the person skilled in the art would know that access to such content often require authentication. Furthermore, the description of related art in D1 states that recent content display-playback systems are connected to a wired or wireless network established in a home, office, local area, or global area environment. In this content display-playback system, for example, a user who connects at least one digital video recorder to the network as an AV content server can view a recorded TV broadcast program over the network on the display-playback apparatus even at a place distant from the AV content server (para. [0006]). Therefore, the skilled person would be prompted to search in the prior art for a solution by which the internet content display-playback system can be connected to a network

established in a global area environment which allows smooth transfer between devices of content for which an authentication is required.

86. When doing this, the skilled person would have found D7, which relates to streaming playback of content (402) of a media server (401) using a mobile phone (403), wherein, when a user arrives at home during streaming the user transmits playback environment information of the content (402) to a digital television "DTV" (404) ("renderer 2") by using a specific button of the mobile phone (403) ("renderer 1") (para. 0038] and Fig. 2). D7 discloses that a first renderer (510) receives content from a server (520) and performs streaming playback of the content. A generator (511) of the first renderer (510) generates playback environment information, which specifies a current playback environment of the first renderer (510) that performs streaming playback. The playback environment information may include information about a current playback position, volume, caption setting, a URL of the currently played content, authentication information for access to the currently played content, and the like. A transmitter (512) of the first renderer (510) transmits the playback environment information generated by the generator (511) to the second renderer (530) (para. [0048]). The first renderer, MediaRenderer1, requests a second renderer, MediaRenderer2, to play the content which the first renderer MediaRenderer1 is playing, by using the message <MIGRATE_CONTENT>, while playing the content (operation 705). The message <MIGRATE_CONTENT> includes playback environment information contextInfo and authentication information authenticationInfo for access to the corresponding streaming (para. [0057]). Hence, D7 discloses authentication information for allowing a second media renderer to smoothly access a corresponding streaming which requires authentication. Since the playback environment information includes the URL of the currently played content and the authentication information for access to this content, the content is a content from the internet for which an authentication is required. Because the playback environment information includes the authentication information, the skilled person understands the playback environment information as display state information.
87. Thus, D7 discloses a content display-playback system connected to a network in a global area environment and authentication information for access to the currently played content (para. [0048] and Fig. 2). Document D7 encourages the skilled person, to transmit additional playback environment information as the authentication information together with the playback request from the operation control apparatus (17) to the display-playback apparatus (14), in accordance with the amended features 1.5.1.0, 1.5.1.1 and 1.5.1.2. Therefore, the subject matter of claim 1 according to auxiliary Request 3 is obvious in view of D1 in combination with D7.

4.4.3.2 Auxiliary request 4

88. In substance, auxiliary request 4 amends claim 1 by modifying features 1.1, 1.5.1.0, 1.5.1.1 and 1.5.1.2 as follows (changes are underlined or crossed out):
- 1.1: "a receiving unit (300) arranged to receive a content from the internet;"
 - 1.5.1.0: "during the displaying of a content from the internet on the display unit, if a first user operation instructing a content to be processed for displaying for the

external display by the external device is inputted at a first point of time to the user operation input unit, then thereafter the control unit controls:"

- 1.5.1.1: "the communication unit to transmit identification information identifying the content from the internet to the external device without transmitting the content to the external device, and to transmit display state information to the external device in order to let the same content as the content from the internet displayed on the display unit at the first point of time, start to be processed for displaying for the external display by the external device, wherein the display state information represents a state in which the content from the internet is being displayed on the display unit, and includes information indicating a history of user operations which have influenced upon the display on the display unit; and"
- 1.5.1.2: "in response to the communication unit transmitting the identification information and the display state information, the display unit"

89. Claim 8 is amended accordingly.

90. Thus, the amended claims add

- that the content received by the receiving unit (300) comes from the internet (e.g. an internet site),
- that the communication unit not only transmit identification information (e.g. an URL) but also display state information to the external device, and
- that the display state information represents a state in which the content from the internet is being displayed on the display unit and includes information indicating a history of user operations which have influenced upon the display on the display unit.

91. The Claimant refer to Fig. 9 of the patent as examples of user operations, including character inputs and item selections, which have influenced upon the display/media state.

92. The Defendants argue inter alia that the playback position represents the cumulative effect of user operations on the displayed content (e.g. stop playback or rewind) and thus constitutes information indicating a history of user operations influencing the display.

FIG.9

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No.	OPERATION OBJECT	OPERATION
1	TEXT BOX 1	CHARACTER STRING "....." INPUT
2	TEXT BOX 2	CHARACTER STRING "....." INPUT
3	BUTTON 1	CLICK
4	NONE	URL "....." DISPLAY
5	LIST BOX	ITEM "...." SELECT
6	BUTTON 2	CLICK
4	NONE	URL "....." DISPLAY

93. The Court notes that the amended claim does not require transfer of a log of user operations. Instead, it refers to information indicating "a history of user operations which have influenced upon the display on the display unit". Furthermore, the claim explicitly states that the purpose of transferring this display state information is "to let the same content as the content from the internet displayed on the display unit at the first point of time, start to be processed for displaying for the external display by the external device".

Therefore, the person skilled in the art would understand that it is sufficient that the transferred information include information needed for making it possible to continue displaying the same content in the same state on a different device, even if the user – before the handover – has conducted operations which have influenced upon the display on the display unit. Thus, the information indicating a history of user operations could be e.g. authentication and the last playback position (or pointer position, cf. para. [0129]) and does not need to include all playback or pointer position commands.

94. The Court has already found that D1 disclose all features of granted claim 1 as well as that the transferred content may come from the internet. Furthermore, D1 disclose that when the display of content is handed over from operation one device (17) to the display-playback apparatus (14), the operation control apparatus (17) issues a playback request to the display-playback apparatus (14) and this request includes the meta-information of the played back content, the playback position (time) information, and the content-providing-apparatus designation information (step S305) (para. [0151] and Fig. 19).
95. The Claimant argues that the amended claim requires that the transferred information indicates user operations that have been conducted while the content is being displayed on the display unit and that the playback position (time) information mentioned in D1 is not the result of any such user operation. These arguments are not convincing. In any case, the subject matter of claim 1 in auxiliary request 4 would at least be obvious for the skilled person in view of D1 in combination with D7 (see e.g. para [0048] of D7).

4.4.3.3 Auxiliary request 5

96. Auxiliary request 5 amends claim 1 by modifying features 1.1, 1.5.1.0, 1.5.1.1 and 1.5.1.2 as follows (changes are underlined or crossed out):
- 1.1: “a receiving unit (300) arranged to receive a content from the internet;”
 - 1.5.1.0: “during the displaying of a content from the internet for which an authentication is required on the display unit, if a first user operation instructing a content to be processed for displaying for the external display by the external device is inputted at a first point of time to the user operation input unit, then thereafter the control unit controls:”
 - 1.5.1.1: “the communication unit to transmit identification information identifying the content from the internet to the external device without transmitting the content to the external device, and to transmit display state information to the external device in order to let the same content as the content from the internet displayed on the display unit at the first point of time, start to be processed for displaying for the external display by the external device, wherein the display state information includes information representing user operations which have been conducted by a user for accessing the content from the internet for which authentication is required; and”

- 1.5.1.2: “in response to the communication unit transmitting the identification information and the display state information, the display unit”

97. Claim 8 is amended accordingly.

98. Thus, the amended claims add

- that the content received by the receiving unit (300) comes from the internet (e.g. an internet site),
- that the communication unit not only transmit identification information (e.g. an URL) but also display state information (e.g. a state wherein the mobile/portable terminal (101) is displaying a screen after the login of an internet site for which authentication is required (para. [0128])) to the external device, and
- that the display state information includes information representing user operations which have been conducted by a user for accessing the content from the internet for which authentication is required. The skilled person would understand authentication information such as username and password as information, which represents user operations, which have been conducted by a user for accessing the content from the internet. This means, for example, that an URL and authentication information such as username and password are transmitted to the external device.

99. As already explained in relation to auxiliary request 3, document D1 disclose all these features except that the transferred display state information includes information representing user operations which have been conducted by a user for accessing the content from the internet for which authentication is required.

100. As shown with regard to auxiliary request 3, starting from D1 the person skilled in the art would be motivated to consider the teachings of D7. As also explained with respect to auxiliary request 3, D7 discloses, that a transmitter (512) of the first renderer (510) transmits the playback environment information generated by the generator (511) to the second renderer (530) (para. [0048]). The first renderer, MediaRenderer1, requests a second renderer, MediaRenderer2, to play the content which the first renderer MediaRenderer1 is playing, by using the message <MIGRATE_CONTENT>, while playing the content (operation 705). The message <MIGRATE_CONTENT> includes playback environment information contextInfo and authentication information authenticationInfo for access to the corresponding streaming (para. [0057]). Hence, D7 discloses authentication information for allowing a second media renderer to smoothly access a corresponding streaming which requires authentication. The skilled person understands, that the authentication information authenticationInfo was inputted by a user of the first renderer for accessing the content from the internet for which authentication is required. This authentication information therefore represents the user operations of the previous input.

101. Document D7 thus encourages the skilled person, to transfer content display more smoothly from a portable terminal to another device, to transmit additional playback environment information as the authentication information together with the playback request from the operation control apparatus (17) to the display-playback apparatus (14), in accordance with the amended features 1.5.1.0, 1.5.1.1 and 1.5.1.2.

102. The Claimant argues that it is not disclosed in D7 that the "authenticationInfo" is anyhow related to user operations which have been conducted for accessing the content displayed on the mobile phone. However, D7 explicitly discloses that the playback environment information, which includes the authentication information for access to the current content, is generated when the user at the first renderer performs streaming (paras. [0038], [0048]). This means that the user must have entered this authentication information beforehand. Thus, the authentication information represents prior user operations for accessing this content. Therefore, the subject matter of claim 1 according to Auxiliary Request 5 is obvious in view of D1 in combination with D7.

4.4.3.4 Auxiliary request 6b

103. Auxiliary request 6b amends claim 1 by modifying features 1.1, 1.5, 1.5.1.0, 1.5.1.1, 1.5.1.2 and 1.5.3.1 as follows (changes are underlined or crossed out):
- 1.1: "a receiving unit (300) arranged to access the internet and to receive a content from the internet;"
 - 1.5: "a control unit (301) arranged to control the receiving unit, the communication unit and the display unit, wherein the display unit (305) and the user operation input unit (102) are arranged as an input device of a touch panel type, wherein:"
 - 1.5.1.0: "during the accessing the internet to receive a content from the internet and the displaying of a the content from the internet for which an authentication is required on the display unit, if a first user operation instructing a content to be processed for displaying for the external display by the external device is inputted at a first point of time to the user operation input unit, then thereafter the control unit controls:"
 - 1.5.1.1: "the communication unit to transmit identification information identifying the content from the internet to the external device without transmitting the content to the external device, and to transmit display state information to the external device in order to let the same content as the content from the internet displayed on the display unit at the first point of time, start to be processed for displaying for the external display by the external device, wherein the display state information is associated with the authentication required for the content from the internet; and"
 - 1.5.1.2: "in response to the communication unit transmitting the identification information and the first display state information, the display unit"
 - 1.5.3.1: "the communication unit to transmit information related to the third user operation to the external device; the communication unit to receive from the external device identification information identifying the content being displayed

on the external display of the external device and second display state information indicating a state in which the content is being displayed on the external display of the external device; and in response to the communication unit receiving the identification information identifying the content being displayed on the external display and the second display state information,”

104. Claim 8 is amended accordingly.

105. Thus, the amended claims add

- that the receiving unit (300) is arranged to access the internet,
- that the content received by the receiving unit (300) comes from the internet (e.g. an internet site),
- that the display unit (305) and the user operation input unit (102) are arranged as an input device of a touch panel type,
- that the communication unit not only transmit identification information (e.g. an URL) but also display state information (e.g. a state wherein the mobile/portable terminal 101 is displaying a screen after the login of an internet site for which authentication is required (para. [0128])) to the external device, and
- that the display state information is associated with the authentication required for the content from the internet, and
- that (feature 1.5.3.1)

106. As already has been described in relation to auxiliary request 3, the features 1.1, 1.5.1.0, 1.5.1.1 and 1.5.1.2 are obvious in view of D1 in combination with D7. In addition, D7 discloses that the first renderer (510) receives the content from the server (520), performs streaming playback and the playback environment is generated, wherein the playback environment information includes information about a URL of the currently played content and authentication information for access to the currently played content (para. [0048]). For the skilled person a URL (Uniform Resource Locator) is the unique address of a resource, such as a web page, an image, or a file, on the internet. Therefore, the D7 teaches the skilled person, that the first renderer accesses and receives the currently played content from a resource on the internet.

107. Document D1 also discloses that, during the catch operation, the display playback apparatus (14) sends meta-information of the currently played back content to the operation control apparatus (17) and also sends the playback position of the currently played back content to the operation control apparatus (17) (para. [0129]). This meta-information includes the title of the content, the location of the content, the total time of the content, the codec type of the content, the resolution of the content, and the thumbnail of the content (para. 0132]). Thus, the meta-information corresponds to the identification information identifying the content being displayed on the external display of the external device and the playback position corresponds to the second display state information indicating a state in which the content is being displayed on the external display of the external device. D1 further teaches that the operation control apparatus (17) resume playback from the stop position (paras. [0128], [0131], [0136]). Thus, the operation

control apparatus (17) displays the same content in response to the reception of the identification information ("meta-information") and the second display state information ("playback position"). Accordingly, D1 also disclose amended feature 1.5.3.1.

108. Furthermore, the description of the related art in document D1 also disclose an operation control apparatus with a touch panel (para. [0016]). Therefore, the skilled person would be motivated to improve usability by adapting the operation control apparatus (17) of D1 and include a touch panel as disclosed in the background of D1, in accordance with the feature 1.5. Furthermore, modifying or replacing the operation control apparatus (17) with an operation control apparatus (17) by employing a touch panel as a convenient user interface would be a routine modification that does not make the alleged invention inventive (cf. LD Munich, CFI 846/2024, and LD The Hague, CFI_769/2025, concerning the mere aggregation of non-inventive features).
109. Therefore, the subject matter of claim 1 according to auxiliary Request 6b is obvious to the skilled person in view of D1 in combination with D7.

4.4.3.5 Auxiliary request 7

110. Auxiliary request 7 amends claim 1 by modifying features 1.1, 1.5.1.0, 1.5.1.1, 1.5.1.2 and 1.5.3.1 as follows (changes are underlined or crossed out):
- 1.1: "a receiving unit (300) arranged to receive a content from the internet;"
 - 1.5.1.0: "during the displaying of a content from the internet for which an authentication is required on the display unit, if a first user operation instructing a content to be processed for displaying for the external display by the external device is inputted at a first point of time to the user operation input unit, then thereafter the control unit controls:"
 - 1.5.1.1: "the communication unit to transmit identification information identifying the content from the internet to the external device without transmitting the content to the external device, and to transmit first display state information to the external device in order to let the same content as the content from the internet displayed on the display unit at the first point of time, start to be processed for displaying for the external display by the external device, wherein the first display state information includes information representing user operations which have been conducted by a user for accessing the content from the internet for which authentication is required; and"
 - 1.5.1.2: "in response to the communication unit transmitting the identification information and the first display state information, the display unit"
 - 1.5.3.1: "the communication unit to transmit information related to the third user operation to the external device; the communication unit to receive from the

external device identification information identifying the content being displayed on the external display of the external device and second display state information representing a state in which the content is being displayed on the external display of the external device, wherein the second display state information includes information indicating a history of user operations which have influenced upon the display on the external display of the external device; and in response to the communication unit receiving the identification information identifying the content being displayed on the external display and the second display state information.”

111. Claim 8 is amended accordingly.

112. Thus, in addition to claim 1 of auxiliary request 5, claim 1 of auxiliary request 7 requires for the hand back that the communication unit receives from the external device identification information and second display state information representing a state in which the content is being displayed on the external display and including information indicating a history of user operations which have influenced upon the display on the external display.

113. The Court has already concluded that the subject matter of claim 1 in auxiliary request 5 is obvious in view of D1 in combination with D7. When discussing auxiliary request 4, the Court has also concluded that “information indicating a history of user operations” can be e.g. authentication and the last playback position (or pointer position, cf. para. [0129] in the patent) and does not need to include all playback or pointer position commands. Since D1 explicitly discloses that, during the catch operation (hand back), the display playback apparatus (14) sends meta-information of the currently played back content to the operation control apparatus (17) and also sends the playback position of the currently played back content to the operation control apparatus (17) (para. [0129]), the subject matter of claim 1 according to auxiliary request 7 is obvious to the skilled person in view of D1 in combination with D7.

4.4.3.6 Auxiliary request 7b

114. Auxiliary request 7b amends claim 1 by modifying features 1.1, 1.5, 1.5.1.0, 1.5.1.1, 1.5.1.2 and 1.5.3.1 as follows (changes are underlined or crossed out):

1.1: “a receiving unit (300) arranged to access the internet and to receive a content from the internet;”

1.5: “a control unit (301) arranged to control the receiving unit, the communication unit and the display unit, wherein the display unit (305) and the user operation input unit (102) are arranged as an input device of a touch panel type, wherein:”

1.5.1.0: “during the accessing the internet to receive a content from the internet and the displaying of a the content from the internet for which an authentication is required on the display unit, if a first user operation instructing a content to be processed for displaying for

the external display by the external device is inputted at a first point of time to the user operation input unit, then thereafter the control unit controls:"

1.5.1.1: "the communication unit to transmit identification information identifying the content from the internet to the external device without transmitting the content to the external device, and to transmit first display state information to the external device in order to let the same content as the content from the internet displayed on the display unit at the first point of time, start to be processed for displaying for the external display by the external device, wherein the first display state information includes information representing user operations which have been conducted by a user for accessing the content from the internet for which authentication is required; and"

1.5.1.2: "in response to the communication unit transmitting the identification information and the first display state information, the display unit"

1.5.3.1: "the communication unit to transmit information related to the third user operation to the external device; the communication unit to receive from the external device identification information identifying the content being displayed on the external display of the external device and second display state information representing a state in which the content is being displayed on the external display of the external device, wherein the second display state information includes information indicating a history of user operations which have influenced upon the display on the external display of the external device; and in response to the communication unit receiving the identification information identifying the content being displayed on the external display and the second display state information,"

115. Claim 8 is amended accordingly.

116. Thus, the amendments in auxiliary request 7b consist of a combination of amended features 1.1, 1.5, 1.5.1.0 and 1.5.1.2 from auxiliary request 6b and amended features 1.5.1.1 and 1.5.3.1 from auxiliary request 7.

117. The Court has already concluded that the subject matter of auxiliary requests 6b and 7 are obvious to the skilled person in view of D1 in combination with D7. For the same reasons, also the subject matter of auxiliary request 7b is obvious to the skilled person in view of D1 in combination with D7.

4.4.3.7 Auxiliary request 8

118. Auxiliary request 8 amends claim 1 by modifying features 1.1, 1.5.1.0, 1.5.1.1 and 1.5.1.2 as follows (changes are underlined or crossed out):

- 1.1: "a receiving unit (300) arranged to receive a content from the internet;"

- 1.5.1.0: “during the displaying of a content from the internet on the display unit, if a first user operation instructing a content to be processed for displaying for the external display by the external device is inputted at a first point of time to the user operation input unit, then thereafter the control unit controls:”
- 1.5.1.1: “the communication unit to transmit identification information identifying the content from the internet to the external device without transmitting the content to the external device, and to transmit, to the external device, display state information indicating a state in which the content from the internet is being displayed on the display unit in order to let the same content as the content from the internet displayed on the display unit at the first point of time, start to be processed for displaying for the external display by the external device, wherein the content from the internet comprises an internet site for which authentication is required, the state in which the content from the internet is being displayed on the display unit is a screen after a login of the internet site, and the identification information is a Uniform Resource Locator, URL, information of the internet site; and”
- 1.5.1.2: “in response to the communication unit transmitting the identification information and the display state information, the display unit”

119. Claim 8 is amended accordingly.

120. Thus, the amended claims add

- that that the content received by the receiving unit (300) comes from the internet (e.g. an internet site),
- that the communication unit not only transmit identification information (e.g. an URL) but also display state information to the external device,
- *[that the display state information indicates a state in which the content from the internet is being displayed on the display unit,]*
- that the content from the internet comprises an internet site for which authentication is required,
- that the state in which the content from the internet is being displayed on the display unit is a screen after a login of the internet site, and
- that the identification information is a Uniform Resource Locator, URL, information of the internet site.

121. The Court has already concluded, e.g. when discussing auxiliary request 3, that document D1 disclose all features of claim 1 as granted as well as that the received content can come from the internet and that not only identification information, but also display state information (e.g. the playback position), is transmitted to the display-playback apparatus 14 (step S305) (para. [0151] and Fig. 19 of D1). However, D1 does not disclose that the content from the internet comprises an internet site for which authentication is required, that the state in which the content from the internet is being displayed on the display unit is a screen after a login of the internet site, or that the identification information is a Uniform Resource Locator, URL, information of the internet site.

122. As already has been described in relation to auxiliary request 3, the skilled person would be prompted by D1 to search in the prior art for a solution by which the internet content display-playback system can be connected to a network established in a global area environment which allows smooth transfer between devices of content for which an authentication is required.
123. When doing this, the skilled person would have also found D10, which relates to streaming media from a remote location, e.g. a server using a first device, e.g. a PDA, and teaches a method for a seamless transition of the media streaming to a second device, e.g. a desktop personal computer. To enable the second device to more seamless streaming of the media file, application state elements including the URL and the elapsed play time are transferred between the devices (paras. [0022]-[0025]). Further D10 teaches that application state elements may include any authentication information required to transfer the application state from the first device to the second device and that streaming media may only be available following authentication of a user (para. [0027]). This teaches the skilled person that streamed media from the internet is only available after authentication and therefore requires authentication. This authentication information is included in the application state elements. For the skilled person the URL (Uniform Resource Locator) is the unique address of a resource on the internet, thus, the first device is streaming content from an internet site. Accordingly, the elapsed playtime, the URL, and the authentication details are transmitted so that the second device can resume at the same point after logging in. The skilled person understands this point in time after the login as a post-login screen (feature 1.5.1.1). Thus, document D10 encourages the skilled person to connect the internet content display-playback system to a global area environment and to transmit application state elements between the devices. Therefore, the subject matter of claim 1 according to auxiliary request 8 would be obvious to the skilled person in view of D1 in combination with D10.

4.4.3.8 Auxiliary request 9

124. Auxiliary request 9 amends claim 1 by modifying features 1.1, 1.5.1.0, 1.5.1.1, 1.5.1.2 and 1.5.3.1 as follows (changes are underlined or crossed out):
- 1.1: “a receiving unit (300) arranged to receive a content from the internet;”
 - 1.5.1.0: “during the displaying of a content from the internet on the display unit, if a first user operation instructing a content to be processed for displaying for the external display by the external device is inputted at a first point of time to the user operation input unit, then thereafter the control unit controls:”
 - 1.5.1.1: “the communication unit to transmit identification information identifying the content from the internet to the external device without transmitting the content to the external device, and to transmit, to the external device, first display state information indicating a state in which the content from the internet is being displayed on the display unit in order to let the same content as the content from the internet displayed on the display unit at the first point of time, start to be processed for displaying for the external display by the external device, wherein the content

from the internet comprises an internet site for which authentication is required, the state in which the content from the internet is being displayed on the display unit is a screen after a login of the internet site, and the identification information is a Uniform Resource Locator, URL, information of the internet site; and”

- 1.5.1.2: “in response to the communication unit transmitting the identification information and the first display state information, the display unit”
- 1.5.3.1: “the communication unit to transmit information related to the third user operation to the external device; the communication unit to receive from the external device a Uniform Resource Locator, URL, information identifying the content being displayed on the external display of the external device and second display state information representing a state in which the content is being displayed on the external display of the external device, wherein the second display state information includes information indicating a history of user operations which have influenced upon the display on the external display of the external device; and in response to the communication unit receiving the URL identifying the content being displayed on the external display and the second display state information,”

125. Claim 8 is amended accordingly.

126. Thus, in addition to claim 1 of auxiliary request 8, claim 1 of auxiliary request 9 requires for the hand back that the communication unit receives from the external device a URL information and second display state information representing a state in which the content is being displayed on the external display and including information indicating a history of user operations which have influenced upon the display on the external display.

127. As already has been described in relation to auxiliary request 8, the skilled person would use the application state element (including elapsed playtime, URL and authentication details) of D10 in the content display-playback system of D1. D1 discloses also a hand back (“catch”) operation (para. [0127]), as well as D10 (para. [0028]). This leads the skilled person to use the application state elements disclosed in D10 for the hand back (“catch”) operation in D1 as well. When discussing auxiliary request 4, the Court has also concluded that “information indicating a history of user operations” can be e.g. authentication and the last playback position (or pointer position, cf. para. [0129] in the patent) and does not need to include all playback or pointer position commands. Since D10 discloses that the application state element discloses authentication information and elapsed playtime (paras. [0025], [0027]), the subject matter of claim 1 according to auxiliary request 9 is obvious to the skilled person in view of D1 in combination with D10.

4.4.3.9 Auxiliary request 9b

128. Auxiliary request 9b amends claim 1 by modifying features 1.1, 1.5, 1.5.1.0, 1.5.1.1, 1.5.1.2 and 1.5.3.1 as follows (changes are underlined or crossed out):

1.1: “a receiving unit (300) arranged to access the internet and to receive a content from the internet;”

1.5: “a control unit (301) arranged to control the receiving unit, the communication unit and the display unit, wherein the display unit (305) and the user operation input unit (102) are arranged as an input device of a touch panel type, wherein:”

1.5.1.0: “during the accessing the internet to receive a content from the internet and the displaying of a-the content received from the internet on the display unit, if a first user operation instructing a content to be processed for displaying for the external display by the external device is inputted at a first point of time to the user operation input unit, then thereafter the control unit controls:”

1.5.1.1: “the communication unit to transmit identification information identifying the content from the internet to the external device without transmitting the content to the external device, and to transmit, to the external device, first display state information indicating a state in which the content from the internet is being displayed on the display unit in order to let the same content as the content from the internet displayed on the display unit at the first point of time, start to be processed for displaying for the external display by the external device, wherein the content from the internet comprises an internet site for which authentication is required, the state in which the content from the internet is being displayed on the display unit is a screen after a login of the internet site, and the identification information is a Uniform Resource Locator, URL, information of the internet site; and”

1.5.1.2: “in response to the communication unit transmitting the identification information and the first display state information, the display unit”

1.5.3.1: “the communication unit to transmit information related to the third user operation to the external device; the communication unit to receive from the external device a Uniform Resource Locator, URL, information identifying the content being displayed on the external display of the external device and second display state information representing a state in which the content is being displayed on the external display of the external device, wherein the second display state information includes information indicating a history of user operations which have influenced upon the display on the external display of the external device; and in response to the communication unit receiving the URL identifying the content being displayed on the external display and the second display state information,”

129. Claim 8 is amended accordingly.

130. Thus, in addition to claim 1 of auxiliary claim request 9, claim 1 of auxiliary claim request 9b requires that the receiving unit (300) is arranged to access the internet, that the

content received by the receiving unit (300) comes from the internet (e.g. an internet site) and that the display unit (305) and the user operation input unit (102) are arranged as an input device of a touch panel type.

131. D10 explicitly teaches that the media file is streamed from a remote location, e.g. a server (paras. [0025], [0026]). Further, the term "is streamed from a remote location" means to the skilled person that the first device is actively receiving and playing streaming media. In addition, the elapsed play time and the URL in the application state element are provided to the second device to facilitate a more seamless transfer of application state (para. [0025]). Therefore, D10 teaches the skilled person that the first device accesses and receives the currently played content from a resource on the internet.
132. Furthermore, as already has been described in relation to auxiliary request 6b, document D1 also discloses an operation control apparatus with a touch panel (para. [0016]) and therefore motivates the skilled person to improve usability by adapting the operation control apparatus (17) of D1 by including a touch panel as disclosed in the background of D1.
133. Therefore, the subject matter of claim 1 according to auxiliary Request 9b is obvious to the skilled person in view of D1 in combination with D10.

4.4.3.10 *Auxiliary request 9c*

134. Auxiliary request 9c amends claim 1 by modifying features 1.1, 1.5.1.0, 1.5.1.1, 1.5.1.2 and 1.5.3.1 as follows (changes are underlined or crossed out):

1.1: "a receiving unit (300) arranged to receive a content from the internet;"

1.5.1.0: "during the displaying of a content from the internet on the display unit, if a first user operation instructing a content to be processed for displaying for the external display by the external device is inputted at a first point of time to the user operation input unit, then thereafter the control unit controls:"

1.5.1.1: "the communication unit to transmit identification information identifying the content from the internet to the external device without transmitting the content to the external device, and to transmit, to the external device, first display state information indicating a state in which the content from the internet is being displayed on the display unit in order to let the same content as the content from the internet displayed on the display unit at the first point of time, start to be processed for displaying for the external display by the external device, wherein the content from the internet comprises an internet site for which authentication is required, the state in which the content from the internet is being displayed on the display unit is a screen after a login of the internet site, and the identification information is a Uniform Resource Locator, URL, information of the internet

site, and wherein the first display state information comprises information indicating a character encoding item designating Unicode Transformation Format, UTF-8; and”

1.5.1.2: “in response to the communication unit transmitting the identification information and the first display state information, the display unit”

1.5.3.1: “the communication unit to transmit information related to the third user operation to the external device; the communication unit to receive from the external device a Uniform Resource Locator, URL, information identifying the content being displayed on the external display of the external device and second display state information representing a state in which the content is being displayed on the external display of the external device, wherein the second display state information includes information indicating a history of user operations which have influenced upon the display on the external display of the external device, and wherein the second display state information comprises information indicating a character encoding item designating Unicode Transformation Format, UTF-8; and in response to the communication unit receiving the URL identifying the content being displayed on the external display and the second display state information,”

135. Claim 8 is amended accordingly.

136. Thus, auxiliary request 9c contain the same amendments as auxiliary request 9, and add:

- that “the first display state information comprises information indicating a character encoding item designating Unicode Transformation Format, UTF-8”, and
- that “the second display state information comprises information indicating a character encoding item designating Unicode Transformation Format, UTF-8”.

137. D10 discloses that the application state element includes the URL and authentication information for accessing the current content (paras. [0025] – [0027]). The current content can be media or a website (paras. [0025], [0028]). For web browsing, all necessary information, e.g. the URL, any required cookies and the actual location on the web page is transmitted in the application state element to enable the web browser on the second device to open the same URL at the same place facilitating a continuous experience with the user’s current activity (para. [0028]). D1 discloses that the content meta-information also includes the codec type of the content (paras. [0024], [0067], [0132]). Furthermore, for the skilled person, character encoding is a standard concept in networked data transmission and content display.

138. D1 in combination with D10 thus teaches the skilled person that when accessing content from the Internet, the encoding must also be specified in order to display the internet content correctly. Since UTF-8 is a byte-level encoding for Unicode present in an IETF Internet Standard since November 2003 (RFC 3629 / D11) and the dominant web

encoding at the priority date of the patent, the skilled person is encouraged to incorporate information indicating UTF-8 in the application state element.

139. Thus, the subject matter of claim 1 according to auxiliary Request 9c is obvious to the skilled person in view of D1 in combination with D10.

4.4.4 Legal framework on added matter

140. Under Article 138(1)(c) EPC a European patent may be revoked if its subject-matter extends beyond the content of the application as filed or, if it was granted on a divisional application, extends beyond the content of the earlier application as filed. In order to ascertain whether there is added matter contrary to Art. 123(2) EPC, the Court must thus first ascertain what the skilled person would derive directly and unambiguously using his common general knowledge and seen objectively and relative to the date of filing, from the whole of the application as filed, whereby implicitly disclosed subject-matter, i.e. matter that is a clear and unambiguous consequence of what is explicitly mentioned, shall also be considered as part of its content (UPC_CoA_382/2024, order of 14 February 2025, Abbott v Sibio, para. 52). The underlying rationale for this requirement is that the patentee cannot claim more than he actually contributed to the state of the art at the priority date. Therefore, an amendment that is made after the priority date should not provide the skilled person with additional technically relevant information which was not derivable from the original application (UPC_CoA_528/2024, UPC_CoA_529/2024, decision of 25 November 2025, Amgen v. Sanofi, paras. 53-55).

4.4.5 Unallowable added subject matter

4.4.5.1 Auxiliary request 12

141. Auxiliary request 12 amends claim 1 by modifying features 1.1, 1.5.1.0, 1.5.1.1, 1.5.1.2 and 1.5.3.1 as follows (changes are underlined or crossed out):

1.1: “a receiving unit (300) arranged to access the internet and to receive a content from the internet;”

1.5.1.0 “during the accessing the internet to receive a content from the internet for which authentication is required and the displaying of a-the content received from the internet on the display unit, if a first user operation instructing a content to be processed for displaying for the external display by the external device is inputted at a first point of time to the user operation input unit, then thereafter the control unit controls:”

1.5.1.1: “the communication unit to transmit identification information identifying the content from the internet to the external device without transmitting the content to the external device, and to transmit display state information to the external device in order to let the same content as the content from the internet displayed on the display unit at the first point of time, start to be processed for displaying for the external display by the external device, wherein the display state information includes information representing user

operations which have been conducted by a user for accessing the content from the internet for which authentication is required, and wherein the display state information is indicated by a character encoding item designating Unicode Transformation Format, UTF,-8; and"

1.5.1.2: "in response to the communication unit transmitting the identification information and the first display state information, the display unit"

1.5.3.1: "the communication unit to transmit information related to the third user operation to the external device; the communication unit to receive from the external device identification information identifying the content being displayed on the external display of the external device and second display state information representing a state in which the content is being displayed on the external display of the external device, wherein the second display state information includes information indicating a history of user operations which have influenced upon the display on the external display of the external device, and wherein the second display state information is indicated by a character encoding item designating Unicode Transformation Format, UTF,-8; and in response to the communication unit receiving the identification information identifying the content being displayed on the external display and the second display state information,"

142. Claim 8 is amended accordingly.

143. Thus, auxiliary request 12 adds inter alia that the display state information is indicated by a character encoding item designating Unicode Transformation Format, UTF,-8, i.e. that the display state information is UTF-8-encoded.

144. The original application discloses that the display state representing information may be information indicating a character encoding item designating, for example, Shift-JIS, enhanced Unix Code (RUC), or Unicode Transformation Format (UTF)-8 (TW 4, p. 45, lines 18-22). This disclosure describes that the display state representing information may be indicating a character encoding item designating (UTF)-8, hence an encoding of the displayed content. That the display state information itself is UTF-8-encoded is not disclosed in the entire application. Thus, auxiliary request 12 contains unallowable added subject matter.

4.4.5.2 Auxiliary request 13

145. Auxiliary request 13 amends claim 1 by modifying features 1.1, 1.5.1.0, 1.5.1.1, 1.5.1.2 and 1.5.3.1 as follows (changes are underlined or crossed out):

1.1: "a receiving unit (300) arranged to receive a content from the internet;"

1.5.1.0: "during the displaying of a content from the internet on the display unit, if a first user operation instructing a content to be processed for displaying for the external display

by the external device is inputted at a first point of time to the user operation input unit, then thereafter the control unit controls:”

1.5.1.1: “the communication unit to transmit identification information identifying the content from the internet to the external device without transmitting the content to the external device, and to transmit, to the external device, first display state information indicating a state in which the content from the internet is being displayed on the display unit in order to let the same content as the content from the internet displayed on the display unit at the first point of time, start to be processed for displaying for the external display by the external device, wherein the content from the internet comprises an internet site for which authentication is required, the state in which the content from the internet is being displayed on the display unit is a screen after a login of the internet site, and the identification information is a Uniform Resource Locator, URL, information of the internet site, and wherein the display state information includes information representing user operations which have been conducted by a user for accessing the internet site for which authentication is required, and wherein the first display state information is indicated by a character encoding item designating Unicode Transformation Format, UTF,-8; and”

1.5.1.2: “in response to the communication unit transmitting the identification information and the first display state information, the display unit”

1.5.3.1: “the communication unit to transmit information related to the third user operation to the external device; the communication unit to receive from the external device a Uniform Resource Locator, URL, information identifying the content being displayed on the external display of the external device and second display state information representing a state in which the content is being displayed on the external display of the external device, wherein the second display state information includes information indicating a history of user operations which have influenced upon the display on the external display of the external device, and wherein the second display state information is indicated by a character encoding item designating Unicode Transformation Format, UTF,-8; and in response to the communication unit receiving the URL identifying the content being displayed on the external display and the second display state information,”

146. Claim 8 is amended accordingly.

147. Thus, also auxiliary request 12 add inter alia that the display state information is indicated by a character encoding item designating Unicode Transformation Format, UTF,-8, i.e. that the display state information is UTF-8-encoded.

148. For reasons explained in relation to auxiliary request 12, this means that also auxiliary request 13 contains unallowable subject matter.

4.4.6 Conclusion on validity

149. Since neither the patent as granted nor any of the auxiliary request are valid, the patent-in-suit shall be revoked.

4.5 INFRINGEMENT

150. Since the patent is revoked, the infringement action fails. Accordingly, all requests by the Claimant in the infringement action shall be dismissed.

4.6 LEGAL COSTS AND OTHER EXPENSES

151. According to Art. 69.1 UPCA, reasonable and proportionate legal costs and other expenses incurred by the successful party shall, as a general rule, be borne by the unsuccessful party, unless equity requires otherwise, up to a ceiling set in accordance with the Rules of Procedure.
152. The parties have informed the Court that they have agreed, inter alia, that the party that wins the infringement action and the revocation counterclaim (100 %) shall be awarded EUR 600.000 for its representation costs (i.e. the ceiling for representation costs, without providing any evidence or explanation) plus compensation for the court fees paid by that party. They have also agreed that this amount shall be paid within six weeks.
153. Since the patent-in-suit is revoked and the infringement action is dismissed, the Defendants shall be awarded the agreed amount of EUR 600,000 plus EUR 20,000, which is the court fee paid by the Defendants for the counterclaim. This amount shall, in accordance with the agreement, be paid within six weeks.

5. DECISION

154. The Court

- I. revokes EP 2 403 266 in its entirety for all UPCA Contracting Member States in which EP 2 403 266 has effect, namely Germany, France, the Netherlands and Italy;
 - II. dismisses the infringement action;
 - III. orders Maxell to pay Samsung, within six weeks from today, the agreed EUR 620,000 for legal costs and other expenses.
-

INFORMATION ABOUT ENFORCEMENT

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

Information about appeal

An appeal against the present decision may be lodged at the Court of Appeal, by any party which has been unsuccessful, in whole or in part, in its submissions, within two months of the date of its notification (Art. 73(1) UPCA, R. 220.1(a), 224.1(a) RoP).

Instructions to the Registry

A copy of this decision, once it has become final, is to be sent to the European Patent Office and the

- Deutsches Patent- und Markenamt
- Institut National de la Propriété Industrielle
- Italian Patent and Trademark Office
- Netherlands Patent Office

Issued in Munich on 21 September 2026

Dr Matthias Zigann, Presiding Judge	
Tobias Pichlmaier, Legally qualified Judge,	
Stefan Johansson, Legally qualified Judge	
Dr Hergen Kapels, Technically qualified Judge	
For the Registry	