

Order
of the Court of Appeal of the Unified Patent Court
issued on 5 October 2026
concerning an application for reimbursement of overpaid court fees
(R. 9 and R. 371.4 RoP)

APPLICANT AND APPELLANT (APPLICANT IN THE MAIN PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

SharkNinja Operating LLC, Needham, United States

(hereinafter referred to as “SharkNinja”)

represented by Paul Bettridge, European Patent Attorney and other patent attorneys and attorneys at law of
Carpmaels & Ransford LLP, London, United Kingdom

RESPONDENTS (DEFENDANTS IN THE MAIN PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

1. **Groupe SEB France**, Écully, France
2. **S.A.S. SEB**, Selongey, France
3. **SEB International Service (SIS)**, Faucogney et La Mer, France
4. **Groupe SEB WMF Consumer GmbH**, Geislingen an der Steige, Germany

(hereinafter jointly referred to as “SEB”)

all represented by Thomas Bouvet, attorney at law, and other attorneys at law of Jones Day, Paris, France

PATENT AT ISSUE

EP 3 689 198

LANGUAGE OF THE PROCEEDINGS

English

DECIDING JUDGE

Panel 2

This order was issued by Patricia Rombach, legally qualified judge and judge-rapporteur

IMPUGNED ORDER OF THE COURT OF FIRST INSTANCE

“Decision” in UPC_CFI_1594/2025, issued by the Local Division Paris on 10 April 2026.

FACTS

1. With order of 10 April 2026 (hereinafter “impugned order”) the Paris Local Division dismissed SharkNinja’s application for provisional measures for alleged infringement of the patent at issue and “noted the withdrawal of the request” under EP 3 689 201 (hereinafter “EP’201). SharkNinja filed an appeal against the impugned order and paid court fees totalling EUR 90,300 for the appeal. This consisted of a fixed fee of EUR 14,600 and a value-based fee of EUR 75,700, which was calculated according to the value of the case set by the Paris Local Division.
2. On 21 August 2026, the Court of Appeal issued its final order. The Court of Appeal held that the patent EP’201 was not subject of the appeal and set the value of the appeal proceedings at 50% of the value of the proceedings before the Paris Local Division (EUR 7,500,000), thus EUR 3,750,000.
3. On 17 September 2026, SharkNinja filed an application for reimbursement of overpaid court fees pursuant to R. 9 and R. 371.4 RoP requesting that the Court order the reimbursement of the overpaid fees in the amount of EUR 37,900.
4. SharkNinja submits that, based on the value of the appeal determined by the Court of Appeal in its final order, the court fees to be paid in respect of the appeal proceedings amounted to EUR 52,400, comprising a fixed fee of EUR 14,600 and a value-based fee of EUR 37,800. Since SharkNinja paid court fees in the amount of EUR 90,300, an overpayment of EUR 37,900 arose.

REASONS

5. The application for reimbursement of EUR 37,900 of the overpaid court fees shall be granted.
6. According to R. 371.4 RoP, the value-based fee provided for in Section II of the table of fees shall be paid according to the claimant’s assessment of the value at the time of lodging the relevant pleading or application. Where the value is lower, the Court will reimburse overpaid fees. The same applies for the appellant in the appeal proceedings.
7. SharkNinja paid a fee based on the value of EUR 7,500,000 of EUR 75,700 for the appeal. However, the value of the case as determined by the Court of Appeal is lower (EUR 3,750,000), and according to Table 5 of the Table of Court Fees the value-based fee in this case is EUR 37,800. Therefore, an overpayment of EUR 37,900 arose.

ORDER

The Court of Appeal orders that the overpaid fees in the amount of EUR 37,900 be reimbursed to SharkNinja.

Issued on 5 October 2026

Patricia
Ursula
Rombach

Digitally signed
by Patricia Ursula
Rombach
Date: 2026.10.05
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Patricia Rombach, legally qualified judge and judge-rapporteur

Case management decisions or orders made by the judge-rapporteur shall be reviewed by the panel, on a reasoned Application by a party (R. 333.1 RoP).