



Appeal no:

UPC-CoA-38/2026

PROCEDURAL ORDER
of the Court of Appeal of the Unified Patent Court
issued on 7 October 2026

APPELLANT (CLAIMANT IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

TCL EUROPE SAS, 9-15 rue Rouget de Lisle, 92130 Issy les Moulineaux, France

(hereinafter “**TCL**”)

represented by Dr. Andreas Obermeier, Patent Attorney, Bird & Bird LLP

RESPONDENT (DEFENDANT IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

Corning Incorporated, One Riverfront Plaza, Corning, New York 14831, USA

(hereinafter “**Corning**”)

represented by Dr. Marcus Grosch, Attorney-at-law, Quinn Emanuel Urquhart & Sullivan LLP

PATENT AT ISSUE

EP 3 296 274

DECIDING JUDGE

Emmanuel Gougé, legally qualified judge and judge-rapporteur

LANGUAGE OF THE PROCEEDINGS

English

IMPUGNED DECISION OF THE COURT OF FIRST INSTANCE

- ☐ Decision of the Court of First Instance of the Unified Patent Court, Central Division (Section Munich), dated 24 February 2026
- ☐ Number attributed by the Court of First Instance: UPC_CFI_337/2025

SUMMARY OF FACTS AND PARTIES REQUESTS

1. On 2 March 2026, TCL lodged an appeal against the impugned decision, requesting inter alia that the Court of Appeal hold an interim conference pursuant to Rules 239(1) and 101(1) RoP.
2. TCL and Corning lodged respectively their Statement of grounds of appeal on 24 June 2026 and Statement of response on 24 September 2026.

GROUND FOR THE ORDER

3. According to R. 239.1 RoP, upon the expiry of the periods specified in R 224 to 238 RoP [Chapter 1 on written procedure] the judge-rapporteur shall make all necessary preparations for the oral hearing. Subject always to the provisions of R. 222 RoP, the judge-rapporteur shall, to the extent appropriate, have the powers and exercise the duties set out in R. 101 to 110 RoP mutatis mutandis.
4. Pursuant to R. 101.1 RoP, during the interim procedure, the judge-rapporteur shall make all necessary preparations for the oral hearing. He may in particular, where appropriate, and subject to the mandate of the panel, hold an interim conference with the parties which may be held on more than one occasion and may exercise the powers provided for in R. 334 RoP.
5. Having regard to the parties' submissions, in both the appeal and the first instance proceedings, and given that neither the appellant nor the respondent have provided any reason why an interim conference should be held, the judge-rapporteur considers that, in accordance with its obligation to ensure a fair, orderly and efficient interim procedure (R. 101.2 RoP) as well as the general principles of case management according to which an active case management includes giving directions to ensure that the hearing of the action proceeds quickly and efficiently (R. 332(I) RoP), and taking into account the required level of discretion for the judges to organise the proceedings in the most efficient and cost effective manner (RoP, Preamble, para.4), holding an interim conference is not appropriate in the present appeal proceedings.
6. Following the filing of the Statement of grounds of appeal and of the Statement of response, the appeal is ready for oral hearing. The Rules of Procedure do not provide for a reply and rejoinder in appeal proceedings under Rule 220.1(a) RoP and the present case gives no apparent reason to deviate from this.
7. It follows that the parties shall be summoned to the oral hearing pursuant to R. 239.2 RoP and that the written proceedings shall be deemed closed and that the oral procedure shall start.
8. After consulting the parties, the date for the oral hearing has been set for Thursday 28 January 2027 at 9:00 AM (CET) at the premises of the Court of Appeal in Luxembourg.
9. The presiding judge will set time limits for the oral submissions of the parties in the oral hearing, which will be communicated to the parties at least two weeks before the oral hearing.

PROCEDURAL ORDER

(i) The parties are summoned to the oral hearing in-person.

(ii) The date for the onsite oral hearing has been set for

Thursday **28 January 2027** at 9:00 AM (CET)
Nouvel Hémicycle, 1, rue du Fort Thüngen,
L-1499 Luxembourg, Court room -5

(iii) At the oral hearing, the parties will have the opportunity to present their case within the time limits to be communicated pursuant to paragraph 9 of this order.

(iv) The parties are requested to notify the Registry (lu_coa_registry@unifiedpatentcourt.org) by 14 January 2027 of the names of the persons who will participate in the oral hearing, stating their first and last names, and their respective roles and positions in the proceedings (e.g. representatives of the appellant(s)/respondent(s)).

This order was issued on 7 October 2026.

Emmanuel Gougé  Digitally signed by
EMMANUEL, LUCIEN,
RENÉ GOUGÉ
Date: 2026.10.06 17:58:19
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Emmanuel Gougé, legally qualified judge and judge-rapporteur