



**Munich local division
UPC_CFI_3452/2026**

**Procedural order
of the Court of First Instance of the Unified Patent Court,
Munich local division
issued on 12 October 2026**

Claimant

Huawei Technologies Co. Ltd.

Bantian Huawei Base, Longgang District, Shenzhen, 518129, China

Legally represented by Ms Zhao Minglu, of the same address

represented by: Dr Tobias J. Hessel, Thomas Misgaiki, Lea Prehn, Dr Marie Gessat
(Clifford Chance Partnerschaft mbB)

supported by: Patent attorneys from the firm Eisenführ Speiser Patentanwälte
Attorney-at-laws

defendant

Sercomm Italia SRL

Via Litta 4, 20045, Lainate (MI), Italy

or Via Pompeo Litta 4, 20045 Lainate (M), Italy

represented by its managing directors [REDACTED] and [REDACTED]

represented by: ./.

further represented by: ./.

PATENT AT ISSUE EP 3 611 989 B1.

ADJUDICATING PANEL

Panel 1a of the local division of the Munich Regional Chamber.

UPC_CFI_3452/2026

DECIDING JUDGE

This order was issued by the presiding judge, Dr Matthias Zigann, acting as judge-rapporteur.

language of the proceedings

German

SUBJECT MATTER OF THIS ORDER

Rule 275 of the RoP – alternative service of process

FACTS AND APPLICATIONS OF THE

PARTIES

1. By the action filed on 15 April 2026 (UPC_CFI_1271/2026), Huawei asserts claims for indirect infringement of claims 1 to 6 and direct infringement of claims 7 to 12 of European Patent 3 611 989 by the Defendants 1) to 4):

Defendant 1): Sercomm Corporation, Taiwan

Defendant 2): Sercomm Deutschland GmbH, DE

Defendant 3): Sercomm France SARL, FR

Defendant 4): Sercomm Italia SRL, IT

2. The proceedings were separated by order of 25 September 2026.
3. The defendant in these proceedings (UPC_CFI_3452/2026) is the former defendant 4) in proceedings UPC_CFI_1271/2026.
4. Defendant 1) is now the sole defendant in proceedings UPC_CFI_3450/2026; Defendant 2) remains the sole defendant in UPC_CFI_1271/2026; Defendant 3) is now the sole defendant in proceedings UPC_CFI_3451/2026.
5. The claimant submits that the patent in suit is essential for Wi-Fi 6. The claimant licences the patent in suit both bilaterally and via the SISVEL pool.
6. The claim was served on the second defendant on 12 June 2026. The effective date of service is 22 June 2026.
7. The claim was served on the third defendant on 3 July 2026. The effective date of service is 3 July 2026.

8. Service on the first and fourth defendants is still pending.
9. An initial attempt to serve the defendant under action number UPC_CFI_1271/2026 and at the address 'Via Litta 4, 20045, Lainate (MI), Italy' was made on 23 June 2026. The tracking information shows that the consignment could not be delivered on 3 July 2026. The consignment was returned by post in early September 2026. On 3 September, the 'Proof of non-service' was uploaded to the CMS.
10. A second attempt at delivery was made ex officio by the Registry on 5 August 2026 under action number UPC_CFI_1271/2026 and to the address 'Via Litta 4, 20045, Lainate (MI), Italy'. This attempt at delivery was also unsuccessful. No return has been received to date.
11. On 9 September 2026, Huawei requested that a further (third) attempt at service be made to the address 'Via Pompeo Litta 4, 20045 Lainate (M), Italy'. The Registry dispatched this on 14 September 2026 under action number UPC_CFI_1271/2026. The tracking information shows that the consignment could not be delivered on 25 September 2026. No return has been received to date.
12. On 7 October 2026, Huawei applied:
 - "1. to declare that the against the defendants already constitute valid service in accordance with Rule 275.2 of the RoP;*
 - 2. to rule, in accordance with Rule 275.3(b) of the RoP, that the statement of claim is deemed to have been served on the defendant is deemed to have been served on the tenth day after the first attempt at service was posted; and*
 - 3. in accordance with Rule 275.3(c) of the RoP, to set the time limit for the defendant to lodge a defence in accordance with Rule 29 of the RoP, commencing from the date of service determined under paragraph 2;*

in the alternative

 - 4. to rule, in accordance with Rule 275.3(b) of the RoP, that the statement of claim is deemed to have been served on the defendant is deemed to have been served on the tenth day after the second attempt at service was posted; and*
 - 5. in accordance with Rule 275.3(c) of the RoP, to set the time limit for the defendant to file a statement of defence pursuant to Rule 29 of the RoP from the time of service determined in accordance with paragraph 4;*

6. in accordance with Rule 275.3(b) of the RoP, a date to be determined at the court's discretion after which the statement of claim shall be deemed to have been served on the defendant;

and

7. in accordance with Rule 275.3(c) of the RoP, to set the time limit for the defendant to lodge its statement of defence at two months from the date of service specified in paragraph 6;

in the alternative to paragraph 7.

8. in accordance with Rule 275.3(c) of the RoP, to set the time limit for the defendant to file its statement of defence, in accordance with Rule 29 of the RoP, as commencing from the date of service determined in paragraph 6;"

13. In support of its application, Huawei stated:

"The claimant has already made several proper attempts to serve the defendant. Had the defendant acted in a properly organised manner, service would have been effected in accordance with the normal course of proceedings within the period provided for in R.271.6(b) of the RoP. The failure of these attempts at service is due solely to circumstances for which the defendant is responsible, so that a further alternative method of service does not appear reasonable. Service is not an end in itself. Rather, its purpose is to

*(i) to inform the defendants of the proceedings,
(ii) enable them to exercise their right to be heard, and
(iii) to ensure the effective conduct of the proceedings.*

If this purpose has been fulfilled by means other than formal service, the court may, pursuant to Rule 275.2 of the RoP, make an application ordering that measures already taken, by which the statement of claim was brought to the defendant's attention by means other than service in accordance with Rule 270 et seq. of the RoP, shall be deemed to constitute proper service. It is therefore necessary that the steps already taken have in fact brought the statement of claim to the defendant's attention. This has been done in relation to the defendant. This legal principle must apply all the more so where the failure to take actual notice, despite a proper attempt at service in accordance with Rule 270 et seq. of the RoP, lies solely within the defendant's responsibility. The claimant arranged for service to be effected at the address which the fourth defendant itself had published as its official business address in the Italian Commercial Register, see Annex CC 04, emphasis added:

1 Company identification	
Company name	SERCOMM ITALIA SRL
Legal form	Limited Liability Company
Fiscal code and registration number	07746830962
Business Register of	MILANO MONZA BRIANZA LODI
Registration date	21/02/2012
REA number (Economic and Administrative Repertory number)	MI-1979243
VAT number	07746830962
Registered address	VIA LITTA 4 LAINATE (MI) CAP 20045
Registered e-mail address	[REDACTED]
Founding date	10/02/2012
Company duration	Termination date: 31/12/2050
Last day of each fiscal year	Last day of first fiscal year: 31/12/2012
Number of days of extension of the date of approval of the financial statements: 60	

The Claimant has therefore used precisely the address listed in the Commercial Register as the address for service, and legal transactions may accordingly rely on its accuracy and accessibility. A company cannot appeal to the inaccessibility of an address which it itself has provided to the registry court as its business address. To the Claimant's knowledge, at least two attempts at service have now been made at this address. The claimant is not aware of the specific reasons why both attempts at service failed. In any event, the attempts at service did not fail due to any error on the part of the claimant. This is because, in the statement of claim,

- *identified the correct company,*
- *used the correct registered office address,*
- *provided all the information known to it regarding representation, and*
- *followed the standard court service procedure.*

Insofar as service could not be effected at this address, this is due solely to circumstances within the defendant's organisational sphere. A company that publishes an address in the commercial register must ensure that postal items sent to that address, in particular court documents, can be delivered there unhindered at all times. Otherwise, the defendant could derive an advantage precisely from those shortcomings in organisational structures which are intended to facilitate such service. Such an outcome would be incompatible with the principle of fair and efficient proceedings.

At the very latest since the statement of claim was served on SerComm Deutschland GmbH – formerly the second defendant in the main proceedings CFI_1271/2026 – the defendant has had actual knowledge of the subject matter of these proceedings and the

statement of claim. This is because, as evidenced by the extracts from the commercial register (Annexes CC03 and CC04), the managing directors of the European companies within the defendant's group of companies involved in these proceedings are the same individuals. These are, in each [REDACTED]d Mr [REDACTED] is also [REDACTED] [REDACTED] and [REDACTED] [REDACTED] of Sercomm Corporation, formerly Defendant 1) in proceedings CFI_1271/2026, as can be seen from the Sercomm Corporation website (available at ...) and the information in Sercomm Corporation's current 2025 annual report, available at ... There, Mr [REDACTED] is listed as [REDACTED] (inter alia, para. 3.2 Management Team / 3.2.1 Information Regarding Management Team, as at 13 April 2016, p. 20), together with the note that he is also a representative of the other Sercomm companies, in particular Sercomm Deutschland GmbH, Sercomm France SARL and the defendant:

[REDACTED] VP	Taiwan	Male	2023.05.02	407,000	0.13	0	0.00	New York University, MBA Procurement VP, HP	Note 3
Note 3 : Company Representative of Sercomm Turkey A.S., Sercomm France SARL, Sercomm Italia SRL, Sercomm Deutschland GmbH, and Sercomm International Inc.; Director of Sercomm Solutions Inc.; Supervisor of Sercomm (Suzhou) Corporation and DWNNet Technology (Suzhou) Co., Ltd.									

As evidenced by the following extract from Mr [REDACTED] 's LinkedIn profile, '[REDACTED]' is the English form of [REDACTED]



Mr [REDACTED] therefore simultaneously holds management positions within the Taiwanese parent company as well as other, in particular European, group companies, and in this capacity has actually been made aware of the statement of claim through its service on Sercomm Deutschland GmbH. As the authorised representative, he is deemed to be aware of his employees' knowledge of this claim. This is also confirmed by the statements made by Sercomm Deutschland GmbH in proceedings CFI_1271/2026

(see Statement of Defence, Part II, p. 70 et seq.), which suggest that patent proceedings are managed and coordinated group-wide by a 'Group Legal Department of the Sercomm Group'. Sercomm Deutschland GmbH proposed a single 'Confidentiality Club' for the 'Sercomm Group', which was agreed with all four defendants and for which it designated the same in-house staff across the board. Through the identity of the individuals involved and the group-wide coordination, the defendants themselves demonstrate that information relating to these proceedings is exchanged across the group and managed centrally. Consequently, the defendants and their decision-makers are aware of the existence of the proceedings and of the statement of claim. The purpose of service on the defendant in this case has therefore already been achieved.

Insisting on further attempts at service would therefore, given the defendants' actual knowledge of the statement of claim, be a mere formality and would not provide any additional protection of the right to be heard. The Claimant's interests in the efficient conduct of the proceedings therefore prevail. The exercise of discretion pursuant to Rule 275(2) of the RoP is interpreted in favour of the Claimant. This is because, in the present case, it must be taken into account that the defendant in this case, as well as the defendants in the separate parallel proceedings, themselves assume that there is a group-wide coordinated defence. 25 By contrast, the defendants' conduct is contradictory. On the one hand, as already explained above, Sercomm Deutschland GmbH claims in the separate parallel proceedings that it has a joint group legal department and proposes a defence coordinated with all four defendants in the main proceedings coordinated, uniform Confidentiality Club agreed with all four defendants in the main proceedings. On the other hand, the defendant wants to the the defendant withdraw withdraw, that the claim at issue in the proceedings had not been formally served on her. The defendants argue to therefore on group-wide information and decision-making structures, insofar as this is useful to them for procedural purposes; however, they reject these as soon as they have implications for the question of service. This arbitrary conduct must be taken into account when exercising the discretion granted to the court under Rule 275(2) of the RoP. In view of the foregoing, no further attempts at service are required in respect of the defendant; rather, the measures already taken must be recognised as valid service. This is consistent both with the purpose of Rule 275.2 of the RoP and the interest in the efficient conduct of proceedings. Rule 275.2 of the RoP is intended to prevent a defendant from relying on purely formal objections to service despite having actual knowledge of the proceedings and the claim. This is precisely the case here. The defendant has actual knowledge. Further attempts at service would not improve the defendant's level of information, but would merely delay the progress of the proceedings.

In particular, the present case is characterised by the fact that the delay in service is attributable solely to circumstances within the defendant's control. This is because service on the defendant fails exclusively because the defendant cannot be reached at its own registered address. In these circumstances, it would be incompatible with the requirement of efficient conduct of proceedings to require the claimant to make further attempts at service lasting several months. Moreover, such further attempts would clearly not lead to success, as the defendant is likely to remain unreachable at this address. The date of service must therefore be determined in accordance with Rule 275.3(b) of the RoP, as requested. In this regard, it must be taken into account that the delay that has occurred is attributable exclusively to circumstances within the defendant's control. The Chamber is therefore entitled to take as its basis the date on which service would typically have been effected had the defendant acted in accordance with the rules. Had the defendant properly maintained the registered address it had itself published, service would normally have been effected within the period provided for this purpose. It therefore seems appropriate, for the purposes of Rule 275.3(b), to take as the basis the date on which service would typically have taken effect had the defendant acted in a properly organised manner. In this regard – as requested by the Claimant in paragraph 2 – the expiry of the ten-day deemed service period pursuant to Rule 271.6(b) of the RoP following the first attempt at service must be taken as the relevant point in time. Should the Chamber not agree with this, then, in accordance with the legal principle set out in Rule 275.1 of the RoP, service would in any event have to be deemed to have taken place upon the expiry of the ten-day deemed service period under Rule 271.6(b) of the RoP following the commencement of the second attempt at service (see the alternative claim in paragraph 4). As a further alternative, the dates should be set in accordance with the alternative claims under points 7 and 8. The defendant suffers no prejudice to her defence as a result of the order sought. She is aware of both the subject matter of the proceedings and the statement of claim. She is receiving legal advice from a highly experienced international law firm and has ample opportunity to prepare and present her defence in full. The right to be heard is therefore fully safeguarded.”

14. By order of 7 October 2026, the judge-rapporteur granted the application as follows:

- “1. It is hereby determined that the service measures already taken against the defendant in accordance with Rule 275.2 of the RoP constitute valid service.*
- 2. The statement of claim is deemed to have been served on 12 June 2026.*
- 3. The statement of defence must be lodged by 28 October 2026.*
- 4. In all other respects, the application is dismissed.”*

15. The following orders were issued to the Registry:

“This order is to be served on the defendant d [REDACTED] and to the UPC representative of the second defendant, Dr Steffen Steininger, at steffen.steininger@hlc.com , for forwarding by email to the managing directors of the defendant (who are the same person) together with a current access code for the CMS (Ref. UPC_CFI_3452/2026).“

16. In his reasoning, the judge-rapporteur stated:

“The application is admissible and well-founded.

The attempts at service made to date at the two known addresses must be regarded as having failed.

At the very latest since the successful service of the statement of claim on SerComm Deutschland GmbH – formerly defendant in 2) in the main proceedings CFI_1271/2026 – the defendant has actual knowledge of the subject matter of these proceedings and of the statement of claim. It also has the statement of claim in its possession. This is because, as evidenced by the extracts from the commercial register (Annexes CC03 and CC04), the managing directors of the European companies within the defendant’s group of companies involved in these proceedings [REDACTED] [REDACTED] are the same individuals. These are, in each case, Mr and Mr [REDACTED] [REDACTED] Furthermore, reference is made to the further relevant submissions made by Huawei.

On Huawei’s application, an order was therefore issued, in accordance with Rule 275(2) of the RoP, that the steps described above, which had already been taken to bring the statement of claim to the defendant’s attention by means of an alternative procedure or at a different location, constitute valid service.

There is no indication that this substitute service is contrary to Italian law (Rule 275(4) of the RoP).

The statement of claim is therefore deemed to have been served on 12 June 2026.

As the three-month time limit for filing a defence would already have expired by this point, pursuant to Rule 275.2(c) of the RoP, a different time limit for filing a defence must be specified.

This is set at three weeks. Consequently, the defence must be filed by 28 October 2026. On the basis of the information provided by Huawei

, this period appears to be sufficient.”

17. The Registry informed the defendant atsercommitaliasrl@legalmail.it and the UPC representative of the second defendant, Dr Steffen Steininger, atsteffen.steininger@hlc.com by email on 8 October 2026, providing a TRESORIT link to the order. None of these emails were read by the recipients, nor was the order or the access code accessed. A reminder email dated 9 October 2026 was [REDACTED] deleted unread on 9 October at 12:48:00 on 9 October 2026. On 9 October 2026 at 18:31, Attorney-at-law Dr Steffen Steininger sent the following message by email to the Sub-Registry:
- “Unfortunately, Hogan Lovells Cadwalader is currently experiencing a technical issue and is unable to access Tresorit links. We are working on a solution and hope to have one in place by the start of next week. Until then, we must very politely ask for your patience.”*

REASONS

18. As the notification of the order dated 7 October 2026 using the means specified in the order has so far been unsuccessful,
19. The following additional methods of service must therefore be pursued:
- a. This order and the order dated 7 October 2026 must also be uploaded in proceedings 1271/2026 and 3451/2026. This is because Dr Steffen Steininger is already registered as the UPC’s representative in those proceedings, and service can be effected without TRESORIT.
 - b. In addition, this order and the order dated 7 October 2026 must be served on Dr Steffen Steininger, Attorney-at-law, in paper form.
20. It is to be assumed that this will ensure adequate notification of the order of 7 October 2026 to the defendant. This is because Dr Steffen Steininger is the UPC representative of Sercomm Deutschland GmbH in case 1271/2026. The directors of that company are the same individuals as the directors of the defendant. By virtue of the client-Attorney-at-law relationship, Dr Steffen Steininger is obliged to forward all court notices and orders to his client.

UPC_CFI_3452/2026

ORDER

1. This order and the order of 7 October 2026 must also be uploaded in proceedings 1271/2026 and 3451/2026.
2. In addition, this order and the order dated 7 October 2026 must be served on Dr Steffen Steiniger, Attorney-at-law, in paper form.

INFORMATION ON REVIEW BY THE PANEL

Any party may apply for this order to be reviewed by the panel in accordance with Rule 333 of the RoP. The order remains in force pending review (Rule 102.2 of the RoP).

INFORMATION REGARDING A DECISION BY DEFAULT

If a party fails to comply with this order or the order of 7 October 2026 within the prescribed time limit, a default judgement may be issued in accordance with Rule 355 of the RoP (Rule 103.1, last subparagraph, and Rule 103.2 of the RoP).

INSTRUCTIONS TO THE REGISTRY

This order and the order of 7 October 2026 are to be served in hard copy on Dr Steffen Steiniger, Attorney-at-law.

Signed by

**Matthias
ZIGANN**

) Digital

Matthias ZIGANN

Date: 12 October 2026
10:42:02 +02'00'

Dr Zigann, presiding judge