Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

UNIFIED PATENT COURT

LOCAL DIVISION MUNICH

UPC_CFI_676/2025

UPC_CFI_746/2025

ORDER

Of the Court of First Instance of the Unified Patent Court

Local Division Munich

issued on 12 October

CLAIMANT

AX Wireless, LLC

2025 Guadalupe Street, Suite 260, Street #3151, Austin, Texas 78705,

USA

represented by

Hosea Haag (Ampersand Partnerschaft von Rechtsanwälten mbB)

DEFENDANTS:

1) Xiaomi Inc.

No.006, floor 6, Building 6, Yard 33, Middle Xierqi Road, Haidian District, Beijing, Republic of China

2) Xiaomi Corporation,

Anningzhuang Road Haidian District Beijing,

Republic of China

3) Xiaomi Technology Germany GmbH

Niederkasseler Lohweg 175,40547, Dusseldorf

Germany

4) Xiaomi Technology Netherlands B.V.

Prinses Beatríxlaan 582, The Hague 2595BM,

Kingdom of the Netherlands

represented by

Henrik Lehment (Hogan Lovells Cadwalader International LLP)

***PATENTS AT ISSUE*:**

EUROPEAN PATENT NO EP3072324

EUROPEAN PATENT NO EP3182635

PANEL:

President of the Panel – Dr Matthias Zigann

Legally Qualified Judge – Dr Ina Shnurr

Technically Qualified Judge – Mr Alessandro Sanchini

Legally Qualified Judge and Judge-Rapporteur - Rute Lopes

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This order is issued by the judge-rapporteur (also JR).

***LANGUAGE OF THE PROCEEDINGS*:**

English

***SUBJECT MATTER OF THE PROCEEDINGS*:**

Interim Conference – R. 105.5 RoP

SUMMARY OF THE INTERIM CONFERENCE

1 AX Wireless, LLC, as Claimant, and Xiaomi Inc., Xiaomi Corporation; Xiaomi Technology Germany GmbH, and Xiaomi Technology Netherlands B.V., as Defendants, are opposing parties concerning the infringement and validity of EP 3 072 324 - EP'324 - (case number 676/2025) and EP 3 182 635 – EP'635 - (case number 746/2025).

2 In both cases, AX filed for infringement. Xiaomi disagrees and further raised a FRAND-related defence. The FRAND-related defence is the same in both cases. Counterclaims (also CC) seeking the revocation of the patents were also filed.

3 With the parties' agreement, the Court scheduled an Interim Conference in two parts: the first on 10 July, devoted to issues relating to the FRAND-related defence, and the second, on 9 October 2026, to address the remaining issues.

4 On 9 October, the second Interim Conference was held by video conference (Webex). It was audio-recorded.

5 The following persons attended:

Claimant

- Hosea Haag, UPC Representative, AMPERSAND Partnerschaft von Rechtsanwälten mbB
- Jonathan Konietz, UPC Representative, AMPERSAND Partnerschaft von Rechtsanwälten mbB
- David Molnia, df-mp-tech, Patent Attorney, UPC Representative
- Dr. Dominik Ho, df-mp-tech, Patent Attorney and Attorney-at-Law, UPC Representative
- René Okoampah, df-mp-tech, Patent Attorney, UPC Representative
- Dr. Ju Min Kim, df-mp-tech, Pattent Attorney, UPC Representative
- Dr. Edward Tomlinson, df-mp-tech, Pattent Attorney, UPC Representative
- [redacted]

Defendants

- Dr. Andreas von Falck, UPC Representative, Hogan Lovells Cadwalader
- Dr. Henrik Lehment, UPC Representative, Hogan Lovells Cadwalader

- Dr. Alexander Klicznik, UPC Representative, Hogan Lovells Cadwalader
- Dania Esser, UPC Representative, Hogan Lovells Cadwalader
- Diana Rodriguez, UPC Representative, Hogan Lovells Cadwalader
- Felix Hütt, UPC Representative, Hogan Lovells Cadwalader
- Dr. Lennart-Knud Liefeith, UPC Representative, Hogan Lovells Cadwalader
- Vincent Wetter, UPC Representative, Hogan Lovells Cadwalader
- Fabian Neußer, Rechtsreferendar/Trainee Solicitor, Hogan Lovells Cadwalader
- Tim Heckmann, Rechtsreferendar/Trainee Solicitor, Hogan Lovells Cadwalader
- Caman Derakhshan, Rechtsreferendar/Trainee Solicitor, Hogan Lovells Cadwalader

[redacted]

Court

- In addition to the JR, the TQJ was present.

6 The Interim Conference addressed the topics the parties and the JR had suggested in advance.

Value of the case

7 The Parties agreed to set the value of the infringement for each case at EUR 1 000 000.

8 Regarding the Counterclaim for Revocation, the parties accepted the JR's suggestion to set the Counterclaim value at 150% of the infringement value, in accordance with the Administrative Committee Guidelines. They agreed to set it at EUR 1 500 000.

9 Accordingly, for each case, the value of the whole proceedings, for the purpose of applying the scale of ceilings for recoverable costs, shall be set to EUR 2 500 000.

10 The ceiling for recoverable costs is EUR 400 000 in each case.

Costs

11 The JR encouraged the parties to reach an agreement on costs, and they agreed. The parties also agreed to inform the Court promptly if they reach an agreement.

12 If the parties do not reach an agreement on costs, they further agreed to submit a cost estimate one week before the OH, with the other party having 5 days to respond.

13 The JR suggested the parties inform the Court of their position on cost allocation if infringement is not found with regard to all accused products, but only to routers. The parties will inform the Court accordingly by the date set out in this order.

Counterclaim conditional

14 The JR also asked the Defendants whether it could consider the Counterclaim for Revocation conditional on establishing infringement. The Defendants agreed to consider this issue and to inform the Court of any developments.

Issues/facts in dispute.

15 The JR presented its preliminary views (shared by the TQJ) on the most relevant issues in each case. In particular, it considered the possibility of the parties focusing their debate on the patent that, at this stage, appears, on a preliminary basis, to raise fewer validity issues (EP'324), including the possibility of withdrawing the case on the other patent (EP'635). The parties agreed to inform the Court of any developments relating to these issues.

16 The JR further emphasised that the technical issues the parties raised in their submissions to this Interim Conference are also those the JR (and TQJ) consider relevant. In both cases, the interpretation of the claims plays a significant role (in case 676/2025, in particular, features 1.4 and 1.5, and in case 746/2025, in particular, features 2, 2.1 and 2.2).

17 With regard to EP'635, the JR noted that some claim terms are not expressly addressed in the patent application, so the interpretation must rely on what the skilled person would understand those terms to mean at the filing date. In their written proceedings, both parties submitted expert statements that also addressed the specific issue of interpreting EP'635. The JR finds the experts' written statements clear; however, the parties agreed to contact the experts so they are available to be heard online at the Oral Hearing (also OH), if the debate raises any need for clarification.

18 Regarding infringement, in both cases, the accused products are the same, and acts of infringement are not disputed. The parties dispute whether the accused products and

the Standard implement all features of the patents. Regarding smartphones and tablets, Defendants also dispute that they [redacted] and that they directly infringe. In any case, Defendants acknowledged that they do not dispute that the accused routers [redacted], and the Claimant acknowledged that the chipsets mentioned in [redacted].

Oral Hearing – practical issues

19 As previously set, the Oral Hearing will take place in the Munich Local Division with the following agenda, agreed by the parties:

On 19 January 2027, starting at 9 a.m

1. Case 676/2025
2. Case 746/2025

On 20 January 2027, starting at 9 a.m. (in case of necessity)

- If necessary, continuation of the previous day;
- Issues common to both cases, like FRAND defences and Remedies

20 At the beginning of the Oral Hearing, the panel will introduce and outline the relevant issues to the parties. Pleadings will take place after a break for the parties to prepare.

21 The use of PowerPoint (PP) presentations (or a PDF) is allowed to support oral pleadings, provided its content is limited to what is already in the written file. In any case, the PP or PDF must be submitted to the Court one week before the Oral Hearing, unless the parties agree to a shorter period, but no less than 48 hours before the date of the Oral Hearing.

22 The Oral Hearing will be conducted as a hybrid hearing, in person (limited to the Courtroom and Overflow rooms capacity) and online. Parties shall inform the sub-registry by email of the names and functions of the participants, in person and online, one week before the Oral Hearing. The sub-registry will send invitations to online attendees.

23 Because the hearing will address confidentiality issues under two different regimes, and to facilitate recording and the flow of the hearing, parties are invited to organise themselves to concentrate as much as possible on confidentiality issues at the same time.

24 With regard to the issues raised by the Claimant regarding the admissibility of Xiaomi's late filings - documents HLCC 34 and HLCC 35, a new non-infringement argument regarding AR 6, both in case 746/2025; and a new Art. 84 EPC (clarity) attack on AR1 in case 676/2025, the JR finds those are to remain open for now, and to be addressed, if necessary, later by the panel. In any case, the Defendants are allowed to respond to the Claimant's late-filing inadmissibility objections.

ORDER

1. The value of the infringement case is set at EUR 1 000 000, and the value of the Counterclaim is set at EUR 1 500 000 for case 676/2025 (CC 102/2026).

2. The value of the infringement case is set at EUR 1 000 000, and the value of the Counterclaim is set at EUR 1 500 000 for case 746/2025 (CC 103/2026).

3. If no agreement on costs is reached, the parties are to submit a cost estimate one week before the OH, to which the other party has 5 days to respond.

4. Both parties are required to inform the Court by 26 October 2026 (within two weeks after the issuing of this order) on the allocation of costs (mn. 13).

5. The Defendants may respond to the Claimant's inadmissibility requests (mn. 24) by 26 October 2026 (within two weeks after the issuing of this order).

6. The Oral Hearing will take place in the Munich Local Division with the following agenda:

On 19 January 2027, starting at 9 a.m

- Case 676/2025 - Technical aspects

- Case 746/2025 - Technical aspects

On 20 January 2027, starting at 9 a.m (in case of necessity)

- If necessary, continuation of the previous day;

- Issues common to both cases: FRAND defences and Remedies.

7. The Parties shall inform the sub-registry by email of the names and functions of the participants, in person and online, one week before the Oral Hearing. The sub-registry will send invitations to online attendees.

8. In case the parties decide to use PP presentations or a PDF at the Oral Hearing, these will have to be submitted one week before the Oral Hearing, unless both parties agree on a shorter period of time, with a limit of 48 hours before the Oral Hearing.

RUTE ALEXANDRA DA SILVA SABINO LOPES

Assinado de forma digital por RUTE ALEXANDRA DA SILVA SABINO LOPES
Dados: 2026.10.12 14:30:09 +01'00'