



UPC Court of Appeal

UPC-CoA-155/2026

UPC-CoA-156/2026

**Decision**  
**of the Court of Appeal of the Unified Patent Court**  
**issued on 26 October 2026**  
**Public access to the register (R. 262.1(b) and R. 262.2 RoP)**

Headnote

If the Court of First Instance has made an assessment of information and considered it confidential in a non-appealed order, unless otherwise stated in the order, this continues to apply in subsequent proceedings before the Court of Appeal (see UPC CoA order of 28 March 2024, UPC-CoA-101/2024, *Curio Bioscience vs 10x Genomics*; a non-appealed order by the Court of First Instance pursuant to R. 262A RoP that restricts access to certain information or evidence to specific persons, unless otherwise stated in the order, continues to apply after the proceedings, and therefore applies also to the appeal proceedings).

Keywords

Access to register, confidentiality

APPLICANT

**Carpmaels & Ransford LLP**, London, United Kingdom

(hereinafter “the Applicant”)

represented by attorney at law Agathe Michel-de Cazotte, Carpmaels & Ransford LLP, London, United Kingdom

APPLICANT AND APPELLANT (DEFENDANT IN THE R. 158 RoP APPLICATION AND CLAIMANT IN THE MAIN INFRINGEMENT ACTION BEFORE THE COURT OF FIRST INSTANCE)

**Suinno Mobile & AI Technologies Licensing Oy**, Helsinki, Finland

(hereinafter “Suinno”)

represented by attorney at law Petri Eskola, Backström & Co Attorneys, Helsinki, Finland

RESPONDENT (APPLICANT IN THE R. 158 RoP APPLICATION AND DEFENDANT IN THE MAIN INFRINGEMENT ACTION BEFORE THE COURT OF FIRST INSTANCE)

**Microsoft Corporation**, Redmond, USA

(hereinafter: “Microsoft”)

represented by attorney at law Prof. Dr. Tilman Müller-Stoy, Bardehle Pagenberg, Munich, Germany

PATENT AT ISSUE

EP 2 671 173

LANGUAGE OF THE PROCEEDINGS

English

PANEL AND DECIDING JUDGE

Panel 2

Ingeborg Simonsson, legally qualified judge and judge-rapporteur

THE REQUEST AND THE PARTY SUBMISSIONS

1. The Applicant requests access to the written pleadings and evidence specified below. As far as only redacted versions of the written pleadings and evidence are available, the Applicant limits the application for access to these versions.

**UPC\_CoA\_892/2025**

Suinno's rehearing request (referred to as "Application") – submitted on 22 October 2025, alongside two Exhibits filed on the same date; and

Microsoft's response to Suinno's rehearing request (referred to as "Other document Defendant") – submitted on 16 December 2025;

**UPC\_CoA\_883/2025**

Suinno's rehearing request – submitted on 24 September 2025, and the associated Exhibits (the Applicant notes that three Exhibits were filed by Suinno on 24 September 2025);

Suinno's "Other document" – submitted on 24 October 2025;

"Note" – submitted on 11 November 2025; and

Microsoft's response to Suinno's rehearing request (referred to as "Other document Defendant") – submitted on 16 December 2025.

2. The Applicant has referred to a general interest for information and to gain a better understanding of how the parties and the UPC conducted the proceedings and ultimately reached the decision in view of the arguments and evidence relied upon by the parties in the context of Suinno's Application for rehearing.
3. Suinno and Microsoft were invited to provide written comments on the request no later than 28 September 2026.
4. Microsoft has left the decision on the application for file inspection to the discretion of the Court,

subject to protection of confidential information and personal data. However, Microsoft requests that the document filed by Suinno as Exhibit C in both cases (in Suinno's request of 24 September 2025 also referred to as "Exhibit 1") be excluded from the file inspection, as it includes documents and information from respective documents that are subject to confidentiality in the respective proceedings for cost reimbursement (UPC\_CFI\_724/2025, order of 8 September 2025).

5. Suinno has provided written comments on the request. Although the comments were filed after the time period specified, the judge-rapporteur takes note that Suinno considers that access to the file should be granted in all respects, except for those parts of the case file that have been already declared confidential by the Court.

#### REASONS

##### *There is reason to grant the request*

6. R. 262.1(b) RoP provides that, without prejudice to several articles and rules that provide for the protection of confidential information mentioned in R. 262.1 RoP, the redaction of personal data pursuant to Regulation (EU) 2016/679 (hereinafter referred to as protection of personal data) and redaction of confidential information according to R.262.2 RoP, written pleadings and evidence, lodged at the Court and recorded in the Registry, shall be available to the public upon reasoned request to the Registry; the decision is taken by the judge-rapporteur after consulting the parties.
7. The principles applicable for access have been set out by this Court in *Ocado* (see CoA, decision of 10 April 2024, UPC-CoA-404/2023) and need not be repeated here.
8. A law firm may also be a member of the public within the meaning of R. 262.1 (b) RoP (see decision of 9 January 2025, UPC-CoA-480, UPC-CoA-481/2024, *Abbott v Powell Gilbert*).
9. What the Applicant has submitted about its interest in access fulfils the requisite criteria and the request shall be granted insofar as it does not relate to confidential information.

##### *Confidential information; principles*

10. If the Court of First Instance has made an assessment of information and considered it confidential in a non-appealed order, unless otherwise stated in the order, this continues to apply in subsequent proceedings before the Court of Appeal (see UPC CoA order of 28 March 2024, UPC-CoA-101/2024, *Curio Bioscience vs 10x Genomics*; a non-appealed order by the Court of First Instance pursuant to R. 262A RoP that restricts access to certain information or evidence to specific persons, unless otherwise stated in the order, continues to apply after the proceedings, and therefore applies also to the appeal proceedings).

##### *Application to the case at hand*

11. When Suinno lodged the Applications for rehearing in UPC-CoA-883/2025 and UPC-CoA-892/2025, it included "Exhibit C", which consists of certain copies from the file of the Court of First Instance,

Central Division Paris, UPC-CFI-724/2025 (hereinafter 724/2025).

12. Exhibit C was originally filed by Microsoft in 724/2025, although there, the document had another denomination. Microsoft requested that it be treated as strictly confidential and be made accessible to Suinno only under R. 262A RoP, and that, in the event of a request by a member of the public pursuant to R. 262.1 (b) RoP, the information not be made available.
13. The information in Exhibit C is protected as confidential by order of the Central Division Paris of 8 September 2025 in 724/2025. In brief, the said order established that the information is confidential (paras. 4-9) and created a confidentiality club where the information contained in the equivalent to Exhibit C is restricted to Mr. Mikko Väänänen and Mr. Petri Eskola. As regards the request under R. 262 RoP, it was noted that the request for the confidential information to be excluded from publications pursuant to R. 262.1(b) RoP requires a specific application targeted to the Registrar and does not necessitate any action by the Court, unless a member of the public requests that any information excluded from the public pursuant to R. 262.2 RoP is made available (a situation that had not arisen).
14. In the present case, the Court of First Instance deemed the entirety of the information in (now) Exhibit C as confidential.
15. Exhibit C is the same as the document that is covered by the first instance order establishing a confidentiality club. The only difference is that Exhibit C in the rehearing cases also contains a copy of a Suinno submission to the CFI on 16 September 2025 in the 724/2025 case, commenting on the confidential information.
16. Exhibit C is therefore to be excluded from access, as it includes documents and information from respective documents that are subject to a confidentiality order. Consideration about access to such information will only be made if a member of the public lodges an Application with the Court for an order that such information may be made available to the applicant (R. 262.3 RoP).

#### *Redaction of personal data*

17. The documents to which access is granted shall be redacted of personal data prior to making them available to the Applicant. The Registry shall see to this.

#### DECISION

- I. The following written pleadings and exhibits shall be made available to the Applicant after redaction of personal data:

#### **UPC\_CoA\_892/2025**

- Suinno's rehearing request (referred to as "Application") submitted on 22 October 2025, alongside "Annex\_1\_Rehear" and "Exhibit D\_Evidence of Microentity Status" filed on the same date; and
- Microsoft's response to Suinno's rehearing request (referred to as "Other document

Defendant”) submitted on 16 December 2025.

**UPC\_CoA\_883/2025**

- Suinno’s rehearing request submitted on 24 September 2025, and the associated Exhibit “Annex\_Rehear”;
  - Suinno’s “Other document” submitted on 24 October 2025;
  - “Note” submitted on 11 November 2025; and
  - Microsoft’s response to Suinno’s rehearing request (referred to as “Other document Defendant”) submitted on 16 December 2025.
- II. The remainder of the Applicant’s request is dismissed.
- III. This decision closes the application.

Issued on 26 October 2026

 Digitally signed by  
Åsa Ingeborg  
Simonsson  
Date: 2026.10.26  
16:33:51 +01'00'

Ingeborg Simonsson, legally qualified judge and judge-rapporteur