Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

UPC Court of Appeal
UPC-CoA-71/2026

ORDER

of the Court of Appeal of the Unified Patent Court
issued on 27 October 2026
reimbursement of overpaid court fees (R. 228 RoP)

CROSS-APPELLANTS AND RESPONDENTS IN UPC-COA-71/2026 (AND DEFENDANTS AND COUNTERCLAIMANTS BEFORE THE COURT OF FIRST INSTANCE)

1. **Qualcomm Incorporated**, San Diego, United States
2. **Qualcomm Technologies, Inc.**, San Diego, United States
3. **Qualcomm Germany GmbH**, Munich, Germany

(hereinafter jointly referred to as 'Qualcomm')

represented by Johannes Heselberger, attorney-at-law, and other attorneys-at-law and patent attorneys of the law firm Bardehle Pagenberg, Munich, Germany

APPELLANT AND CROSS-RESPONDENT IN UPC-COA-71/2026 (AND CLAIMANT AND COUNTER-DEFENDANT BEFORE THE COURT OF FIRST INSTANCE)

Network System Technologies LLC, Portland, United States

(hereinafter referred to as 'NST')

represented by Dr. Thomas Gniadek, attorney-at-law of Hoffmann Eitle, Munich, Germany

PATENT AT ISSUE

EP 1 875 683

DECIDING JUDGE

This order was issued by Ingeborg Simonsson, legally qualified judge and judge-rapporteur

IMPUGNED DECISION OF THE COURT OF FIRST INSTANCE

Decision of the Local Division Munich issued on 11 March 2026 in the counterclaim for revocation proceedings UPC_CFI_450/2024

LANGUAGE OF PROCEEDINGS

English

SUMMARY OF FACTS

1. On 11 May 2026, NST lodged an appeal against the Decision of the Local Division Munich issued on 11 March 2026 in the infringement proceedings UPC-CFI-64/2024.

2. On 15 October 2026, Qualcomm lodged in UPC-CoA-71/2026 its Statement of response and lodged a cross-appeal against the Decision of the Local Division Munich issued on 11 March 2026 in the counterclaim for revocation proceedings UPC-CFI-450/2024.

3. On 20 October 2026, Qualcomm filed a request for refund of court fees requesting that an amount of EUR 61,150 in court fees disbursed with the cross-appeal be reimbursed.

REASONS

4. 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.

5. Qualcomm paid a court fee of EUR 90,300 which was displayed in the Case Management System. Qualcomm provided corresponding proof of payment.

6. However, according to Table IV of the Table of Court Fees the fee for an appeal pursuant to R. 220.1 (a) and (b) [R. 228] as to a counterclaim for revocation [R. 26] is the fee to be paid in the first instance raised by 10%. The value in dispute for the counterclaim for revocation was set at EUR 12,000,000. The fee in the first instance for Qualcomm's counterclaim for revocation action corresponds to EUR 26,500. Adding 10%, the fee in the counterclaim appeal proceedings corresponds to 29,150 EUR. Therefore, an overpayment of EUR 61,150 was made.

ORDER

The Court of Appeal orders that the overpaid fees in the amount of EUR 61,150 for the cross-appeal against the Decision of 11 March 2026 issued in the counterclaim for revocation proceedings UPC-CFI-450/2024 be reimbursed to Qualcomm.

Issued on 27 October 2026



Digitally signed by Åsa Ingeborg Simonsson
Date: 2026.10.27 12:39:02 +01'00'

Ingeborg Simonsson, 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).