Order
of the Court of First Instance of the Unified Patent Court
issued on 28/10/2026
regarding: rules 262.2 and 262A

Claimant/Applicant

Qord IP Protection LLC
16690 Collins Ave, Suite 1001
33160 Sunny Isles Beach
United States of America

Represented by Ralph Nack

Defendants

1) **SmartThings, Inc.**
   665 Clyde Avenue, Suite 304, 94043 Mountain View, United States of America
2) **Samsung Electronics Co., Ltd.**
   129, Samsung-Ro, Suwon-Si, South-Korea
3) **Samsung Electronics GmbH**
   Frankfurter Strasse 2, 65760 Eschborn, Germany
4) **Samsung Electronics Benelux B.V.**
   Evert van de Beekstraat 310, 1118 CX Schiphol, The Netherlands

Defendants 1-4 are represented by Jan Ebersohl.

PATENT AT ISSUE

EP 2 047 617	Imprenditore Pty Limited

DECIDING JUDGE

The panel consists of:

Presiding Judge	**Margot Kokke**
Judge-rapporteur	**Robert van Peursem**
Legally qualified judge	**Goda Ambrasaité-Balynienė**

This order is issued by the judge-rapporteur.

LANGUAGE OF PROCEEDINGS: English

Subject-matter of the proceedings: Infringement proceedings and counterclaim for revocation

FACTS AND PROCEDURE

1. Claimant is the registered proprietor of EP 2 047 617 ('the patent') which relates to a monitoring apparatus and system, in particular remote monitoring and control of devices and infrastructure via communication networks.

2. On 11 June 2026 Claimant initiated infringement proceedings against Defendants, pending as case UPC_CFI2094/2026.

3. On 26 October 2026 Defendants filed a redacted and highly confidential version of its statement of defence – in the redacted version exh. AOSD11 is also marked highly confidential – as well as a (non-confidential) counterclaim for revocation and a R.262A (and R.262.2) application.

REQUEST AND SUBMISSIONS

4. Defendants request:

1. The information listed in more detail in the following table (and highlighted in grey in the SoD and in the Exhibit AOSD 11 designated as "confidential") is classified as confidential within the meaning of Art. 58 UPCA, R. 262.2 RoP as well as access restricted according to R. 262A.1 RoP:

Sections of the SoD /Exhibits	**Description**
Prayer for relief count 2 (para.2)	Information on net sales figures, profit margin an inventory period
Section D.XI.3 (paras. 140, 150, 152 to 154)	Information on net sales figures, profit margin and inventory holding period
Exhibit AOSD11	Written witness statement regarding net sales figures

In particular:

2. The information to be classified as confidential under clause 1 is treated as confidential and is excluded from the possibility of file inspection by third parties and is not published in the register or otherwise disclosed (Art. 58 UPCA, R. 262.1(b), 262.2 RoP).

3. Prior to publication of the decision or notices, any information contained therein which concerns the information classified as confidential under clause 1 is to be redacted.

4. The public shall be excluded from the interim hearing and/or oral hearing during the direct and indirect discussion of the information classified as confidential under clause 1 (R. 115 RoP).

5. The public shall be excluded from the reasoning of the judgment as far as the information classified as confidential under clause 1 is discussed directly or indirectly (R. 115 RoP by analogy).

6. Prior to publication of the reasons for the judgment or other announcements, the information contained therein that is classified as confidential under clause 1 will be redacted.

Further:

7. The sections with confidential content referred to under clause 1 must be treated as strictly confidential by anyone who becomes aware of them as a result of their involvement in the present proceeding (as a party, intervener, lawyer, witness, expert, court employee or in any other way). They may not be used or disclosed outside the court proceedings, except if and to the extent that the obligor has demonstrably gained knowledge of the confidential infor-mation outside the present legal dispute (e.g. from parallel proceedings abroad) on a non-confidential basis from a source other than Defendants or their affiliates, provided that such source is not bound by a confidentiality agreement or other obligation of secrecy with De-fendants or their affiliates.

8. In addition, the confidential information may only be disclosed to a number of persons not greater than necessary and shall include the respective lawyers of Claimant (R. 262A.1, 262A.6 RoP).

   Defendants suggest that access to the confidential information and the unredacted version of the SoD and the exhibits named under clause 1 shall be restricted exclusively to:

   • Claimant's authorized representatives in the UPC proceedings and their staff; and

   • three individuals on the side of Claimant (to be named by Claimant).

   Only the above-mentioned employees/representatives of Claimant are permitted to attend the parts of the oral hearings taking place in the present proceedings at which confidential information may be disclosed in accordance with R. 115 RoP. Only they may be provided with the recordings and minutes of the aforementioned hearings insofar as information to be classified as confidential under clause 1 is concerned.

9. It is ordered that the access restriction pursuant to clause 3 shall continue to apply after the conclusion of the court proceedings, unless the disputed information becomes otherwise known or readily accessible to persons from the circles that normally have access to such information.

10. In the event of a culpable infringement of the duty of confidentiality, the court may impose a recurring penalty payment on the obligated party and/or the individuals named for each infringement and enforce this immediately.

11. Persons other than those named in clause 3 shall be excluded from the oral hearing in accordance with R. 115 RoP if the information classified as restricted in accordance with clause 1 is to be the subject of the oral hearing.

12. Persons other than those named in clause 3 shall be excluded for part of the delivery of the grounds for the judgement in accordance with R. 115 RoP, insofar as the information classified as restricted in accordance with section 1 is concerned.

GROUNDS

5. Claimant is herewith given the opportunity to respond to this R.262A application pursuant to R.262A.4 (and R.262.5). Parties are urged to discuss and reach agreement on the members of the confidentiality club and on the term/wording of a confidentiality order.

6. Pending a final R.262A order, the confidentiality application as cited is provisionally granted as requested apart from the confidentiality club: the unredacted version of Defendants' statement of defence (including exh. AOSD11) shall be made available to the representitives of Claimant and their assistants only, for the time being. The confidential information shall be made available by setting the confidentiality status of the documents marked as confidential, which were submitted with status 'HC', to status 'R' (representatives only).

7. Defendants have indicated to prefer to proceed with both the infringement action as well as the counterclaim for revocation according to Art. 33(3)(a) UPCA and Claiment is already asked by communication of the judge-rapporteur dated 27 October 2026 to give it's view on (non-)bifurcation. The panel prefers to proceed according to Art. 33(3)(a) UPCA as well and intends to give a R.37.2 order accordingly and will then ask for allocation of a technically qualified judge.

ORDER

I. The confidentiality application is provisionally granted as set out in 6. above.
II. Claimant can file a response to the R.262A application on or before 9 November 2026.

Van Peursem, Judge rapporteur	Digitally signed Van Peursem Gerard Robert Bernard 2026-10-28 17:28:59 +0100 Unified Patent Court Einheitliches Patentgericht Juridiction unifiée du brevet
For the Deputy Registrar, clerk	Digitally signed Mohammed Noua 2026-10-28 17:05:21 +0100 Unified Patent Court Einheitliches Patentgericht Juridiction unifiée du brevet

INFORMATION ABOUT PANEL REVIEW
Any party may request that this Order be referred to the panel for a review pursuant to R. 333 RoP. Pending review, the Order shall be effective (R. 102.2 RoP)