Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

Mannheim Local Division
UPC_CFI_188/2025
(CCfR: UPC_CFI_606/2025)

Decision
of the Court of First Instance of the Unified Patent Court
issued on 6 November 2026
concerning EP 4 096 288
(Withdrawal, R. 265 RoP)

CLAIMANT:

Samsung Electronics Co., Ltd
- 129 Samsung-Ro, Yeongtong-Gu - 16677 - Suwon City, Gyeonggi-Do - KR

represented by Hetti Hilge

DEFENDANTS

1) **ZTE Deutschland GmbH**
Fritz-Vomfelde-Straße 26-30 - 40547 - Düsseldorf - DE

represented by Georg Rauh

2) **ZTE Austria GmbH**
Rivergate, Gate 1_11.+12.OG_Top.C, Handelskai 92 - 1200 - Wien - AT

represented by Georg Rauh

3) **ZTE Corporation Bulgaria**
Offices 501/701/802, Block A, Interpred, 36 Dragon Tsankov Blvd - 1040 - Sofia - BG

represented by Georg Rauh

4) **ZTE France SASU**
27-33 Quai Alphonse Le Gallo - 92100 - Boulogne-Billancourt - FR

represented by Georg Rauh

5) **ZTE Italia s.r.l.**
Via Laurentina 455 - 00142 - Roma - IT

represented by Georg Rauh

6)	**ZTE Netherlands B.V.** 6th floor, Maanplein 20, TP8 - 2516CK - Den Haag - NL	represented by Georg Rauh
7)	**ZTE Romania SRL** 73-81 Bucuresti - Ploiesti St. Building 4, 3rd Floor - 013685 - Bucharest - RO	represented by Georg Rauh

PATENT AT ISSUE:

European patent EP 4 096 288

PANEL/DIVISION:

Panel of the Local Division in Mannheim

DECIDING JUDGES:

This decision was issued by the legally qualified judge Sender acting as judge-rapporteur

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT OF THE PROCEEDINGS: Infringement action and Counterclaim for Revocation – Withdrawal and request for reimbursement of court fees

BRIEF SUMMARY OF THE FACTS:

Claimant filed an infringement action against Defendants (UPC_CFI_188/2025). Defendants filed a joint counterclaim for revocation (UPC_CFI_606/2025).

After the closure of the written procedure and before the closure of the oral procedure, the parties request – with the consent of the respective counterparty/ies and without a request for a cost decision – to permit the withdrawal of the respective actions.

Further, Claimant requests reimbursement of court fees *"according to R. 370 (9) (c) (iii) RoP"*.

REASONS FOR THE DECISION

The decision on the requested withdrawals is based on R. 265 RoP in accordance with the mutual agreement of the parties.

A decision on costs is not required as the present actions are withdrawn in their entirety and all parties declare that a cost decision is not requested (cf. CoA, order of 24 January 2025, UPC_CoA_840/2024, para. 11; order of 31 March 2025, UPC_CoA_520/2024, para. 10).

Claimant's request for proportional reimbursement of court fees (20 %) is rejected. Based on R. 370.11 RoP in conjunction with R. 370.9 (b), (c) RoP in the version in force since 1 January 2026, which is applicable to the present case since the application under R. 265 RoP was filed after this date (cf. CoA, decision of 24 March 2026, UPC_CoA_646/2025, para. 13), the request is unfounded. Neither has the infringement action been withdrawn before the closure of the written procedure

(R. 370.9 (b) RoP), nor has it been put forward that the requirements of R. 370.9 (c) RoP are fulfilled.

As already stated in the orders of 27 May 2025 and 5 March 2026 (section IV.), the appropriate value in dispute is 4,000,000 € for each of the present proceedings.

DECISION:

1. The withdrawal of the infringement action (UPC_CFI_188/2025) is permitted, and the proceedings are declared closed.

2. The withdrawal of the counterclaim for revocation (UPC_CFI_606/2025) is permitted, and the proceedings are declared closed.

3. Claimant's request for reimbursement of court fees is rejected.

4. The value in dispute for the infringement action and the counterclaim for revocation is set at 4,000,000 € each.

5. This decision shall be entered on the register.

Issued in Mannheim on 6 November 2026
NAME AND SIGNATURE

Tobias Sender
Digital unterschrieben von Tobias Sender
Datum: 2026.11.06 08:26:47 +01'00'

Sender
Judge-rapporteur