Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

Mannheim Local Division
UPC_CFI_189/2025
(CCfR: UPC_CFI_625/2025)

Decision
of the Court of First Instance of the Unified Patent Court
issued on 6 November 2026
concerning EP 4 050 804
(Withdrawal)

CLAIMANT:

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

DEFENDANTS:

1) **ZTE Deutschland GmbH** represented by Thomas Lynker
- Fritz-Vomfelde-Straße 26-30 - 40547 - Düsseldorf - DE

2) **ZTE France SASU** represented by Thomas Lynker
- 27-33 Quai Alphonse Le Gallo - 92100 - Boulogne-Billancourt - FR

3) **ZTE Netherlands B.V.** represented by Thomas Lynker
- Maanplein 20, TP8 - 2516CK - Den Haag - NL

PATENT AT ISSUE:

European patent EP 4 050 804

PANEL/DIVISION:

Panel of the Local Division in Mannheim

DECIDING JUDGES:

This decision was issued by the legally qualified judge Böttcher 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_189/2025). Defendants filed a joint counterclaim for revocation (UPC_CFI_625/2025).

After the closure of the written procedure and before the closure of the interim 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) (ii) 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A decision on costs is not required as the present actions are withdrawn in their entirety and all parties declare that a cost decision is not requested (cf.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 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 order of 28 May 2025, the appropriate value in dispute is 4,000,000 € for the infringement action. There is no reason to deviate from that amount, in particular not in the light of Claimant's submissions. Defendants even explicitly agreed to such value in dispute (SoC para. 171). There is also no reason to set a different value in dispute for the counterclaim for revocation.

DECISION:

1. The withdrawal of the infringement action (UPC_CFI_189/2025) is permitted, and the proceedings are declared closed.

2. The withdrawal of the counterclaim for revocation (UPC_CFI_625/2025) 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

Dirk Andreas Böttcher

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Datum: 2026.11.06 11:29:46 +01'00'

Böttcher
Judge-rapporteur