Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

UPC Court of Appeal

UPC-CoA-163/2026
UPC-CoA-166/2026
UPC-CoA-167/2026

Decision

of the Court of Appeal of the Unified Patent Court

issued on 11 November 2026

Public access to the register (R. 262.1(b) and R. 262.5 RoP)

APPLICANT

PAUSTIAN & PARTNER Patentanwälte mbB, Oberanger 32, 80331 München, Germany

hereinafter "**the Applicant**"

represented by Dr. Olga Michala, attorney-at-law, PAUSTIAN & PARTNER Patentanwälte

1. UPC_CoA_409/2025

APPELLANTS (DEFENDANTS IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

1. **NUC Electronics Europe GmbH**, Schwalbacher Strasse 76, 65760 Eschborn, Germany (hereinafter "**NUC Europe**")
2. **WARMCOOK**, 73, boulevard Gay Lussac, 13014 Marseille, France (hereinafter "**WARMCOOK**")

represented by Dr. Christian Kau, attorney-at-law, and other representatives of Preu Bohlig & Partner

RESPONDENT (CLAIMANT IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

Hurom Co., Ltd., 80-60, Golden root-ro, Juchon-myeon, Gimhae-si, Gyeongsangnam-do, 62184, Republic of Korea (hereinafter "**HUROM**")

represented by Klaus Haft, attorney-at-law, and other representatives of Hoyng ROKH Monegier

2. UPC_CoA_410/2025

APPELLANT (DEFENDANT IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

NUC Electronics CO., Ltd, 280, Nowon-ro - 41548 - Buk-gu, Daegu, Korea (hereinafter "**NUC Korea**")

represented by Martin Momtschilow, attorney-at-law, and other representatives of Preu Bohlig & Partner

RESPONDENT (CLAIMANT IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

Hurom Co., Ltd., 80-60, Golden root-ro, Juchon-myeon, Gimhae-si, Gyeongsangnam-do, 62184, Republic of Korea (hereinafter "**HUROM**")

represented by Klaus Haft, attorney-at-law, and other representatives of Hoyng ROKH Monegier

3. UPC_CoA_420/2025

APPELLANT (CLAIMANT IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

Hurom Co., Ltd., 80-60, Golden root-ro, Juchon-myeon, Gimhae-si, Gyeongsangnam-do, 62184, Republic of Korea (hereinafter "**HUROM**")

represented by Klaus Haft, attorney-at-law, and other representatives of Hoyng ROKH Monegier

RESPONDENT (DEFENDANT IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

NUC Electronics CO., Ltd, 280, Nowon-ro - 41548 - Buk-gu, Daegu, Korea (hereinafter "**NUC Korea**")

represented by Martin Momtschilow, attorney-at-law, and other representatives of Preu Bohlig & Partner

PATENT AT ISSUE

EP 2 028 981

LANGUAGE OF THE PROCEEDINGS

English

PANEL AND DECIDING JUDGE

Panel 1
Emmanuel Gougé, legally qualified judge and judge-rapporteur

PARTIES' REQUESTS AND SUBMISSIONS

1. On 27 March 2026, the Court of Appeal issued the final decision in the appeal cases UPC_CoA_409/2025, UPC_CoA_410/2025 and UPC_CoA_420/2025, following which the three appeal cases were closed.

2. In its requests of 24 September 2026 (CoA-163/2026) and 28 September 2026 (CoA-166/2026), as re-submitted in the rectified versions dated 2 October 2026, the Applicant requests access pursuant to R. 262.1(b) RoP to the written pleadings in respectively UPC_CoA_409/2025, UPC_CoA_410/2025, and UPC_CoA_420/2025 as specified hereafter.

UPC_CoA_409/2025

i) the Statement of appeal and

ii) the Statement of grounds of appeal

UPC_CoA_410/2025

i) the Statement of appeal and
ii) the Statement of grounds of appeal

UPC_CoA_420/2025

i) the Statement of appeal and
ii) the Statement of grounds of appeal

3. The Applicant points out that it has a professional interest in the patent EP 2 028 981 concerned, and that the access would provide an opportunity to study thoroughly the pleadings and the arguments raised therein.

4. On 5 October 2026, the Court of Appeal invited NUC Europe and WARMCOOK, as well as HUROM and NUC Korea to provide comments on the requests pursuant to R. 262.5 RoP.

5. In its reply of 19 October 2026 in UPC-CoA-163/2026, NUC Europe and WARMCOOK point out that they understand the request to be limited to the pleadings specified by the Applicant, namely the respective Statements of appeal and Statements of grounds of appeal in the three appeal proceedings, and that the application does not cover the exhibits filed with those pleadings. NUC Korea raised similar arguments in their reply filed on 19 October 2026 in UPC-CoA-166/2026.

6. Moreover, NUC Europe and WARMCOOK request that any access granted to the Statement of Grounds of Appeal in UPC_CoA_409/2025 be limited to the redacted version submitted by them, in which the references in paragraphs 314 – 317 (pp. 103 – 104) and the title of Exhibit D 33 (p. 132) would identify directly or indirectly a technical expert acting as a contact person at a certification body and have therefore been redacted as personal data pursuant to R. 262.1 RoP.

7. Similarly, NUC Korea requests that any access granted to the Statement of grounds of Appeal in UPC_CoA_410/2025 be limited to the redacted version submitted by them as Exhibit PBP 1. NUC Korea argues that the references in paragraphs 314 – 317 (pp. 103 – 104) and the title of the Exhibit D 31 (p. 134) would identify a technical expert acting as a contact person at a certification body and should be redacted pursuant to R. 262.1 RoP.

8. NUC Korea further argues that the information redacted in paragraphs 360 and 362 of the Statement of grounds of Appeal in UPC_CoA_410/2025 discloses NUC Korea's non-public arrangements for supplying products to Europe and reveals the shipment conditions including details regarding the responsibility in relation to the goods. According to NUC Korea, this confidential information, which also concerns products other than the contested embodiment, should be excluded from public access pursuant to R. 262.2 RoP.

9. HUROM has not submitted any comments.

GROUNDS FOR THE ORDER

Legal framework

10. Subject to conditions set out in the UPCA and the RoP, the register kept by the Registry shall be public (Art. 10(1) second sentence UPCA).

11. Art. 45 UPCA stipulates that the proceedings shall be open to the public unless the Court decides to make them confidential, to the extent necessary, in the interest of one of the parties or other affected persons, or in the general interest of justice or public order.

12. 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.

13. In its decision of 10 April 2024, the Court of Appeal set out the general principles for deciding on requests to make written pleadings and evidence available to members of the public pursuant to R. 262(1)(b) RoP (CoA decision of 10 April 2024, *Ocado v Autostore*, UPC_CoA_404/2023 APL_584498/2023). According to these principles, the relevant interests are usually properly balanced and duly weighed against each other if access is granted after the proceedings have come to an end by a decision of the Court.

14. A law firm may also be a member of the public within the meaning of R. 262.1 (b) RoP (CoA decision of 9 January 2025, *Abbott v Powell Gilbert*, UPC_CoA_480, UPC_CoA_481/2024).

15. 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.

16. Since a request for written pleadings and evidence must be specified to the greatest extent possible (UPC_CoA_9/2026, Decision of 24 February 2026, *Gowling v. Boehringer Ingelheim*, para. 22), and no exhibits were specified in the Applicant's request, the exhibits filed together with the Statements of appeal and Statement of grounds of appeal in the three appeal proceedings at hand are not covered by the present request for public access to the register.

17. Regarding the Statement of grounds of Appeal filed in UPC_CoA_409/2025, since the references in paragraphs 314 – 317 (pp. 103 – 104) and the title of Exhibit D 33 (p. 132) concern personal data and could directly or indirectly identify a technical expert acting as a contact person, whose identity is not necessary to understand the arguments concerning the disputed feature, access to this document shall be granted in the redacted version submitted by the Applicant and following the redaction of any other personal data pursuant to R. 262.1 RoP. The same applies to the references in paragraphs 314 – 317 (pp. 103 – 104) and the title of the Exhibit D 31 (p. 134) in the Statement of grounds of Appeal filed in UPC_CoA_410/2025.

18. It is apparent that certain passages identified by NUC Korea in paragraphs 360 and 362 of the Statement of grounds of Appeal in UPC_CoA_410/2025, coupled with provision of the redacted copy of this

document, require confidential treatment. They contain sensitive, non-public confidential commercial information relating to confidential commercial information concerning NUC Korea's export arrangements.

19. The Applicant shall only receive access to the redacted versions of the Statements of grounds of Appeal submitted by NUC Europe and WARMCOOK and NUC Korea in UPC_CoA_409/2025 and UPC_CoA_410/2025, respectively.

Redaction of personal data

20. The documents shall be redacted of personal data prior to making them available to the Applicant. This is to be handled by the Registry.

DECISION

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

UPC_CoA_409/2025

i) the Statement of appeal of 9 May 2025, and
ii) the Statement of grounds of appeal of 11 July 2025, in the redacted version submitted on 19 October 2026 as Exhibit PBP 1 and after redaction of any other personal data

UPC_CoA_410/2025

i) the Statement of appeal of 9 May 2025, and
ii) the Statement of grounds of appeal of 11 July 2025, in the redacted version submitted on 19 October 2026 as Exhibit PBP 1 and after redaction of any other personal data

UPC_CoA_420/2025

i) the Statement of appeal of 12 May 2025, and
ii) the Statement of grounds of appeal of 10 July 2025

II. This decision closes the application.

This decision was issued on 11 November 2026.

Emmanuel Gougé

Digitally signed by EMMANUEL, LUCIEN, RENÉ GOUGÉ
Date: 2026.11.11 09:27:52 +01'00'

Emmanuel Gougé, legally qualified judge and judge-rapporteur