Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

Brussels Local Branch

UPC_CFI_871/2026
UPC_CFI_3902/2026

Confidentiality Order
(Rule 262A of the Rules of Procedure and Rule 262.2 of the Rules of Procedure)
Of the Court of First Instance of the Unified Patent Court (UPC) Brussels Local Division
Made on 12 November 2026

HEADNOTES (ENGLISH)

1. Parties must be aware that unsolicited communications and/or the unsolicited uploading of documents during proceedings for which the Rules of Procedure lay down a procedure to be followed (including provisions governing the exchange thereof) do not oblige the Court to take such communications or documents into account, to respond to them, or to consider them in any deliberations.
2. In the context of an application pursuant to Rule 262A of the Rules of Procedure (RoP), a 'default' confidentiality order may be issued imposing a confidentiality regime (or, ideally, agreed between the parties) which remains in force throughout the proceedings and which will also apply specifically to the filing of future confidential documents. An example of such a regime or conditions might be:
   (a) A party submitting new information that is to be regarded as confidential shall, upon submitting its submissions or comments, declare (at the beginning or start thereof) that they contain confidential information falling within the scope of the default confidentiality order, and shall specify which paragraphs in the submissions, comments and/or documents contain such information.
   (b) A party submitting new confidential information must also submit a redacted version of the submissions/comments and/or the documents.
   (c) The other party is entitled to object to the confidential nature of the information designated as confidential within one week of receiving these submissions/comments and/or documents, following which an order will be issued (after the right of defence has been observed). The Court may at any time defer its decision on this matter until the final assessment.
   (d) If the Court receives no objection pursuant to (c), the new information designated as confidential shall be subject to the default confidentiality order, unless the Court informs the party that submitted the new information marked as confidential (at the latest in the final decision) that the information is not considered confidential (subject to compliance with the rights of defence).
   (e) The respective confidentiality circles shall apply as set out in the default confidentiality order unless a party expressly requests the Court, pursuant to Rule 262A of the Rules of Procedure, that a different, modified confidentiality circle or modality be established with respect to specifically identified confidential information.

HEADNOTES (DUTCH)

1. Parties should be aware that unsolicited communications and/or the unsolicited uploading of documents during proceedings for which the Rules of Procedure prescribe a procedure to be followed (including provisions governing their exchange) do not impose any obligation

for the Court to take note of this, to respond to it or to take it into account in any deliberations.

2. In the context of an application pursuant to Rule 262A of the Rules of Procedure, a 'default' confidentiality order may be issued imposing a general confidentiality regime (or, ideally, agreed between the parties) which remains applicable throughout the entire proceedings and will also apply specifically to the filing of future confidential documents. An example of such a regime might be as follows:

   (a) A party submitting new information that is to be regarded as confidential shall state, upon filing its submission/position (in the preamble), that it contains confidential information falling within the scope of the default confidentiality order, and shall specify which paragraphs in the submission/position and/or documents contain such information.

   (b) A party submitting new confidential information must also file a redacted version of the submission and/or the documents.

   (c) The other party is entitled to object to the confidential nature of these submissions and/or documents within one week of receiving them, following which an order will be issued (after the rights of defence have been observed). The Court may at any time defer its decision on this matter until the final assessment.

   (d) If the Court receives no objection on the grounds set out in (c), the new information designated as confidential shall be subject to the default confidentiality order, unless the Court informs the party that submitted the new information marked as confidential (at the latest in the final decision) that the information is not to be regarded as confidential (subject to compliance with the rights of defence).

   (e) The respective confidentiality circles shall apply as set out in the default confidentiality order unless a party expressly requests the Court, pursuant to Rule 262A of the Rules of Procedure, that a different, adapted confidentiality circle or arrangement be determined in respect of specifically identified confidential information.

KEYWORDS

Rule 262A of the Rules of Procedure – Rule 262.2 of the Rules of Procedure – Confidentiality scope

APPLICANTS UNDER RULE 262A AND RULE 262.2 OF THE RULES OF PROCEDURE: APPLICATION: RESPONDENT(S):

1. Esko-Graphics BV **2. Esko Software BV**	Raymonde de Larochelaan 13, 9051 Ghent (Belgium) Raymonde de Larochelaan 13, 9051 Ghent (Belgium)
Represented by:	Kristof Roox, solicitor (Crowell & Moring LLP) Jan-Diederik Lindemans, solicitor (Crowell & Moring LLP) Margot Horowitz, solicitor (Crowell & Moring LLP) Margaux Dejonghe, solicitor (Crowell & Moring LLP)
Hereinafter collectively referred to as Hereinafter individually referred to as:	Defendants or ESKO Defendant 1 or ESKO-GRAPHICS Defendant 2 or ESKO-SOFTWARE

RESPONDENTS R. 262A AND R. 262.2 OF THE RULES OF PROCEDURE (ROP) APPLICATION: CLAIMANT(S):

In(k)control BV	9800 Deinze (Belgium), E3-laan 43 – 9800 Deinze (Belgium)
Represented by:	Kristof Neefs, solicitor (Inteo) Timothy Van de Gehuchte, solicitor (Portelio) Ellen Crabbe, patent attorney (Brantsandpatents)
Hereinafter referred to as:	The Claimant or IN(K)CONTROL

PATENT(S) TO WHICH THE DISPUTE RELATES

Patent No.	*Patent holder(s)*
EP 3 841 735	IN(K)CONTROL BV

PANEL/DIVISION:

Chair and Reporting Judge	Samuel Granata
Legally Qualified Judge	Marije Knijff
Legally Qualified Judge	Daniel Voß

PRESIDING JUDGE:

This *order* is issued by the Reporting Judge.

I. COURSE OF PROCEEDINGS, APPLICATIONS AND SUBMISSIONS OF THE PARTIES

1. On 30 October 2026, the ESKO Tribunal received, together with a *'Statement of Defence & Counterclaim for* Revocation', a *'Motion for* Confidentiality' pursuant to Rules 262A and 262.2 of the Rules of Procedure and Article 58 of the UPCA (hereinafter referred to as the 'Motion').

2. The Application seeks, in the main, to restrict access to and use of certain categories of confidential information contained in the *"Statement of* Defence" and accompanying documents (specifically, Documents IX.1 to IX.8) to a designated circle of confidence. ESKO will specify the respective confidentiality circles in its Application. In the alternative ("*(i) in the event that the Court were to reject ESKO's claim under Rule 262A of the Rules of Procedure in whole or in part and were not to grant a confidentiality circle for one or more of the Documents described above"),* ESKO requests that the information in question be protected from disclosure to the public pursuant to Rule 262.2 of the Rules of Procedure.

3. For the sake of completeness, it is noted that, in paragraph 34 of its Application, ESKO requests that the members of the confidentiality circle *"on the part of 'IN(K)CONTROL', before gaining access to the unredacted versions of Documents IX.1 to IX.7, sign a written undertaking in which they commit to using the information in question solely for the purposes of the present proceedings and not to disclose it to persons outside the confidentiality circle*".

4. IN(K)CONTROL was requested by the Reporting Judge to state its position by Tuesday 10 November 2026 at the latest. In the communication issued by the Reporting

it was stated that the deadline for this had been extended to allow the parties to agree on a general confidentiality regime. The purpose of such an agreement regarding the circle of confidentiality is to maintain the respective circles of confidentiality for any (allegedly) confidential information submitted by the respective parties in the present proceedings (UPC_CFI_871/2026 and UPC_CFI_3902/2026). In his communication, the Reporting Judge proposed a number of clauses concerning the rights and obligations of the respective parties under such a general confidentiality regime (with the parties being given the opportunity to propose amendments and/or comments thereon) (a material error in numbering was corrected):

(a) *A party submitting new information that is to be regarded as confidential shall, upon submission of its statement of case (as indicated at the beginning thereof), declare that it contains confidential information falling within the scope of the (default) confidentiality order issued, and shall specify which paragraphs in the statement of case and/or documents contain such information.*

(b) *A party submitting new confidential information must also submit a redacted version of the statement of case and/or the documents.*

(c) *The other party is entitled to object to the confidential nature of the information designated as confidential within one week of receiving this statement of case and/or documents, following which an order will be issued (after the rights of defence have been observed). The Court may at any time defer its decision on this matter until the final assessment.*

(d) *If the Court receives no objection on the grounds of (c), the new information designated as confidential shall be subject to the (default) confidentiality order issued, unless the Court informs the party that submitted the new information marked as confidential (at the latest in the final decision) that the information is not considered confidential (in accordance with the right of defence).*

5. The Reporting Judge received IN(K)CONTROL's submission on 10 November 2026, in which the following was stated (in essence):

- The parties agree to the terms set out in the Report-Writing Judge's communication (see §4).
- ESKO does not press its request as set out in §34 of its Application.
- IN(K)CONTROL has no objection in principle to the application of Rule 262.2 of the Rules of Procedure.
- IN(K)CONTROL has no objection to the persons who will form part of the ESKO confidentiality circle.
- However, the parties were unable to reach agreement regarding the persons who, on behalf of IN(K)CONTROL, would form part of the IN(K)CONTROL confidentiality circle.

6. The discussion between the parties was therefore limited to the persons who were to be included in the IN(K)CONTROL confidentiality circle. The positions of the respective parties can be summarised as follows:

- ESKO limited the confidentiality circle to the following persons: one internal member at IN(K)CONTROL and the three representatives named in the *'Statement of* Claim',

namely Ellen Crabbe (Brantsandpatents), Timothy Van de Gehuchte (Portelio) and Kristof Neefs (Inteo).

- IN(K)CONTROL, however, requested that the two individuals— [redacted] , and [redacted] who act as its directors be included in the confidentiality circle, and that Sofie Cubitt (solicitor, Inteo) and Kristof Vande Ginste (European patent attorney, Brantsandpatents) also be added as external representatives. The following arguments were put forward in support of this extension:
  - regarding the directors: IN(K)CONTROL is a family business with two directors who are brothers. They both follow the proceedings closely and are familiar with the technology and the market. It would be artificial to restrict full access to the documents to just one of them. This would also unnecessarily complicate consultations with its representatives and their participation in the hearing.
  - With regard to Sofie Cubitt and Kristof Vande Ginste: They are, respectively, a solicitor and a European patent attorney affiliated with the practices of the aforementioned representatives of IN(K)CONTROL and are bound by strict professional ethics. In accordance with the case law of the UPC Court of Appeal, it is pointed out that there is no reason to question their reliability, and that litigation before the Court requires organisation and the ability to anticipate both foreseen and unforeseen circumstances

7. On 10 November 2026, the Court received ESKO's (unsolicited) submission:

- regarding the expansion of the panel to include the two directors of IN(K)CONTROL, ESKO states that *"procedural equality does not require an equal number of members, but access that is commensurate with the specific needs of each* party", after which ESKO provides a numerical comparison of the percentage of individuals who would have access within the respective parties' organisations (at ESKO this would amount to 0.013 per cent of individuals, whilst at IN(K)CONTROL it would amount to 100 per cent), highlighting the disproportionate figure.
- With regard to IN(K)CONTROL's external representatives, ESKO refers to a *'mutatis* mutandis' comparison as set out above. It points out that the specific need for access must be demonstrated, which IN(K)CONTROL fails to do so, and further states that 'the *mere fact that the lawyer and patent attorney in question are affiliated with the offices of the known representatives of (IN(K)CONTROL) does not justify their inclusion in the circle of confidentiality*'. Finally, ESKO argues that the intention should not be to *"cast as wide a net as possible in order to anticipate all possible logistical and organisational scenarios*".

In the alternative (should the Court accept the extension of the confidentiality circle requested by IN(K)CONTROL), ESKO requests that the confidentiality circle be extended on its part to include [redacted] (VP Intellectual Property at Veralto) and [redacted] (Senior R&D Engineer at Esko).

8. In an (unsolicited) communication dated 10 November 2026, IN(K)CONTROL informed the Court that it did not object to the inclusion of [redacted] and [redacted] in the ESKO confidentiality group.

II. ASSESSMENT

II.A. Introductory remark

9. As indicated above, IN(K)CONTROL was initially requested to state its position regarding the Petition (by 10 November 2026 at the latest). The Reporting Judge intended to invite ESKO to state its position regarding the extension of the circle of confidentiality proposed by IN(K)CONTROL. However, before such communication could be sent, ESKO (on 10 November 2026) had already submitted its (at that time unsolicited) position, which was followed by an (unsolicited) additional position from IN(K)CONTROL (on 10 November 2026).

10. IN(K)CONTROL is correct in pointing out that ESKO's position was unsolicited at the time of its submission (and thus disregarded the application of Rule 262A.4 of the Rules of Procedure).

11. Given the ease with which communications can be made and documents uploaded via the CMS, the parties must be aware that unsolicited communications and/or the unsolicited uploading of documents during proceedings for which the RoP prescribes a procedure to be followed (including rules governing the exchange of views – in this case Rule 262A.4 of the Rules of Procedure, does not impose any obligation on the Court to take note of such communications, to respond to them or to take them into account in any deliberations. Where such communications/documents therefore form a formal part of the CMS file but the course of the proceedings as set out in the RoP is not followed, the Court has the discretion as to whether or not to take note of such communications and/or uploaded documents, to respond to them or to take them into account in its deliberations (subject to the right of defence for the other party).

12. In light of the foregoing, and also given that the Court wished to be fully informed of ESKO's position and sought to issue an invitation to that effect, the Court accepts both ESKO's supplementary submission and the subsequent submission from IN(K)CONTROL.

II.B. Confidential nature of the information

13. The information provided by ESKO in connection with the Petition relates to:
- ESKO's costs and those of its representatives in these proceedings (Exhibit IX.1 and Exhibit IX.2),
- ESKO's internal investments in these proceedings (Exhibit IX.3),
- Licence terms (Exhibit IX.4 and Exhibit IX.5),
- Internal R&D documents (Exhibit IX.6 and Exhibit IX.7), and

- Internal presentation concerning turnover forecasts (Exhibit IX.8)

14. IN(K)CONTROL does not dispute the confidential nature of these documents.

15. The Court finds that the above documents, as well as their incorporation into conclusions, must be regarded as confidential due to the nature of the information and because their disclosure (outside a circle of confidentiality) could cause harm to either ESKO or its representatives. Specifically, the Court finds as follows:
    - Costs incurred by ESKO and its representatives in these proceedings (Exhibit IX.1 and Exhibit IX.2): These documents are subject to the professional secrecy obligations of the respective representatives (cf. Paris Court of Appeal, 26 June 2024, UPC_CFI_724/2025, , *Suinno v. Microsoft* and UPC_CFI_336/2025, Mannheim Regional Court 6 August 2025, UPC_CFI_162/2024, *NUC v. Hurom*). If such documents were to be made available outside the circle of confidentiality, they would provide an unacceptable insight into ESKO's financial and commercial strategy; extensive access would jeopardise the competitive position of the respective representatives and could give rise to breaches of professional ethics. It is, in particular, for this latter reason that Document IX.1 and Document IX.2 are filed in a limited, unredacted form, with the possibility for IN(K)CONTROL to request more extensive access; in this regard, ESKO points out that in such a case (as an additional condition alongside access restricted solely to the confidentiality circle), the president of the bar must grant authorisation in this regard and the representatives must give their explicit and personal approval.
    - ESKO's internal expenditure on these proceedings (Exhibit IX.3). This document concerns information regarding an internal calculation of the number of man-hours that ESKO has spent on these proceedings. The document sets out the identities of ESKO employees, the number of hours worked and the internal hourly rate. This information is commercially and strategically sensitive and constitutes one of ESKO's trade secrets. Disclosure of this information would cause harm to ESKO.
    - Licence Terms (Exhibit IX.4 and Exhibit IX.5). These documents relate to licence agreements concluded with third parties and set out the identity of the licensees, the licence fees and payment terms, and (more generally) the contractual rights and obligations. These documents form part of ESKO's trade secrets, the confidential nature of which has (in general) already been confirmed on several occasions by the UPC (see LD Munich, 14 January 2025, UPC_CFI_145/2024, UPC_CFI_146/2024, UPC_CFI_147/2024 and UPC_CFI_148/2024, *Sanofi v. Accord*, p. 9). It goes without saying that their disclosure to IN(K)CONTROL (or to the public) will not only undermine the confidential nature of these agreements but will also (or concomitantly) cause undeniable harm to ESKO.
    - Internal R&D documents (Exhibit IX.6 and Exhibit IX.7). These documents concern financial and strategic business information and must be regarded as confidential (cf. LD The Hague 4 March 2024, UPC_CFI_239/2023, *Plant-e v. Arkyne*, § 11). Making them public

of these documents outside the circle of confidentiality (or to the public) would provide insight into the actual development costs of a (*comparable*) software product, which would undeniably cause damage to ESKO.

- Internal presentation concerning turnover forecasts (Exhibit IX.8). This document concerns the internal presentation of a specific and detailed five-year turnover forecast for Print Clone. These forecasts were based on commercial assumptions and customer insights and include various milestones necessary to achieve the turnover forecasts. The Court rules that this document must be regarded as confidential, since its disclosure outside the circle of confidentiality (or to the public) would mean that strategic information would become available to a competitor (or the public), which would undeniably cause damage to ESKO.

II.C. Application under Rule 262.2 of the Rules of Procedure

16. Notwithstanding the fact that ESKO submits the aforementioned request as 'conditional', such a request must be distinguished from a request made pursuant to Rule 262A of the Rules of Procedure and will be assessed separately below.

17. At this stage of the proceedings, where no third parties (the public) have submitted a request to the Court pursuant to Rule 262.1(b) of the Rules of Procedure, the Court considers ESKO's request to be reasonable and sufficiently substantiated. The Court provisionally finds that ESKO's interest in keeping the aforementioned documents within a circle of confidentiality takes precedence over the public's interest in having access to them. As such, the Court considers this request to be provisionally well-founded and does not grant the public access to the Information as set out under II.B.

18. For the sake of completeness, the Court does point out that, unlike Rule 262A of the Rules of Procedure, Rule 262.2 of the Rules of Procedure concerns access for the public (cf. LD Munich, 17 March 2025, UPC_CFI_815/2024) where a request to that effect is received by a member of the public. For this reason, ESKO's request in this regard is declared conditionally well-founded, and the preliminary assessment may be influenced by the position expressed by a member of the public in any application they may submit.

II.D. Application pursuant to Rule 262A of the Rules of Procedure

19. The Court rules that the following persons are to be admitted to the respective confidentiality circles:

	IN(K)CONTROL confidentiality group	**For the ESKO confidentiality group**
Party	[redacted] (*) (director of IN(K)CONTROL)	[redacted] (in-house lawyer at ESKO)
	[redacted] (*) (director of IN(K)CONTROL)	[redacted] (in-house lawyer at ESKO)
		[redacted] (**)

		(Senior R&D Engineer at ESKO)
Solicitor	Kristof Neefs (INTEO)	Kristof Roox (Crowell & Moring)
	Sofie Cubitt (*) (INTEO)	Jan-Diederik Lindemans (Crowell & Moring)
	Timothy Van de Gehuchte (Portelio)	Margaux Dejonghe (Crowell & Moring)
		Margot Horowitz (Crowell & Moring)
Patent Attorney	Ellen Crabbe (Brantsandpatents)	Daniele Schiuma (Müller-Boré)
	Kristof Vande Ginste (*) (Brantsandpatents)	Malte Munderloh (Müller-Boré)
Consultant		[redacted] (**) (VP Intellectual Property at Veralto)

((*)names/persons in respect of whom there is a dispute between the parties)
((**)names/persons who are the subject of the alternative claim)

20. Given that IN(K)CONTROL is a (family-run) SME managed by two brothers, the Court considers it unreasonable to restrict access to confidential information to just one of them. This would have impractical and unworkable consequences, in which the family ties can be explicitly highlighted. Neither the fact that this would concern 100 per cent of IN(K)CONTROL's management, nor the disproportionate share compared to the natural persons from ESKO who would have access, undermines the above reasoning.

21. ESKO's objection to the inclusion of an additional solicitor from the same law firm (INTEO) as the lead representative accepted by ESKO (Kristof Neefs), as well as an additional patent attorney from the same firm (BRANTSANDPATENTS) as the patent attorney accepted by ESKO (Ellen Crabbe), is rejected. IN(K)CONTROL rightly points out that there is no reason to question their respective reliability (order of 12 February 2026, UPC_CoA_621/2024, §18), whilst also noting that litigation before the UPC requires a certain degree of organisation and the ability to anticipate both foreseen and unforeseen circumstances (decision of 12 October 2026, UPC_CoA_146-148/2026). The Court therefore considers that the condition of necessity for extending the circle to include these persons has been met and does not regard this as an unacceptable 'broadening' of the circle of confidentiality.

22. With regard to the inclusion of [redacted] and [redacted] on ESKO's side, IN(K)CONTROL has indicated that it can agree to this, so this does not require further assessment.

II.E. Application of the confidentiality regime and scope for the remainder of the proceedings

23. The Court imposes the following conditions regarding the confidentiality regime for the further course of these proceedings (UPC_CFI_871/2026 and UPC_CFI_3902/2026):

(a) A party submitting new information that is to be regarded as confidential shall state, upon submission of its submission/position (in the preamble), that it contains confidential information falling within the scope of this confidentiality order issued on 12 November 2026, and shall specify which paragraphs in the submission/position and/or documents contain such information.

(b) A party submitting new confidential information must also file a redacted version of the submission and/or the documents.

(c) The other party is entitled to object to the confidential nature of these submissions and/or documents within one week of receiving them, following which an order will be issued (after the rights of defence have been observed). The Court may at any time defer its decision on this matter until the final assessment.

(d) If the Court receives no objection on the grounds set out in (c), the new information designated as confidential shall fall within the scope of the confidentiality order issued on 12 November 2026, unless the Court informs the party that submitted the new information marked as confidential (at the latest in the final decision) that the information is not considered confidential (subject to compliance with the rights of defence).

24. Pursuant to the above regime, the respective confidentiality circles shall apply as set out in §19 unless a party expressly requests the Court to determine a different, adjusted confidentiality circle in respect of specifically identified information or documents, in accordance with Rule 262A of the Rules of Procedure.

III. ORDER

The Court:

III.A. Confidential information

1. Considers the following information to be "confidential" pursuant to Article 58 of the UPCA, (provisional) Rule 262.2 of the Rules of Procedure and Rule 262A of the Rules of Procedure:
   - The passages contained in the *"Statement of* Defence" referring to Documents IX.1 to IX.8.
   - Exhibits IX.1 to IX.8.

III.B. Request based on Rule 262.2 of the Rules of Procedure

2. Orders the Registry at the Brussels District Court not to disclose to the public the information set out under (III.A.1.).
3. Informs the parties that this assessment regarding both the confidentiality of certain documents under (III.A.1.) and their protection under (III.A.2.) may be reconsidered in the context of a request for access by a member of the public pursuant to Rule 262.1 (c) RoP.

III.C. Request based on Rule 262A.1 of the Rules of Procedure

4. Defines the respective confidentiality circles as follows:

	IN(K)CONTROL confidentiality group	ESKO--confidentiality circle
Party	[redacted]	[redacted]
	[redacted]	[redacted]
		[redacted]
Solicitor	Kristof Neefs	Kristof Roox
	Sofie Cubitt	Jan-Diederik Lindemans
	Timothy Van de Gehuchte	Margaux Dejonghe
		Margot Horowitz
Patent Attorney	Ellen Crabbe	Daniele Schiuma
	Kristof Vande Ginste	Malte Munderloh
Consultant		[redacted]

5. Restricts access to the information set out in (III.A.1.) to the persons specified in the IN(K)CONTROL confidentiality circle set out above and specifically prohibits the use of this information, as set out in (III.A.1.), for any purpose other than to defend the interests of IN(K)CONTROL in the UPC proceedings known as UPC_CFI_871/2026 and UPC_CFI_3902/2026 (and any possible appeal).

III.D. Confidentiality regime for the remainder of the proceedings

6. The Court imposes the following confidentiality regime and procedures for the remainder of the proceedings:

   (a) A party submitting new information that is to be regarded as confidential shall state, upon submission of its submission/position (in the preamble), that it contains confidential information falling within the scope of this confidentiality order issued on 12 November 2026, and shall specify which paragraphs in the submission/position and/or documents contain such information.

   (b) A party submitting new confidential information must also file a redacted version of the submission and/or the documents.

   (c) The other party is entitled to object to the confidential nature of these submissions and/or documents within one week of receiving them, following which an order will be issued (after the rights of defence have been observed). The Court may at any time defer its decision on this matter until the final assessment.

   (d) If the Court receives no objection on the grounds set out in (c), the new information designated as confidential shall fall within the scope of the confidentiality order issued on 12 November 2026, unless the Court informs the party that submitted the new information marked as confidential (at the latest in the final decision) that the information is not considered confidential (subject to compliance with the rights of the defence).

7. (For the sake of completeness) To ensure the protection of the information as set out in (III.D.6.a.), access to it is restricted to the persons specified in the respective confidentiality circle set out above (III.C.3.) and specifically prohibits the use of this information, as set out in (III.D.6.a.), for any purpose other than

the defence of the respective interests of the parties in the UPC proceedings known as UPC_CFI_871/2026 and UPC_CFI_3902/2026 (and any possible appeal).

8. States that if one of the parties wishes to deviate from the above regime/arrangements regarding specific confidential information, a separate request must be submitted for this purpose in accordance with Rule 262A of the Rules of Procedure.

III.E. Costs

9. It is ordered that the assessment of the costs of this application shall be considered at a later stage of these proceedings.

Order issued on 12 November 2026 by:

Samuel **GRANATA** President and Reporting Judge Legally Qualified Judge	Samuel Rocco M Granata 2026 Digitally signed by Samuel Rocco M Granata Date: 12 November 08:52:49 +01:00