Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

Paris Local Division

UPC_CFI_1599/2026
& UPC_CFI_3375/2026

Cost decision of the Court of First Instance of the Unified Patent Court delivered on 16/11/2026

APPLICANTS & DEFENDANTS

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Represented by **Thomas BOUVET**
JONES DAY

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4-Groupe SEB WMF Consumer GmbH,
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DEFENDANT & APPLICANT

SharkNinja Operating LLC
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Represented by **Stanislas ROUX-VAILLARD**

PATENT AT ISSUE

Patent no.	Proprietor
EP3689198, EP3689201	SHARKNINJA Operating LLC

DECIDING JUDGE

Judge-rapporteur Carine Gillet

LANGUAGE OF PROCEEDINGS: English

DECISION FOR COSTS

1. By decision on 10 April 2026, the Paris Local Division dismissed SharkNinja's Application for Preliminary Injunctions, based on EP 198 and ordered SharkNinja to bear the legal costs incurred by SEB and to pay SEB an interim award amounting EUR 120,000, corresponding to the recoverable costs of the proceedings relating to EP 201, that SharkNinja had withdrawn before the oral hearing.

2. On 10 May 2026, SEB filed an application for costs (UPC_CFI_1599/2026), asking the Judge-Rapporteur to:
   Having regard to Article 69.1 of the Agreement on a Unified Patent Court and Rules 150 et seq. as well as Rules 262.2 and 262A of the Rules of Procedure of the Unified Patent Court:
   REGARDING THE COSTS
   -Order SharkNinja Operating LLC, as the unsuccessful party in the proceedings No. UPC_CFI_1594/2025, to pay Groupe SEB France, SEB S.A., SEB INTERNATIONAL SERVICE (SIS) and Groupe SEB WMF Consumer GmbH, the sum of EUR [redacted] HT as legal costs and other expenses.
   -Order that any amounts that would be paid by SharkNinja in compliance with the EUR 120.000 interim award of costs of 10 April 2026 will be offset against the above total amount of legal costs and other expenses ordered by the Court, it being specified that such offset will not apply to any (i) penalties that could be ordered against SharkNinja, or (ii) enforcement expenses incurred by SEB, in both cases in the event of non- and/or late-compliance with the interim award of costs.

   REGARDING THE CONFIDENTIALITY
   -Order that the information in red in the present application and the redacted passages in SEB Exhibits marked Confidential are confidential information between the parties;
   -Order that the information in red in the present application and the redacted passages in SEB Exhibits marked Confidential and the unredacted version of SEB Exhibits marked Confidential be excluded (i) from publications; (ii) from any documents made available; and (iii) from any information made available in response to an application;
   -Order that the information in red in the present application and the redacted passages in SEB Exhibits marked Confidential be made available only to SharkNinja's representatives and for use only for the purpose of the present proceedings.

   REGARDING THE EXEMPTION FROM TRANSLATIONS
   -Order that exhibits and the caselaw of the UPC adduced in French shall not have to be translated into English.

3. On 21 May 2026, the judge-rapporteur issued an order, addressing the issues on confidentiality (designating a natural person from SharkNinja's side) and exemption from translation.

4. On 05 June 2026, SHARKNINJA requests, in the application brought by SEB, that:
   -the Defendants' Cost Application is dismissed as inadmissible insofar as it relates to EP 198;
   -the Defendants are ordered to substantiate their Cost Application with regard to EP 201;

In the alternative,
-should the Court consider the Cost Application admissible and the Defendants' evidence to substantiate the Cost Application sufficient, we request that the Defendants' Cost Application be dismissed as unfounded in the amount of at least EUR [redacted]

5. By orders issued on 16 June 2026, the Judge-Rapporteur ordered the costs proceedings to be stayed, given that an appeal is pending against the decision issued by the Paris LD on 2 October 2026, and designated a natural person on SEB's side to access the confidential information.

6. By decision of 21 August 2026 (UPC_CoA_61/2026), the CoA confirmed the Paris Local Division's decision regarding the withdrawal of EP 201 and overturned the decision of first instance issued on 10 April 2026 (UPC_CFI_1594/2025), regarding EP 198, granting SHARKNINJA's request for provisional measures based on this Patent and ordering SEB to bear the costs of appeal proceedings and the first instance proceedings, relating to EP 198 and awarding SHARKNINJA an interim award of costs for both instances of the proceedings of EUR300,000.

7. On 21 September 2026, SHARKNINJA filed an Application for a cost decision (UPC_CFI_3376/2026), seeking that:
1- The Defendants are ordered to pay the Applicant the costs of the proceedings in the total amount of EUR [redacted] (in accordance with the chart page 3 of the application)
2-The Court sets a deadline for payment of the costs under 1. of two weeks,
adding an application for confidentiality, addressed by order on 16 October 2026.

8. On 23 October 2026, SEB requests the judge-rapporteur to:
-Dismiss SharkNinja's Application for a cost decision for being inadmissible at this stage and until a final decision on the merits,
AS AN ALTERNATIVE:
-Order the stay of the SharkNinja's application for a cost decision until a final decision has been issued in the action on the merits (UPC_CFI_3375/2026) based on EP'198, initiated by SharkNinja on 29 September 2026, or until that action is otherwise terminated;
-Order the most diligent party to inform the Judge-rapporteur of that decision
-Order that time limits shall not run during the stay.

AS A FURTHER ALTERNATIVE:
<u>REGARDING FIRST INSTANCE REPRESENTATION COSTS:</u>
-Declare that the recoverable amount for the first instance proceedings must be no more than the ceiling of EUR 300,000, as set by the Court of Appeal in its decision of 21 August 2026 so that the SEB companies cannot be ordered to pay more than EUR 150,000, after deduction of the EUR 150,000 already paid;
-Disregard Exhibit CR-Costs 1 as unintelligible and consequently, Dismiss SharkNinja's request for reimbursement of its first instance's representation costs as unsubstantiated;
-Dismiss SharkNinja's request for reimbursement of the representation costs of Schertenleib as unnecessary and economically unreasonable;
In the alternative,
-Order SharkNinja to produce an unredacted confidential version of Exhibit CR-Costs 1;
In the further alternative,
-Order that only a maximum of 50% of all Carpmaels & Ransford first instance costs must be considered specifically attributable to EP'198, hence a maximum of EUR [redacted].

REGARDING APPEAL REPRESENTATION COSTS:
-Disregard Exhibit CR-Costs 4 as unintelligible;
-Dismiss SharkNinja's request for reimbursement of the representation costs of Schertenleib as unnecessary and economically unreasonable;
In the alternative,
-Order SharkNinja to produce an unredacted confidential version of Exhibit CR-Costs 4;
In the further alternative,
-Order that only 30 % of SharkNinja's costs of appeal must be recoverable, hence a maximum of EUR [redacted]

REGARDING TRAVEL AND ACCOMMODATION COSTS IN FIRST INSTANCE AND IN APPEAL:
For SharkNinja's representatives:
-Dismiss SharkNinja's request that the costs incurred for the travel and accommodation of its representatives be reimbursed as the recoverable ceilings for both the first instance and the appeal proceedings have already been exceeded;
In the alternative,
-Dismiss SharkNinja's request for the reimbursement of its representative's travel and accommodation costs as disproportionate and unreasonable;
In the further alternative,
-Order that the SEB companies must pay as travel costs EUR [redacted] for the first instance proceedings and EUR [redacted] for the appeal proceedings;

For SharkNinja's employees:
-Dismiss SharkNinja's request for reimbursement of its employees' travel and accommodation costs in first instance and appeal as disproportionate and not reasonable;
In the alternative,
-Order that the SEB companies must pay for travel costs EUR [redacted] for the first instance proceedings and EUR [redacted] for the appeal proceedings;

REGARDING COURT FEES:
-Dismiss SharkNinja's request to be reimbursed of EUR 11,000 for the court fees of the first instance proceedings;
-Order the SEB companies to pay a maximum of EUR 5,500 for the court fees of the first instance proceedings;

REGARDING COSTS OF EXPERTS:
-Dismiss SharkNinja's request to be reimbursed of EUR [redacted] for its costs of experts;
-Order SharkNinja to bear its own costs of experts of EUR [redacted].

GROUNDS FOR THE DECISION

I- SEB's APPLICATION FOR COST

9. In its Application dated 10 May 2026, SEB asks for the reimbursement of the sum of EUR [redacted] HT as legal costs and other expenses, incurred for both EP 198 and EP 201, during the first instance proceedings, while SHARKNINJA states in its response on 05 June 2026, that the application relating to EP 198 is inadmissible and that the application relating to EP 201 lacks substantiation.

10. On 10 April 2026, the court of first instance (UPC_CFI_1594/2025) ordered SHARKNINJA, even though the application for interim measures had been dismissed, to bear the costs relating to EP 201 (withdrawn) and ordered SHARKNINJA to pay an interim award of an amount of EUR 120,000, corresponding to the recoverable costs for EP201.

11. The Court of Appeal (UPC_CoA_61/2026, 21 August 2026) found that SHARKNINJA had not contested the first instance order regarding the costs relating to patent EP 201, as well as the interim award granted to SEB corresponding to the recoverable costs for EP 201 (para. 138 of the CoA order) and considered, regarding the circumstances of the case and the withdrawal of EP 201, that each party must bear the costs attributable to the respective patent (para.142 CoA Order).

12. Therefore, SHARKNINJA is the unsuccessful party regarding EP 201, due to its withdrawal before the oral hearing and must bear the costs incurred by SEB corresponding to the costs it has incurred regarding the patent during the first instance proceedings.
    Conversely, considering the outcome of the appeal, SEB is the unsuccessful party in the appeal concerning patent EP 198 and is therefore not entitled to any reimbursement of costs relating to that patent, but only regarding EP 201.

-Recoverable costs for EP 201

13. The unsuccessful party shall bear the costs of legal proceedings that have been actually incurred by the successful party. The costs must be cumulatively reasonable and appropriate.

14. In order to substantiate its application, SEB filed invoices from 24 December 2025 to 31 March 2026 (SEB exhibit 2.2). The invoices dated 31 March 2026 (n°261101162 and 261101163) in the amounts of EUR [redacted] and EUR [redacted], relate to fees incurred after the patent EP 201 was withdrawn and are therefore not attributable to that patent. SEB can not ask for their reimbursement.

15. The remaining invoices issued between 24 December 2025 and 23 February 2026 (in respect of fees prior to withdrawal) amount to approximately EUR [redacted], although these amounts cannot be attributed to any of the patents initially invoked, in the absence of any detailed information. The Court considers that, in view of the withdrawal of the claim and the fact that no fees were incurred in preparation for the oral hearing, the share attributable to patent EP 201 should be set at 40 per cent of the amount of those invoices, namely EUR 140,000.

-expert's Costs

16. The costs of searching for prior art and obtaining witness statements are to be included in the representation costs, particularly as, in this specific case, they are not specifically attributable to patent EP 201.

-other expenses

17. The costs of purchasing a "Cookeo Infinity" product (alleged infringing product) and the delivery charges, as well as the travel, accommodation and meal expenses incurred in preparation for the oral hearing, are not attributable to patent EP 201 and will therefore be disallowed.

II-SHARKNINJA's APPLICATION FOR COST DECISION

- Admissibility of the Costs Decision brought by SHARKNINJA

18. SEB states that the application for cost decision brought by SHARKNINJA is inadmissible, given that it must be applied only following a decision on the merits, pursuant to R.150 RoP. Therefore, it is useless to engage proceedings for a cost decision until the injunction is confirmed by a decision on the merits, unless the Application for Provisional Measures has been rejected or no action on the merits has been brought following provisional measures proceedings. Given to SEB, provisional measures have been granted to SHARKNINJA by the CoA, and SHARKNINJA has initiated an action on the merits on 21 September 2026 (UPC_CFI_3375/2026); the Application for costs regarding the provisional proceedings is not admissible.

19. Referring to the decision issued by the Brussels Local Division (UPC_CFI_2265/2025, 07 May 2026, Yealink v. Barco), SHARKNINJA, as the successful party in PI proceedings, replies that its application for a decision on costs is admissible whilst the case on the merits is still pending.

20. Pursuant to R.150 RoP, "A cost decision may be the subject of proceedings following a decision on the merits (…)". Given to R.151 (a) RoP, the successful party ("the Applicant") who wishes to seek a cost decision shall lodge its application within one month of service of the decision.

21. As stated by the Court of Appeal, "The one month period for lodging an Application for a cost decision pursuant to R. 151.1 RoP begins with the service of the decision in the proceedings on the merits, not with the service of an order on provisional measures" (UPC_CoA_297/2924, 20 January 2025, Sharkninja v. Dyson).

    The Court of Appeal further added that "In proceedings for provisional measures, where the applicant was ordered to bear the costs of the defendant, if no proceedings on the merits are already pending, R. 150 and 151 RoP apply mutatis mutandis. The one month should then apply by way of analogy, counting from the service of the first instance order on provisional measures
    Nevertheless, the applicant could still start proceedings on the merits, which triggers the normal time limit for applications for cost decisions in R. 151 RoP (one month after the decision on the merits). If proceedings on the merits are started, and an application for a cost decision has already been made by the successful defendant, these proceedings may continue. If such proceedings have not yet been lodged, it is upon the defendant to either lodge an application within the one-month period starting with the first instance order on provisional measures or wait for the decision on the merits." (UPC-CoA-618/2024, 6 June 2025, Hanshow v. VusionGroup, para. 42, UPC_CoA_84/2026, 03 November 2026, Yealink v. Barco para 24).

22. In the case at hand, on 21 September 2026, SHARKNINJA, applicant for Provisional measures and successful party, after the Court of Appeal had overturned the first-instance order, brought an action on the merits, based on EP198, before the Paris Local Division, and then, on the same day, an application for a costs decision.
    Therefore, SHARKNINJA's application for costs has been brought too early and is at this stage inadmissible, until the issuance of the decision on the merits.

FOR ALL THESE REASONS
The Judge-rapporteur:

-Orders SHARKNINJA to pay SEB the sum of EUR 140,000 in respect of recoverable costs, relating to EP 201, taking into account that the Paris Local Division had already awarded an amount of EUR 120,000, respect of costs by order of 10 April 2026,

-Dismisses SEB's further requests,

-Declares inadmissible SHARKNINJA's Application for costs, relating to EP 198, until the issuance of the decision on the merits.

Issued in Paris, on 16 November 2026.
Carine Gillet, Judge-rapporteur

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This decision is appealable to the Court of Appeal in accordance with R157 and R221 RoP.

DECISION DETAILS
UPC number: UPC_CFI_3122/2026
Action type: Cost Decision
Date of issue: 16/11/2026