DeepL machine translation provided by www.veron.com

Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

UPC – Court of Appeal
UPC-CoA-164/2026

Decision

of the Court of Appeal of the Unified Patent Court, issued on 24 November 2026 concerning an application for access to the register (Rule 262.1(b) of the RoP)

APPLICANT

Hurtel Sp. z o.o., Zielona Góra, Poland

(hereinafter: "Hurtel")

represented by Dr Georg Andreas Rauh, Attorney-at-law, of the law firm Vossius & Partner Rechtsanwälte Patentanwälte, Munich, Germany

RESPONDENT (APPELLANT IN THE MAIN PROCEEDINGS AND CLAIMANT BEFORE THE GEI)

Koninklijke Philips N.V., Eindhoven, the

Netherlands (hereinafter: "Philips")

represented by Dr Tilman Müller, Attorney-at-law, and other Attorneys-at-law from the law firm Bardehle Pagenberg, Hamburg, Germany

RESPONDENTS (APPELLANTS IN THE MAIN PROCEEDINGS AND DEFENDANTS BEFORE THE GEI)

[redacted]

2. **Belkin GmbH, Aschheim, Germany,**
3. **Belkin International Inc., El Segundo, California, United States of America,**
4. **Belkin Limited, Wellingborough, Northamptonshire, United Kingdom,**

[redacted]

(hereinafter referred to in the singular as "Belkin")

represented by Dr Philipp Cepl, Attorney-at-law, and other Attorneys-at-law at the law firm DLA PIPER UK LLP, Munich, Germany

DeepL machine translation provided by www.veron.com

PATENT AT ISSUE

EP 2 867 997

LANGUAGE OF THE PROCEEDINGS

German

DECIDING JUDGE

Panel 2

Patricia Rombach, legally qualified judge and judge-rapporteur

APPLICATIONS BY THE PARTIES

1. By the decision dated 3 October 2025 , the Court of Appeal in case UPC-CoA-683/2024, has given a final ruling on Philips' appeal against the decision of the Munich local division of 13 September 2024.

2. On 25 September 2026, Hurtel submitted a request, in English, for access to the pleadings and evidence listed below in the proceedings UPC-CoA-683/2024.

3. Having been informed on 30 September 2026 that the application for access to the case file must be submitted in the language of the proceedings (German), Hurtel now applies for access to the case file as follows:

> The applicant is granted access to the pleadings and evidence submitted by the parties in case UPC-CoA-683/2024 before the Unified Patent Court and registered by the Registry, in each case in a version in which personal data and confidential information have been redacted, or in a non-confidential version.

4. Hurtel clarifies that the application relates in particular to the following documents and their annexes, in so far as these have been submitted by the parties and registered by the Registry:

Berufung (Appeal), einschließlich Anlagen:

2024-11-11_Appeal - Notice of Philips_P169801VLU3_signiert.pdf	2024-11-11	Not Public

Berufungsbegründung (Grounds of Appeal), einschließlich Anlagen:

2025-01-13_Grounds_of_Appeal_Philips_P169801VLU3_signiert	2025-01-13	Not Public

Anpassung der Klage (Amendment of complaint), einschließlich Anlagen:

2025-01-13 Amendment of complaint - Philips P169801VLU3_signiert	2025-01-13	Not Public

Stellungnahmefrist zur Klageerweiterung:

Stellungnahmefrist Klageerweiterung	2025-01-16	Not Public

Berufungserwiderung, einschließlich Anlagen:

Berufungserwiderung	2025-04-14	Not Public

Ladung zur mündlichen Verhandlung (Summon Oral Hearing):

Summon-Oral-Hearing	2025-04-18	Not Public

Entscheidung (Decision):

Decision	2025-10-03	Not Public

Anordnung (Order):

Order	2025-10-09	Not Public

Submissions by the parties

5. Hurtel takes the view that the required balancing of interests favours granting the requested access to the files, provided that personal data and confidential information are appropriately redacted. Hurtel has a direct and legitimate interest in the subject matter of the proceedings, as it is itself a defendant in separate infringement proceedings before the Unified Patent Court, in which the same Claimant is asserting the same patent. Referring to the case law of the Court of Appeal, Hurtel argues that such a specific and direct interest may already justify a right of access to documents and evidence whilst proceedings are ongoing.

6. Furthermore, there is a close factual connection between the two proceedings, as they concern the same patent and the same contested embodiments. Access to the case file would enable Hurtel to compare Philips' arguments in both proceedings and thus establishes a direct and legitimate interest that goes beyond that of a mere competitor.

7. Finally, the balancing of interests also favours Hurtel because the present proceedings have already been concluded.

8. Belkin contends that there is no legal basis for access to non-public court decisions and orders, as Rule 262.1(b) of the RoP merely permits access to

DeepL machine translation provided by www.veron.com

filed pleadings and evidence. Any application for access to the case file beyond this should therefore be rejected.

9. Philips does not object to the application for access to the case file, provided that personal and confidential information is redacted and unpublished decisions and orders are excluded.

REASONS

Legal framework

10. Subject to the conditions laid down in the UPC Agreement and the Rules of Procedure, the register maintained by the Registry is open to the public (Article 10(1), third sentence, UPC Agreement).

11. Pursuant to Article 45 of the UPC Agreement, proceedings are public unless the Court decides, where necessary, to conduct them in camera in the interests of one of the parties or other affected persons, or in the general interest of the administration of justice or public order.

12. Without prejudice to the articles and rules specified in Rule 262.1 of the RoP, which provide for the protection of confidential information, pursuant to Rule 262.1(b) of the RoP, documents and evidence filed with the Court and recorded by the Registry shall be made available to the public upon a reasoned application addressed to the Registry; the decision shall be taken by the judge-rapporteur after hearing the parties.

13. The Court of Appeal clarified the applicable principles in the Ocado case (see Court of Appeal, decision of 10 April 2024, UPC-CoA-404/2023); there is no need to repeat them here.

Admissibility and merits of the application

14. Hurtel's application is admissible and, in so far as it does not seek the production of the Court's orders and decisions, well-founded.

15. The application is admissible; in particular, it is sufficiently specific, as it relates to the submission of all pleadings and evidence in the proceedings and therefore does not leave the selection of documents to the discretion of the court (see UPC Court of Appeal, 24 February 2026, UPC-CoA-10/2026, para. 14, *Gowling v Sumi Agro & Syngenta*; 27 May 2026, UPC-CoA-39/2026, para. 16, *Anker* v *Belkin & Philips*).

16. Hurtel's submissions regarding her interest in accessing the pleadings and evidence satisfy the conditions set out in Ocado.

17. In so far as Hurtel seeks access to the decision of 3 October 2025 and the order of 9 October 2025, the application is unfounded. The decisions are, in so far as they do not

DeepL machine translation provided by www.veron.com

contain personal data within the meaning of Regulation (EU) 2016/679, have been published. Hurtel has not demonstrated any particular interest in accessing further information.

18. In so far as Hurtel seeks access to the order summoning him to the hearing, the application is to be granted on an exceptional basis, even though the order relates to the summons to the hearing and thus to none of the documents referred to in Rule 262(b) of the RoP. For technical reasons, the order was not published, contrary to Rule 262(a) of the RoP. This justifies, on an exceptional basis, granting a member of the public access to the document by means other than its publication.

19. Before the aforementioned documents are made available to Hurtel, personal data must be redacted. The law firm is to ensure that this is done.

ORDER

I. The following documents and annexes are to be made available to Hurtel after personal data has been redacted:

- Appeal, including annexes;
- Statement of grounds for the appeal, including annexes;
- Amendment to the claim, including annexes;
- Time limit for responding to the extension of the claim;
- Response to the appeal, including annexes;
- Summons for an oral hearing;

II. The further application is dismissed.

III. This decision concludes the proceedings.

Issued on 24 November 2026

Patricia Ursula Rombach

Digitally signed by Patricia Ursula Rombach
Date: 24 November 2026 09:10:49 +01'00'

Patricia Rombach, legally qualified judge and judge-rapporteur