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Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

UPC – Court of Appeal
UPC-CoA-165/2026

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

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

[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

RESPONDENT (DEFENDANT ON APPEAL 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 of the firm Bardehle Pagenberg, Hamburg, Germany

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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-534/2024, has given a final ruling on the appeals lodged by Philips and Belkin against the decision of the Munich local division dated 13 September 2024.

2. On 25 September 2026, Hurtel submitted a request, in English, for access to the pleadings and evidence listed below in case UPC-CoA-534/2024.

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 shall be granted access to the documents and evidence submitted by the parties in proceedings UPC-CoA-534/2024 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 NK:

Berufung NK	2024-09-20	Not Public

Berufung VL:

Berufung VL	2024-09-20	Not Public

Berufungsbegründung, einschließlich Anlagen:

Berufungsbegrundung	2025-01-13	Not Public

Schriftsatz von Philips – Berufungserwiderung (Brief of Philips – Appeal Response):

2025-04-14 Brief of Philips - Appeal Response P169801VLU3_signiert.pdf	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	2025-10-06	Not Public

Sonstige Unterlagen der Berufungsklägerin (Other document Appellant):

Other document Appellant	2025-10-08	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, even during ongoing proceedings, justify a right of access to documents and evidence.

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 the Claimant's 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 argues 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

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filed pleadings and evidence. Any application for access to the file going 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, pleadings 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 set out the principles governing access 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 court orders and decisions that have already been published, well-founded.

15. The application is admissible; in particular, it is sufficiently specific, as it seeks the production of all documents 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 documents fulfil 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 published, in so far as they do not contain personal data within the meaning of Regulation (EU) 2016/679.

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Hurtel has not demonstrated any particular interest in accessing any further information.

18. In so far as Hurtel seeks access to the summons inviting him to appear at the hearing and to the order of 6 October 2026, the application is to be granted on an exceptional basis, even though the order does not relate to any of the documents referred to in Rule 262(b) of the RoP. For technical reasons, the orders were 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 provided to Hurtel, personal data must be redacted. The law firm must ensure this is done.

20. Personal data must be redacted from the documents before they are provided to Hurtel. The law firm must 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 NK;
- Appeal VL;
- Statement of grounds for appeal, including annexes;
- Philips' document – response to the appeal;
- Summons for an oral hearing;
- Other documents from the appellant dated 8 October 2025;
- Order of 6 October 2026.

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 08:59:23 +01'00'

Patricia Rombach, legally qualified judge and judge-rapporteur