Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

UPC Court of Appeal

UPC-CoA-133/2026
UPC-CoA-134/2026

Order

issued on 26 November 2026
concerning an application to protect confidential information from the other party
(R. 262A RoP)

APPELLANTS (AND DEFENDANTS BEFORE THE COURT OF FIRST INSTANCE)

1. **The Walt Disney Company,** Sacramento, United States of America
2. **The Walt Disney Company (Benelux) B.V.**, Amsterdam, Netherlands
3. **Disney Interactive**, Sacramento, United States of America
4. **Disney Electronic Content, Inc.**, Wilmington, United States of America
5. **Disney Platform Distribution, Inc.**, Sacramento, United States of America
6. **The Walt Disney Company Limited**, London, United Kingdom
7. **Disney Enterprises, Inc.**, Burbank, United States of America
8. **Disney Streaming Services LLC**, Burbank, United States of America
9. **Disney Media & Entertainment Distribution LLC**, also doing business as **Disney Entertainment Operations LLC**, Burbank, United States of America
10. **Disney Entertainment & Sports LLC**, also doing business as **Disney Streaming Technology LLC** or **Disney Technology LLC**, Burbank, United States of America
11. **BAMTech LLC**, also doing business as **BAMTech Media**, **Disney Streaming Services (LLC)**, or **Disney Streaming**, Sacramento, United States of America

(hereinafter "Disney")

represented by Dietrich Burkhard Kamlah, attorney at law of the law firm PENTARC Rechtsanwälte PartGmbB, Munich, Germany

RESPONDENT (AND CLAIMANT AT THE COURT OF FIRST INSTANCE)

InterDigital VC Holdings, Inc., Delaware, United States of America

(hereinafter "InterDigital")

represented by Dr. Lisa Rieth, attorney at law of the law firm ARNOLD RUESS Rechtsanwälte, Dusseldorf, Germany

PATENT AT ISSUE

EP 2 465 265

LANGUAGE OF THE APPEAL PROCEEDINGS

English

PANEL AND DECIDING JUDGE

Panel 2
Rian Kalden, legally qualified judge and judge-rapporteur

IMPUGNED DECISION OF THE COURT OF FIRST INSTANCE

Date: 16 June 2026, Mannheim Local Division
Case numbers of the Court of First Instance: infringement proceedings (UPC-CFI-86/2025), counterclaim for revocation proceedings (UPC-CFI-490/2025)

SUMMARY OF FACTS

1. On 10 August 2026, Disney lodged appeals against the Decision of 16 June 2026.

2. On 16 October 2026, Disney filed the Statement of grounds of appeal together with a confidentiality request pursuant to R. 262.2 and R. 262A RoP.

3. By order of 26 October 2026 Disney was requested to inform the Court of Appeal whether any order issued by the Court of First Instance or agreement between the parties exists concerning confidentiality of the information and if so, whether the information is already covered thereby, or may be extended thereto.

4. Disney responded on 30 October 2026 and stated that the information concerns, inter alia, the negotiation history of the parties and that part of this information was already submitted at first instance, together with requests that it be treated as confidential pursuant to R. 262.2 RoP, but that the Court of First Instance has not decided on this or subsequent confidentiality requests, nor is there any agreement between the parties that would cover the information. Disney further noted that the Statement of grounds of appeal and the exhibits thereto contain, in part, additional details relating to the parties' previous submissions that were not presented at first instance.

5. InterDigital was given the opportunity to comment on Disney's confidentiality request and its responses to this order. It did so on 4 November 2026. In summary, it stated that at first instance only protection under R. 262.2 RoP was granted and that for information already submitted in the first-instance proceedings the retrospective extension of confidentiality protection now sought by Disney lacks any justification.

6. On 5 November 2026, the Court of Appeal considered that Disney's R.262A RoP request is inadmissible insofar as it concerns information already submitted during the first instance proceedings and in view thereof, invited Disney to specify – by uploading redacted versions – which information contained in its Statement of grounds of appeal and exhibits is to be treated as confidential and has not been disclosed before.

7. In its submission of 10 November 2026, Disney provided in para. 3 a table listing the paragraphs

of the Statement of grounds of appeal and the exhibits that include information to be protected under R. 262A RoP (reproduced under I below) and uploaded redacted and confidential versions of the Statement of grounds of appeal as respectively Annex I and Annex II, with the confidential information redacted respectively highlighted in dark grey. It did the same with Exhibit PEN 1.

8. InterDigital was invited to comment. In its reply, it specified that it does not object to the classification of the information listed in para. 3 of Disney's response as confidential under R. 262A RoP, reserving the right to object to Disney's late filing of any information introduced for the first time on appeal.

CONFIDENTIALITY REQUEST

9. Disney requests that:

I. The following table which lists the paragraphs of the Statement of grounds of appeal and the exhibits that include information to be protected under R. 262A RoP:

Subject matter	Exhibit/Para.
Negotiation History incl. Non-Disclosure Agreement	Exhibit PEN 1 Statement of grounds of appeal, para.: 210 211 213 223 243 276-278 285-289 300 301 303 304
Characteristics of Defendants' encoding method	Statement of grounds of appeal, para.: 192 313-315 351

II. The information highlighted in light grey and dark grey in Annex I and Annex II and redacted in the redacted version of the Statement of grounds of appeal filed on 16 October 2026 to remain covered by Disney's application under R. 262.2 RoP and must not be made available to the public.

GROUNDS

1. Pursuant to Art. 58 UPCA, the Court may, to protect the trade secrets, personal data, or other confidential information of a party to the proceedings or of a third party, or to prevent an abuse of evidence, order that the collection and use of evidence in proceedings before it be restricted or prohibited or that access to such evidence be restricted to specific persons.

2. Pursuant to R. 262A.1 RoP, a party may make an Application to the Court for an order that certain information contained in its pleadings or the collection and use of evidence in proceedings may be restricted or prohibited or that access to such information or evidence be restricted to specific persons.

3. Pursuant to R. 262A.5 RoP the Court may allow the Application considering in particular whether the grounds relied upon by the applicant for the order significantly outweigh the interest of the other party to have full access to the information and evidence in question.

ORDER

I. It is ordered that the information highlighted in dark grey in Annex II, redacted in Annex I, and in Exhibit PEN 1 is classified as confidential and shall be treated as such and be kept confidential by InterDigital and by any person who obtains knowledge of them by virtue of their participation in the present proceedings (as party, representative, witness, expert, court staff or otherwise) and shall not be used or disclosed outside these court proceedings, unless such person has obtained knowledge of them outside the proceedings, provided that the receiving party received them on a non-confidential basis from a source other than the parties or their affiliated (legal) persons, and provided that such source is not bound by a confidentiality agreement or other obligation of secrecy towards Disney or their affiliated (legal) persons. This duty continues after the termination of these proceedings.

II. In the event of a culpable breach of this order, the Court may impose a periodic penalty payment for each violation on InterDigital, with the amount determined based on the circumstances of the individual breach.

Issued on 26 November 2026

Rian Kalden Date: 2026.11.26 11:03:06 +01'00'

Rian Kalden, legally qualified judge and judge-rapporteur