



The Hague - Local Division

UPC-CFI-0001568/2025

UPC-CFI-0001791/2025

UPC-CFI-0001793/2025

**Procedural Order
of the Court of First Instance of the Unified Patent
Court issued on 14/05/2026**

Claimant:

- | | |
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| 1) Telefonaktiebolaget LM Ericsson (publ)
Torshamnsgatan 21, Kista
164 83 Stockholm
Sweden
“ Claimant ” or “ Ericsson ” | represented by Wim Maas,
David Mulder, and others
(Taylor Wessing) |
|---|--|

Defendants:

- 1) Shenzhen Transsion Holdings Co. Ltd
Unit 1, Floor 24, Chuanyin Building, No.8, Xianyuan
Road, Xili Sub-district, Nanshan District
518000 Shenzhen City
China
- 2) Tecno Mobile Limited
Flat N, 16/F., Block B, Universal Industrial Centre, 19-
25 Shan Mei Street, Fotan, New Territories
Hong Kong
Hong Kong, China
- 3) ITEL Mobile Limited
Flat N, 16/F., Block B, Universal Industrial Centre, 19-
25 Shan Mei Street, Fotan, New Territories
Hong Kong
Hong Kong, China
- 4) Infinix Mobility Limited
Flat N, 16/F., Block B, Universal Industrial Centre, 19-
25 Shan Mei Street, Fotan, New Territories
Hong Kong
Hong Kong, China

- 5) Tekpoint GmbH
Leopold Ungar Platz 2
1190 Wien
Austria
- 6) IRD Distribuce, S.R.O.
3 – Vinohrady, nám. Jiřího z Poděbrad 1658/11
13000 Prague
Czechia
- 7) x-kom GmbH
Cottbus Charlottenstraße 34
01099 Dresden
Germany
- 8) Tradelnn Retail Services, S.L
C/ Dels Pirineus, 9, Nave 1B, Polígono Industrial Celrà
17460 Girona
Spain
- 9) Egenta s.r.o.
Varšavská 715/36, Vinohrady
120 00 Prague
Czechia
- 10) NTT System S.A.
Trakt Brzeski 89, Zakręt, Warszawa-Wesoła,
Mazowieckie
0555-007 Wiazowna
Poland

Collectively: “**Defendants**” and defendants 1-7 and 10 collectively “**Transsion defendants**” or “**Transsion**”

Representation: the Transsion defendants are represented by Andreas [REDACTED] [REDACTED] Wilson and Ari Laakkonen (Powell Gilbert).

Defendants 8 and 9 are not represented in these proceedings.

PATENTS AT ISSUE:

EP 2 712 236 B1 (case 1568/2025)

EP 3 836 631 B1 (case 1791/2025)

EP 3 245 744 B1 (case 1793/2025)

all of Telefonaktiebolaget LM Ericsson (publ)

DECIDING JUDGE: This order is issued by the judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS: English

Subject-matter of the proceedings: Infringement actions

I. SUMMARY OF FACTS AND PROCEDURE

1. In these infringement actions initiated against Defendants on 13 November 2026, the Court, at the request of the Transsion defendants, by order of 13 February 2026, aligned the deadlines for all Transsion defendants and set the following schedule for Transsion defendants' submissions as follows:
 - I. Sets the deadline for filing a Preliminary Objection (“**PO**”) in cases UPC-CFI-0001568/2025, UPC-CFI-0001791/2025 and UPC-CFI-0001793/2025 on 6 March 2026
 - II. Sets the deadline for filing the technical Statement of Defence (the “**SoD**”) in case UPC-CFI-0001568/2025 on 1 May 2026
 - III. Sets the deadline for filing the technical Statement of Defence in case UPC-CFI-0001791/2025 on 15 May 2026
 - IV. Sets the deadline for filing the technical Statement of Defence in case UPC-CFI-0001793/2025 on 29 May 2026
 - V. Sets the deadline for filing the combined non-technical Statement of Defence (including FRAND, the “**non-technical-SoD**”) in in cases UPC-CFI-0001568/2025, UPC-CFI-0001791/2025 and UPC-CFI-0001793/2025 on 15 May 2026
2. Together with its statement of claim (“**SoC**”), and resubmitted as a separate application on 28 November 2025, Ericsson filed a R.262A/262.2 Application (the “**Confidentiality Application**”) requesting confidentiality for the redacted versions of Ericsson’s SoC, the Expert Report and several comparable licenses discussed therein and attached thereto. In the Confidentiality Application Ericsson distinguishes ‘Confidential Correspondence’ and Ericsson Restricted Information; in this context these are collectively referred to as the “**Confidential Information**”.
3. As the SoC concerned alleged infringement of three unrelated (standard essential) patents (“**SEPs**”) pertaining to different technical effects, Ericsson was instructed to split the case into three separate cases. This resulted in additional infringement cases numbered UPC_CFI_1791/2025 and UPC_CFI_1793/2025. It was agreed that for service the combined original/unsplit SoC (the “**Combined SoC**”) is used.
4. Pursuant to a preliminary confidentiality order of 13 February 2026, Transsion’s representatives gained access to the Confidential Information, pending a reply from the Transsion defendants to the R.262A/262.2.
5. A case management hearing (CMH) was held on 5 March 2026. The confidentiality regime covering the access to the Confidential Information, was discussed. The Transsion defendants argued that they were unable to reply to Ericsson – in the meantime updated - Confidentiality Application before 10 April 2026. The JR urged the parties to reach an agreement on confidentiality issues. The order issued after the CMH contains inter alia the following:

Transsion defendants' representatives indicate that in view of all worldwide actions, they are not in a position to comment on the confidentiality regime before 10 April 2026. The JR pointed out that access to the confidential information submitted by Ericsson, including licenses with third parties, continues to be restricted to the Transsion defendants' representatives only until an order deciding otherwise is issued. The Transsion defendants, i.e. any employees/natural persons, cannot access such information, including the licences. The JR suggested the parties to consider the possibility of a phased confidentiality regime, starting with a limited confidentiality club which can be extended when the information asserted to be confidential indeed proves to be relevant for deciding the case.

6. On 10 April 2026, the Transsion defendants uploaded a response to the Confidentiality Application, rejecting Ericsson proposal and submitting a counter proposal.
7. On 4 May 2026 Ericsson submitted an update regarding the Confidentiality Application as well as reiterating its request for a phased confidentiality regime, with in a first phase an external eyes only ("EEO") regime. In this brief it indicated inter alia that several attempts to contact the representatives of the Transsion defendants to discuss the confidentiality regime and reach an agreement, were unsuccessful.
8. By communication of 8 May 2026, the Court invited the Transsion defendants to comment on the Ericsson's update regarding confidentiality on or before 12 May 2026 (which unfortunately contained a typo, 'March' instead of 'May'). No comment was received.
9. On 8 May 2026, the Transsion defendants filed a R.9 RoP Application, to which Ericsson responded on 11 May 2026. The Application was dismissed by order of 13 May 2026.
10. On 14 May 2026, the Transsion defendants submitted a new R.9.3 Application combined with a R.263 RoP request (the "**New R.9.3 Application**"). It also filed a R.333 application requesting the revision of the R.9.3 RoP order of 13 May 2026 ("**R.333 Application**"). Ericsson is provided the opportunity to comment with this provisional order.

II. REQUESTS

11. With the New R.9.3 Application, the Transsion defendants request

That the Court grant an extension until 29 May 2026 (or such later date as the Court may determine appropriate after the date on which it decides the Claimant's updated Amended Rule 262A RoP Application of 9 March 2026) for the Transsion Defendants to file the FRAND aspects of their Combined non-Technical Defence and expert evidence of ██████ responsive to ██████ report; alternatively

That the Court grant leave to the Transsion Defendants to amend their Combined non-Technical Defence by 29 May 2026 (or such later date as the Court may determine appropriate after the date on which it decides the Claimant's updated Amended Rule 262A RoP Application of 9 March 2026) to add FRAND aspects and rely on expert evidence of ██████ responsive to ██████ report.

12. In support of the R.9.3 Application, it submits inter alia:

“5.This application has been made in parallel with the application for review of the judge-rapporteur’s decision of 13 May 2026. This application is necessary because of the risk that the application for review is not decided ahead of 15 May 2026 when the Combined non-Technical Defence of the Transsion Defendants is due. Even if it was decided before 15 May, there would be insufficient time to take proper instructions from the Transsion Defendants.

6.Accordingly, the Transsion Defendants expect only to be able to file part of the drafted Combined non-Technical Defence and not the drafted expert report as these cannot be fully, or even mostly, reviewed by any individuals in those companies under the Court’s current preliminary confidentiality regime dated 13 February 2026 (the “Preliminary Confidentiality Regime”). Once the Claimant’s Amended Rule 262A RoP Application is decided, assuming it allows access to individuals within the Transsion Defendants in line with Court of Appeal case law, the additional parts of the FRAND related pleading and evidence can be reviewed by the Transsion Defendants and filed. Alternatively if an external eyes only (“EEO”) regime were to be ordered, the Transsion Defendants would be able to decide whether to appeal that decision or accept a restricted ability to defend themselves.

(...)

21.The Claimant has given the impression that the Transsion Defendants have not engaged in relation to confidentiality. This is not the case. In fact since the Transsion Defendants decided in mid-April to file a full FRAND defence in these proceedings, the parties’ representatives have had a number of discussions and email exchanges. The following phased disclosures were agreed:

22. On 17 April after a discussion between the parties, Ericsson agreed to Defendants 3-4 to have access to the Confidential Correspondence.

23. On 20 April, after a week of discussions, Ericsson agreed to the Transsion Defendants’ expert ■■■■■ having access the Ericsson Restricted Information without Licensee A’s information.

24. On 28 April Ericsson finally confirmed that ■■■■■ could see Licensee A’s information too.

25. The last proposal made by the Transsion Defendants’ representatives, was made by email on 13 May 2026 to Ericsson’s representatives as follows:

“Dear ■■■■ and ■■■■

In relation to your client’s application for a confidentiality regime following our numerous discussions, I wanted to check your client’s position on the following, pending the court making a decision on your application:

Would your client agree to one in house individual from Transsion, ■■■■■■■■■ to access the Ericsson Restricted Information?

We have been working to be in a position to file Transsion’s defence and expert report on 15 May and the only issue preventing us from doing so is an inability to take instructions.

Alternatively, ■■■■ suggested in one of our discussions that Ericsson would not object to our client filing its FRAND evidence over more than one pleading- kindly confirm that this is still your client’s position.

Kindly respond by return.

■■■■■ “

III. GROUND

13. Today is a national holiday in The Netherlands as well as in several other UPC Member States; the sub-registry is closed. Tomorrow is also a day off for many. The Transsion defendants thus rightly assume that it is not possible to issue a timely decision to the R.333

Application. There is also no time to allow for Ericsson to comment on the new R.9.3 Application without making a decision useless; Ericsson's comments provided on the earlier R.9.3 application are taken into account.

14. With the New R.9.3 Application, the Transsion defendants now request an extension for a specific time period of two weeks for the non-technical SoD.
15. With the New R.9.3 Application, Transsion submit new information, which prima facie appears relevant and which the Court could obviously not consider when deciding the previous R.9.3 application. This information was also not shared by or not yet know to Ericsson (the letter cited above was apparently only sent yesterday) at the time of its response to the previous R.9.3 Application This information seems relevant for the confidentiality regime but also for the outcome of a R.9.3 order. Inter alia, the Transsion defendants now for the first time inform the Court that they will file a FRAND defence as part of the non-technical SoD. They also for the first time (contrary to the position taken in the 10 April 2026 response) no longer seem to maintain the position that one individual from each defendant should be allowed access to the Ericsson Restricted Information. Also for the first time, they now specifically name only one in house individual from Transsion who should get access (this person was also on the list of nine persons originally named).
16. It is regrettable that these developments regarding confidentiality were not pursued earlier, in particular before the R.9.3 order was issued on 13 May 2026, and shared with the Court earlier, as requested (also during the CMH). There was no reply whatsoever to the Court communication of 8 May 2026 issued in the three cases at hand, which inter alia contained the following:
 - "2, defendants are given the opportunity to comment on the proposed phased confidentiality regime (claimant's submission of 4 March 2026) on or before 12 May 2026.",*
 - 3. parties are invited to comment on the apparent R.355.3 default situation arisen vis-à-vis defendants 8 and 9. The time limits for filing a SoD/CC by those parties has expired, whereas the service was effected on 19 January and 4 February 2026 respectively.*

The above communication at 2. unfortunately contained a typo 'March' should have been 'May'. However, this should have been obvious to the parties; on 10 April 2026, Transsion had replied already to the 9 March 2026 updated confidentiality submission (which replaced earlier applications, including the one submitted on 9 March 2026), whereas the 4 May 2026 update was uploaded shortly before the communication was issued. The court did not receive any reaction to the 8 May 2026 communication; also no clarification requests, thus assuming Ericsson's update of 4 May 2026 to be the latest factual situation.

17. The Court intends to issue a confidentiality order shortly. In the context thereof, the Court informs the parties that the 'schedule' submitted by Transsion with its response of 10 April 2026, is not considered an appropriate starting point for such order. Annex 2 to Ericsson's R.262A/R.262.2 application as updated on 9 March will thus be used, as Transsion also request in the New R.9.3 Application. However, this Annex seems to need some updating. Ericsson is herewith given the opportunity to comment on the new information, in particular on the confidentiality club (access by one specified in house individual only), and to provide an adapted version of its annex 2, e.g. taking this into account as well as other new developments, such as the fact that an external expert for Transsion has already been

agreed on and granted access. Both parties are invited to comment on any further developments or changes in their position vis-à-vis provisions of the R.262A/262.2 Application, if any, in addition to their earlier submissions, using Annex 2 (and Appendix A thereto) as a starting point, preferably after mutual agreement as far as possible. Comments can be provided by Tuesday 19 May 2026 at 11 a.m. at the latest (this time in an OCR-ed version please). This will allow for a R.262A order to be issued next week. If need the be, the JR is can make herself available for a CMH on Monday 18 May 2026 to discuss any (other) issues. If the Court is not kept up to date of new developments in a timely manner, an no updated version of the Confidentiality Application is provided, it will not be possible to issue a fitting confidentiality order.

18. With today's order, the deadline for filing the non-technical SoD is extended with two weeks, to avoid that the applications are devoid of purpose. This will also not delay the proceedings; the timing of the non-technical SoD will then coincide with the filing of the SoD in case 1793/2025 (see 1. above).
19. It seems that the purpose of Transsion's applications is to obtain a confidentiality order providing access to at least one natural person of Transsion. In case the court can issue a confidentiality order timely (see paragraph 17) and given that a two week extension for filing the non-technical SoD will be granted herewith, the R.333 Application is likely to become without purpose (R.360 RoP). This is also apparent from the fact that the main argument in the R.333 Application, is the argued inadmissibility of a phased confidentiality regime with an EEO phase which is a confidentiality club issue. The period for Ericsson to respond to the R.333 Application will thus be set at three weeks from now, to enable the taking into account possible obsolescence of this application. For further orders, reference is made to part IV of this order.

IV. ORDER

The Court

- I. Grants a two week extension for the filing of the non-technical SoD until **29 May 2026**;
- II. Orders Ericsson to comment on the 'new information' (see 15. And 17. above) on or before Tuesday **19 May 2026 11 a.m.** (CEST);
- III. Allows both parties the opportunity to provide further comments with respect to the confidentiality regime and confidentiality club and to provide an updated request on or before Tuesday **19 May 2026 at 11 a.m** (CEST).
- IV. Orders the parties to respond to the item 3. of the communication by the court of 8 May 2026 (see above at 16.) on or before **26 May 2026**.
- V. Gives Ericsson the opportunity to comment on the R.333 Application on or before **4 June 2026**.

Margot
Elsa Kokke



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