Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

Mannheim Local Division
UPC_CFI_3283/2026

Order
of the Court of First Instance of the Unified Patent Court
issued on 16 October 2026
concerning EP 2 745 295
(R. 313 RoP; application to intervene concerning UPC_CFI_2556/2026)

APPLICANT:

Yangtze Memory Technologies Co., Ltd.,
No. 88 Weilai 3rd Road, East Lake High-tech Development Zone, Wuhan, Hubei 430000, China

Represented by Oliver Jan JÜNGST

PARTIES TO THE PROCEEDINGS UPC_CFI_2556/2026:

CLAIMANT:

Micron Technology, Inc.,
8000 South Federal Way, Boise, Idaho 83716, USA, represented by its Chairman, President and CEO Sanjay Mehrotra, at the same address

Represented by Tobias WUTTKE

DEFENDANTS:

1) **Ultron AG,**
Robert-Koch-Str. 7-17, 52499 Baesweiler, Germany, represented by the CEO Achim Heyne, at the same address

Represented by Frank NEUß

2) **Lexar Europe B.V.,**
Grevelingstraat 40, 2161WG, Lisse, the Netherlands, represented by the CEO Dan Su, at the same address

Represented by Thure SCHUBERT

3)	**Apacer Technology B.V.,** Science Park Eindhoven 5051 5692 EB Son, The Netherlands, represented by its Board members Chia-Kun Chang and Tsui-Wen Cheng, at the same address	Represented by Kwan Chong Daniel CHEW

PATENT AT ISSUE:

European patent EP 2 745 295

PANEL/DIVISION:

Panel of the Local Division in Mannheim

DECIDING JUDGES:

This order was issued by the legally qualified judge Böttcher acting as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT OF THE PROCEEDINGS: Patent infringement action – Application to intervene

BRIEF SUMMARY OF THE FACTS AND REQUESTS

Applicant seeks leave to intervene in the case UPC_CFI_2556/2026. In this case, Claimant (hereinafter "**Claimant**") sues Defendants (hereinafter "**Defendants**") for patent infringement in relation to EP 2 745 295 (hereinafter "**patent-in-suit**") through in particular memory dies bearing the design number *„EET1A"*, that are manufactured by Applicant (cf. Statement of claim in UPC_CFI_2556/2026 (hereinafter SoC), para. 5). Applicant seeks leave to intervene in support of Defendant 2 and its anticipated request to dismiss the infringement action and its potential request to revoke the patent-in-suit. Defendant 2 has not yet filed a Statement of Defence. The relevant time period for filing a Statement of Defence and a possible counterclaim for revocation is still running.

Applicant asserts that it has a direct and present legal interest in the result of the proceedings UPC_CFI_2556/2026. Not knowing the content of the SoC, Applicant refers to mutual patent infringement proceedings, in particular to the infringement action brought by Claimant against Applicant and other defendants (including present Defendants) before the Regional Court Munich (docket no.: 7 O 7097/26), in which Claimant alleges that Applicant manufactures products (namely a die with design number "EET1A") which are incorporated into storage devices (SSDs) by the other defendants and marketed in Germany. Applicant argues that, based on the parallel mutual infringement proceedings, it has strong reasons to believe that the proceedings UPC_CFI_2556/2026 concern the same products (namely a die with design number "EET1A") as those at issue in said German national proceedings before the Regional Court Munich, even more so as those proceedings have been initiated by Claimant on the same filing date as UPC_CFI_2556/2026 and are based on a divisional patent of the patent-in-suit. In Applicant's opinion, it accordingly has reasonable grounds to believe that, should Defendants be found liable in UPC_CFI_2556/2026, a Defendant may seek to assert recourse claims against Applicant, whether or not such claims would be justified. While, according to Applicant, the present

application to intervene does not constitute an acknowledgement of any liability or any claims for recourse for Defendants' actions, Applicant nonetheless opines that it has a legitimate interest in the outcome of the proceedings UPC_CFI_2556/2026 particularly in order to pre-empt any recourse disputes before they materialize. Granting the intervention would not delay the proceedings.

Claimant opposes the application. In Claimant's opinion, the intervention is both inadmissible and unfounded. In Claimant's view, the requirements of R. 313.2 RoP are not fulfilled. Since Defendant 2 has not yet filed a Statement of defence and a Counterclaim for revocation, there is no request to dismiss the infringement action and no request to revoke the patent-in-suit which Applicant could support. Apart from that, Claimant opines that Applicant has not established a direct and present legal interest. Claimant points out that Applicant has not established a concrete recourse nexus to Defendant 2 (or any other Defendant). According to Claimant, Applicant only vaguely assumes and refers to product identity and to an unspecified possibility of recourse by an unspecified Defendant in the reasoning of its application (despite seeking intervention in support of Defendant 2). Applicant criticizes that Applicant identifies no particular undertaking, applicable recourse relationship with Defendant 2, notification or any other specific circumstance indicating that Defendant 2 may pursue such recourse. In Claimant's view, a general reservation concerning possible future disputes ("reasonable grounds to believe" and "may") and an abstract statement that unspecified recourse might be asserted are not sufficient to establish a legal interest. Applicant further opines that, in the event Applicant's intervention is granted, Applicant should therefore be ordered to file its statement in intervention within the time limit applicable for filing the Statement of Defence, and in any event no later than the deadline for the Statement of Defence applicable for Defendant 2. Applicant points out that, as acknowledged by Applicant, Applicant's access to the case UPC_CFI_2556/2026 must in any event be made subject to the confidentiality protections established in that case.

Defendant 2 consents to the intervention by Applicant and proposes to apply the current confidentiality regime established in UPC_CFI_2556/2026 *mutatis mutandis* to Applicant, in the same fashion as for Defendant 2. Defendant 1 and Defendant 3 did not submit any comment.

Applicant requests:

I. to grant the Intervener leave to intervene in these proceedings (case number: UPC_CFI_2556/2026) pursuant to R.313 RoP in support of the requests and the decision sought by Defendant 2);

II. to set a period pursuant to R.315.1 lit. b) RoP within which the Intervener may lodge a Statement in intervention; and

III. to grant the Intervener access to the written pleadings and evidence exchanged between the parties to date, subject to any confidentiality regime ordered under R.262A RoP.

Claimant requests:

> **I.** **The application to intervene is dismissed.**
>
> **II.** **<u>Alternatively</u>, before deciding admissibility, Applicant is required to identify the concrete legal relationship and factual circumstances said to expose them to recourse by Lexar Europe B.V. as a result of this action, and Claimant is afforded an opportunity to comment on any additional submissions.**
>
> **III.** **If intervention is admitted, it is ensured that disclosure and access follow the admission decision and remain subject to applicable confidentiality protections as ordered on July 21, 2026 in UPC_CFI_2556/2026.**

For further details, reference is made to the briefs of Applicant, Claimant and Defendant 2.

<u>REASON FOR THE ORDER</u>

The application to intervene is admissible.

1. According to R. 313.2 RoP, an Application to intervene shall be admissible only if it is made in support, in whole or in part, of a claim, order or remedy sought by one of the parties and is made before the closure of the written procedure unless the Court of First Instance or Court of Appeal orders otherwise. However, the first requirement does not imply that an application in support of a defendant must not be lodged before the relevant statement of defence is filed. Rather, it follows from R. 313.1 RoP that an application to intervene may be lodged at any stage of the proceedings which in principle also includes the stage before a statement of defence is filed. R. 313.1 RoP serves the purpose to underpin the supportive nature of an application to intervene and the requirement that it must be specific in terms of being related to a claim, order or remedy sought by one of the parties. At least unless it is clear from the outset that a supported defendant will not defend himself against an infringement action, an application may also be filed in support of an anticipated request, by the supported defendant, to dismiss the infringement action. Under these circumstances, an application to intervene may also be filed to support an anticipated counterclaim for revocation. It would be an unnecessary formality to have to file a second application to intervene – this time in relation to the counterclaim for revocation – following the lodging of the counterclaim for revocation in order to fully cover the defence brought forward by the supported defendant. If the anticipated counterclaim for revocation is not lodged, the intervention simply has no effect in that respect.

In the case at hand, there is no pointer that Defendant 2 will not defend itself against the infringement action. To the contrary, Defendant 2 has explicitly welcomed the application to intervene in support of a request to dismiss the infringement action and a potential request to revoke the patent-in-suit. Against this backdrop, the fact, that Defendant 2 has not yet filed a Statement of defence and a possible counterclaim for revocation (as the time period for doing so is still running), is not decisive.

2. Applicant has sufficiently demonstrated a direct and present legal interest in the results of the proceedings with respect to the supported requests, R. 313.1 RoP.

A legal interest in the result of the action within the meaning of R. 313.1 RoP means a direct and present interest in the grant of the order or decision as sought by the party, whom the applicant

wishes to support (cf. Court of Appeal, order of 10 January 2024, UPC_CoA_404/2023, Ocado v. Autostore, para. 12; order of 8 January 2025, UPC_CoA_621/2024, Mediatek v. Daedalus, para. 12).

Applicant is the manufacturer of the allegedly infringing memory dices with design number "EET1A" which are incorporated into accused storage devices distributed by the Defendants (cf. SoC para. 5).

This is sufficient to establish a direct and present legal interest of Applicant in the dismissal of the infringement action in relation to Defendant 2. Contrary to Claimant's view, Applicant is not required to specify its contractual relationships with Defendant 2 in this regard. Even if such contractual relationships were to contain a liability exclusion in favour of Applicant, or if other intermediaries were involved, there would still be a sufficient risk that Applicant, as the manufacturer, could be held liable by having the validity of any liability exclusions contested and by claims for recourse being passed on within a potential supply chain. To avoid this, Applicant has a sufficient direct and present legal interest in preventing Defendant 2 from being found to have infringed the patent-in-suit.

3. The information of the parties to the proceedings UPC_CFI_2556/2026 of the admissibility of the intervention has its basis in R. 315(a) RoP, the specification of a time period within which the Applicant may lodge its statement of intervention finds its basis in R. 315(b) RoP. To ensure a uniform time period regime, it is appropriate to harmonize the time period pursuant to R. 315(b) RoP with the time period for Defendant 2 for filing its statement of defence which automatically corresponds to the time period for filing a possible counterclaim for revocation. Since Applicant and Defendant 2 are already defendants in the proceedings before the Regional Court Munich I (docket no.: 7 O 7097/26), that also concerns the memory dice with design number "EET1A", such time period seems to be appropriate and sufficient to coordinate with Defendant 2 and file the statement of intervention.

4. It is appropriate to subject the Applicant/Intervener to the confidentiality regime established in UPC_CFI_2556/2026 by order of 9 September 2026, as clarified by order of 14 September 2026. The confidentiality obligations set out therein equally apply to Applicant/Intervener.

There is no need to issue a preliminary confidential order first, as was done in the order dated 21 July 2026. Applicant has already indicated that it accepts that its access to the case UPC_CFI_2556/2026 is subject to any confidentiality regime ordered under R. 262A RoP. There is no apparent reason why the confidentiality regime imposed on Defendants should not suit Applicant. In the event of any unforeseen specific hardship, Applicant may still apply for an amendment to that confidentiality regime.

5. Pursuant to R. 315.2 RoP, the Registry shall as soon as practicable serve on the intervener any written pleading served by the parties. No separate order is required to this effect. The intervener who shall be treated as a party (R. 315.2 RoP) shall be granted access to the CMS.

ORDER

1. The application to intervene is admissible. The Applicant is hereby admitted as Intervener to the proceedings UPC_CFI_2556/2026 in support of Defendant 2 and Defendant's 2 anticipated requests to dismiss, in whole or in part, the infringement action and, if applicable, to revoke, in whole or in part, the patent-in-suit.

2. The parties to the proceedings UPC_CFI_2556/2026 are hereby informed of the admissibility of the present application to intervene.

3. The Applicant/Intervener has the opportunity to lodge a statement in intervention within the time period for Defendant 2 for filing its statement of defence (servicing date for the service of the Statement of claim on Defendant 2 is 31 July 2026).

4. The confidentiality regime established by order of 9 and 14 September 2026 in UPC_CFI_2556/2026 is hereby expanded to Applicant/Intervener. The confidentiality obligations set out in these orders equally apply to Applicant/Intervener, its employees who are authorized for access in accordance with the stipulations of the order of 9 September 2026 and its UPC-representatives and their internal assistants. To this effect, the operative part of the order of 9 September 2026 is supplemented in a way that the term "Defendant" contained therein also means the present Applicant/Intervener.

Issued in Mannheim on 16 October 2026

NAME AND SIGNATURE

Dirk Andreas Böttcher

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Böttcher
Judge-rapporteur