

# UPC Update – APLI

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December 2023





## Pending Cases

- Approx. 110 pending cases

## Issued Court Decisions

- Dusseldorf Local Division issued *one ex parte PI order* (myStromer AG vs. Revolt Zycling AG)
- Milan Local Division granted an *ex parte saisie order* (PMA vs. AWM srl and Schnell spa)
- Munich Central Division rejected *preliminary objection* (Amgen vs. Sanofi)
- Munich Local Division issued *interim injunction* (10x Genomics vs. NanoString)
- Helsinki Local Division decided on *withdrawal of opt-out* (AIM Sports vs. Supponor)
- The Hague Local Division *change of language* (Arkyne Tech vs. Plant-e Knowledge)

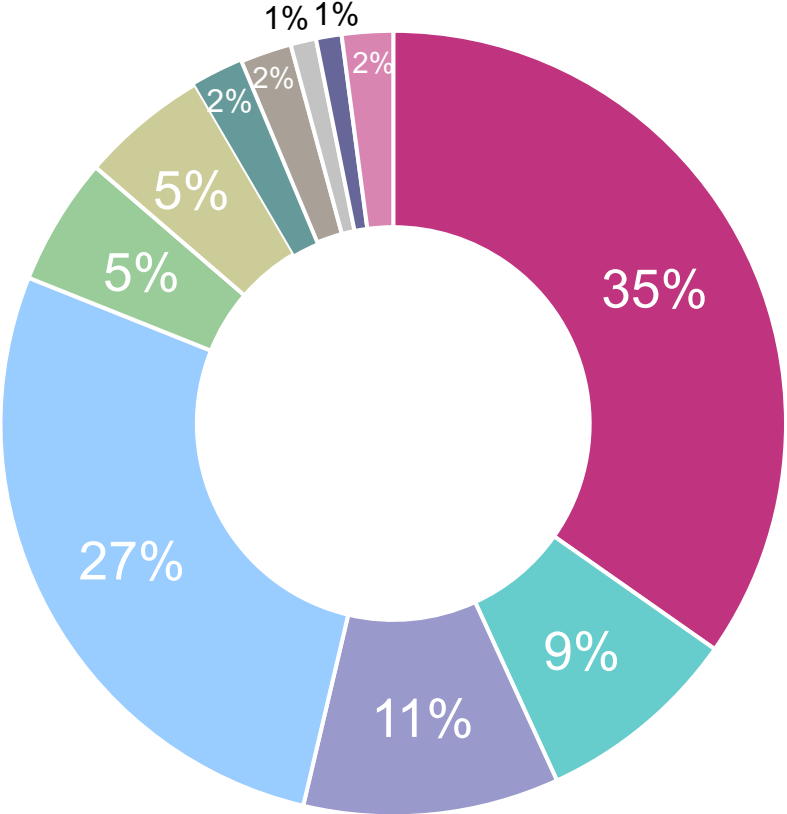
## Upcoming Hearings

- Munich Local Division: *hearings* – *PI* infringement in December and January
- Luxembourg: *hearing* – *appeal PI* infringement in December

# UPC – First half-year



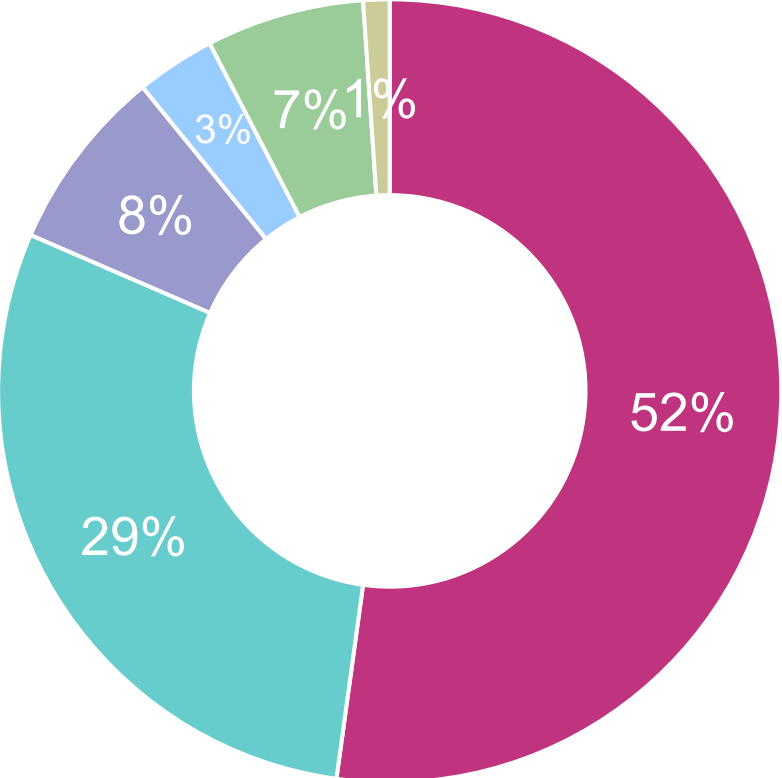
## UPC Division



- Munich
- Mannheim
- Düsseldorf
- Paris
- Milan
- Hamburg
- Nordic-Baltic
- Helsinki
- Brussels
- The Hague
- Not Published



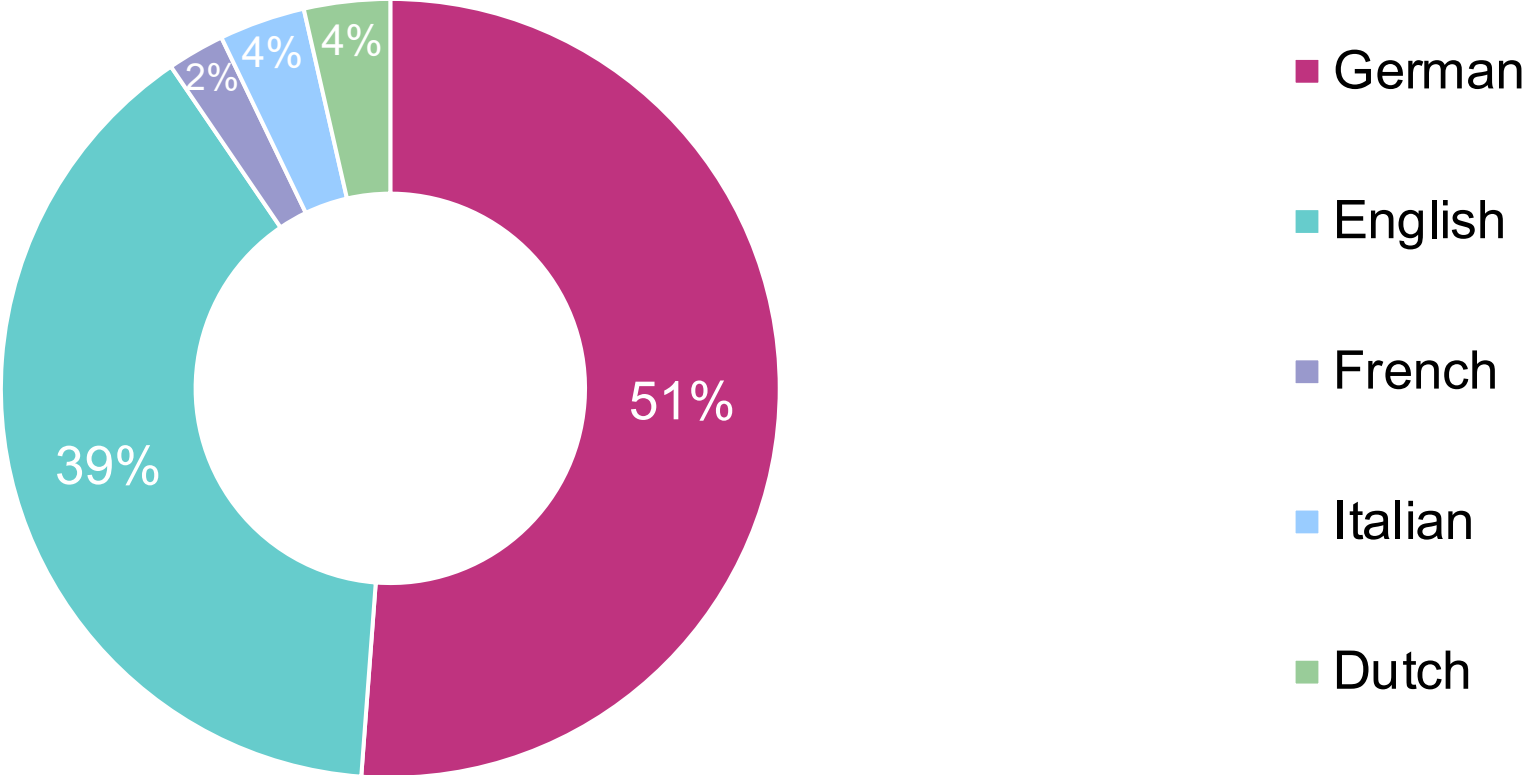
## Type of proceedings



- Infringement action
- Revocation action (incl. conterclaim)
- Non published
- Application for evidence preserving/order inspection
- Application for provisional measures
- Declaration of non-infringement

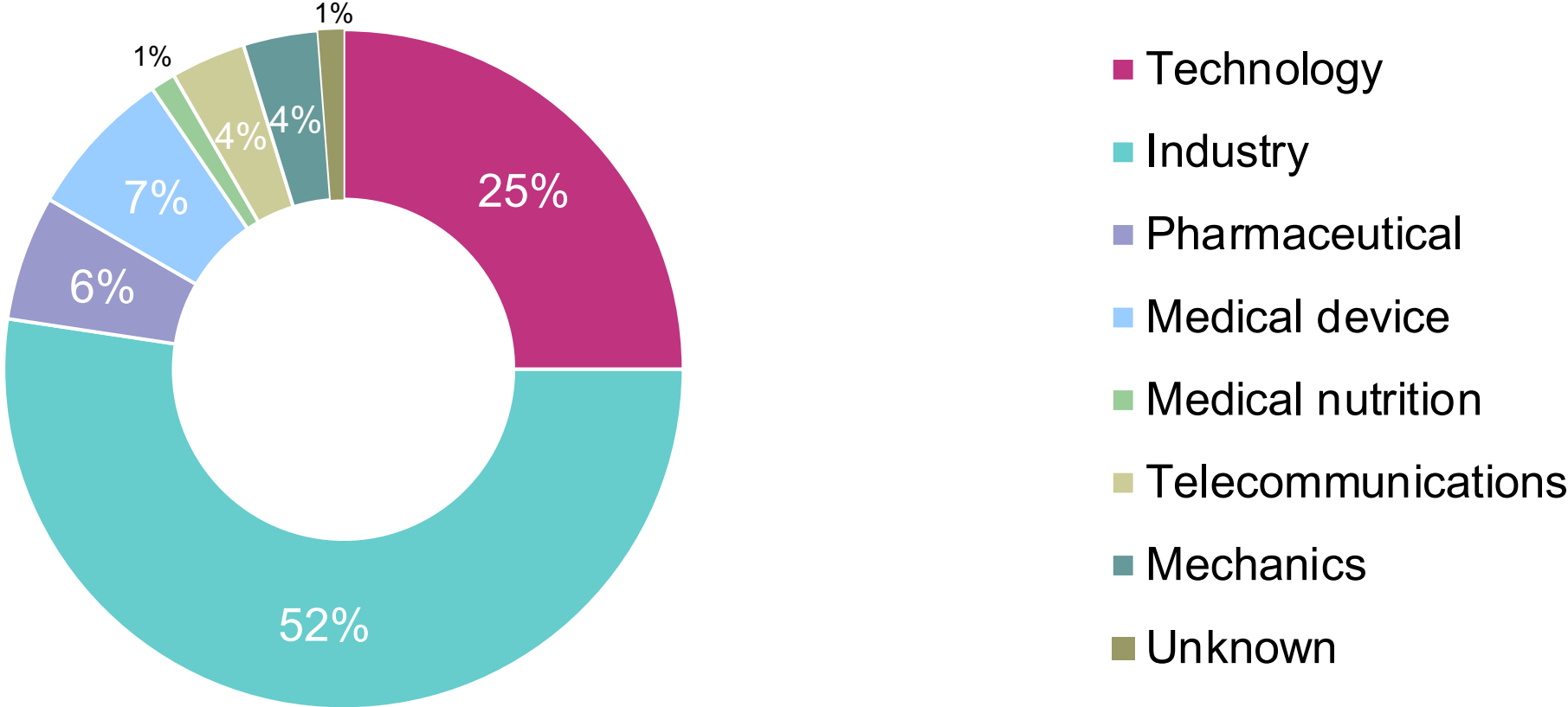


## Procedural Language





## Type of Industry





- Preliminary Injunctions
- Seizures
- Interplay between Central Division and Local Divisions
- Non-Practicing Entities / SEP / FRAND
- Permanent Injunctions/Bonding

## UPC – SEP/FRAND

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- Currently (at least) 3 pending SEP disputes in the UPC
- How will the UPC adjudicate on FRAND?
- Deployed strategies are multi-jurisdictional – leverage UPC-wide injunction threat, but seek FRAND relief elsewhere
- UK Court has a well-established track record of adjudicating on global FRAND – 3 licenses set so far and more in the wings

### *Huawei v Netgear* – WiFi (IEEE)

- Munich LD
- Parallel actions in Germany (Düsseldorf) and China (likely for global FRAND)

### *Panasonic v Oppo & Xiaomi* – cellular (ETSI)

- Munich and Mannheim LDs
- Parallel actions in Germany (Munich and Mannheim), UK (Panasonic) and China (Oppo) for global FRAND

### *Nokia v Amazon* – audio-video codecs (ITU)

- Munich LD
- Parallel in (at least) US, Germany, India and UK (likely for global FRAND)