



Appeal n°:
UPC_CoA_904/2025
and
UPC_CoA_905/2025

ORDER
of the Court of Appeal of the Unified Patent Court
concerning a Preliminary objection (R.19 RoP)
issued on 16 March 2026

HEADNOTES

- (i) The decision to deal with the Preliminary objection in the main proceedings may be taken either by the judge-rapporteur, as laid down in R. 20.2 RoP, or by the panel if the judge-rapporteur has decided to refer the matter to the panel to decide.
- (ii) This follows from the first part of R. 102.1 RoP, according to which the judge-rapporteur may refer any matter to the panel for decision. Although this provision is provided for under Chapter 2 (R. 101 to 110 RoP) of the Rules of Procedure on the interim procedure, it shall apply mutatis mutandis to the written procedure where the judge-rapporteur, after his assignment to the case by the presiding judge pursuant to R. 18 RoP, is likewise tasked with the management of the case, including case management decisions or orders relating to a Preliminary objection.
- (iii) This is further confirmed by R. 331 RoP on the responsibility for case management which provides that (R. 331.1 RoP) during the written procedure and the interim procedure, case management shall be the responsibility of the judge-rapporteur subject to Rules 102 and 333 and that (R. 331.2 RoP) the judge-rapporteur may refer a proposed order to the panel. Case management includes, *inter alia*, deciding the order in which issues are to be decided and ordering that issues or matters are to be heard together (R. 334(e) and (i) RoP).

KEYWORDS

Competence of the Court, Preliminary objection; UPCA Art. 32, R. 19 and 20 RoP.

