

Order
of the Court of Appeal of the Unified Patent Court
issued on 16 April 2026
concerning an extension of a time period (R.9.3(a) and 224.1(a) RoP)

HEADNOTES:

The time period for lodging a Statement appeal begins to run only when the Court of First Instance (CFI) issues a decision including the reasons (see CoA, 12 July 2024, UPC_CoA_328/2024, *Ballino v Kinexon*).

KEYWORDS:

- Commencement of the time period for lodging the Statement of appeal (R. 224 RoP)

APPELLANTS (AND DEFENDANTS BEFORE THE COURT OF FIRST INSTANCE):

1. **Belkin International Inc.**, El Segundo, United States of America,
2. **Belkin B.V.**, Amsterdam, The Netherlands,
3. **Belkin Limited**, Wellingborough, United Kingdom,

(hereinafter jointly referred to as 'Belkin')

represented by: Dr. Joschua Fiedler, attorney at law of the law firm DLA PIPER UK LLP, Munich, Germany

RESPONDENT (AND CLAIMANT BEFORE THE COURT OF FIRST INSTANCE):

Koninklijke Philips N.V., Eindhoven, The Netherlands,

(hereinafter referred to as 'Philips')

represented by: Dr. Tilman Müller, attorney at law, of the law firm Bardehle Pagenberg, Hamburg, Germany

LANGUAGE OF THE PROCEEDINGS:

English

PATENT AT ISSUE:

EP 2 867 997

PANEL AND DECIDING JUDGES:

This order has been issued by the second panel consisting of:
Rian Kalden, presiding judge and legally qualified judge
Patricia Rombach, legally qualified judge and judge-rapporteur
Ingeborg Simonsson, legally qualified judge

IMPUGNED DECISION OR ORDER OF THE COURT OF FIRST INSTANCE:

Decision of the Munich Local Division of 11 February 2026, issued in the infringement proceedings UPC_CFI_171/2025

SUMMARY OF FACTS:

1. Philips filed an infringement action against Belkin based on EP 2 867 997.
2. On 11 February 2026, the Local Division held an oral hearing and issued a panel decision without reasons.
3. On 13 April 2026, Belkin appealed the decision.

PARTY'S REQUESTS:

4. Belkin requests that the Court of Appeal extend the deadline for the request under R. 225(e) RoP until the deadline for lodging the Grounds of appeal, in the alternative, that the Court of Appeal send a formal request to correct deficiencies pursuant to R. 229.2 RoP.

PARTIES SUBMISSIONS:

5. Essentially, Belkin submits that without knowing the grounds of the decision Belkin is not able to formulate the order or remedy sought (R. 225 (e) RoP).

GROUND FOR THE ORDER:

6. It follows from R. 9.4 RoP that the Court shall not extend the time period for the Statement of appeal. It can be left open, whether it follows that after the time period for lodging the Statement of appeal has passed, deficiencies in the notice of appeal

lodged within the deadline may be remedied only by means of a formal request pursuant to R. 229.2 RoP. This is because the time limit for lodging an appeal has not yet started in the present case.

7. Pursuant to R. 224.1(a) RoP a Statement of appeal shall be lodged by the Appellant within two months of service of a decision referred to in R. 220.1 (a) and (b) RoP. According to Art. 77(1) UPCA decisions and orders of the Court shall be reasoned. The grounds of the decision are indispensable in order to be able to formulate the order or remedy sought (R. 225 (e) RoP). It follows that the time period for lodging a Statement of appeal begins to run only when the Court of First Instance (CFI) issues a decision including the reasons (see CoA, 12 July 2024, UPC_CoA_328/2024, *Ballino v Kinexon*).
8. In light of this, there is no reason to extend the deadline for filing an appeal that has not yet begun. The same applies if the appellant - as in this case - requests an extension of the deadline only with respect to certain requirements for the appeal.
9. Nor is it necessary to give Belkin the opportunity to address the deficiency arising from the absence of the requirements set out in R. 225(e) RoP by sending a formal request pursuant to R. 229.2 RoP.

ORDER:

Belkin's requests are denied.

INSTRUCTIONS TO THE PARTIES AND THE REGISTRY:

- Due to technical reasons this order is being sent to the representatives via Tresorit and will be uploaded to the CMS at a later stage.
- As soon as Belkin intends to lodge a supplement Statement of appeal, it shall notify the Registry (lu_coa_registry@unifiedpatentcourt.org) so that a notice to remedy deficiencies can be issued in the CMS under case number PR-UPC-COA-0000054/2026. This will enable Belkin to upload the supplement Statement of appeal and any other necessary documents.

Issued on 16 April 2026

Date:

Rian Kalden

2026.04.16

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Rian Kalden, presiding judge and legally qualified judge

Patricia Ursula
Rombach

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Patricia Rombach, legally qualified judge and judge rapporteur

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Ingeborg Simonsson, legally qualified judge