

Rectified¹
Order
of the Court of First Instance of the Unified Patent Court
Local Division Munich
issued on 5 May 2026
(R. 105.5 RoP, R. 353 RoP)

CLAIMANT / DEFENDANT:

Maxell, Ltd.

1 Koizumi, Oyamazaki, Oyamazaki-cho, Otokuni-gun,
Kyoto, 618-8525 Japan

Represented by
Benjamin Beck

DEFENDANTS / CLAIMANTS:

- | | | |
|----|--|-------------------------------------|
| 1) | Samsung Electronics Co., Ltd. 129 Samsung-Ro, Maetan-3dong, Yeongtong-gu, Suwon-si, Gyeonggi-do, 16677 Republic of Korea | Represented by Christian Lederer |
| 2) | Samsung Electronics GmbH Frankfurter Straße 2, 65760 Eschborn, Germany | Represented by Christian Lederer |
| 3) | Samsung Electronics France, S.A.S. 6 rue Fructidor, 93484 Saint-Ouen, France | Represented by Christian Lederer |
| 4) | Samsung Electronics Benelux B.V. Evert van de Beekstraat 310, Schiphol, 1118 CX, Netherlands | Represented by Christian Lederer |
| 5) | Samsung Electronics Italia SpA. Via Mike Bongiorno 9, 20124 Milan, Italy | Represented by Christian Lederer |

¹ The incorrect information at the end of paragraph I. in the order issued earlier today is hereby deleted.

PATENT AT ISSUE:

European patent EP 2 403 266

PANEL/DIVISION:

Panel 1a of the Local Division Munich

DECIDING JUDGE:

This order is issued by legally qualified judge Stefan Johansson, acting as judge-rapporteur

LANGUAGE OF THE PROCEEDINGS:

English

SUBJECT-MATTER:

Infringement action & Counterclaim for revocation

POINTS AT ISSUE:

Summary of the interim conference

SUMMARY OF THE INTERIM CONFERENCE

The interim conference took place on 30 April 2026 by video conference.

The Claimant was represented by Mr. Christoph Crützen (Mayer Brown LLP), Mr. Alexander Balan (Mayer Brown LLP), Dr. Svenja Schenk (Mayer Brown LLP) and Dr. Thomas Hell (Bosch Jehle Patentanwaltsgesellschaft mbH).

The Defendants were represented by Mr. Christian Lederer (PENTARC), Mr. Jan Phillip Rektorschek (PENTARC), Mr. Tobias Baus (PENTARC), Ms. Julia Fischer (PENTARC), Mr. Martin Kuschel (PAUSTIAN) and Mr. Christoph Hewel (PAUSTIAN).

LQJ Stefan Johansson (JR) and TQJ Hergen Kapels were present on behalf of the Court.

The following points were discussed.

The value of the proceedings

It was agreed that the value of the infringement action should be set at EUR 2.000.000. The JR suggested that the value of the counterclaim should be set to EUR 3.000.000 (instead of EUR 2.000.000), which was accepted by the parties.

Exhibits

The parties agreed to submit an updated complete lists of their respective exhibits within one week, i.e. by 7 May 2026.

Confidentiality

The Defendants confirmed that their confidentiality request of 5 March 2026 (and their confidentiality request of 5 August 2025) based on R. 262.2 RoP should not be understood as an implied request for an order pursuant R. 262A RoP, i.e. an order restricting the Claimant's access or use of the information. The requests only relate to third parties' access to the register.

Parties' requests in the main proceedings

The Claimant confirmed that even though the main request for an injunction is drafted "the German way" (with repetition of the claims), they leave it for the Court to decide whether the injunction should be drafted this way (e.g. if an injunction is issued based on one of the auxiliary requests), or if it is sufficient to refer to the relevant claims without repeating the whole claims. The Defendants confirmed that both alternatives are sufficiently clear to them.

The Claimant confirmed that in case the Court would find that e.g. claim 1 of the Patent is invalid, the Court should go directly to the auxiliary requests (AR's) and not assess whether the Patent could be maintained based on e.g. claim 4 or 7.

The Defendants were given the possibility to further comment on the legal basis for its request VI. in the infringement action, i.e. that they should be given the possibility to avert enforcement of the decision (in particular in relation to injunctive relief, recall and destruction) by providing a specified security, without regard to any security provided by the Claimant (cf. e.g. Art. 9.1(a) of Directive 2004/48/EC and Art. 62.1 UPCA on the one hand, and Art. 11 of Directive 2004/48/EC and Art. 63 UPCA on the other). The Defendants referred to their written submissions.

The Claimant confirmed that "provisionally enforce" in its request X. (in the Reply) should be read/understood as "immediately enforce".

Court expert

The parties confirmed that any references to a court expert in the pleadings shall not be understood as a formal request to appoint such an expert, i.e. a request that needs to be dismissed in case the Court does not see a need to appoint a court expert. The court expert is only mentioned as an option, in case the Court would see the need for a court expert.

The JR confirmed that he has no intention to appoint a court expert in these proceedings.

Alleged late filings, the number of invalidity attacks, auxiliary requests, etc.

The large number of invalidity attacks and auxiliary requests (AR's), including an application pursuant R. 30.2 RoP, were discussed. It was agreed that the parties shall limit their attacks/AR's as follows:

- The Defendants shall by 12 May 2026 submit a document where their attacks on the validity of the Patent as granted are limited to not more than five or six of the already

submitted attacks. The Defendants shall also specify the parts of their submissions relevant thereto.

- The Claimant shall by 26 May 2026 submit a document where they limit their AR's to about ten of the 34 already submitted AR's. The Claimant shall also specify the parts of their submissions relevant thereto and indicate to which attack/s each AR is a response.
- The Defendants shall by 9 June 2026 submit a document where they limit their attacks on the validity of the (remaining) AR's to one or two per AR (if more are necessary for a specific AR, they shall explain why). The Defendants shall also specify the parts of their submissions relevant thereto.

The JR informed the parties that the objections on the admissibility of Exhibit MB INFR 22 and additional arguments based on GMS/Spotify/YouTube/Google Cast, as well as the FRAND defence relating thereto, will be decided by the panel if it becomes relevant for the outcome of the decision. Thus, when preparing for the oral hearing, the parties should be aware that these arguments and exhibits may be held admissible.

Legal costs, etc.

It was agreed that the parties shall endeavour to reach an agreement on costs and that they will inform the Court about the content of any such agreement, or, in the alternative, submit their provisional estimates of the costs that they intend to claim.

The JR finds it appropriate to set the date for these submissions to 13 July 2026.

The oral hearing

The following preliminary course and time schedule for the oral hearing on 23 July 2026 was agreed:

- introduction by the Court (30 – 45 minutes)
- claim construction (up to 60 minutes [rebuttal included] for the Claimant and – equally – for the Defendants)
- validity (up to 90 minutes [rebuttal included] for the Claimant and – equally – for the Defendants)
- infringement (up to 30 minutes [rebuttal included] for the Claimant and – equally – for the Defendants)

Presentations, etc.

The parties were informed that PowerPoint presentations can be used during the oral hearing, but the content of any such presentations must be limited to the content of the exchanged written pleadings and exhibits. Any PowerPoint presentations should be submitted to the Court and the other party by e-mail by 20 July 2026.

Settlement

The parties undertook to immediately inform the Court in case they would reach a settlement.

ORDER:

- I. The value the infringement action is set at EUR 2.000.000. The value of the counterclaim for revocation is set at EUR 3.000.000. ~~Additional payment shall be arranged by the Defendants by 15 May 2026 (cf. Rule 371.4 RoP)~~
- II. The parties are requested to act in accordance with the agreements reached under the interim conference, as specified above.

Issued in Munich on 5 May 2026

NAME AND SIGNATURE

Stefan Erik
Johansson

Digitally signed
by Stefan Erik
Johansson
Date: 2026.05.05
18:21:38 +02'00'

Stefan Johansson
Judge-rapporteur