

ORDER
of the Court of Appeal of the Unified Patent Court
issued on 15 July 2026
on Court fees (R. 370.5 and R. 370.6 RoP)

HEADNOTES

- Regarding the payment of court fees under R. 220.1(a) RoP for a counterclaim for revocation, following the adoption of the amended Table of court fees, the current wording is to be understood as referring to the fee to be paid for filing a counterclaim for revocation in the first instance **at the time of filing the appeal** raised by 10%.
- As a general principle, fees shall be paid in accordance with the value of the action as determined by the Court of First Instance. The parties are not entitled to unilaterally determine or amend the value of the action for the purpose of calculating the applicable court fees. Should a party consider that the value of the action determined by the Court of First Instance is incorrect, objections concerning the determination of the value of the action may be raised as part of the grounds of appeal.
- If the value of the action determined by the CFI is not disputed as such, but there is reason, which is apparent on face value, to determine the court fees based on a lower value of the action on appeal than that set by the CFI for the first instance proceedings, this may be requested and the Court of Appeal may provisionally agree therewith. However, the Court of Appeal can and shall only finally decide on the value of the action on appeal after having heard the respondent, who may comment on that in the Statement of response.
- If the Court of Appeal subsequently determines that the value of the action should be assessed differently, the court fees shall be recalculated accordingly and, where applicable, any overpaid amount shall be reimbursed or additional fees shall have to be paid by the appellant.

KEYWORDS

Court fees on appeal

APPELLANTS IN 68/2026 AND RESPONDENTS IN 69/2026, 70/2026, 71/2026, 72/2026 (AND DEFENDANTS AND COUNTERCLAIMANTS BEFORE THE COURT OF FIRST INSTANCE)

1. **Qualcomm Incorporated**, San Diego, United States
2. **Qualcomm Technologies, Inc.**, San Diego, United States
3. **Qualcomm Germany GmbH**, Munich, Germany

(hereinafter jointly referred to as 'Qualcomm')

represented by Johannes Heselberger, attorney at law, and other attorneys at law and Patent attorneys of the law firms BARDEHLE PAGENBERG Partnership mbB, Munich, Germany

RESPONDENT IN 68/2026 AND APPELLANT IN 69/2026, 70/2026, 71/2026, 72/2026 (AND CLAIMANT AND COUNTER-DEFENDANT BEFORE THE COURT OF FIRST INSTANCE)

Network System Technologies LLC, Portland, United States

(hereinafter referred to as 'NST')

represented by Dr. Thomas Gniadek, attorney at law of HOFFMANN EITLE PartmbB, Munich, Germany

PATENTS AT ISSUE

EP 1 552 399

EP 1 552 669

EP 1 875 683

DECIDING JUDGE

This order was issued by Rian Kalden, presiding judge of panel 2 and judge-rapporteur

IMPUGNED DECISION OF THE COURT OF FIRST INSTANCE

Decision of the Local Division Munich issued on 11 March 2026 in the infringement proceedings UPC_CFI_63/2024, UPC_CFI_64/2024, UPC_CFI_65/2024 and counterclaim for revocation proceedings UPC_CFI_449/2024, UPC_CFI_451/2024

LANGUAGE OF THE PROCEEDINGS

English

SUMMARY OF FACTS (INsofar AS RELEVANT)

1. On 4 March 2024, NST initiated infringement proceedings against Qualcomm and two Samsung companies.
2. Qualcomm, in response, lodged counterclaims for revocation in relation to the patents at issue.
3. NST requested a finding of infringement of the patents at issue and the grant of corresponding remedies, including an injunction and other measures following from a finding of infringement, as

well as an order for the production of evidence under R. 190 RoP. Qualcomm requested dismissal of the infringement actions and, by way of counterclaims for revocation, revocation of the patents in suit.

4. By decision of 6 September 2024, the withdrawal of the action against the Samsung companies was permitted.
5. In UPC_CFI_63/2024 and UPC_CFI_449/2024, the Local Division Munich, by its decision of 11 March 2026, revoked European patent EP 1 552 669 with effect for the territories of France and Germany and dismissed the application to amend the patent as well as the infringement action. Moreover, it ordered that the costs of the infringement action against Qualcomm and the costs of the counterclaim for revocation be borne by NST. In the decision, the value in dispute for the infringement action was set at EUR 3,000,000 and for the counterclaim for revocation at EUR 4,500,000.
6. NST filed two appeals against this decision on 11 May 2026 (UPC-CoA-69/2026, infringement and UPC-CoA-70/2026, counterclaim for revocation).
7. In UPC_CFI_64/2024 and UPC_CFI_450/2024, the Local Division Munich, by its decision of 11 March 2026, dismissed both the infringement action and the counterclaim for revocation and ordered that the costs of the infringement action against Qualcomm be borne by NST and the costs of the counterclaim for revocation by Qualcomm. In the decision, the value in dispute for the infringement action was set at EUR 8,000,000 and for the counterclaim for revocation at EUR 12,000,000.
8. NST filed an appeal against this decision on 11 May 2026 (UPC-CoA-71/2026, infringement).
9. In UPC_CFI_65/2024 and UPC_CFI_451/2024, the Local Division Munich, by its decision of 11 March 2026, dismissed both the infringement action and the counterclaim for revocation and ordered that the costs of the infringement action against Qualcomm be borne by NST and the costs of the counterclaim for revocation by Qualcomm. In the decision, the value in dispute for the infringement action was set at EUR 3,000,000 and for the counterclaim for revocation at EUR 4,500,000.
10. Qualcomm and NST each filed an appeal against this decision on 11 May 2026 (UPC-CoA-68/2026, counterclaim for revocation and UPC-CoA-72/2026, infringement, respectively).

GROUNDS

11. The Registry's completion and validation of the formal requirements in the Case Management System should not be understood as a determination that all formal requirements under R. 225, 226 and 299 RoP, or any other applicable provisions, have been fully and finally satisfied. Rather, it signifies that the Registry has conducted its examination of the formal requirements at that stage of the proceedings. The Court remains entitled, at any subsequent stage, to raise questions, seek clarifications, request further information or documentation, and make inquiries concerning compliance with procedural formalities, the payment of court fees, or any other matter relevant to the proper conduct of the proceedings.

12. Based on the valuation of the actions outlined above and according to the Table of Court Fees, the fees applicable to the present appeals are as follows:

UPC-CoA-68/2026 (UPC_CFI_451/202) Appeal pursuant to Rule 220.1 (a) [R. 228] as to a counterclaim for revocation [R. 26]	EUR 29,150 fee to be paid in the first instance raised by 10%
UPC-CoA-69/2026 (UPC_CFI_63/2024) Appeal pursuant to Rule 220.1 (a) [R. 228] as to an infringement action [R. 15, Art. 32 (1) (a) UPCA]	EUR 43,800 14,600 € + additional value based fee according to table V for a value of EUR 3,000,000
UPC-CoA-70/2026 (UPC_CFI_449/2024) Appeal pursuant to Rule 220.1 (a) [R. 228] as to a counterclaim for revocation [R. 26]	EUR 29,150 fee to be paid in the first instance raised by 10%
UPC-CoA-71/2026 (UPC_CFI_64/2024) Appeal pursuant to Rule 220.1 (a) [R. 228] as to an infringement action [R. 15, Art. 32 (1) (a) UPCA]	EUR 90,300 14,600 € + additional value based fee according to table V for a value of EUR 8,000,000
UPC-CoA-72/2026 (UPC_CFI_65/2024) Appeal pursuant to Rule 220.1 (a) and (b) [R. 228] as to an infringement action [R. 15, Art. 32 (1) (a) UPCA]	EUR 43,800 14,600 € + additional value based fee according to table V for a value of EUR 3,000,000

13. In appeal UPC-CoA-68/2026, Qualcomm paid EUR 22,000 (fee actually paid in the first instance – EUR 20,000 – increased by 10%) instead of EUR 29,150 (fee to be paid in the first instance at the time of filing the appeal – EUR 26,500 – increased by 10%). During the formal checks, Qualcomm was requested to pay the remaining court fees which Qualcomm did. However, with its submission dated 25 June 2026, Qualcomm requests the reimbursement of EUR 7,150 for overpaid court fees as it claims the correct value is EUR 20,000 which corresponds to the fee actually paid in the first instance, increased by 10%.
14. Qualcomm’s request cannot be allowed. Regarding the payment of court fees under R. 220.1(a) RoP for a counterclaim for revocation, following the adoption of the amended Table of court fees, the current wording is to be understood as referring to the fee to be paid for filing a counterclaim for revocation in the first instance **at the time of filing the appeal** raised by 10%. Qualcomm therefore has (finally) paid the correct fees.

15. In appeals UPC-CoA-69/2026, UPC-CoA-71/2026 and UPC-CoA-72/2026, NST argues that the value of the actions on appeal should be half of the value set by the Local Division Munich. Consequently, in UPC-CoA-69/2026 instead of paying EUR 43,800, NST paid EUR 26,300, in UPC-CoA-71/2026, instead of paying EUR 90,300, NST paid EUR 26,300 and in UPC-CoA-72/2026 instead of paying EUR 43,800, NST paid EUR 26,300.
16. In appeal UPC-CoA-70/2026, NST paid the correct amount of the court fees. However, NST contests the value of the action set by the Local Division Munich. NST considers the value of the action to be EUR 2,250,000 instead of EUR 4,500,000.
17. The court fees paid by NST in appeal cases UPC-CoA-69, 71 and 72/2026 are insufficient.
18. As a general principle, fees shall be paid in accordance with the value of the action as determined by the Court of First Instance. The parties are not entitled to unilaterally determine or amend the value of the action for the purpose of calculating the applicable court fees. Should a party consider that the value of the action determined by the Court of First Instance is incorrect, objections concerning the determination of the value of the action may be raised as part of the grounds of appeal.
19. If the value of the action determined by the CFI is not disputed as such, but there is reason, which is apparent on face value, to determine the court fees based on a lower value of the action on appeal than that set by the CFI for the first instance proceedings, this may be requested and the Court of Appeal may provisionally agree therewith. However, the Court of Appeal can and shall only finally decide on the value of the action on appeal after having heard the respondent, who may comment on that in the Statement of response.
20. If the Court of Appeal subsequently determines that the value of the action should be assessed differently, the court fees shall be recalculated accordingly and, where applicable, any overpaid amount shall be reimbursed or additional fees shall have to be paid by the appellant.
21. NST brought forward that on appeal the value of the actions shall be half of that determined by the CFI because Samsung is no longer a respondent on appeal. This can, however, not on face value justify a lower value of the case on appeal and thus a lower amount of fees, since the value of the action was determined by the CFI at a point in time when the action against Samsung had already been withdrawn.
22. The fees payable by NST shall therefore be based on the amount as determined by the CFI.
23. After having heard Qualcomm who has an opportunity to comment in its Statement of response, the Court of Appeal may adjust the value of the case and the fees shall then be adjusted accordingly.
24. The Court fees still due by NST are thus as follows:

Appeal number	Amount due	Amount paid	Amount outstanding
UPC-CoA-69/2026	EUR 43,800	EUR 26,300	EUR 17,500
UPC-CoA-71/2026	EUR 90,300	EUR 26,300	EUR 64,000

UPC-CoA-72/2026	EUR 43,800	EUR 26,300	EUR 17,500
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ORDER

- I. Qualcomm's request for reimbursement in appeal UPC-CoA-68/2026 is dismissed.

- II. The Court of Appeal orders NST to pay the outstanding court fees as follows:
 - EUR 17,500 in respect of appeal UPC-CoA-69/2026
 - EUR 64,000 in respect of appeal UPC-CoA-71/2026
 - EUR 17,500 in respect of appeal UPC-CoA-72/2026

- III. NST is ordered to pay the outstanding court fees **within 14 days** of the date of this order. If NST fails to pay the court fees as indicated above, the President of the Court of Appeal shall reject the appeals as inadmissible by a decision by default (R. 229.4 RoP).

Issued on 15 July 2026

Rian Kalden, presiding judge and judge-rapporteur

Case management decisions or orders made by the judge-rapporteur shall be reviewed by the panel, on a reasoned Application by a party (R. 333.1 RoP).