



Düsseldorf Local Chamber

UPC_CFI_226/202

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App_57167/202

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Order of the Court of First Instance of the Unified Patent Court issued on July 27, 2026 concerning EP 3 605 534

Applicant:

Lars-Oliver Eggersdorfer, Boehmert & Boehmert Anwaltspartnerschaft mbB, Pettenkoferstraße 22, 80336 Munich, Germany

Plaintiff:

Dolby International AB, represented by its Board of Directors, 77 Sir John Rogerson's Quay Block C Grand, Canal Docklands, Dublin, D02 VK60, Ireland

represented by: Attorney Dr. Volkmar Henke, Attorney Dr. Tilman Müller, Pagenberg Partnerschaft mbB, Bohnenstraße 4, 20457 Hamburg, Germany

Also involved: Patent Attorney Dipl.-Ing. Tobias Kaufmann, Patent Attorney Dr.-Ing. Julian Renner, Pagenberg Partnerschaft mbB, Bohnenstraße 4, 20457 Hamburg, Germany

Electronic service address: mueller@bardehle.de

Defendant:

1. **Optoma Deutschland GmbH**, represented by its managing directors, Am Nordpark 3, 41069 Mönchengladbach, Germany

Represented by: Attorney at Law Dr. Andreas Kramer, Powell Gilbert, Königsallee 2b, 40212 Düsseldorf, Germany

Email address: andreas.kramer@powellgilbert.com

2. **Optoma Europe Ltd.**, represented by its managing directors, 1 Bourne End Mills, Hemel Hempstead, Hertfordshire, HP1 2UJ, United Kingdom

3. **Optoma Corporation**, represented by its directors, 12F, No. 213, Section 3, Beixin Road, Xindian District, New Taipei City 231, Taiwan, R.O.C.

PATENT IN DISPUTE:

European Patent No. EP 3 605 534

JUDICIAL BODY/CHAMBER:

Division 1 of the Düsseldorf Regional Chamber JUDGES:

This decision was issued by Presiding Judge Thomas as the reporting judge. LANGUAGE OF THE

PROCEEDINGS: German

SUBJECT MATTER: Rule 262.1(b) of the Rules of Procedure – Request for access to the case file

REASONS FOR THE ORDER:

BRIEF SUMMARY OF THE FACTS:

1. The applicant, as a member of the public, seeks access to the case file in proceedings UPC_CFI_226/2024 (hereinafter: main proceedings).
2. The main proceedings were concluded at first instance by a decision of the Düsseldorf Local Chamber dated September 26, 2024, in which the Chamber permitted the withdrawal of the complaint at the plaintiff's request and with the defendant's consent, and declared the proceedings terminated.
3. The applicant justifies his request for access to the case file, in particular, on the grounds that, as an attorney handling EPG proceedings, he has a professional interest in the main proceedings, especially insofar as they concern FRAND issues related to audio coding. Access to the case file would allow him to expand his knowledge of this subject matter. To gain such an understanding, knowledge of the entire case file—that is, the complaint including its exhibits as well as the court orders—is indispensable. Should the court grant access to the case file based on the applicant's personal interest, the applicant agrees to treat the files confidentially.
4. The parties to the main proceedings were given the opportunity to comment.
5. The parties availed themselves of this opportunity.
6. In the plaintiff's view, the applicant has failed to adequately explain why access to the specified documents is necessary. Access to the complaint—insofar as it does not address the FRAND defense—is clearly neither appropriate nor necessary to satisfy the interest in expanding knowledge regarding FRAND issues in the context of audio coding. In light of the asserted interest, access to the case file would, from the outset, be considered only for those passages of the complaint that actually address the FRAND defense. No such passages exist, since the FRAND defense must generally be raised by the defendant. To the extent that the complaint describes out-of-court contact between [REDACTED] and the defendant, such contact is confidential in any case.

7. In any case, the balancing of interests also argues against granting access to the case file.
8. The applicant's interest is counterbalanced by a threat to the integrity of the proceedings and thus a public interest in the administration of justice that must be taken into account, since parallel proceedings concerning the disputed patent are currently still pending. The complaint in the present proceedings also provides insights into the parallel proceedings that are currently still pending.
9. Furthermore, pursuant to Rule 262.2 of the Rules of Procedure, the parties may request that certain information be classified as confidential and treated accordingly. The statements regarding the out-of-court contact between the defendant and [REDACTED] (Statement of Claim, paras. 25–35) constitute confidential information within the meaning of Rule 262.2 of the Rules of Procedure. Confidentiality in this regard is consistent with business practices, is also observed by the plaintiff and the pool owner [REDACTED], is generally in the interest of both parties, and therefore at least implicitly underlies discussions regarding a potential license agreement. In addition, in the present case, the asserted interest is limited to expanding knowledge regarding the FRAND defense. Thus, only the confidential statements regarding out-of-court contacts (if any) are remotely related. In the alternative, access to the case file should therefore in any event be limited to a version of the complaint in which the statements regarding out-of-court contact with the defendants in paragraphs 25–35 have been redacted. Furthermore, Exhibits BP-V1 through BP-V5 concerning out-of-court contact with the defendants should be excluded from access to the case file.
10. In any event, the petitioner should be required to maintain confidentiality, and it should be ordered that the information be treated as confidential not only vis-à-vis the public but also vis-à-vis everyone.
11. The defendants objected to the inspection of the files.
12. They argued that the complaint contained confidential information regarding the parties' FRAND negotiations, particularly in paragraphs 25–35 and in the accompanying exhibits BP-V1 through BP-V5. Furthermore, Rule 262.1(b) of the Rules of Procedure is not consistent with Article 10(1), third sentence, of the EPGÜ insofar as access to the parties' pleadings is sought. The provision must therefore be interpreted narrowly. Moreover, the applicant lacks a legally protectable interest. The petitioner clearly has no interest of its own in the FRAND licensing of audio codecs. This may apply, at most, to its clients, on whose behalf, however, it has not been appointed. Finally, a balancing of interests dictates that the parties' interests in confidentiality—including those of the defendant—prevail. This applies in particular to confidential negotiations.
13. Reference is also made to the arguments set forth in the pleadings.

CLAIMS OF THE PLAINTIFF:

14. The plaintiff requests that
 1. that the motion for access to the case file be
denied; in the alternative:
 2. to classify Exhibits BP-V1 through BP-V5 and paragraphs 25–35 of the complaint as confidential for the purpose of protecting confidential information within the

meaning of Rule 262.2 of the Rules of Procedure, and to deny third parties access to the case file in this respect.

further in the alternative:

to require the applicant to treat as confidential any information that comes to his knowledge through access to the files and not to disclose it to other persons. An exception to this obligation exists only if the applicant has already become aware of the information in question from another source on a non-confidential basis prior to inspecting the files. For each instance of a breach of this confidentiality obligation, a penalty payment in an amount to be determined by the court may be imposed.

REASONS FOR THE ORDER:

15. The petitioner's motion is admissible and partially well-founded.

1. Admissibility of the Motion

16. Pursuant to Rule 262.1(b) of the Rules of Procedure, pleadings and evidence that have been filed with the court and recorded by the court clerk's office shall be made available to the public upon a well-founded request. The decision is made by the reporting judge after hearing the parties.
17. As a member of the public, the petitioner has filed a well-founded request within the meaning of Rule 262.1(b) of the Rules of Procedure. A reasoned request in this sense is one that not only specifies the pleadings and evidence to which access is sought, but also sets forth the purpose of the request and explains why access to the specified documents is necessary for that purpose, thereby providing all the information the Reporting Judge needs to conduct the required balancing of interests (UPC_CoA_404/2023, Decision of April 10, 2024, para. 44 – Ocado v. Autostore; UPC_CoA_480/2024, Decision of January 9, 2025, para. 10 – Abbott v. Powell Gilbert; UPC_CoA_10/2026, Decision of February 24, 2026, paras. 10 and 19 – Gowling; UPC_CFI_309/2023 (CD Paris), Order of June 9, 2025, para. 3.2 – NJOY v. Juul Labs).
18. When properly interpreted, the applicant's motion meets these requirements and is therefore admissible.
19. In particular, the motion sets forth why, in the applicant's view, access to the case file is necessary and for what purpose it is being requested. In this context, the applicant has argued that, as an attorney handling EPG proceedings, he has a professional interest in the main proceedings, particularly insofar as they concern FRAND issues related to audio coding. Access to the case file would allow him to expand his knowledge of this subject matter. For such an understanding, knowledge of the entire case file—that is, the complaint including its exhibits as well as the court orders—is indispensable.

2. Merits of the Motion

20. On the merits, the motion is granted only to the extent set forth in the operative part.
- a. Standard
21. When deciding on a motion under Rule 262.1(b) of the Rules of Procedure, the interests of a

member of the public in accessing the requested pleadings and evidence must be balanced against the interests set forth in Art. 45 EPGÜ. These interests include the protection of confidential information and personal data, as well as the protection of the general interests of the administration of justice and public order. The general interest of the administration of justice encompasses the protection of the integrity of proceedings. Public order may, for example, be jeopardized if a motion is abusive or if security interests are at stake (UPC_CoA_404/2023, Decision of April 10, 2024, para. 43 – Ocado v. Autostore; UPC_CoA_480/2024, para. 10 et seq. – Abbott v. Powell Gilbert; UPC_CoA_5/2025, decision of April 25, 2025, para. 8 – Juul Labs v. NJOY; UPC_CoA_10/2026, Decision of February 24, 2026, para. 10 – Gowling; UPC_CFI_342/2024 (Munich Local Court), Order of December 20, 2024, para. 16 – Phoenix Contact v. I.L.M.E.).

22. Once the court has issued a decision or order concluding the proceedings at first instance, the public generally has an interest in accessing the pleadings and evidence. This allows for a better understanding of the decision rendered in light of the arguments presented by the parties and the evidence considered. Furthermore, it allows for scrutiny of judicial activity, which is important for public confidence in the court (UPC_CoA_404/2023, Decision of April 10, 2024, para. 47 – Ocado v. Autostore; UPC_CoA_480/2024, decision of January 9, 2025, para. 13 et seq. – Abbott v. Powell Gilbert; UPC_CFI_75/2023 (Munich Branch), order of August 22, 2024 – Astellas v. Healios; UPC_CFI_255/2023 (Paris Regional Court), Order of October 14, 2024, para. 17 et seq. – Meril v. Edwards; UPC_CFI_135/2024 (Düsseldorf Local Court), Order of April 10, 2025 – Dolby v. Beko).

23. This principle applies regardless of whether

- an appeal against the decision or order is pending,
 - the order issued concerns a request for provisional measures (Rule 206 of the Rules of Procedure),
 - the information and evidence are also the subject of other proceedings, for example, because they concern the same patent or patents of the same patent family,
- and
- the first-instance decision addresses all arguments and evidence on the merits.

(UPC_CoA_480/2024, Decision of January 9, 2025, para. 2 – Abbott v. Powell Gilbert)

24. A member of the public may also have a more specific interest in the pleadings and evidence of a particular proceeding than the aforementioned general interest. This is particularly the case when the applicant has a direct interest in the subject matter of the proceedings, such as the validity of a patent that also affects them as a competitor or licensee, or when one of the parties to the proceedings is accused of infringing a patent with a product that is identical to or similar to a product that has been or is to be placed on the market by the member of the public. If a member of the public has such a direct and legitimate interest in the subject matter of a particular proceeding, this interest does not arise only upon the conclusion of the proceeding, but may exist from the outset (UPC_CoA_404/2023, Decision of April 10, 2024, para. 53 –

Ocado v. Autostore; UPC_CoA_5/2025, Decision of April 25, 2025, para. 8 – Juul Labs v. NJOY; UPC_CFI_342/2024 (Munich Regional Court), Order of December 20, 2024, para. 17 – Phoenix Contact v. I.L.M.E.; UPC_CFI_33/2024 (Vienna Regional Court), Order of August 12, 2024 – Swarco v. Strabag; UPC_CFI_135/2024 (Düsseldorf Regional Court), Order of April 10, 2025 – Dolby v. Beko).

b. Decision in the Specific Case

25. The balancing of interests required on the basis of these principles leads to the conclusion that the applicant is to be granted access to the pleadings and exhibits to the extent set forth in the operative part.
26. Since the underlying main proceedings have already been concluded, the applicant has a general interest in being granted access to the pleadings and evidence, which outweighs the interests specified in Art. 45 EPGÜ. There is no need to demonstrate a more concrete, specific interest in the subject matter of the proceedings after the proceedings have been concluded.
27. There are no apparent grounds that would support a denial of access in the context of the balancing of interests. In particular, there is no indication that the motion was filed for abusive reasons. Insofar as the plaintiff, by contrast, refers to pending parallel proceedings, those proceedings have in the meantime also been concluded at the first instance and are therefore, according to the case law of the Court of Appeals, irrelevant from the outset.
28. However, at the plaintiff's request, paragraphs 25 through 35 of the complaint, as well as Exhibits BP-V1 through BP-V5, were classified as confidential pursuant to Rule 262.2 of the Rules of Procedure and were therefore excluded from the applicant's access to the case file. The plaintiff has plausibly explained why the information contained therein regarding the out-of-court correspondence between [REDACTED] and the defendant constitutes confidential information that must be excluded from third-party access to the case file.
29. Personal data within the meaning of Regulation (EU) 2016/679 contained in the complaint and the attachments made available to the petitioner must be redacted.
30. The confidentiality order is based on the result of a balancing of interests. In this context, the Chamber has taken into account that the petitioner did not merely propose such an order on his own initiative. Rather, such an order is also justified because the petitioner primarily justifies his request for access to the files on the basis of his personal interest in continuing education. Against this background, there is no reason to permit him to disclose the information obtained in connection with the request for access to the files.
31. To the extent that the petitioner seeks access not only to the pleadings and exhibits but also to the court's orders, these are already required by law to be made public (R. 262.1 (a) VerfO) and are therefore, from the outset, not a permissible subject of a request under R. 262.1 (b) VerfO.
32. As regards the practical implementation of access to the case file, the petitioner is to be provided initially only with the complaint, without the attachments.
33. Redacting personal data involves a certain amount of personnel and time, which precludes the prompt provision of all attachments.

34. Upon receipt of the complaint, the petitioner may inform the court clerk's office which specific exhibits remain of interest to him after reviewing the pleadings. In this regard, it can be assumed that the petitioner is able to identify all exhibits based on the complaint and that individual exhibits are already available to the petitioner or can be easily obtained from other sources (see also UPC_CFI_208/2024 (Munich Regional Court), Order of July 30, 2025 – Renault SAS v. Avago).

ORDER:

1. The information regarding the out-of-court correspondence between the defendants, as set forth in paragraphs 25 through 35 of the complaint filed on May 10, 2024, in case UPC_CFI_226/2024, as well as in Annexes BP-V1 through BP-V5, [REDACTED] is classified as confidential (Rule 262.2 of the Rules of Procedure).
2. The applicant is granted access to the following pleadings and evidence:
 - D170655VLU03 Complaint - Dolby dd 10 May 2024_signed.pdf (excluding paragraphs 25 through 35)
 - Exhibit BP-P 1_Statement of Defendant 3 EN.pdf
 - Exhibit BP-P 2_Excerpt from the Commercial Register DE.pdf
 - Exhibit BP-P 3_Website and Legal Notice Defendant 1 DE.pdf
 - Exhibit BP-P 4_Terms and Conditions Defendant 2 DE.pdf
 - Exhibit BP-P 5_Website of Defendant 3 EN.pdf
 - Exhibit BP-P 6_Screenshots of the website pool (EN).pdf
 - Exhibit BP-P 7_Patent List Pool EN.pdf
 - Exhibit BP-P 8_Opus Royalties EN.pdf
 - Exhibit BP-P 9_Android TV Website DE.pdf
 - Exhibit BP-P 10_Developer Android Audio Support EN.pdf
 - Exhibit BP-P 11_Technical Specifications N3551K DE.pdf
 - Exhibit BP-P 12 Technical Specifications for Additional Models DE.pdf
 - Exhibit BP-P 13_Defendant 1's Website for Infringing Products DE.pdf
 - Exhibit BP-P 14_Defendant 1's Website: Link to Seller (German).pdf
 - Exhibit BP-P 15_Austrian Website EN.pdf
 - Exhibit BP-P 16_French, Dutch, and Italian Optoma Websites DE.pdf
 - Exhibit BP-P 17_Defendant 3's Website EN.pdf
 - Exhibit BP-T 1_Patent specification EN.pdf
 - Exhibit BP-T 2_Excerpts from the Register (DE-F-NL-IT).pdf
 - Exhibit BP-T 3_Claim Chart DE.pdf
 - Exhibit BP-T 4_Opus Standard EN.pdf

3. In all other respects, the motion for access to the case file is denied.
4. Personal data within the meaning of Regulation (EU) 2016/678 contained in the brief referred to in paragraph 2 and in the evidence cited therein must be redacted.
5. The applicant is required to treat the information obtained through access to the case file as confidential and not to disclose it to other persons. An exception to this obligation applies only if the applicant has already become aware of the relevant information from another source on a non-confidential basis prior to accessing the case file.

For each instance of a breach of this confidentiality obligation, a penalty payment in an amount to be determined by the court may be imposed.

6. Due to the personnel and time resources required to redact personal data, the plaintiff shall initially be provided only with the (partially redacted) complaint without attachments. Upon receipt of the complaint, the petitioner may request the attachments to the complaint that he or she still requires by emailing the law firm (contact_dusseldorf.loc@unifi-edpatentcourt.org). In doing so, the attachments must be specifically identified.

INSTRUCTIONS TO THE LAW FIRM:

The applicant is to be granted access to the pleading referred to in paragraph 2 of the above order (partially redacted complaint) as well as to the specified attachments from case UPC_CFI_226/2024.

Initially, only the (partially redacted) complaint without attachments is to be provided. Upon specific request by the applicant, the attachments still required at that time are to be transmitted subsequently.

Personal data within the meaning of Regulation (EU) 2016/678 contained in the complaint and the attachments must be redacted.

Issued in Düsseldorf on July 27, 2026

NAMES AND SIGNATURES

Presiding Judge Thomas

