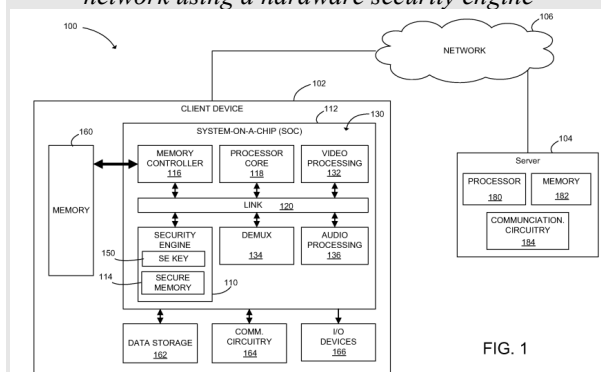


UPC Court of Appeal, 8 January 2025, Daedalus v Xiaomi

method and device for secure communications over a network using a hardware security engine



PATENT LAW - PROCEDURAL LAW

Intervention by Mediatek allowed in appeal proceedings between Daedalus and Xiaomi ([R. 313 RoP](#), [R. 314 RoP](#))

- [MediaTek has a direct and present interest in the result of the appeal proceedings, as the confidential information at issue in the appeal proceedings concerns information relating to the architecture of MediaTek's processors.](#)
- [Daedalus' submission that its US attorneys already have access to the confidential information in the context of parallel proceedings in the US does not alter the assessment. This submission may be relevant to the decision on the appeal but does not mean that there is no legal interest for MediaTek to intervene in the appeal proceedings.](#)

Application to intervene admissible, although not made before the closure of the written procedure ([R. 313.2 RoP](#), [R. 315 RoP](#))

- [MediaTek declared that it does not intend to file a statement of intervention under R. 315.1 and R. 315.3 and wishes only to be allowed to participate in the oral hearing to support Xiaomi in their request to dismiss the appeal. Allowing the intervention will therefore not result in any delay of the appeal proceedings.](#)

Source: [Unified Patent Court](#)

UPC Court of Appeal, 8 January 2024

(Grabinski, Blok, Germano)

App_67902/2024

APL_58177/2024

UPC_CoA_621/2024

ORDER

of the Court of Appeal of the Unified Patent Court issued on 8 January 2025 concerning an application to intervene

APPLICANT

MEDIATEK INC. (HEADQUARTERS)

No. 1, Dusing Rd. 1, Hsinchu Science Park, 30078 Hsinchu City, Taiwan

hereinafter: MediaTek,

represented by attorneys-at-law Dr. Antje Brambrink, Dr. Jochen Herr and Daniel Seitz and European patent attorney Dr. Moritz Meckel (Finnegan, Henderson, Farabow, Garrett & Dunner)

APPELLANT (CLAIMANT IN THE MAIN PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

DAEDALUS PRIME LLC

75 South Riverside, unit B/C, Croton-on-Hudson, 10520, New York, USA

hereinafter: Daedalus,

represented by attorney-at-law Dr. Marc Grunwald (Peterreins Schley)

RESPONDENTS (DEFENDANTS IN THE MAIN PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

1. XIAOMI TECHNOLOGY NETHERLANDS B.V.

Prinses Beatrixlaan 582, 2595 BM, The Hague (Den Haag), The Netherlands

2. XIAOMI TECHNOLOGY GERMANY GMBH

Niederlasser Lohweg 175, 40547, Düsseldorf, Germany

hereinafter: Xiaomi,

represented by attorney-at-law Prof. Dr. Tilman Müller-Stoy (Bardehle Pagenberg)

PATENT AT ISSUE

EP 2792100

PANEL AND DECIDING JUDGES

Panel 1a:

Klaus Grabinski, president of the Court of Appeal

Peter Blok, legally qualified judge and judge-rapporteur

Emanuela Germano, legally qualified judge

LANGUAGE OF THE PROCEEDINGS

English

IMPUGNED ORDER OF THE COURT OF FIRST INSTANCE

□ [Order of the Court of First Instance of the Unified Patent Court, Hamburg Local Division, dated 11 October 2024](#)

□ Reference numbers attributed by the Court of First Instance:

UPC_CFI_169/2024

ACT_19012/2024

App_51661/2024

ORD_51859/2024

FACTS AND REQUESTS OF THE PARTIES

1. On 9 April 2024, Daedalus filed an infringement action against Xiaomi, Xiaomi Communications Co. Ltd., Xiaomi Inc. and MediaTek, asserting inter alia that Xiaomi infringe Daedalus' [European patent 2792100](#) (hereinafter: the patent at issue) by offering and selling smartphones that comprises 8000 or 9000 series Dimensity processors from MediaTek.

2. On 26 July 2024, Xiaomi filed their Statement of defence. On the same date, Daedalus lodged an application requesting that access to passages

highlighted in grey in the Statement of defence and the written witness statement submitted with the Statement of defence as exhibit BP7 (hereinafter: the confidential information), disclosing information on inter alia the architecture of the MediaTek processors, be restricted to certain persons in accordance with [R. 262A of the Rules of Procedure of the Unified Patent Court](#) (hereinafter: RoP).

3. With a procedural order of 30 July 2024, the judge-rapporteur of the Hamburg Local Division of the Court of First Instance declared the confidential information preliminary protected in accordance with [R. 262A RoP](#) and restricted access of Daedalus to these passages to its legal representatives, insofar as they are authorized to represent Daedalus before the Unified Patent Court in the present proceedings, and their internal assistants, whereby only those professionals authorized to represent Daedalus before the UPC in the present proceedings and their assistants from the law firm of Daedalus' legal representatives have access to the confidential information required for cooperation in the present litigation.

4. In its response to the procedural order of 30 July 2024 Daedalus requested that its managing director and two US attorneys shall be granted access to the confidential information.

5. With a procedural order of 3 September 2024, the judge-rapporteur extended access to the confidential information to Daedalus' managing director but denied access to the US attorneys.

6. Daedalus requested a review of the procedural order of 3 September 2024 by the panel on the basis of [R. 333 RoP](#). With the [order of 11 October 2024](#), the panel of the Hamburg Local Division rejected the application for review and granted leave to appeal (hereinafter: the impugned order).

7. On 24 October 2024, Daedalus lodged an appeal against the impugned order (hereinafter: the appeal proceedings), requesting that the Court of Appeal

- I. set aside the impugned order insofar as it relates to the denial of access for its US attorneys;
- II. order that the procedural orders of the judge-rapporteur of 30 July 2024 and 3 September 2024 are amended in such a manner that its US attorneys are also granted access to the confidential information;
- III. in the alternative, to refer the matter back to the Court of First Instance for a decision taking into account the Court of Appeal's reasoning.

8. Xiaomi responded to the appeal, requesting that the Court of Appeal dismiss the appeal and order Daedalus to bear the costs of the appeal.

9. On 15 November 2024, the Statement of claim in the infringement action was served on MediaTek.

10. On 23 December 2024, MediaTek lodged an application with the Court of Appeal requesting that I) MediaTek is admitted as an intervener to the appeal proceedings in support of Xiaomi, Xiaomi Communications Co. Ltd. and Xiaomi Inc, II) the appeal is dismissed, and III) Daedalus bears the costs of the appeal proceedings, including the costs of MediaTek.

11. Daedalus and Xiaomi filed a response to MediaTek's application for intervention. Daedalus requests that the application is rejected. Xiaomi declared that it agrees with the application.

GROUND FOR THE ORDER

12. Pursuant to [R. 313.1 RoP](#), an application to intervene may be lodged at any stage of the proceedings before the Court by any person establishing a legal interest in the result of an action submitted to the Court.

An interest in the result of the action within the meaning of this provision means a direct and present interest in the grant of the order or decision as sought by the party whom the applicant wishes to support ([CoA 10 January 2024, UPC CoA 404/2023 App 584498/2023](#)).

13. The fact that the confidential information was submitted by Xiaomi does not rule out that MediaTek has a legal interest in maintaining its confidentiality. MediaTek has a direct and present interest in the result of the appeal proceedings, as the confidential information at issue in the appeal proceedings concerns information relating to the architecture of MediaTek's processors.

14. Daedalus' submission that its US attorneys already have access to the confidential information in the context of parallel proceedings in the US does not alter the assessment. This submission may be relevant to the decision on the appeal but does not mean that there is no legal interest for MediaTek to intervene in the appeal proceedings.

15. The fact that MediaTek has only recently appeared in the infringement proceedings cannot be considered as a waiver of its right to intervene in the proceedings concerning Xiaomi's application for the protection of confidential information.

16. Pursuant to [R. 313.2 RoP](#), an application to intervene shall be admissible only if it is made before the closure of the written procedure unless the Court orders otherwise. In this case there is reason to order otherwise. MediaTek declared that it does not intend to file a statement of intervention under [R. 315.1 and R. 315.3](#) and wishes only to be allowed to participate in the oral hearing to support Xiaomi in their request to dismiss the appeal. Allowing the intervention will therefore not result in any delay of the appeal proceedings.

17. It follows that MediaTek's application to intervene in the appeal proceedings in support of Xiaomi is admissible and must be allowed.

18. The Court of Appeal will instruct the Registry to send the video conference details for the oral hearing to MediaTek.

19. MediaTek has declared that it does not require service of the written pleadings submitted by Daedalus and Xiaomi under [R. 315.2 RoP](#), as it can already access these files in the case management system as a defendant in the infringement action. The Registry will therefore not serve these documents on MediaTek.

20. Given the limited scope of the issue on appeal, the Court of Appeal assumes that the time limits for the response to the appeal at the oral hearing, as set in the procedural order of 5 December 2024, will be sufficient for the combined pleadings by Xiaomi and MediaTek.

The Court of Appeal instructs Xiaomi and MediaTek to coordinate their submissions to that effect. The panel may decide to extend the time limits if that turns out to be necessary during the hearing.

ORDER

I. MediaTek's application to intervene is allowed;

II. MediaTek and Xiaomi are instructed to coordinate their submissions at the oral hearing.

This order was issued on 8 January 2024.

Klaus Grabinski President of the Court of Appeal

Peter Blok Legally qualified judge and judge-rapporteur

Emanuela Germano Legally qualified judge
