

## UPC CFI, Local Division Munich, 28 January 2025, Qualcomm v Shenzhen

*card metaphor for activities in a computing device*

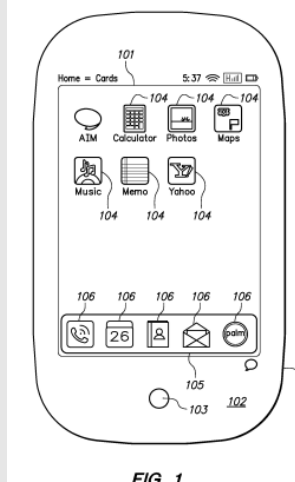


FIG. 1

### PATENT LAW – PROCEDURAL LAW

**Withdrawal of the action by agreement; parties bearing their own costs, 60% of court fees reimbursed ([R. 265 RoP](#), [R. 370 RoP](#))**

Source: [Unified Patent Court](#)

**UPC Court of First Instance,  
Local Division Munich, 28 January 2025**

(U. Voß. D. Voß, A. Kupecz)

UPC\_CFI\_487/2023

#### Decision

of the Court of First Instance of the Unified Patent Court issued on 28 January 2025

#### CLAIMANT

**Qualcomm incorporated.**, 5775 Morehouse Drive, San Diego, CA 92121-1714, represented by CEO Christiano R. Amon, US,

represented by: Johannes Heselberger. Bardehle Pagenberg Partnerschaft mbB, Prinzregentenplatz 7, 81675 München, Germany.

#### DEFENDANTS

**1. Shenzhen Transsion Holdings Co., Ltd.** Unit 1, 24th Floor, Chuan Yin (Transsion) Building, No. 8 Xianyuan Rd, Xili Sub-district, Nanshan District, Shenzhen 518055, Guangdong Province, P. R. China, Defendant 1,

**2. Tecno Mobile Ltd.**, Flat N, 16/F., Block B, Universal Industrial Centre, 19-25 Shan Mei Street Fotan, New Territories, Hong Kong SAR, P. R. China Defendant 2,

**3. Infinix Mobility Ltd.**, Flat N, 16/F., Block B, Universal Industrial Centre, 19-25 Shan Mei Street, Fotan, New Territories, Hong Kong SAR, P. R. China Defendant 3,

**4. Tekpoint GmbH**, Leopold-Ungar-Platz 2, 1190 Vienna, Austria, Defendant 4, **5. Galaxus Deutschland GmbH**, Schützenstraße 5, 22761 Hamburg, Germany, Defendant 5,

**6. Max ICT B.V.**, Hercules 20, 5126 RK Gilze, The Netherlands, Defendant 6,

Defendant 1-4 represented by: Dr. Steininger, Hogan Lovells International LLP, KarlScharnagl-Ring 5, 80539 München, Germany.

Defendant 6 represented by: Dr. Jestaedt, Krieger Mes, Bennigsen-Platz 1, 40474 Düsseldorf, Germany.

#### PATENT AT ISSUE

European patent no° [EP 2 286 325](#)

#### PANEL/DIVISION

Panel 2 of the Local Division Munich

#### DECIDING JUDGES

This decision has been issued by Presiding Judge Ulrike Voß (Judge-Rapporteur), the Legally Qualified Judge Dr Daniel Voß and the Legally Qualified Judge András Kupecz.

#### LANGUAGE OF THE PROCEEDINGS

English

**SUBJECT OF THE PROCEEDINGS** Withdrawal action, [R 265 RoP](#) / Reimbursement court fees, [R 370 RoP](#)

#### SUMMARY OF THE FACTS

By statement of claim dated 17 July 2024, the Claimant filed a patent infringement action against the Defendants.

With pleading dated 17 January 2025, the Claimant 1 has declared the withdrawal of its action. In its reasoning, it stated that it and Defendant 1 have reached a settlement. This provides for the Claimant to withdraw all pending actions and for each party to bear its own costs. In addition, the Claimant applied for a reimbursement of 60 % of the court fees paid pursuant to Rule 370.9 (b) (i) RoP.

By statement of 23 January 2025, the Defendants 1 to 4 have declared their consent to the withdrawal. They further declared that they have no interest in the court deciding on the action (Rule 265 (1) third sentence RoP). Requests for cost reimbursement will not be submitted. Defendant 6 did not submit any comments.

#### REASONS FOR THE ORDER

I.

Pursuant to [Rule 265.1](#), first sentence, RoP, a claimant may, as long as there is no final decision in the action, request that the action be withdrawn. The application for withdrawal is not allowed, according to sentence 3, if the other party has a legitimate interest in the action being decided by the Court.

On this basis, the withdrawal is permitted. The withdrawal of the action was declared before a final decision was issued. The Defendants have not asserted any legitimate interests pursuant to [Rule 265.1 RoP](#), nor can any such interests be identified in any other way.

II.

The consequence of permitting a withdrawal is, according to [Rule 265.2 \(a\) and \(b\) RoP](#), to give a decision declaring the proceedings closed and to order the decision to be entered on the register. According to [Rule 265.2\(c\) RoP](#), when permitting the withdrawal, the Court issues a decision on costs in accordance with Part 1, Chapter 5. An agreement between the parties

regarding the costs or a settlement must be taken into account.

III.

Pursuant to [Rule 370.9 \(b\) \(i\) RoP](#) in conjunction with [Rule 370.11 RoP](#), 60 % of the court fees paid are to be reimbursed if the action – as in this case – is withdrawn before the closure of the written procedure.

ORDER

1. The withdrawal of the action is permitted.
2. The proceedings are declared closed.
3. This decision is to be entered on the register.
4. The parties shall bear their own extrajudicial costs.
5. Claimant is to be reimbursed 60 % of the court fees paid by it, and thus an amount of € 18.600,00.
6. The value of the action is set at € 3.000.000,00.

**INSTRUCTION FOR THE REGISTRY**

The Registrar is instructed to make a payment of € 18.600,00 to the Claimant as soon as possible in accordance with point 5 of the Order, Rule 370.11 RoP.

**DETAILS OF THE ORDER**

ACT\_41607/2024

UPC\_CFI\_421/2024

App\_2710/2025

Ulrike Voß Presiding Judge

Dr Daniel Voß Legally Qualified Judge

András Kupecz Legally Qualified Judge

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