



UPC_CFI_427/2024
Order of the Court of First Instance of the Unified Patent Court
pursuant to R. 88 and 91 (2) RoP
delivered on 13/09/2024

Headnote:

The Application pursuant to R. 88 RoP has been processed by the Court and forwarded for interlocutory revision to the EPO, the Office has rectified the contested decision in accordance with the request and the submission of the Claimant doesn't mention any particular circumstance justifying a decision of reimbursement. The case shall be closed without prior consultation of the parties.

Keywords:

Application pursuant to R. 88 RoP

CLAIMANT

QUALCOMM INCORPORATED
5775 MOREHOUSE DRIVE - 92121-1714 –
San Diego – US
Represented by: Francesco Celluprica

PATENT AT ISSUE

Patent no.

Proprietor/s

EP3516914

QUALCOMM INCORPORATED

DECIDING JUDGE

Presiding judge

Florence Butin

LANGUAGE OF PROCEEDINGS: English

SUMMARY OF FACTS

By an application dated 19 July 2024 (App_42538/2024 UPC_CFI_427/2024), Qualcomm Incorporated (hereinafter “the Claimant”) requested the Court of First instance of the UPC – Paris Central division – to annul a decision of the European Patent Office in carrying out the tasks referred to in Art. 9 of Regulation (EU) No 1257/2012.

By a notification issued on 13 August 2024 (EPO interlocutory revision No 46904/2024), the EPO informed the Court under R.91 (1) (b) that the contested decision dated 10 July 2024 has been rectified in accordance with the order or remedy sought by the Claimant and provided the communication dispatched to Qualcomm Inc. accordingly.

GROUNDINGS FOR THE ORDER

Pursuant to R. 91.2 RoP “where the court is informed that the contested decision has been rectified, it shall inform the Claimant that the action is closed and may order full or partial reimbursement of the fee for the action against a decision of the Office in accordance with part. 6”.

The Application has been processed by the Court and forwarded for interlocutory revision to the EPO. The Office has rectified the contested decision in accordance with the request, and the submission of the Claimant doesn’t mention any particular circumstances justifying a decision of reimbursement.

It follows from the above that the case shall be closed without prior consultation of the Parties.

ORDER

- 1- Qualcomm Incorporated is informed that the action is closed.
- 2- An appeal may be brought against the present order pursuant to R.220 (b) RoP.

Issued on 13 September 2024

Florence Butin – Presiding Judge

ORDER DETAILS

Order no. ORD_51358/2024 in ACTION NUMBER: App_42538/2024

UPC number: UPC_CFI_427/2024

Action type: Action against the decision of the EPO (RoP88)