



**Munich local division  
UPC\_CFI\_152/2024**

**Procedural order  
of the Court of First Instance of the Unified Patent Court local division Munich  
issued on 27 December 2024**

CLAIMS

- 1) Netgear Inc.**
- 2) Netgear Germany GmbH**
- 3) Netgear International Limited**

represented by: Henning Gutheil (Freshfields)

DEFENDANT

**Huawei Technologies Co. Ltd.**

represented by: Tobias J. Hessel (Clifford Chance)

PATENTS IN DISPUTE

European patents no. 3 678 321 and 3 611 989.

PANEL/CHAMBER

Panel 1 of the Munich local division.

PARTICIPATING JUDGES

This Order was issued by presiding judge Dr Matthias Zigann as judge-rapporteur.

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LANGUAGE OF THE PROCEEDINGS

German

OBJECT

Determination of non-infringement - Rule 9

APPLICATIONS BY THE PARTIES

Netgear applied for:

*to include the licence agreement between the plaintiff and Qualcomm, which was submitted to the court file as Annex K68 in the infringement proceedings ACT\_459771/023 UPC\_CFI\_9/2023, in the court file of proceedings ACT\_16294/2024 UPC\_CFI\_152/2024.*

The judge-rapporteur also invited the parties to comment on whether it would be procedurally efficient to call in the TQJ of the proceedings ACT\_18917/2024 UPC\_CFI\_168/2024, Patrice Vidon, due to the joint hearing date on 25 March 2025.

Huawei explains:

*The defendant raises no objections to the requested transfer of Exhibit K68 from the infringement proceedings ACT\_459771/2023 (UPC\_CFI\_9/2023) to the proceedings ACT\_16294/2024 (UPC\_CFI 152/2024), provided that the existing confidentiality measures already ordered in accordance with the Order of 25 April 2024 (ORD 18179/2024) continue to apply in these proceedings or are ordered again in the same way here.*

*The defendant also raises no objections to the involvement of TQJ Patrice Vidon in these proceedings, as proposed by the judge-rapporteur for reasons of procedural economy.*

Netgear explains in addition:

*that for reasons of procedural economy there is nothing to prevent the involvement of TQJ Patrice Vidon in the action for a declaratory judgement UPC\_CFI\_152/2024 from the defendant's point of view.*

REASONS

The inclusion of the contract between Huawei and Qualcomm, which was submitted to the court file as Annex K68 in the infringement proceedings ACT\_459771/023 UPC\_CFI\_9/2023, is procedurally economical, as a new submission order is avoided. From a technical point of view, the referral is carried out by Huawei resubmitting the attachment. In connection with this submission, applications pursuant to Rules 262.2 and 262A RoP must be made. This is the only way document the need for confidentiality in the CMS. The continuation of the confidentiality measures already ordered is ordered.

The President of the Court of First Instance is requested to allocate the TQJ of the proceedings ACT\_18917/2024 UPC\_CFI\_168/2024, Patrice Vidon, to the present proceedings. This is because, in view of the cross-procedural issues relating to the objection of the

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Exhaustion because of of the contract acc. Annex K68 and the joint hearing date on 25 March 2025.

ORDER

1. The licence agreement between Huawei and Qualcomm, which was submitted to the court file as Annex K68 in the infringement proceedings ACT\_459771/023 UPC\_CFI\_9/2023, is included in the proceedings ACT\_16294/2024 UPC\_CFI\_152/2024.
2. To this end, Huawei must the annex in the present proceedings, together with applications pursuant to Rules 262.2 and 262A RoP, within 20 days. The continuation of the confidentiality measures already ordered is hereby ordered.
3. The President of the Court of First Instance is requested to allocate the TQJ of case ACT\_18917/2024 UPC\_CFI\_168/2024, Patrice Vidon, to the present proceedings.

INFORMATION ON THE REVIEW BY THE PANEL

Either party may request a review of this Order by the adjudicating body in accordance with R. 333 PANEL. The Order remains effective until it has been reviewed (R. 102.2 RoP).

ORDER DETAILS

Order No. ORD\_54426/2024 in PROCEDURE NUMBER: ACT\_16294/2024  
UPC number: UPC\_CFI\_152/2024  
Type of transaction: Determination of non-violation  
No. of the related procedure Application No.: 47098/2024  
Type of application: Submission for procedural request

Signed in Munich on 27 December 2024

**Matthias**  
**ZIGANN**

Digitally signed by  
Matthias ZIGANN Date:  
2024.12.27  
10:07:07 +01'00'

Dr Zigann Presiding  
judge