



Order

**of the Court of First Instance of the Unified Patent Court
issued on 9 March 2026**

Respondents in Penalty proceedings:

1. Amazon.com, Inc., 410 Terry Avenue North Seattle, Washington, 98109, USA, represented by the CEO, represented for service by its agent Corporation Service Company, 251 Little Falls Drive, Wilmington, DE 19808, USA
2. Amazon Digital UK Limited, 1 Principal Place, Worship Street, London, EC2A 2FA, UK, represented by the CEO,
3. Amazon Europe Core S.à.r.l. (Société à responsabilité limitée), 38 Avenue John F. Kennedy, L-1855 Luxemburg, represented by the CEO,
4. Amazon EU S.à.r.l. (Société à responsabilité limitée), 38 Avenue John F. Kennedy, L1855 Luxemburg, represented by the CEO
5. Amazon Technologies, Inc., 410 Terry Avenue North Seattle, Washington 98109, USA, represented by the CEO, represented for service by its agent CSC – Lawyers Incorporating Service, 2710 Gateway Oaks Drive, Sacramento, CA 95833, USA,

All Respondents represented by Klaus Haft of HOYNG ROKH MONEGIER, Munich

Address for Service on the Respondents: klaus.haft@hoyngrokh.com

EUROPEAN PATENTS AT ISSUE:

cf. Exhibit AR10, esp. EP2548372 (UPC_CFI_1481/2025), EP3240285 (UPC_CFI_1482/2025)

PANEL/DIVISION:

Panel of the Local Division Mannheim of the Court of First Instance of the Unified Patent Court

DECIDING JUDGES:

This order is issued by the Presiding Judge and Judge Rapporteur Tochtermann upon mandate of the Panel.

LANGUAGE OF THE PROCEEDINGS:

English

SUBJECT:

Art 82(4) UPCA, R. 354.4 RoP

STATEMENT OF FACTS AND GROUNDS FOR THE ORDER

During a hearing before this Court on 27 February 2026, Amazon made the following declaration to the Court in a public hearing:


„Die Beklagten erklären zu Protokoll, dass sie im UK-Verfahren zwischen den Parteien im Rahmen dieser Auseinandersetzung (insbesondere HP 2025-000043) im Rahmen des Final Relief gemäß Annex A der sealed Order des UK High Court vom 20. Oktober 2025 keinen Schadensersatz beantragen oder sonst verfolgen werden, wobei als schadensauslösendes Ereignis die Fortführung einschließlich aller Verfahrensschritte und/oder die Durchsetzung einer etwaigen Entscheidung und/oder Anordnung des UPC herangezogen wird. Die Beklagten verpflichten sich, entsprechende Erklärungen vor dem UK High Court zur Umsetzung abzugeben. Diese Verpflichtungen stehen unter dem Vorbehalt einer Aufhebung oder Abänderung der Anordnung der Lokalkammer Mannheim vom 30. September 2025 durch das Berufungsgericht des UPC.“

English machine translation (non-authoritative!):

"The defendants declare for the record that they will not claim or otherwise pursue damages in the UK proceedings between the parties in the context of this dispute (in particular HP 2025-000043) within the scope of the Final Relief pursuant to Annex A of the sealed order of the UK High Court dated October 20, 2025, whereby the event causing the damage shall be deemed to be the continuation, including all procedural steps, and/or the enforcement of any decision and/or order of the UPC. The defendants undertake to make corresponding declarations before the UK High Court for implementation. These obligations shall remain in force for as long as the order of the Local Chamber in Mannheim dated September 30, 2025 is not revoked or amended by the UPC Court of Appeal."

Amazon reported upon the Hearing before the UK High Court of 5 March 2026 in Case No HP-2025-000043 by brief of 9 March 2026, handed it at 09:53 in UPC_CFI_1376/2025, and furnished this Court with the Sealed order of 5 March 2026, Amazon's application for it, and a Judgment of the UK High Court of that date including a transcript of the hearing of 5 March 2026 as well as an agreed note of the hearing before this panel.

The Order of 5 March 2026 reads as follows:

<p><u>IN THE HIGH COURT OF JUSTICE</u> <u>BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES</u> <u>INTELLECTUAL PROPERTY LIST (ChD)</u> <u>PATENT COURT</u> Before: Mr Justice Meade Date: 5 March 2026</p> <p>BETWEEN:</p> <p style="padding-left: 40px;">(1) AMAZON.COM, INC. (a company incorporated in the State of Delaware, USA) (2) AMAZON DIGITAL UK LIMITED (3) AMAZON EUROPE CORE SARL (a company incorporated in Luxembourg) (4) AMAZON EU SARL (a company incorporated in Luxembourg) (5) AMAZON TECHNOLOGIES, INC. (a company incorporated in the State of Nevada, USA)</p> <p style="text-align: center;">AND</p> <p style="padding-left: 40px;">(1) INTERDIGITAL VC HOLDINGS, INC. (a company incorporated in the State of Delaware, USA) (2) INTERDIGITAL, INC. (a company incorporated in the State of Pennsylvania, USA) (3) INTERDIGITAL MADISON PATENT HOLDINGS SAS (a company incorporated in France) (4) INTERDIGITAL PATENT HOLDINGS, INC. (a company incorporated in the State of Delaware, USA) (5) INTERDIGITAL CE PATENT HOLDINGS SAS (a company incorporated in France) (6) THOMSON LICENSING SAS (a company incorporated in France) (7) VANTIVA SA (a company incorporated in France)</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">ORDER</p> <p style="text-align: center;">_____</p>	 <p>Claim No: HP-2025-000043 05 Mar 2026 HP-2025-000043</p> <p style="text-align: right;"><u>Claimants</u></p> <p style="text-align: right;"><u>Defendants</u></p>
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UPON paragraph 4 of the Order of Mr Justice Meade dated 29 January 2026 (the "**Jurisdiction Appeal Order**") adjourning the question of the appropriate order as to costs of the Part 11 Application and the Relevant AASI Applications (as defined therein) to the hearing listed for 12-13 February 2026 if not agreed;

AND UPON paragraph 1 of the Consent Order dated 10 February 2026 (the "**Costs Adjudgment Order**") adjourning the question of the appropriate order as to costs of the Part 11 Application and the Relevant AASI Applications to the next hearing between the parties in these proceedings following the hearing listed for 12-13 February 2026 if not agreed;

AND UPON the Court hearing counsel for Amazon and counsel for InterDigital at the case management conference on 12 February 2026 (the "**February CMC**") and, *inter alia*, setting directions to the September RAND Trial;

AND UPON paragraph 16 of the Order of Mr Justice Meade dated 12 February 2026 ordering that a further case management conference to deal with any disputes concerning the Issues for Further Disclosure is to be listed in the week commencing 20 April 2026 with a time estimate of 1 day (the "**April CMC**")

AND UPON the Court ordering a hearing to be listed on 5 March 2026

AND UPON AMAZON DECLARING TO THE COURT THE FOLLOWING DECLARATION IT ALSO GAVE TO THE LOCAL DIVISION MANNHEIM IN GERMAN:

„Die Beklagten erklären zu Protokoll, dass sie im UK-Verfahren zwischen den Parteien im Rahmen dieser Auseinandersetzung (insbesondere HP 2025-000043) im Rahmen des Final Relief gemäß Annex A der sealed Order des UK High Court vom 20. Oktober 2025 keinen Schadensersatz beantragen oder sonst verfolgen werden, wobei als schadensauslösendes Ereignis die Fortführung einschließlich aller Verfahrensschritte und/oder die Durchsetzung einer etwaigen Entscheidung und/oder An-ordnung des UPC herangezogen wird.

Die Beklagten verpflichten sich, entsprechende Erklärungen vor dem UK High Court zur Umsetzung abzugeben.

Diese Verpflichtungen stehen unter dem Vorbehalt einer Aufhebung oder Abänderung der Anordnung der Lokalkammer Mannheim vom 30. September 2025 durch das Berufungsgericht des UPC."

English machine translation:

"The defendants declare for the record that they will not claim or otherwise pursue damages in the UK proceedings between the parties in the context of this dispute (in particular HP 2025-000043) within the scope of the Final Relief pursuant to Annex A of the sealed order of the UK High Court dated October 20, 2025, whereby the event causing the damage shall be deemed to be the continuation, including all procedural steps, and/or the enforcement of any decision and/or order of the UPC.

The defendants undertake to make corresponding declarations before the UK High Court for implementation.

These obligations shall remain in force for as long as the order of the Local Chamber in Mannheim dated September 30, 2025 is not revoked or amended by the UPC Court of Appeal."

IT IS ORDERED THAT:

1. Paragraph 4 of the Jurisdiction Appeal Order, as amended by paragraph 1 of the Costs Adjudgment Order, is varied as follows:

"The question of the appropriate order as to the costs of the Part 11 Application and the Relevant AASI Applications are adjourned to the April CMC, if not agreed."

2. There be no further costs order under this Order.

SERVICE OF THE ORDER

This order shall be served by the Claimants on the Defendants. The Court has provided a sealed copy of this Order to the serving party's solicitors: Hogan Lovells International LLP, Atlantic House, Holborn Viaduct, London, EC1A 2FG.

According to all documents produced, Amazon obviously only repeated verbatim the declaration it made to this Court before the UK High Court in translation without putting the declaration into legally binding effect in the UK proceedings by way of a respective request, withdrawal of relief or other application.

Rather, the Judge highlights that the declaration made is "a purely performative statement of Amazon's intention" and that it is not "a declaration [...] and is not an undertaking [...] that InterDigital or anyone else can enforce" (see para 9 of Judgement [2026] EWHC 499 (pat) of 5 March 2026 in Case No: HP-2025-000043).

Before this background, it is unclear, why the Judge issued a new Consent Order of 9 March 2026, which Amazon sent to the UPC today at 12:00 today in UPC_CFI_1376/2025, with "liberty to apply", differing from the Order of 5 March 2026 in that it contains the following paragraphs (highlighting of alleged changes by Amazon):

Claim No: HP-2025-000043



HP-2025-000043

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
INTELLECTUAL PROPERTY LIST (ChD)
PATENT COURT
Before: Mr Justice Meade
Date: 5 March 2026

B E T W E E N:

- (1) AMAZON.COM, INC.
(a company incorporated in the State of Delaware, USA)
- (2) AMAZON DIGITAL UK LIMITED
- (3) AMAZON EUROPE CORE SARL
(a company incorporated in Luxembourg)
- (4) AMAZON EU SARL
(a company incorporated in Luxembourg)
- (5) AMAZON TECHNOLOGIES, INC.
(a company incorporated in the State of Nevada, USA)

Claimants

AND

- (1) INTERDIGITAL VC HOLDINGS, INC.
(a company incorporated in the State of Delaware, USA)
- (2) INTERDIGITAL, INC.
(a company incorporated in the State of Pennsylvania, USA)
- (3) INTERDIGITAL MADISON PATENT HOLDINGS SAS
(a company incorporated in France)
- (4) INTERDIGITAL PATENT HOLDINGS, INC.
(a company incorporated in the State of Delaware, USA)
- (5) INTERDIGITAL CE PATENT HOLDINGS SAS
(a company incorporated in France)
- (6) THOMSON LICENSING SAS
(a company incorporated in France)
- (7) VANTIVA SA
(a company incorporated in France)

Defendants

ORDER

UPON paragraph 4 of the Order of Mr Justice Meade dated 29 January 2026 (the "**Jurisdiction Appeal Order**") adjourning the question of the appropriate order as to costs of the Part 11 Application and the Relevant AASI Applications (as defined therein) to the hearing listed for 12-13 February 2026 if not agreed;

AND UPON paragraph 1 of the Consent Order dated 10 February 2026 (the "**Costs Adjournment Order**") adjourning the question of the appropriate order as to costs of the Part 11 Application and the Relevant AASI Applications to the next hearing between the parties in these proceedings following the hearing listed for 12-13 February 2026 if not agreed;

AND UPON the Court hearing counsel for Amazon and counsel for InterDigital at the case management conference on 12 February 2026 (the "**February CMC**") and, *inter alia*, setting directions to the September RAND Trial;

AND UPON paragraph 16 of the Order of Mr Justice Meade dated 12 February 2026 ordering that a further case management conference to deal with any disputes concerning the Issues for Further Disclosure is to be listed in the week commencing 20 April 2026 with a time estimate of 1 day (the "**April CMC**")

AND UPON the Court ordering a hearing to be listed on 5 March 2026 [□] and hearing Counsel for the parties

AND UPON AMAZON DECLARING TO THE COURT THE FOLLOWING DECLARATION IT ALSO GAVE TO THE LOCAL DIVISION MANNHEIM [□] OF THE UNIFIED PATENT COURT IN GERMANY [□] ON 27 FEBRUARY 2026:

„Die Beklagten erklären zu Protokoll, dass sie im UK-Verfahren zwischen den Parteien im Rahmen dieser Auseinandersetzung (insbesondere HP 2025-000043) im Rahmen des Final Relief gemäß Annex A der sealed Order des UK High Court vom 20. Oktober 2025 keinen Schadensersatz beantragen oder sonst verfolgen werden, wobei als schadensauslösendes Ereignis die Fortführung einschließlich aller Verfahrensschritte und/oder die Durchsetzung einer etwaigen Entscheidung und/oder An-ordnung des UPC herangezogen wird.

Die Beklagten verpflichten sich, entsprechende Erklärungen vor dem UK High Court zur Umsetzung abzugeben.

Diese Verpflichtungen stehen unter dem Vorbehalt einer Aufhebung oder Abänderung der Anordnung der Lokalkammer Mannheim vom 30. September 2025 durch das Berufungsgericht des UPC."

□ This Court having been informed of the meaning of the aforesaid by means of the following English machine translation, as agreed between the parties, but noting that the German version is agreed by the parties to be authoritative within the proceedings of the Local Division Mannheim:

"The defendants declare for the record that they will not claim or otherwise pursue damages in the UK proceedings between the parties in the context of this dispute (in particular HP 2025-000043) within the scope of the Final Relief pursuant to Annex A of the sealed order of the UK High Court dated October 20, 2025, whereby the event causing the damage shall be deemed to be the continuation, including all procedural steps, and/or the enforcement of any decision and/or order of the UPC.

The defendants undertake to make corresponding declarations before the UK High Court for implementation.

These obligations shall remain in force for as long as the order of the Local Chamber in Mannheim dated September 30, 2025 is not revoked or amended by the UPC Court of Appeal."

□ **UPON AMAZON AND INTERDIGITAL AGREEING THAT IN COMPLIANCE WITH AMAZON'S DECLARATION TO THE LOCAL DIVISION MANNHEIM THE ISSUES FOR THE RAND TRIAL SHOULD BE LIMITED, IT IS ORDERED THAT:**

1. □ The issues for the RAND trial in these proceedings shall not include Amazon's claim for damages at paragraph (6) of the Prayer if or to the extent that the event causing the damage is or is alleged to be the continuation of infringement proceedings in the UPC (including procedural steps) or the enforcement of any decision or order of the UPC.

AND IT IS FURTHER BY CONSENT ORDERED THAT:

2. Paragraph 4 of the Jurisdiction Appeal Order, as amended by paragraph 1 of the Costs Adjudgment Order, is varied as follows:

"The question of the appropriate order as to the costs of the Part 11 Application and the Relevant AASI Applications are adjourned to the April CMC, if not agreed."

3. There be no further costs order under this Order.
4. □ Liberty to apply.

SERVICE OF THE ORDER This order shall be served by the Claimants on the Defendants. The Court has provided a sealed copy of this Order to the serving party's solicitors: Hogan Lovells International LLP, Atlantic House, Holborn Viaduct, London, EC1A 2FG.

Amazon is ordered to clarify,

- if the judge altered the order of his own motion or whether it is based on a request of Amazon to alter the 5 March 2026 Sealed Order.
- Further it is to be clarified, if the Order has any legally binding effect for the UK Court and the parties at all as “liberty to apply” is ordered in a consent order and if the Judge can alter the order solely upon application by a party or, in addition, of his own motion and
- how the Sealed Order of 9 March 2026 can be reconciled with the judgement of 5 March 2026, which clearly sets out that the “declaration” does not have any enforceable effects and limits the damages relief in a different way (ibid para 91).

Therefore, Amazon still may have fallen short of meeting its obligations under the declaration before and to the UPC Local Division Mannheim on 27 February 2026 as contained in the audio protocol and reported to the UK Judge in the Agreed NOTE of the parties of the UPC LD Mannheim hearing (Exhibit HRM HS 22a) in para 52.

The Court made clear that, so as to suspend the imposition of a penalty, Amazon would

- a) have to make the declaration before the UPC LD Mannheim; and
- b) implement this in the oral proceedings already scheduled in the UK proceedings on 5 March 2026.

While the condition under lit. a) is fulfilled, it remains open, if the condition under lit. b) is fulfilled and based on respective action taken by Amazon in the UK proceedings.

It was clear to everyone present in the hearing room – and none of this was part of the confidential part of the hearing – and is part of the audio protocol that the declaration would have to be put into legally binding effect before the UK High Court by Amazon. The new Paragraph contained in the 9 March 2026 Order, however, does not appear to be reflected in the Draft Order of Amazon (Exhibit HRM HS 23 in UPC_CFI_1376/2025), i.e. may not be based on Amazon’s procedural behaviour. None of the documents submitted appears to show that Amazon itself made the necessary procedural requests or applications under UK procedural law, nor is it clear, if the new version of the Order is legally binding, and enforceable for Interdigital, or if it is at the discretion of the Judge to change it again.

As far as the Judgement of the UK High Court of 5 March 2026 concludes (ibidem para. 91) that the September RAND trial list of issues will not include Amazon's claim for damages as it relates to the UPC territories, this conclusion is beside the point of the Panel. The problem lies not with the fact of damages being claimed for a certain territory, here the UPC territory. It is the fact that the mere continuation of Infringement Proceedings before a NON-UK Court like the UPC must under no circumstances be argued as the basis for a request for damages.

The Panel is troubled by the UK judge, in his Judgement, openly criticizing the UPC as a European Court for having fulfilled its obligations under EU regulations to inform the EU authorities about the present proceedings as follows and addresses this as a further step of escalation of the inter-jurisdictional conflict:

80. I genuinely hoped that the UPC LD would respond in kind, but regrettably there is nothing about de-escalation in the 22 December decision which, on the contrary, expands the criticism of the UK view of (F)RAND and interim licences and increases the areas of contention by informing the EU competition authorities.

ORDER

Amazon may comment to this Order until

18 March 2026.

Issued in Mannheim on 9 March 2026

NAMES AND SIGNATURES

Tochtermann

Presiding judge and judge-rapporteur upon mandate of the Panel