



Order
of the Court of First Instance of the Unified Patent Court issued on 9
July 2025
concerning EP 2 465 265, EP 3 259 902, EP 2 080 349, EP 2 449 782
ACT_24153/2025

APPLICANTS:

1. InterDigital VC Holdings, Inc, 200 Bellevue Parkway, Suite 300, Wilmington, Delaware 19809, USA, legally represented by the Board of Directors, *ibid*,

Represented by
Cordula
Schumacher

2. Interdigital CE Patent Holdings SAS, 20 rue Rouget de Lisle, 92130 Issy-les-Moulineaux, France, legally represented by Richard J. Brezski, *ibid*,

OPPONENTS OF THE APPLICATION:

1. The Walt Disney Company, 500 S Buena Vista St, Burbank, CA 91521, USA, represented by its legal representatives, *ibid*,

Represented by
Taylor Wessing
Partnerschaft von
Rechtsanwälten
und Steuerberatern
mbB, Isartorplatz
8, 80331 Munich,
Germany

2. Disney Platform Distribution, Inc, also trading as Disney DTC LLC, 500 S Buena Vista St, Burbank, CA 91521, USA, represented by its legal representatives, *ibid*,

3. Disney Streaming Services LLC, 500 S Buena Vista St, Burbank, CA, 91521, USA, represented by its legal representatives, *ibid*,

4. Disney Media & Entertainment Distribution LLC, also trading as Disney Entertainment Operations LLC, 500 S Buena Vista St, Burbank, CA,

91521, USA, represented by its legal representatives, *ibid*,

5. Disney Entertainment & Sports LLC, also trading as Disney Streaming Technology LLC or Disney Technology LLC, 500 S Buena Vista St, Burbank, CA, 91521, USA, represented by its legal representatives, *ibid*,

6. BAMTech LLC, also trading as BAMTech Media or Disney Streaming Services (LLC) or Disney Streaming, 1211 Avenue of the Americas, New York, New York 10036, USA, represented by its legal representatives, *ibid*,

PATENTS OF DISPOSITION:

EUROPEAN PATENT NOS. EP 2 465 265, EP 3 259 902, EP 2 080 349, EP 2 449 782

PANEL/CHAMBER:

Panel of the Local Division Mannheim JUDGES:

This order was issued by the presiding judge and rapporteur, Mr Tochtermann issued. LANGUAGE OF THE

PROCEEDINGS: German

SUBJECT: R. 206 VerfO - Application for interim measures - Refusal to accept service

GROUNDS FOR THE ORDER:

The applicant applied for an anti-anti-suit injunction (AASI) against the respondents, which was issued on 27 May 2025. By order dated 28 May 2025 (ORD_25492/2025), due to the particular urgency of the matter, the AASI was ordered to be served by the representatives of the applicant to the representatives of the respondents in the main case UPC_CFI_86/2025 (ACT_5377/2025), which is the subject of the AASI, via beA (special electronic lawyers' mailbox) from lawyer to lawyer.

Despite repeated requests by the applicants, the representatives of the defendants refused to submit the acknowledgement of receipt (see Annex AR 12) and pointed out that the AASI was "only informally brought to their attention", but not properly served, which is why the representatives "are currently not appointed as authorised representatives in the AASI proceedings" (see Annex AR 13).

At the same time, however, the representatives of the defendants in the main proceedings stated that their clients had instructed them to "inform the applicants out of court that they will not be filing an application under Rule 213.1 for the AASI obtained in the present proceedings, as they never intended (and still do not intend) to apply for an ASI with effect for the proceedings anyway". They further stated: "However, our clients reserve the right to appeal in both AASI proceedings with the aim of avoiding the payment of procedural costs." (Annex AR 13).

This correspondence was submitted to the court by the applicants after the court had issued the following order on 6 June 2025 (ORD_27153/2025):

The parties are given the opportunity to comment by 20 June 2025 on the fact that the applicant has stated in its statement of 5 June 2025 that the confirmation of receipt of service by the representatives of the defendants, who are explicitly mandated in the main proceedings affected by the application for an AASI and who act as representatives before the court, was refused in the present proceedings.

In the preliminary view of the court, service on the representatives who have appointed themselves in the main proceedings that are to be shielded by the requested AASI is effective because the appointment as representatives before the UPC in the main proceedings is also sufficient with regard to the present proceedings as an annex.

It should be noted that refusal to accept the appointment could result in enforcement measures pursuant to Rule 354.3 RoP or the determination of unsuitability for representation in the main proceedings.

Furthermore, the parties will have the opportunity in the main proceedings to comment on the question of what effects the refusal to take delivery has on the question of the defendant's willingness to take a licence in the main proceedings (see on the intentional restriction of the power of attorney in SEP/FRAND proceedings Higher Regional Court Karlsruhe 6th Civil Senate, judgment of 9 December 2020, 6 U 103/19 ECLI:DE:OLGKARL:2020:1209.6U103.19.00.).

This order did not reach the representatives of the defendants because, due to their refusal, they did not - as expected by the court - represent themselves in the CMS either.

and therefore did not submit a statement in the CMS.

In light of the correspondence submitted by the applicants, the present order must now be served on the representatives of the defendants, for the attention of Dr Dieter Kamlah, attorney-at-law, **by bailiff** to ensure service.

In view of the correspondence submitted, the legal opinion already expressed in the order of 6 June 2025 is further confirmed. The defendants cannot limit the authorisation to conduct the legal dispute before the UPC to individual acts at the defendants' discretion. They also contradict their own behaviour if, on the one hand, they instruct the representative not to issue an acknowledgement of receipt in order, in their view, to frustrate the legal effect of the AASI issued and, on the other hand, to make statements on these proceedings that are aimed precisely at the performance, reservation or waiver of procedural acts in the proceedings, if a waiver of an application pursuant to R. 231.1 of the Rules of Procedure is declared and a reservation to lodge an appeal. Such restrictions of the power of attorney, which are clearly made for tactical procedural reasons, are invalid.

Moreover, the purpose of the AASI issued is to shield the main proceedings conducted before the UPC. The application and the order issued are therefore inextricably linked to the main proceedings. Therefore, the authorisation cannot be effectively limited in this respect either. This is already evident from the fact that representation of the defendants by the lawyers in the main proceedings can clearly not depend on whether the AASI application is made in the main proceedings themselves as an accompanying application under Rule 206 of the Rules of Procedure or in separate application proceedings. In both cases, the subject matter is one and the same: the protection of the main proceedings against the enforcement of a prohibition on conducting proceedings in a foreign forum, which is intended to prevent the domestic continuation of the proceedings.

The specific behaviour displayed by the party's representative, Dr Kamlah, is also contrary to the Code of Conduct for Representatives, point 2.2 (AC/06/08022023_E), which was issued on the basis of Rule 290.2 of the Rules of Procedure:

"2.2 Fair Conduct of Proceedings A representative must always have due regard for the fair conduct of proceedings. He or she shall exercise his or her rights in good faith and shall not abuse the Court process. He or she shall be reasonably accommodating and flexible regarding scheduling and routine matters."

According to Rule 291.1 of the Rules of Procedure, this violation can lead to exclusion from the proceedings, and thus also from the proceedings on the merits. A hearing is granted in accordance with Rule 291.1 of the Rules of Procedure.

Furthermore, it should be noted that, contrary to the view of the defendants, effective service has been effected, which is based on the order of 28 May 2025.

The representative must therefore submit the acknowledgement of receipt within two weeks of service of this order by the bailiff and register as a representative in the CMS.

In the event of further disobedience, the imposition of a penalty payment of € 100,000 is threatened in accordance with Rule 354.3 VerfO. In view of the value in dispute of the proceedings initiated by the AASI (value in dispute stated by the applicants for the AASI: € 2 million) and the shielded main proceedings, the amount of the fine is

€) and the main proceedings (UPC_CFI_86/2025: € 8 million, UPC_CFI_292/2025: € 4 million; UPC_CFI_297/2025: € 3 million, UPC_CFI_87/2025: € 8 million).

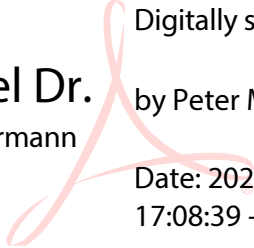
million) is necessary but also - initially - sufficient to compel the party to comply with the order.

ORDER

1. This order is to be served personally on the lawyer Dr Dietrich Burkhard Kamlah by bailiff at the business address of the law firm Taylor Wessing mbB, Isartorplatz 8, 80331 Munich.
2. The lawyer Dr Dietrich Burkhard Kamlah will be given the opportunity to submit comments in accordance with Rule 291.1 of the Rules of Procedure within two weeks of service via the CMS of the court pursuant to Section 1.
3. The defendants are requested to have their party representative submit the acknowledgement of receipt within two weeks of service pursuant to paragraph 1 and to submit it to the court via the CMS and to instruct the party representative in the CMS of the present proceedings to register for the proceedings.
4. In the event of non-compliance with the above orders pursuant to item 3, the imposition of a penalty payment of - initially - € 100,000 is threatened.

Issued in Mannheim on 9 July 2025 NAMES

AND SIGNATURES

Presiding Judge Tochtermann	<p>Peter Michael Dr. (Dr Tochtermann)</p> <p>n</p> <p>Digitally signed by Peter Michael Date: 2025.07.09 17:08:39 +02'00'</p> 
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