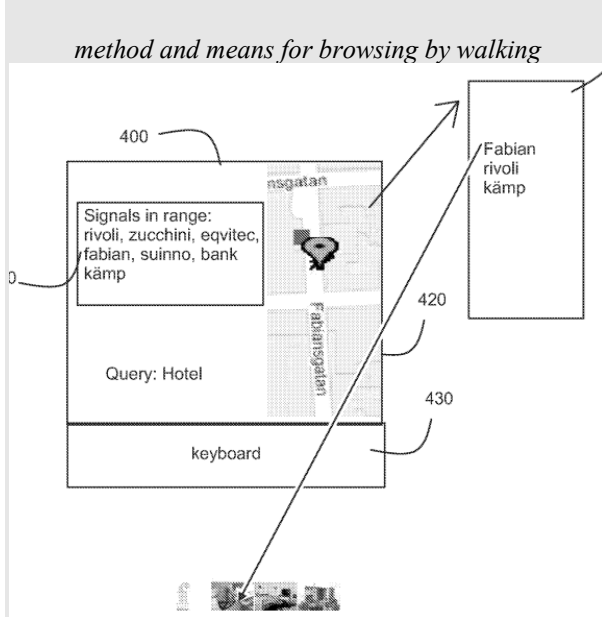


## UPC Court of Appeal, 23 December 2024, Microsoft v Suinno



### PATENT LAW – PROCEDURAL LAW

Application for confidentiality granted for “Confidential Global Licence & Art 79 UPCA Settlement offer to Microsoft” granted under [R. 262 RoP](#) (to the public) instead of [R. 262A RoP](#) (intra parties)

- This document, in its original version, is obviously known by Suinno and its representative and, as a result, does not require a restriction of access to specific persons pursuant to R 262A RoP. Instead, considering the confidential nature of some information contained therein, its original confidential version shall be treated as confidential and shall not be available to the public.

Source: [Unified Patent Court](#)

### UPC Court of Appeal, 23 December 2024

(Gougé)

UPC\_CoA\_826/2024

APL\_67135/2024

App\_67329/2024

#### ORDER

of the Court of Appeal of the Unified Patent Court issued on 23 December 2024

concerning an application for protection of confidential information ([Rule 262 RoP](#))

### APPLICANT AND DEFENDANT IN THE MAIN PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE

**Microsoft Corporation**, Washington, US

represented by Prof. Tilmann Müller-Stoy and Nadine Westermeyer, attorneys at law, Bardehle Pagenberg, Partnerschaft mbB Patentanwälte Rechtsanwälte

### RESPONDENT AND CLAIMANT IN THE MAIN PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE

**Suinno Mobile & AI Technologies Licensing Oy**, Helsinki, Finland

represented by Mikko Kalervo Väänänen, European Patent Attorney

### PATENT IN SUIT

[EP 2 671 173](#)

### LANGUAGE OF THE CASE

English

### DECIDING JUDGE

Emmanuel Gougé, Legally qualified judge and Standing judge

### IMPUGNED ORDER OF THE COURT OF FIRST INSTANCE

□ **Order of the Court of First Instance of the Unified Patent Court, Central division Paris, dated 16 September 2024** [[editor: dated 26 November 2024](#)]

□ Reference numbers: App\_42138/2024  
ORD\_43015/2024 ACT\_18406/2024  
UPC\_CFI\_164/2024

### SUMMARY OF THE FACTS AND APPLICATION

In its application filed on 19 December 2024, Microsoft has requested that Exhibit BP 01, which was filed together with its [R 220.3](#) application for discretionary review and which contains confidential information, shall be treated as confidential and not be used or disclosed outside of the present legal dispute.

It has filed its application by reference to the provisions of [R 262A RoP](#) (“protection of confidential information”) and provided both a confidential and unredacted version and a non-confidential redacted version of said Exhibit BP 01.

### REASONS

The application for confidentiality must be granted.

[R 262A RoP](#) refers to the protection of confidential information between parties involved in a particular dispute, while [R 262 RoP](#) refers to the public access to the register and the protection of confidential information towards the public.

[R 262.2 RoP](#) provides that a party may request that certain information of written pleadings or evidence be kept confidential and provide specific reasons for such confidentiality.

Microsoft has requested that certain information be kept confidential and not accessible to the public and has given specific reasons thereto.

Exhibit BP 01, for which confidentiality of some information is requested, is a document dated 03 December 2024 entitled “Confidential Global Licence & Art 79 UPCA Settlement offer to Microsoft” signed by Suinno’s representative.

**This document, in its original version, is obviously known by Suinno and its representative and, as a result, does not require a restriction of access to specific persons pursuant to [R 262A RoP](#).**

**Instead, considering the confidential nature of some information contained therein, its original confidential version shall be treated as confidential and shall not be available to the public.**

**PROCEDURAL ORDER**

The application for confidentiality of Exhibit BP 01 is granted.

This order was issued on 23 December 2024.

Emmanuel Gougé Legally qualified judge and Standing judge

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