



Reference numbers:  
UPC\_CoA\_835/2024  
APL\_67638/2024  
App\_16448/2025

**Procedural order**  
**of the Court of Appeal of the Unified Patent Court**  
**concerning a disposal of the main action pursuant to R. 360 RoP**  
**issued on 22 April 2025**

APPELLANTS (DEFENDANTS IN THE MAIN PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

**1. Amazon Europe Core S.à.r.l.**, (Société à responsabilité limitée), 38 avenue John F. Kennedy, L-1855 Luxembourg

Appellant 1)

**2. Amazon EU S.à r.l.**, (Société à responsabilité limitée), 38 avenue John F. Kennedy, L-1855 Luxembourg

Appellant 2)

**3. Amazon.com, Inc.**, 410 Terry Avenue North, Seattle Washington 98109-5210, United States of America

Appellant 3)

(hereinafter jointly: "**Amazon**")

represented by: Dr. Steffen Steininger and Dr. Benjamin Schröer, Attorneys-at-Law, Hogan Lovells International LLP

APPELLANTS (CLAIMANTS IN THE MAIN PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

**Nokia Technologies Oy**, Karakaari 7, 02610 Espoo, Finland (hereinafter "**Nokia**"),

represented by: Tim Smentkowski, Attorney-at-Law, Arnold Ruess Rechtsanwälte Part mbB

PATENT AT ISSUE

EP 2 661 892

PANEL AND DECIDING JUDGES:

This decision was issued by Panel 1a with the participation of:  
Klaus Grabinski, President of the Court of Appeal,  
Peter Blok, legally qualified judge,  
Emmanuel Gougé, judge-rapporteur and legally qualified judge

LANGUAGE OF PROCEEDINGS:

German

IMPUGNED ORDER OF THE COURT OF FIRST INSTANCE

- Order of the Munich Local Division of 16 December 2024
- Reference numbers:           UPC\_CFI\_399/2023  
  ACT\_584119/2023  
  App\_44089/2024  
  ORD\_55998/2024

SUMMARY OF FACTS

1. On 16 December 2024, the Munich Local Division of the Court of First Instance, in the context of a patent infringement proceeding (ACT\_584119/2023 UPC\_CFI\_399/2023), rejected Amazon's request under Art. 59 UPCA and R. 190 RoP for the disclosure of an unredacted version of certain documents and information held by Nokia (impugned order, ORD\_55998/2024).
2. By written submission dated 30 December 2024, Amazon filed an appeal against the impugned order under R. 220.1 RoP and set out the grounds in support thereof.
3. Nokia filed its Statement of response on 11 February 2025, following a procedural order which granted a deadline extension following a corresponding agreement between the Parties.
4. The oral hearing was held on 26 March 2025.
5. On 9 April 2025, at Nokia's request and with Amazon's consent, the Munich Local Division of the Court of First Instance permitted the withdrawal of the action on the merits pursuant to R. 265.1 RoP and declared the proceedings closed (ORD\_16128/2025).
6. In a statement dated 4 April 2025, Amazon informed the Court of Appeal that the Parties had reached an out-of-court settlement and that no applications for costs would be filed. Amazon assumed that the present appeal was *ipso jure* settled with the expected admission of the withdrawal of the action by the Court of First Instance. However, in case the Court of Appeal considers it necessary to withdraw the appeal, Amazon requests that the withdrawal of the appeal be allowed. Nokia submitted its comments in submissions filed on 15 April 2025.

## GROUNDS FOR THE ORDER

7. The Court of Appeal dismisses the appeal by applying R. 360 RoP accordingly.
8. Pursuant to R. 360 RoP, the Court may at any time, on the application of a party or of its own motion, after giving the parties an opportunity to be heard, dispose of the action by way of order if it finds that an action has become devoid of purpose and that there is no longer any need to adjudicate on it.
9. R. 360 RoP applies not only if the action itself has become devoid of purpose, but also if the appeal has become devoid of purpose. If the Appellant no longer has a legal interest in lodging the appeal, there is no longer any reason to decide on it. As a result, the appeal has become devoid of purpose within the meaning of R. 360 RoP (order of the Court of Appeal of 9 January 2025, EOFlow Co., Ltd v. Insulet Corporation, UPC\_CoA\_584/2024, APL\_54646/2024).
10. In the present case, the appeal against the order of the Munich Local Division of 16 December 2024 on a request to produce evidence pursuant to Art. 59 UPCA and R. 190 RoP has become devoid of purpose after the withdrawal of the infringement action was permitted and the infringement proceedings were declared closed.
11. It follows that there is no longer any need to decide on the application under R. 265 RoP and that the appeal must be disposed pursuant to R. 360 RoP.

## ORDER

The appeal APL\_67638/2024 UPC\_CoA\_835/2024 is dismissed.

This Order was issued on 22 April 2025.