



Munich Local Chamber

UPC_CFI_52/2023

interim order

of the Court of First Instance of the Unified Patent Court

from 08/25/2023

MAIN PRINCIPLE:

1. Handover to the postal company within the meaning of Rule 271 No. 6 b VerfO is usually expected at the Munich Local Chamber one to two days after handover to the post office of the Munich Higher Regional Court.
2. The usual practice at the Munich Local Chamber is to accept an item for mail two days later.

KEYWORDS:

Handover to the postal company; Handling; Munich Local Chamber

REFERENCE CODE ECLI: ...

Statement of claim received on June 30, 2023

Tesla Germany GmbH
(Defendant) - Ludwig-Prandtl-Str. 27-29 -
12526 - Berlin - DE

Statement of claim served on July 17, 2023

Tesla Manufacturing Brandenburg SE
(Defendant) - Tesla Str. 1 - 15537 -
Grünheide (Mark) - DE

Statement of claim served on July 17, 2023

applicant

- 1) Tesla Manufacturing Brandenburg SE
(Applicant) - Tesla Str. 1 - 15537 - Grünheide
(Mark) - DE

Represented by Marcus
Grosh

- 2) Tesla Germany GmbH
(Applicant) - Ludwig-Prandtl-Str. 27-29 - 12526 - Berlin - DE
- Represented by Marcus
Grosch

Respondent

- 1) Avago Technologies International Sales Pte.
Limited
(Plaintiff in the main proceedings) - 1 Yishun
Avenue 7 - 768923 - Singapore - SG
- Represented by Bernd Allekotte

Parties to the main proceedings

- 1) Avago Technologies International Sales Pte.
Limited
(Plaintiff in the main proceedings) - 1 Yishun Avenue 7 -
768923 - Singapore - SG
- Represented by Bernd Allekotte
- 2) Tesla Germany GmbH
(defendant in the main proceedings) -
Ludwig-Prandtl-Str. 27-29 - 12526 - Berlin - DE
- Represented by Marcus Grosch
- 3) Tesla Manufacturing Brandenburg SE
(defendant in the main proceedings) - Tesla Str. 1 -
15537 - Grünheide (Mark) - DE
- Represented by Marcus Grosch

PATENT IN SUIT

Patent No.

owner

EP1838002

Avago Technologies International Sales Pte. Limited

Ruling judge: _____

REPORTER: _____

Chairman

Matthias Zigann

LANGUAGE OF THE PROCEDURE: German

SUBJECT OF THE PROCEDURE:

patent infringement;

here: delivery data, application for extension of deadline

APPLICANTS' APPLICATION _____

1. It is requested that the deadlines for the defense be set for defendant 1) and defendant to 2) to be extended up to and including November 17, 2023.
2. The defendants currently assume that the statements of claim will be filed with the company on July 7, 2023 Post was posted. Please let us know if this date is incorrect.

FACTS: _____

As part of the service to the two defendants, the law firm recorded the completion date as July 5th, 2023. On that day, the documents to be delivered to the defendants were handed over to the Poststraße of the Munich Higher Regional Court. The lawsuits were actually served on July 10, 2023 and July 11, 2023.

REASONS

Handover to the postal company within the meaning of Rule 271 No. 6 b VerfO is usually expected at the Munich Local Chamber one to two days after handover to the post office of the Munich Higher Regional Court. Therefore, the constant practice at the Munich Local Chamber is to accept an order for mail two days later, in this case on July 7th, 2023. According to Rule 271 No. 6 b VerfO, the tenth day after July 7th, 2023 is considered the delivery day, i.e. July 17th, 2023. This date is later than the actual delivery date. The non-extended deadline for filing a complaint would therefore expire on October 17, 2023.

PROVISIONAL ARRANGEMENT

1. The plaintiff can respond to the defendant's written submission from August 23, 2023 to August 30, 2023 to comment.
2. The defendant can then comment on this until August 31, 2023.
3. The date of delivery for both defendants is July 17, 2023. The non-extended deadline for filing a complaint would therefore expire on October 17, 2023.

NOTES TO THE PARTIES:

The objection period expired on August 17, 2023. The deadline for filing a complaint, which has not been extended, will expire on October 17, 2023.

DETAILS OF AVAILABILITY:

Order No. 567008/2023 on ACT_462984/2023

EPG number: UPC_CFI_52/2023

Type of action: Infringement action

Application number: App 566218/2023

Application type: Application for extension of deadline

Dr. Zigann
Chairman and rapporteur