



UPC_CFI_213/2023, 220/2023, 224/2023
Arrangement
of the Court of First Instance of the Unified Patent Court of
04/12/2023
because of EP2197132, EP3024163, EP2584854

Plaintiff

Panasonic Holdings Corporation

represented by the lawyers Kather Augenstein

Defendant

- 1 Xiaomi Inc.
- 2 Beijing Xiaomi Mobile Software Co. Ltd.
- 3 Xiaomi Technology Germany GmbH
- 4 Xiaomi Technology France S.A.S.
- 5 Xiaomi Technology Italy S.R.L.
- 6 Xiaomi Technology Netherlands B.V.
- 7 Xiaomi H.K. Limited
- 8 Xiaomi Communications Co., Ltd.
- 9 Odiporo GmbH
- 10 Shamrock Mobile GmbH

represented by the lawyers Hogan Lovells

This order was issued by presiding judge Matthias Zigann. LANGUAGE OF PROCEEDINGS: German

SUBJECT MATTER OF THE DISPUTE

Patent infringement concerning EP2197132, EP3024163, EP2584854

here:

- a. Application by the defendants 3,4,5,6,9,10 for an extension of the deadline for filing a defence until 31 January 2024.
- b. Application by the applicant under Rule 275.2 of the Rules of Procedure concerning defendants 1, 2, 7, 8.
- c. Agreement between the parties on how to proceed.

FACTS OF THE CASE

In the three proceedings described below, the plaintiff brought an action for patent infringement against the 10 defendants. The defendants 1, 2, 7 and 8 were served on the defendant 3. The parties have differing opinions as to whether this service is effective. In this respect, the plaintiff applied for an order pursuant to Rule 275.2 of the Rules of Procedure in a statement dated 15 November 2023.

The defendants 3,4,5,6,9,10 request in their statement of 24 November 2023 a uniform extension of the different deadlines for filing a statement of defence until 31 January 2024:

"Should the court therefore be of the opinion - also taking into account the previous submission - that it would be the most efficient and economically sensible course of action in the present case if the present legal representatives were to accept service for the defendants 1) and 2) as well as 7) and 8), the present legal representatives would agree to do so if the deadline for the statement of defence for all defendants is extended uniformly until 31 January 2024 as suggested."

The plaintiff has already spoken out against an extension of the deadline in a written submission dated 22 November 2023.

Patent	UPC Number	Claim number	Application number FVA	Application number none Deadline extension	Application number 275.2
EP2197132	213/2023	ACT_545562/2023	App_589352/2023	APP_588874/2023	App_587342/2023
EP3024163	220/2023	ACT_545619/2023	App_589269/2023	App_587370/2023	App_588885/2023
EP2584854	224/2023	ACT_546092/2023	App_589362/2023	App_588924/2023	App_588929/2023

The other party was granted the right to be heard by the court's provisional order dated 27 November 2023. Reference is made to the statements made there.

In the meantime, the parties have agreed on the following - exclusively as a compromise in the interest of an efficient and economically sensible solution within the framework of the agreement proposed by the court:

- 1) All defendants were duly served. All defendants are now represented by a lawyer.
- 2) The deadline for filing a defence is extended uniformly for all defendants until 31 January 2024.
- 3) Defendants 1, 2, 7 and 8 adopt the objections of the other defendants as their own. By agreement, these objections apply to all defendants.
- 4) The notice of 3 November 2023 that the objections are to be dealt with in the main hearing also applies to all objections of all defendants.
- 5) In proceedings ACT_545562/2023, 19 September 2023 is deemed to be the date of service for defendant 5).

REASONS

The agreement between the parties on the above-mentioned procedural issues is procedurally efficient and reasonable and should therefore be implemented. The workflows are to be closed. The understanding is also to be understood as a request for an extension of time for the defendants 1), 2), 7) and 8). This must be complied with.

ORDER FOR THE PARTIES


1. The notifications to defendants 1), 2), 7) and 8) via defendant 3) were accepted and are therefore to be treated as proper.
2. The deadline to respond is extended until 31 January 2024 for all 10 defendants.
3. Defendants 1, 2, 7 and 8 adopt the objections of the other defendants as their own. By agreement, these objections apply to all defendants.
4. The notice of 3 November 2023 that the objections are to be dealt with in the main hearing also applies to all objections of all defendants.
5. In proceedings ACT_545562/2023, 19 September 2023 is deemed to be the date of service for defendant 5).
6. The above workflows are closed.

ARRANGEMENT FOR THE LAW FIRM

1. In proceedings ACT_545562/2023, 19 September 2023 is to be entered as the date of service for defendant 5).

Dr Zigann Presiding
Judge

**Matthias
ZIGANN**

 Digitally signed by Matthias
ZIGANN
Date: 2023.12.04
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