



**Local Division**  
**Düsseldorf**  
**UPC\_CFI\_363/2023**

**Procedural order**  
**of the Court of First Instance of the Unified Patent Court Local Division**  
**Düsseldorf**  
**issued on 4 December 2023**  
**concerning EP 3 926 698 B1 and EP 3 223 320 B1**

Plaintiff:

**Seoul Viosys Co, Ltd**, legally represented by its authorised directors ... and  
..., 65-16, Sandan-ro 163 beon-gil, Danwon-gu, Ansan-si, Gyeonggi-do, 15429, Republic of Korea,

represented by:                      Lawyer              Dr. Bolko Ehlgem, Attorney at law Dr. Julia  
Schönbohm, Linklaters LLP, Taunusanlage 8, 60329 Frankfurt am  
Main, Germany,

supported by:                      Patent attorney Dr Dipl.-Phys. Olaf Isfort, law firm Schneiders &  
Behrendt, Huestraße 23, 44787 Bochum,

electronic delivery address:    ...

Defendant:

**1. expert e-Commerce GmbH**, legally represented by its managing directors ... and ...,  
Bayernstraße 4, 30855 Langenhagen,

represented by:                      Attorney Dr Dirk Jestaedt, law firm Krieger Mes & Graf von der  
Groeben Part mbB, Bennigsen-Platz 1, 40474 Düsseldorf,

electronic delivery address:    ...

with the participation of:        Patent attorney Bernhard Ganahl, HGF Europe LLP, Neumarkter  
Straße 18, 81673 Munich,

**2. expert klein GmbH**, legally represented by its managing directors ... and ..., Jägerstraße 32,  
57299 Burbach,

represented by:                      Attorney Dr Dirk Jestaedt, law firm Krieger Mes & Graf von der  
Groeben Part mbB, Bennigsen-Platz 1, 40474 Düsseldorf,

electronic delivery address:    ...

with the participation of: Patent attorney Bernhard Ganahl, HGF Europe LLP, Neumarkter  
Straße 18, 81673 Munich,

STREITPATENT:

European Patent Nos. 3 926 698 B1 and 3 223 320 B1

ADJUDICATING BODY/CHAMBER:

Judges of the Düsseldorf Local Court Co-Judges:

This order was issued by Presiding Judge Thomas as judge-rapporteur. LANGUAGE OF PROCEEDINGS:

German

SUBJECT: Rule 302.1 and .2 Verfo

REASONS:

Pursuant to R. 302.1 of the Rules of Procedure, the court may order that proceedings instituted in respect of several patents be heard in separate proceedings.

Such a separation is sensible and necessary in the present case. The patents in dispute can be challenged in their respective legal status. As a result, a different course of proceedings is possible and not unlikely. The parties have therefore rightly not opposed such a separation of proceedings.

In the view of the local chamber, such a separation of procedures should take place as early as possible for easier handling.

In contrast, the local chamber currently sees no reason for a separation pursuant to R. 303.2 Verfo. Even if the action is directed against two defendants, it concerns the same challenged embodiment. Therefore, there are considerable synergy effects with regard to both the interpretation and the answer to the question of infringement. For this reason alone, it is justified to refrain from separating the proceedings with regard to the defendants.

Insofar as the defendants have reserved the right to argue the value in dispute, this does not preclude the order that has now been issued. The determination of the amount in dispute is provisional. The defendants therefore have the opportunity to comment on the plaintiff's submissions on the amount in dispute in their statement of defence.

ARRANGEMENT:

- I. The proceedings initiated in relation to EP 3 926 698 B1 and EP 3 223 320 B1 are to be heard in separate proceedings.
- II. Patent EP 3 223 320 B1 is to become the subject of an independent (new) process.

- III. The amount in dispute is provisionally set at EUR 500,000 for both proceedings. On this basis, the plaintiff is ordered to pay further court fees in the amount of EUR 7,000 (R. 302.2 VerfO).
- IV. In order to realise the separation in the CMS, it is necessary for technical reasons to reproduce all steps in the new workflow to be created by the court that were already realised before the separation. Against this background, the defendant's authorised representative will receive access codes for the new workflow relating to the severed proceedings. He is instructed to log into the CMS as a representative of the defendant for the new procedure immediately after receiving these codes.
- V. The new proceedings shall be deemed to be pending before the court from the date of receipt of the application in the main proceedings.
- VI. The application is deemed to have been served in the new proceedings on the day on which the application was served in the original proceedings.

DETAILS OF THE ARRANGEMENT:

ORD\_589353/2023 for the main file reference

ACT\_579244/2023 UPC number: UPC\_CFI\_363/2023

Type of proceedings: Action for infringement

Issued in Düsseldorf on 4 December 2023 NAMES

AND SIGNATURES

Presiding Judge Thomas