



**Provisional order of the Court of First Instance of
the Unified Patent Court
in the main proceedings UPC_CFI_9/2023 concerning European
patents 3 611 989 and 3 678 321 ACT_459771/2023
ORD_593105/2023 (Rule 302.1 Verfo)
issued on 11/12/2023**

Plaintiff

1) Huawei Technologies Co. Ltd
Bantian Huawei Base Longgang District
Shenzhen - 518129 - Shenzhen - CN

represented by
Tobias J. Hessel

Defendant

1) **NETGEAR Germany GmbH**
Konrad-Zuse-Platz 1 - 81829 - Munich - DE

represented by
Stephan Dorn

2) **Netgear Inc.**
350 E Plumeria Dr - 95134 - San Jose - US

represented by
Stephan Dorn

3) **Netgear International Limited** represented by Stephan
First Floor Building 3, University Technology Dorn
Centre, Curraheen Road - T12K516 - Cork - IE

Patents in suit

<i>Patent no.</i>	Proprietor
EP3611989	Huawei Technologies Co. Ltd
EP3678321	Huawei Technologies Co. Ltd

COMPOSITION OF THE BODY OF THE JUDGEMENT

Presiding judge and
Rapporteur **Matthias Zigann**
legally qualified **judgeTobias**
Pichlmaier legally qualified judgeEdger **Brinkman**

This provisional order was issued by the presiding judge and rapporteur Matthias Zigann.

PROCEDURAL LANGUAGE

German

SUBJECT OF THE PROCEEDINGS

Patent infringement

here: possible separation of the subject-matter of the extension of the action (EP 3 678 321) in accordance with the rule 302.1 VerfO.

FACTS OF THE CASE

The plaintiff is asserting claims against the defendants for infringement of European patents 3 611 989 and 3 678 321. She initially filed an action on 1 June 2023 based solely on European patent 3 611 989. In a statement dated 23 November 2023, she requested that the action be extended to include claims from European patent 3 678 321.

This application was granted by order dated 11 December 2023.

REASONS


The legal hearing to be granted to the defendant can be granted most clearly within the CMS by separating the subject matter of the extension of the action. This is because a separate workflow is then available for the action and for further possible defence submissions (objection; action for annulment; etc.).

ARRANGEMENT

1. The defendants have 14 days to comment in writing on the issue of separation.
2. The plaintiff can then comment on this within a further 7 days.

Dr Zigann
Presiding judge and rapporteur

Matthias
ZIGANN

 Digitally signed by
Matthias ZIGANN
Date: 2023.12.11 14:46:04
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DETAILS OF THE ARRANGEMENT

ACTION NUMBER: ACT_459771/2023

UPC number:UPC_CFI_9/2023

Action type: InfringementAction

Related proceeding no. Application No.:

ORD_593105/2023Order Type: Order R

302.1