

**Procedural Order**  
**of the Court of First Instance of the Unified Patent Court**  
**in the main proceedings related to European Patent 3 057 321**  
**delivered on 09/05/2024**

Date of receipt of Statement of claim : 22/12/2023

**TCL** Statement  
**Deutschland** of claim  
**GmbH & Co. KG** served on  
(Defendant) - 23/02/2024  
Am Seestern 4 -  
40547 -  
Düsseldorf - DE

**TCL Industrial** Statement  
**Holdings Co.,** of claim  
**Ltd.** served on  
(Defendant) - 24/03/2024  
22/F, TCL  
Technology  
Building, 17  
Huifeng 3rd  
Road, Huizhou,  
- 516000 -  
Guangdong, -  
CN

**TCT Mobile** Statement  
**Germany** of claim  
**GmbH** served on  
(Defendant) - 23/03/2024  
Am Seestern 4 -  
40547 -  
Düsseldorf - DE

**TCT Mobile** Statement  
**Europe SAS** of claim  
(Defendant) - served on  
55 Avenue des 23/03/2024  
Champs  
Pierreux -

92000 -  
Nanterre - FR

**TCL  
Communication  
Technology  
Holdings Ltd.**

(Defendant) -  
5/F, Building  
22E, Science  
Park East  
Avenue, Hong  
Kong Science  
Park, - 00000 -  
Sha-tin, Hong  
Kong - CN

**TCL Operations  
Polska Sp. z.o.o**

(Defendant) -  
ul. A.  
Mickiewicza  
31/41 - 96-300  
- Zyrardow - PL

**TCL Overseas  
Marketing Ltd.,**

(Defendant) -  
13/F TCL Tower  
Tai Chung Road  
Tsuen Wan,  
New Territories  
- 00000 - Hong  
Kong - CN

APPLICANT/S

- 1) **TCT Mobile Europe SAS** Represented by Ralph  
(Applicant) - 55 Avenue des Champs Pierreux - Nack  
92000 - Nanterre - FR

- 2) **TCT Mobile Germany GmbH**  
(Applicant) - Am Seestern 4 - 40547 -  
Düsseldorf - DE Represented by Ralph  
Nack
- 3) **TCL Deutschland GmbH & Co. KG**  
(Applicant) - Am Seestern 4 - 40547 -  
Düsseldorf - DE Represented by Ralph  
Nack
- 4) **TCL Operations Polska Sp. z.o.o**  
(Applicant) - ul. A. Mickiewicza 31/41 - 96-300  
- Zyrardow - PL Represented by Ralph  
Nack

#### RELEVANT PROCEEDING PARTIES

- 1) **NEC Corporation**  
(Main proceeding party - Claimant) - 7-1 Shiba 5-chome Minato-ku - 108-8001 - Tokyo - JP
- 2) **TCL Industrial Holdings Co., Ltd.**  
(Main proceeding party - Defendant) - 22/F, TCL Technology Building, 17 Huifeng 3rd Road, Huizhou, - 516000 - Guangdong, -

CN

3) **TCL  
Communication  
Technology  
Holdings Ltd.**

(Main  
proceeding  
party -  
Defendant) -  
5/F, Building  
22E, Science  
Park East  
Avenue, Hong  
Kong Science  
Park, - 00000 -  
Sha-tin, Hong  
Kong - CN

4) **TCL Overseas  
Marketing Ltd.,**

(Main  
proceeding  
party -  
Defendant) -  
13/F TCL Tower  
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Tsuen Wan,  
New Territories  
- 00000 - Hong  
Kong - CN

PATENT AT ISSUE

*Patent no.*

*Proprietor/s*

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**EP3057321**

NEC Corporation

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## DECIDING JUDGE

### COMPOSITION OF PANEL – FULL PANEL

Presiding judge and Judge-rapporteur	<b>Matthias Zigann</b>
Legally qualified judge	<b>Tobias Pichlmaier</b>
Legally qualified judge	<b>Andras Kupecz</b>

The order was made by Presiding Judge Matthias Zigann, acting as Judge-Rapporteur.

LANGUAGE OF PROCEEDINGS: English

### SUBJECT-MATTER OF THE PROCEEDINGS

Patent infringement;  
here: missing or wrong appendixes in the statement of claim

### STATEMENT OF THE FORMS OF ORDER SOUGHT BY THE PARTIES

Defendants 1, 3, 6 and 6 request:

*The Plaintiff is ordered to submit to the Defendants the HEVC standard version which it refers to on page 51 of its Statement of Claim dated 22 December 2023.*

### SUMMARY OF FACTS

The statement of claim was lodged on 22/12/2023. Service was effected on defendant 1 on 23/02/2024, on defendant 3 on 24/03/2024 and on defendants 4 and 6 on 23/03/2024. Service on defendants 2, 5 and 7 is still to be effected.

By letter of 08/05/2024, the representative of defendants 1, 3, 4 and 6 informed the Court that the plaintiff had failed to provide substantial evidence of the alleged infringement in his statement of claim of 22/12/2023. The plaintiff did not provide any version of the HEVC standard. The allegedly relevant standard version submitted as Annex BP 6 does not show the HEVC standard, but its predecessor, the AVC standard.

Representative of plaintiff proactively informed the Court by email on 08/05/2024 that the irrelevant AVC standard had in fact been inadvertently submitted in all three proceedings instead of the HEVC standard. The correct standard will be uploaded to the CMS as soon as the Court grants the opportunity to amend the pleadings. Therefore, a final order could be issued without first inviting comments from the applicant.

GROUNDS FOR THE ORDER

The plaintiff should be ordered to provide the correct standard version. This can be done by filing an amended version of the statement of claim. In doing so, the plaintiff may also amend any other information that will facilitate service on defendants 2, 5 and 7.

The parties are reminded that the time limit for lodging the statement of defence may be extended accordingly for defendants 1, 3, 4 and 6 upon request. This can be conveniently dealt with in workstream App\_24843/2024 in connection with a request by the plaintiff to shorten the time limit for defendants 3, 4 and 6 to 23/05/2024.

ORDER

Plaintiff is ordered to amend the statement of claim accordingly within 10 days.

Dr. Zigann  
Presiding Judge and Judge-rapporteur

ORDER DETAILS

Order no. ORD\_26426/2024 in ACTION NUMBER: ACT\_596658/2023

UPC number: UPC\_CFI\_498/2023

Action type: Infringement Action

Related proceeding no. Application No.: 26104/2024

Application Type: Generic procedural Application