



Order
of the Court of First Instance of the Unified Patent Court
in the main proceedings concerning European patent 3 024 163 issued on:
04/07/2024

Date of receipt of the application: 31/07/2023

Xiaomi Inc. (Defendant) - No.006, Floor 6, Building 6, Yard 33, Xierqi Middle Road, Haidian District - 100085 - Beijing - CN	Statement of claim served on 10/09/2023
Beijing Xiaomi Mobile Software Co. Ltd. (Defendant) - No.018, Floor 8, Building 6, Yard 33 Xierqi Middle Road, Haidian District - 100085 - Beijing - CN	Statement of claim served on 10/09/2023
Xiaomi Technology Germany GmbH (defendant) - Niederkasseler Lohweg 175 - 40547 - Düsseldorf - DE	Statement of claim served on 08/09/2023
Xiaomi Technology France S.A.S (defendant) - 93 rue Nationale Immeuble Australia - 92100 - Boulogne-Billancourt - FR	Statement of claim served on 08/09/2023
Xiaomi Technology Italy S.R.L (defendant) - Viale Edoardo Jenner 53 - 20158 - Milano - IT	Statement of claim served on 19/09/2023
Xiaomi Technology Netherlands B.V. (defendant) - Prinses Beatrixlaan 582 - 2595BM - The Hague - NL	Statement of claim served on 10/09/2023
Xiaomi H.K. Limited (Defendant) - Suite 3209, 32/F, Tower 5, The Gateway, Harbour City, 15 Canton Road, Tsim Sha Tsui, Kowloon - 999077 - Hong Kong - HK	Statement of claim served on 10/09/2023

Xiaomi Communications Co., Ltd.
(Defendant) - No.019, Floor 9, Building 6, Yard 33,
Xierqi Middle Road, Haidian District - 100085 - Beijing
- CN

Statement of claim served on
08/09/2023

Odiporo GmbH
(defendant) - Formerweg 9 - 47877 - Willich - DE

Statement of claim served on
10/09/2023

Shamrock Mobile GmbH
(defendant) - Siemensring 44H - 47877 - Willich - DE

Statement of claim served on
10/09/2023

APPLICANT

1) **Panasonic Holdings Corporation** Represented by:
1006, Oaza Kadoma, Kadoma-shi - 571- Jonas Block
8501 - Osaka - JP

APPELLANT

1) **Xiaomi Inc.** Represented by:
No.006, Floor 6, Building 6, Yard 33, Henrik Lehment
Xierqi Middle Road, Haidian District -
100085 - Beijing - CN

2) **Beijing Xiaomi Mobile Software Co. Ltd.** Represented by:
No.018, Floor 8, Building 6, Yard 33 Xierqi Henrik Lehment
Middle Road, Haidian District - 100085 -
Beijing - CN

3) **Xiaomi Technology Germany GmbH** Represented by:
Niederkasseler Lohweg 175 - 40547 - Henrik Lehment
Düsseldorf - DE

4) **Xiaomi Technology France S.A.S** Represented by:
93 rue Nationale Immeuble Australia - Henrik Lehment
92100 - Boulogne-Billancourt - FR

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|-----|--|-----------------------------------|
| 5) | Xiaomi Technology Italy S.R.L
Viale Edoardo Jenner 53 - 20158 - Milan
- IT | Represented by:
Henrik Lehment |
| 6) | Xiaomi Technology Netherlands B.V.
Prinses Beatrixlaan 582 - 2595BM - The
Hague - NL | Represented by:
Henrik Lehment |
| 7) | Xiaomi H.K. Limited
Suite 3209, 32/F, Tower 5, The Gateway,
Harbour City, 15 Canton Road, Tsim Sha
Tsui, Kowloon - 999077 - Hong Kong - HK | Represented by:
Henrik Lehment |
| 8) | Xiaomi Communications Co, Ltd.
No.019, Floor 9, Building 6, Yard 33,
Xierqi Middle Road, Haidian District -
100085 - Beijing - CN | Represented by:
Henrik Lehment |
| 9) | Odiporo GmbH
Formerweg 9 - 47877 - Willich - DE | Represented by:
Henrik Lehment |
| 10) | Shamrock Mobile GmbH
Siemensring 44H - 47877 - Willich - DE | Represented by:
Henrik Lehment |

PATENT IN DISPUTE

<i>Patent no.</i>	<i>Owner</i>
EP3024163	Panasonic Holdings Corporation

DECIDING JUDGES

COMPOSITION OF THE PANEL (PANEL 1) - COMPLETE COMPOSITION

Presiding judge and judge-rapporteur	Matthias Zigann
Legally qualified judge	Tobias Pichlmaier
Legally qualified judge	Andras Kupecz
Technically qualified judge	Kerstin Roselinger

This Order was issued by presiding judge Matthias Zigann as judge-rapporteur. LANGUAGE OF THE

PROCEEDINGS: German

SUBJECT OF THE CASE:

Patent infringement;
here: Application for an extension of the deadline

APPLICATIONS BY THE PARTIES

The defendants request an extension of time as follows:

I. The time limit for the Reply to the defence to the action for revocation and for the defence to the application for amendment of the patent shall not begin to run until the defendants have been served with an unredacted version of the Reply to the statement of defence.

- in the alternative to No. I -

II. The time limit for the Reply to the defence to the action for revocation and for the response to the application for amendment of the patent is extended so that it expires two months after service on the defendants of an unredacted version of the Reply to the defence.

The plaintiff has refused to agree to the extension of the deadline out of court. Inclusion via the CMS is unnecessary due to the rejection.

REASONS FOR THE ORDER

The court and the defendants do not have a completely unredacted version of the Reply. The Reply submitted as an "unredacted version" contains numerous redactions on pages 142-167. This approach is inadmissible, as stated in today's Order in APP_21945/2024 (see Mannheim local division, Order of 13/06/2024; APP 35009/2024 and APP 35013/2024 in UPC CFI 219/2023).

In the present case, because the problem is being addressed by the Unified Patent Court for the first time, an exception must be made. However, the time limit for filing a duplicate is currently not running. The time limit for filing a Reply only runs from the date on which the defendants have been served with a fully unredacted Reply. This is because the defendants have a right to

comprehensively, uniformly and in full knowledge of all of the plaintiff's submissions in the Reply and by exhausting the time limits provided for by the Rules of Procedure, without being forced to submit requests for extensions of time with an uncertain outcome. The defendants also have the right to respond uniformly to the Reply. If this were to be seen differently, the redacted parts of the duplicate would have to be regarded as not having been submitted. A later submission could then be dealt with in accordance with Rule 9.2 of the Rules of Procedure.

The time limits for the counterclaim and the (alternative) amendment of the patent must be considered separately from this. These time limits are based on the defendant's decision to attack the legal validity of the patent with a counterclaim for revocation. This attack is legally independent of the compulsory licence objection under antitrust law. Redactions that clearly only concern statements relating to the compulsory licence objection under antitrust law therefore generally have no influence on this objection. Rule 29.d VerfO does not change this (see local division Mannheim, Order of 13/06/2024; APP 35009/2024 and APP 35013/2024 in UPC CFI 219/2023), because a

There is no contradiction between these time limits. After expiry of the time limit for filing a Reply to the Duplicate Reply to the Statement of Defence in the infringement dispute, the Rules of Procedure do not provide for any further exchange of documents in this respect, whereas further documents must be exchanged in relation to the application to amend the patent.

The auxiliary request for an extension of these deadlines was based solely on the consideration that a standardised deadline would be (more) advantageous. This cannot be accepted because an extension would leave less time to prepare the technical issues. As explained above, the technical issues relating to the revocation counterclaim and the application to amend the patent are independent of the compulsory licence objection under antitrust law and are regularly highly complex due to the technical field.

ORDER

1. The time limit for filing a Reply shall only run from the date on which the defendants have been served with a completely unredacted Reply. This does not affect the running of the time limits for filing the counterclaim for revocation and the (auxiliary) applications for amendment of the patent.
2. The defendants' applications for a different time limit and for an extension of that time limit are dismissed.

**Matthias
ZIGANN**

Digitally signed by
Matthias ZIGANN Date:
2024.07.04
14:10:07 +02'00'

Dr Zigann
Presiding judge and judge-rapporteur

ORDER DETAILS

UPC number:	UPC_CFI_220/2023
No. Action for infringement:	ACT_545619/2023
No. Counterclaims:	CC_3450/2024;CC_3452/2024; CC_3455/2024; CC_3457/2024; CC_3458/2024; CC_3459/2024; CC_3460/2024; CC_3465/2024; CC_3470/2024; CC_3469/2024
Application number:	App_33754/2024
Type of application:	FVA