



**Düsseldorf local division**  
**UPC\_CFI\_363/2023**

**procedural order**  
**of the Court of First Instance of the Unified Patent Court local division**  
**Düsseldorf**  
**issued on 12 July 2024**  
**concerning EP 3 926 698 B1**

LEADERSHIPS:

1. If the party's representatives do not have the necessary language skills to participate in the oral hearing, the party is free to hire an interpreter for the oral hearing at its own expense, provided that it informs the law firm of this in due time.
2. The provision of simultaneous interpreting by the court is ruled out in any case if the plaintiff's party representatives speak one of the languages of the proceedings authorised at the local division and the plaintiff nevertheless decides in favour of another language of the proceedings, which is also authorised at the local division in question, despite the lack of language skills of his party representatives.

KEYWORDS:

Simultaneous interpreting; several languages of the proceedings; local division; provision of interpreters by the court; own interpreter; costs of proceedings

Plaintiff:

**Seoul Viosys Co, Ltd**, legally represented by its authorised representatives Chung- Hoon Lee and Young Ju Lee, 65-16, Sandan-ro 163 beon-gil, Danwon-gu, Ansan-si, Gyeonggi-do, 15429, Republic of Korea,

represented by: Attorney Dr Bolko Ehlgen, Attorney 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,

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rs.com intervener:

**Seoul Semiconductor Co., Ltd.**, legally represented by its authorised representatives and CEOs Chung-Hoon Lee and Myeong-gi Hong, Building 0: 97-11, Sandan-ro 163 beon-gil, Dan-won-gu, Ansan-si, Gyeonggi-do, 15429, Republic of Korea

represented by: Attorney Dr Bolko Ehlgen, Attorney Dr Julia Schönbohm, Linklaters LLP, Taunusanlage 8, 60329 Frankfurt am Main, Germany,

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defendant:

**1. expert e-Commerce GmbH**, legally represented by its managing directors Dr Stefan Müller and Michael Grandin, 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,

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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 Jens Oerter and Thomas Jacob, 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,

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with the participation of: Patent attorney Bernhard Ganahl, HGF Europe LLP, Neumarkter  
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STREITPATENT:

European Patent No. 3 926 698 B1

ADJUDICATING BODY/CHAMBER:

Judges of the Düsseldorf local division;

This Order was issued by presiding judge Thomas as judge-rapporteur. LANGUAGE OF THE PROCEEDINGS:

German

SUBJECT: R. 109 RoP - Simultaneous interpretation of oral proceedings

BRIEF DESCRIPTION OF THE FACTS:

The plaintiff is a company based in the Republic of Korea. By document dated 15 October 2023, it filed an action for infringement of two bundle patents in the German language of the proceedings with the Düsseldorf local division.

On 10 July 2024, the plaintiff submitted an application for simultaneous interpretation of the 5 September 2024 (with a possible continuation on the following day).

The plaintiff argued that the representatives of the plaintiff attending the hearing were from Korea and did not speak German. German is not a language that is commonly spoken or taught in Korea. Conversely, Korean is not one of the official languages of the Unified Patent Court. Without simultaneous interpretation, the persons concerned would therefore not be able to follow the oral submissions of the party representatives. Only simultaneous interpreting would enable the plaintiff's party representatives to participate in the oral proceedings, consult with their representatives without delay if necessary and clarify any ambiguities. Simultaneous interpreting into English was requested to simplify matters. The representatives are proficient in English.

In the present case, the costs of simultaneous interpreting were to be treated as procedural costs within the meaning of R. 150 RoP. At the time the action was filed, the plaintiff had no other option than to proceed against the defendants before a German local division of the Unified Patent Court in the language of the proceedings, German.

APPLICATIONS BY THE PARTIES:

The applicant claims that the Court should,

order simultaneous interpretation of the oral hearing of 5 September 2024 into English.

REASONS FOR THE ORDER:

Pursuant to Art. 51 para. 2 UPCA, all chambers of the Court of First Instance shall, where appropriate, provide for interpretation at the request of a party in order to assist the party at the oral proceedings. This general principle is specified in more detail in R. 109.2 sentence 1 RoP in that the judge-rapporteur decides, following a timely application, whether and to what extent simultaneous interpreting is appropriate. If he considers simultaneous interpreting to be appropriate, he shall allocate the registry to take all necessary precautions. In such a case, the costs of simultaneous interpreting are part of the costs of the proceedings,

R. 150 RoP. If the judge-rapporteur refuses to order simultaneous interpreting, a party may commission a simultaneous interpreter at their own expense and request that arrangements for simultaneous interpreting be made as far as practically possible at their own expense (R. 109.2 p. 2 RoP in conjunction with R. 109.4 RoP). If a party makes use of this option, the costs incurred as a result are not procedural costs according to R. 109.5 RoP; they are to be borne solely by the party instructing the interpreter.

Having said this, based on the plaintiff's submissions, there is no question that simultaneous interpreting is necessary in the present case. The aim of simultaneous interpreting is to enable the parties who do not speak the language of the proceedings, or do not speak it sufficiently, to actively participate in the oral proceedings (cf. UPC\_CFI\_463/2023 = ACT\_590953/2023 (Düsseldorf Regional Court), Order of 22 March 2023 on App\_14943/2024 - 10x Genomics v. Curio; see also UPC\_CFI\_195/2024 = ACT\_23163/2024 (The Hague Regional Court), Order of 25 June 2024 on App\_35134/2024 Szymon Spyra v. Amycel). This is the case with the plaintiff's representatives who are expected to attend the hearing and who speak English as well as Korean, but no German. They can therefore only follow the oral proceedings conducted in German and, if necessary, contribute to the discussion of the facts of the case and the dispute if they are supported by an interpreter.

Nevertheless, the Order of simultaneous interpreting within the meaning of R. 109 para. 2 sentence 1 RoP is not appropriate in the present case. This is not only associated with a considerable organisational effort for the law firm. Rather, as explained above, it also means that the costs incurred are procedural costs which the other party may have to bear depending on the outcome of the proceedings.

Neither seems appropriate in the present case.

The Federal Republic of Germany has made use of the option granted by Art. 49 (2) UPCA in conjunction with R. 14.1 (b) RP. R. 14.1 (b) RoP and admitted English as an additional language of the proceedings at the Düsseldorf local division immediately prior to the start of the Unified Patent Court. The plaintiff was therefore free to decide in favour of conducting the proceedings in English when the action was filed. If it had made use of this option, the oral proceedings would have been conducted in English. The Order for simultaneous interpreting in accordance with R. 109.2 RoP would not have been necessary in this case.

If the plaintiff nevertheless - as in this case - consciously decides against such a procedure and decides to conduct the proceedings in German despite the English language skills of her party representatives and her lack of German language skills, she must have already been aware at the time of this decision that the oral proceedings in this case would be conducted in German. Against this background, there is no reason to provide her or her party representatives with a simultaneous interpreter at court and to charge the other party with any costs incurred as a result.

The plaintiff is free to hire an interpreter at its own expense (see R. 109.4 RoP), who can use the equipment available for simultaneous interpreting in the courtroom if necessary. This satisfies the plaintiff's interest in the participation of its party representatives in the oral hearing.

ORDER:

1. The plaintiff is authorised to hire an interpreter at its own expense, who can use the equipment available in the courtroom for simultaneous interpretation if necessary.
2. If the applicant makes use of this option, it is instructed to inform the Registry of the Düsseldorf local division at least two weeks before the hearing.
3. The remainder of the application is rejected.

ORDER DETAILS:

App\_40855/2024 for the main file numbers ACT\_579244/2023 and CC\_3580/2024

UPC number: UPC\_CFI\_363/2023

Type of proceedings: Action for infringement and action for annulment

Issued in Düsseldorf on 12 July 2024 NAMES

AND SIGNATURES

Presiding judge Thomas

Ronny  
Thomas

Digitally signed by Ronny  
Thomas Date: 2024.07.12  
07:36:47 +02'00'