



**Local Division Munich**  
**UPC\_CFI\_513/2023**  
**ACT\_597691/2023**

**Decision**  
**of the Court of First Instance of the Unified Patent Court**  
**Local Division Munich**  
**issued on 13 August 2024**

HEADNOTES

R. 265 RoP also applies if the action is not withdrawn in its entirety, but only in relation to some of several defendants (partial subjective withdrawal of action).

KEYWORDS

Withdrawal of action

CLAIMANT

**Network System Technologies LLC**, legally represented by its Chief Executive Officer (CEO) Warren Hurwitz, 533 Congress Street, Portland, ME 04101, United States of America,

represented by:

Dr. Thomas Gniadek, Simmons & Simmons LLP,  
Thierschplatz 6, 80538 Munich,

DEFENDANTS

1. **Texas Instruments Incorporated**, represented by its Chairman of the Board and Chief Executive Officer (CEO) Haviv Ilan, 12500 TI Blvd., Dallas, Texas 75243, United States of America,

2. **Texas Instruments Deutschland GmbH**, represented by its Chief Executive Officer (CEO) Andreas Schwaiger, Haggertystraße 1, 85356 Freising, Germany,
3. **Volkswagen AG**, represented by its Chief Executive Officer (CEO) Oliver Blume, Berliner Ring 2, 38440 Wolfsburg, Germany,
4. **AUDI AG**, represented by its Chief Executive Officer (CEO) Gernot Döllner, Auto-Union-Straße 1, 85057 Ingolstadt, Germany,

Defendants 1) and 2) represented by: Klaus Haft, HOYNG ROKH MONEGIER, Steinstraße 20, 40212 Düsseldorf,

Defendants 3) and 4) represented by: Dr. Jan Bösing, Bardehle Pagenberg Partnerschaft mbB, Prinzregentenplatz 7, 81075 Munich

#### PATENT AT ISSUE

European patent n° EP 1 552 669

#### PANEL/DIVISION

Panel 2 of the Local Division Munich

#### DECIDING JUDGE/S

This order has been issued by the presiding judge Ulrike Voß, the legally qualified judge Daniel Voß and the legally qualified judge Pierluigi Perrotti

#### SUMMARY OF FACTS

The Claimant is suing the Defendants for patent infringement.

By letter dated 1 July 2024, the Claimant declared to withdraw the action with regard to Defendants 1) and 2) pursuant to Rule 265 RoP. By way of background, the Claimant submitted that the parties had reached a settlement and had also agreed on the costs of proceedings.

The Claimant requests

to withdraw the statement of claim in regard to Defendant 1) and Defendant 2) and

that Attorneys' fees, costs of court and expenses are borne by the party incurring the same.

Defendants 1) and 2) each declared their consent to the withdrawal of the action and a decision on costs as requested by Claimant. They did not consent to further annotations in Claimant's request that the present withdrawal concerns exclusively Defendants 1) and 2) and the Statement of Claim relating to Defendants 3) and 4) was not affected because all claims against Defendants 3) and 4) were based exclusively on the use of ICs made and sold by Defendants 1) and 2).

#### GROUNDS FOR THE DECISION

The Decision is based on R. 265.1 and .2 RoP.

Pursuant to R. 265.1 RoP, the Claimant may apply to withdraw his action as long as a final Decision on the action has not yet been issued. R. 265.1 RoP also applies if the action is not withdrawn in its entirety, but only in relation to some of several defendants.

The withdrawal of the action is permitted because the Defendants 1) and 2) have declared their consent. There are no other reasons to continue the proceedings with regard to Defendant 1) and 2). As far as the Defendants 1) and 2) do not agree with the Claimant's further annotations, this is not relevant for the withdrawal of the action. The legal arguments of the Defendants 1) and 2) relate at most to the proceedings of the other Defendants and do not indicate a legitimate interest of the Defendants 1) and 2) in continuing their own proceedings.

The decision about costs follows the agreement of the Parties involved.

#### DECISION

1. The withdrawal of Claimant's action with regard to Defendant 1) and 2) is permitted.
2. The proceedings with regard to Defendants 1) and 2) are closed.
3. Attorney's fees, costs of court and expenses are borne by the party incurring the same.
4. This decision is to be entered on the register.

DETAILS OF THE DECISION

Order no. ORD_39075/2024 in ACTION NUMBER:	ACT_597691/2023
UPC number:	UPC_CFI_513/2023
Action type:	Infringement Action
Related proceeding no. Application No.:	39047/2024
Application Type:	Generic procedural Application

NAMES AND SIGNATURES

Presiding Judge U. Voß

Legally qualified judge Dr. D. Voß

Legally qualified judge Perrotti