



**Local division Munich
UPC_CFI_5/2023**

**Proceedings order
of the Court of First Instance of the Unified
Patent Court, Munich Local Division
issued on 9 September 2024**

PLAINTIFF

Philips IP Ventures B.V.

represented by: Tilman Müller (Bardehle Pagenberg).

DEFENDANTS

- 1) Stephen George Edrich
- 2) Belkin GmbH
- 3) Belkin International, Inc.
- 4) Belkin Limited
- 5) Marc Gary Cooper
- 6) Paul John McKenna

represented by: Philipp Cepl (DLA Piper).

DISPUTE PATENT

European Patent No. 2 372 863

PANEL/CHAMBER

Panel 1 of the Munich Local Division

PARTICIPATING JUDGES

This order was issued by the Presiding Judge Dr Matthias Zigann.

LANGUAGE OF THE PROCEEDINGS

German

SUBJECT-MATTER OF THE ACTION:

Patent infringement - Request for a postponement of the hearing

BRIEF SUMMARY OF THE FACTS

In the parallel proceedings ACT_583273/2023 UPC_CFI_390/2023 concerning EP 2 867 997, the Board has postponed the date for pronouncing a decision from 6 to 13 September 2024.

The plaintiff then stated that it would be sensible and expedient to postpone the date of the oral proceedings in the present case until after the judgment has been handed down.

The defendants have already indicated their agreement to a postponement in the course of an e-mail correspondence between the Board and the parties' representatives.

From the point of view of the plaintiff, it would be preferable to stick to the trial date in the third proceedings (ACT_463961/2023) for EP233 and to find an alternative date for EP863 in the near future. The proceedings concerning EP233 are of greater relevance to the plaintiff than the proceedings concerning EP863, partly because of the broader territorial scope of protection of EP233 compared to EP863.

THE PARTIES' REQUESTS

The applicant requests:

the postponement of the date of the oral proceedings (11 September 2024) to a later date.

The defendants have agreed.

JUDGMENT

After consulting the other members of the bench, the request is granted and the date is postponed to 23 October 2024.

It will be decided at a later date whether the two proceedings ACT_459762/2023 UPC_CFI_5/2023 concerning EP 2 372 863 and ACT_463961/2023 UPC_CFI_62/2023 concerning EP 2 628 233 will be heard on that date or whether one of these proceedings will be rescheduled.

ORDER

1. The hearing date of 11 September 2024 is postponed to 23 October 2024, 9.00 a.m., Munich Local Division, Room 212, Denisstr. 3 in Munich.

2. The parties will be invited to this new date.

INSTRUCTIONS TO THE CHANCERY

The new date is to be announced on the homepage.

INFORMATION ABOUT REVIEW BY THE PANEL

Any party may request a review of this order by the panel under R. 333 RP. Pending the review, the order remains in effect (R. 102.2 RP).

INFORMATION ABOUT THE ORAL HEARING BEFORE THE COURT OF FIRST INSTANCE

The hearing is public, unless the court decides to hold a hearing in camera, to the extent necessary, in the interest of one of the parties or of third parties or in the general interest of the administration of justice or of public order (R. 115 RP).

INFORMATION ON THE AUDIO RECORDING

A sound recording of the proceedings will be made. The recording will be made available to the parties or their representatives after the hearing on the premises of the Court (Rule 115 CRP).

INFORMATION ABOUT THE ABSENCE OR LATE ARRIVAL OF A REPRESENTATIVE

A default judgment may be entered against a party if that party, having been duly summoned, fails to appear at a hearing. (R. 355.1 (b) RP).

DETAILS OF THE ORDER

Order No. ORD_50820/2024 in PROCEEDING NUMBER: ACT_459762/2023

UPC number: UPC_CFI_5/2023

Type of Proceedings: Infringement Proceedings

No. of the associated proceedings Request No.: 50655/2024 Type of Request: Template for procedural request

Issued in Munich on 9 September 2024

Digitally signed by

Matthias ZIGANN Matthias ZIGANN

Date: 2024.09.09 10:21:09 +02'00'

Dr Zigann Presiding Judge