



Local division Mannheim
UPC_CFI_ 219/2023

Order

of the Court of First Instance of the Unified Patent Court,

Mannheim Local Division

issued on 16 September 2024

concerning EP 2 568 724

Plaintiff:

Panasonic Holdings Corporation - 1006, Oaza Kadoma, Kadoma-shi - 571-8501 - Osaka - JP represented by Christopher Weber

defendant:

Xiaomi Represented by Dr Corin Gittinger
Technology
Germany GmbH
(party to the main
proceedings - Not
provided) -
Niederlasser
Lohweg 175 -
40547 -
Düsseldorf - DE

**Xiaomi
Technology
France S.A.S** Represented by Dr Corin Gittinger
(Party to the main proceedings - Not provided) - 93 rue Nationale Immeuble Australia - 92100 - Boulogne-Billancourt - FR

**Xiaomi
Technology Italy
S.R.L** Represented by Dr Corin Gittinger
(Party to the main proceedings - Not provided) - Viale Edoardo Jenner 53 - 20158 - Milan - IT

**Xiaomi
Technology
Netherlands B.V.** Represented by Dr Corin Gittinger
(Party to the main proceedings - Not provided) - Prinses Beatrixlaan 582 - 2595BM - Den The Hague - NL

Odiporo GmbH Represented by Dr Corin Gittinger
(party to the main proceedings - Not provided) - Formerweg 9 - 47877 - Willich - EN

Shamrock Mobile Represented by Dr Corin Gittinger
Ltd.

(Party to the main
proceedings - Not
provided) -
Siemensring 44H -
47877 - Willich -
DE

STREITPATENT:

EUROPEAN PATENT NO. EP 2 568 724

ADJUDICATING BODY/CHAMBER:

Mannheim local division JUDGES:

This Order was issued by the Chairman and judge-rapporteur Prof Dr Tochtermann.

LANGUAGE OF THE PROCEEDINGS: German/English

SUBJECT: Preparation of oral proceedings - Interlocutory proceedings

1. The **date of the hearing** was coordinated with the parties involved and has already been finalised:

Montag, den 7. Oktober 2024, 10:00 Uhr (Verletzung/Rechtsbestand), Raum O 102 Aula (Schloss Ostflügel) Schloss Mannheim, D-68161 Mannheim

Mittwoch, den 9. Oktober 2024 (FRAND-Einwand) 10:00 Uhr, Raum O 102 Aula (Schloss Ostflügel) Schloss Mannheim, D-68161 Mannheim

Reservetag: Donnerstag, den 10. Oktober 2024, 10:00 Uhr, Saal 1 (EG), EPG Mannheim, Schubertstraße 11, 68165 Mannheim

It should be noted that Thursday is only scheduled for unforeseen and unforeseeable discussions. The aim is to finalise the negotiations on Monday and Tuesday (Oppo) and Monday and Wednesday (Xiaomi).

It should be noted that there are only eight seats at tables for the party representatives in Room 1 on Thursday. Additional people can take part in the audience in Room 1 (a total of 24 additional seats); if necessary, Room 2 can be used as an overflow room into which the video signal is transmitted (another 40 audience seats).

The attached Order of the Chairman of the Meeting must be observed.

2. Notes on structuring the negotiation

The chairperson will introduce the facts of the case and the dispute, categorised by topic. A break of a maximum of 15 minutes may then be taken as required before the parties begin their oral statements. At the end of his introduction, the chairperson will determine which party will have the floor first.

First day - Technology

The hearing will initially deal with the uniform interpretation of the patent in suit for validity and infringement.

The legal status will then be discussed. Here it will be discussed to what extent the document FBD-T13 = VB-T D 15 should also be admitted in the proceedings UPC_CFI_210/2023. It will also be discussed to what extent the submission of the plaintiff's patent attorneys in the document of 9 September 2024 should be taken into account.

At least in the case of UPC_CFI_219/2023, document FBD-T13 could be the first to be illuminated.

It should be noted that cases UPC_CFI_210/2023 and 219/2023 will be heard together **without any connection** as far as **the technical aspects** of the case are concerned.

Finally, the violation of the standard will be discussed.

The procedure appears to be adequately prepared with regard to the technical aspects based on the information provided in the written procedure.

Second day - FRAND

On the second day of the hearing, the FRAND complex of the case (in case UPC_CFI210/2023 including the FRAND counterclaim) will be heard. The FRAND complex will be heard separately in proceedings UPC_CFI_210/2023 and UPC_CFI_219/2023 on the differently scheduled days (Tuesday: UPC_CFI_210/2023, Wednesday UPC_CFI_219/2023).

The Chairman will again introduce the facts of the case and the dispute. The abstract legal issues and the versions of the applications will be discussed first. The details of the respective proceedings will be discussed later.

It should be noted that the **abstract antitrust discussion** will take place **in public**.

The public will only be excluded if and when specific circumstances that are the subject of the R262a Orders are affected. If there is a need to discuss this, there will be a non-public discussion on whether and to what extent the public should be excluded.

3. Participation in the hearing

The party representatives must inform the court **by 27 September 2024** which persons will be attending the hearing on behalf of each side. These persons must be named. In addition, those persons who will participate in the hearing via video link (web.ex) must be named.

If the public is excluded, the party representatives are required to indicate which persons may continue to participate in the hearing via video link. **Forwarding the video access link is prohibited, as is the participation of other unnamed persons via the video link.**

The **link for the video link** will be sent by email to the party representatives Augenstein/Weber on the plaintiff's side and Kramer and Prinz zu Waldeck on the defendant's side in the week before the hearing. **The party representatives must then forward the link to the persons named by them who wish to participate in the video link.**

4. Transmission of any documents

If the party representatives intend to use diagrams, figures or other graphic means in their statements, these must be sent to CONTACT MANNHEIM.LOC contact_mannheim.loc@unifiedpatentcourt.org and to the opponent **by 27 September 2024**. The illustrations will be sent to the screens and the VC by the bench or the service team.

5. Language selection

The court must be informed by email to the chairman **by 27 September 2024** in which of the languages permitted under the settlement will be used to plead which aspect of the case.

6. Value in dispute

The amount in dispute for the present proceedings is set at **EUR 8 million** in accordance with Rule 370.6 RoP. The amount in dispute stated in the statement of claim appears to be understated in view of the territories asserted (D/F/I/SWE/NL).

7. Estimate of the costs

The parties are invited **by 27 September 2024** pursuant to Rule 104(k) RoP to submit a preliminary estimate of the costs of the litigation that the parties intend to claim.

8. Interpreting

The parties have indicated that they will arrange for interpretation. Any technical details must be agreed with the registry of the local division (CONTACT MANNHEIM.LOC contact_mannheim.loc@unifiedpatentcourt.org) **by 27 September 2024**, if necessary.

NAMES AND SIGNATURES

Issued in Mannheim on 16 September 2024

Peter Michael Dr
Tochtermann
Prof Dr Tochtermann

Digitally signed by Peter Michael Dr
Tochtermann
Date: 2024.09.16 14:01:59 +02'00'

Chairman and judge-rapporteur