



Local division Munich
UPC_CFI_220/2023

Order
of the Court of First Instance of the Unified Patent Court local division
Munich
issued on 26 September 2024

KLÄGERIN

Panasonic Holdings Corporation

Represented by: Sören Dahm (Kather Augenstein)

DEFENDANTS

- 1) **Xiaomi Inc.**
- 2) **Beijing Xiaomi Mobile Software Co. Ltd.**
- 3) **Xiaomi Technology Germany GmbH**
- 4) **Xiaomi Technology France S.A.S**
- 5) **Xiaomi Technology Italy S.R.L**
- 6) **Xiaomi Technology Netherlands B.V.**
- 7) **Xiaomi H.K. Limited**
- 8) **Xiaomi Communications Co., Ltd.**
- 9) **Odiporo GmbH**
- 10) **Shamrock Mobile GmbH**

Represented by: Henrik Lehment (Hogan Lovells)

PATENT IN DISPUTE

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

DECIDING JUDGES

This Order was issued by presiding judge Dr Matthias Zigann as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS: German

SUBJECT MATTER OF THE CASE:

Patent infringement - R 295 RoP

APPLICATIONS BY THE PARTIES

The defendants claim:

to stay the proceedings under Rule 295(l) and/or (m) RoP pending the decision of the UK High Court of Justice (Case HP-2023-000025) on the final terms of a FRAND licence agreement.

The applicant claims that the Court should:

reject the defendant's application.

JUSTIFICATION OF THE ORDER

Pursuant to Rule 102.1 RoP, the judge-rapporteur may refer any matter to the panel for a decision. This is required in the present case.

The handling of the suspension options in the context of a parallel pending action for the determination of a FRAND licence requires a decision by the adjudicating body. In the judge-rapporteur's view, such a decision can best be made after an oral hearing. Since oral hearings are already scheduled for the end of November 2024 (EP 132) and the end of January 2025 (EP 163), the judge-rapporteur considers it to be procedurally efficient to decide on the application during the hearing(s) already scheduled or subsequently.

ORDER

The judge-rapporteur refers the matter to the panel and proposes that the panel make a decision during the oral hearing(s) or subsequently.

NOTES TO THE PARTIES

Unless the adjudicating body decides otherwise, the hearing dates already communicated will remain the same. The decision on the application will then be made as proposed during the hearing(s) or subsequently. As

As a decision during or after the hearing on EP 132 is also possible, it was decided not to enter an oral hearing in the CMS for EP 163.

INFORMATION ON THE REVIEW BY THE ADJUDICATING BODY

Each party may request a review of this Order by the adjudicating body in accordance with R. 333 RoP. The Order remains effective until it has been reviewed (R. 102.2 RoP).

ORDER DETAILS

Order no. ORD_39681/2024
Application number: APP_31889/2024
Action for infringement: ACT_545619/2023
UPC number: UPC_CFI_220/2023
Counterclaims for annulment: 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

Matthias ZIGANN  Digitally signed by Matthias ZIGANN
Date: 2024.09.26 15:13:08 +02'00'

Dr Zigann
Presiding judge and judge-rapporteur