



**Local division Mannheim**  
**UPC\_CFI\_471/2023**

**order**  
**of the Court of First Instance of the Unified Patent Court, issued**  
**on: 20/10/2024**  
**concerning EP 2 479 680**  
**concerning**  
**App\_46519/2024**  
**(Request for submission of source codes)**

PLAINTIFFS/APPLICANTS

- 1) **DISH Technologies L.L.C.** represented by Denise Benz  
- 9601 South Meridian Boulevard - 80112  
- Englewood - US
  
- 2) **Sling TV L.L.C.** represented by Denise Benz  
- 9601 South Meridian Boulevard - 80112  
- Englewood - US

DEFENDANTS/RESPONDENTS

- 1) **AYLO PREMIUM LTD** represented by Tilman Müller-Stoy  
- 195-197 Old Nicosia-Limassol Road, Block 1  
Dali Industrial Zo-ne - 2540 - Nicosia - CY
  
- 3) **AYLO FREESITES LTD** represented by Conor McLaughlin/  
Tilman Müller-Stoy  
- 195-197 Old Nicosia-Limassol Road, Block 1  
Dali Industrial Zo-ne - 2540 - Nicosia - CY

- 5)           **BROCKWELL GROUP LLC**                               represented by Tilman  
              - 19046 Bruce B. Downs Blvd #1134 - 33647 - Müller-Stoy  
              Tampa - US
- 6)           **BRIDGEMAZE GROUP LLC**                              represented by Tilman  
              - 12378 SW 82 AVENUE - 33156 - Miami - US      Müller-Stoy

OTHER DEFENDANTS INVOLVED:

- 2)           **AYLO Billing Limited**                                   represented by Tilman Müller-Stoy  
              - The Black Church, St Mary's Place, Dublin 7 -  
              D07 P4AX - Dublin - IE
- 4)           **AYLO BILLING US CORP.**                               represented by Tilman Müller-Stoy  
              - 21800 Oxnard Ste 150 - 91367 - 7909 -  
              Woodland Hills - US

PATENT IN DISPUTE:

European Patent No. EP 2 479 680

SPRING BODY:

Mannheim local division JUDGES:

This order was issued by judge-rapporteur Böttcher. LANGUAGE OF THE PROCEEDINGS:

German

SUBJECT: Application for an order for reference pursuant to R. 190 RoP

PROPERTY:

Pursuant to R. 190 RoP, the plaintiffs request that the defendants 1, 3, 5 and 6 be ordered to produce the source code of the media players used under the browsers Google Chrome, Microsoft Edge and Safari.

The plaintiffs are suing the defendants in the underlying main proceedings for alleged contributory patent infringement with respect to the territory of the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Finland, the French Republic, the Italian

Republic, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic and the Kingdom of Sweden. The defendants have filed actions for annulment.

According to the statement of claim, defendants 1, 3, 5 and 6 (these only together with defendants 1 and 5) operate streaming services, which are named in detail (not conclusively) in the statement of claim as challenged embodiments for the respective defendants (see statement of claim, p. 28 para. 1, p. 12 under paras. 2 and 4), while defendants 2 and 4 provide payment processing services for this purpose. The requests for production against the defendants concerned relate to the source code of certain media players of these streaming services.

In the statement of claim, the plaintiffs described the alleged patent infringement by way of example using the streaming service [www.brazzers.com](http://www.brazzers.com) of defendant 1 and the streaming service [www.pornhub.com](http://www.pornhub.com) of defendant 3, each accessed via the Microsoft Edge browser, each with a video accessed there in the dynamic playback quality setting "auto" (for automatic) using the analysis tool Charles Web Debugging Proxy (hereinafter Charles Proxy) and the publicly accessible source code of the media player used under the Microsoft Edge browser with the help of the Microsoft Edge DevTool (statement of grounds, pp. 35 et seq. and 76 et seq.) and generally asserted that the statements apply accordingly to all other challenged embodiments (statement of grounds, p. 34). Charles Proxy is an HTTP web-testing proxy server application that enables the user to view all HTTP and SSL/HTTPS traffic between his computer and the Internet, in particular requests and responses, including HTTP headers and metadata (e.g. cookies, caching and encoding information), while throttling the bandwidth available to the end user station for streaming. The information obtained in this way according to their submission was submitted by the plaintiffs for the first-mentioned streaming service as Annexes K6 (Charles proxy recordings), K7 (source code) and for the second-mentioned streaming service as Annexes K8 (Charles proxy recordings), K9 (source code) to the statement of claim.

In their statement of defence, the defendants have denied that the streaming services [www.brazzers.com](http://www.brazzers.com) and [www.pornhub.com](http://www.pornhub.com) infringe the patent. To this end, they interpret the patent in suit differently in some cases and submit some deviating statements on the technical functioning of the two streaming services, whereby they attribute a different content to the Charles Proxy recordings and source codes submitted than the plaintiffs. Contrary to the requirements of the patent in suit, the videos available via the aforementioned websites are neither encoded with a specific bit rate nor stored as several files (streamlets) on a set of servers as in a mere data cabinet. With regard to the other streaming services named in the statement of claim as challenged embodiments, they criticise the complete lack of a conclusive or at least substantiated submission on the use of the teaching of the patent in suit. Since, according to the statement of claim, the two streaming services discussed in the statement of claim are already designed differently, the blanket reference that the others function accordingly is meaningless. Furthermore, the defendants dispute the plaintiffs' assertion that every Internet and browser-enabled end-user station that accesses the named websites of the streaming services would access the media player allegedly embedded there and provided by the defendants, as presented by the plaintiffs. This media player is not used in every browser of every end-user station; rather, a media player or parts thereof could also be implemented in the browser of the end-user station.

In their replies to the individual defences, the plaintiffs expand on their infringement allegations regarding the two streaming services described as examples in the statement of claim, for which the end user can no longer choose the "auto" playback quality setting. They do not consider the complaint about the lack of a substantiated submission to be a denial. As a precautionary measure, they claim that the media players of the streaming services of defendants 1 and 5 cited as challenged on p. 28 of the statement of claim are similar to the streaming service [www.brazzers.com](http://www.brazzers.com) of defendant 1 described in the statement of claim and that the media players of the streaming services cited on p. 28 of the statement of claim are similar to the streaming service [www.brazzers.com](http://www.brazzers.com) of defendant 2.

p. 28 of the streaming services of defendant 3, which are also challenged, correspond to the streaming service [www.pornhub.com](http://www.pornhub.com) of defendant 3 described in the statement of defence, whereby the source codes of the media players used are designed accordingly. To this end, they submit comparisons of the source code of the media players of other (but not all) of the streaming services of defendants 1 and 5 (Exhibits K19a to 19e) and defendant 3 (Exhibits K20a to K20c) under the Microsoft Edge browser. They also refer to the streaming services [www.mygf.com](http://www.mygf.com) and [www.bangbros.com](http://www.bangbros.com) attributed to Defendant 6 (together with Defendant 5 and Defendant 1).

The plaintiffs are of the opinion that against this background, it can be assumed that they have provided all the evidence they could reasonably have obtained through the submitted source codes of the media player under the Microsoft Edge browser. The source codes under the Safari browser were not publicly accessible. In view of the large number of the defendant's streaming services and the fact that most of them require the conclusion of paid subscriptions before downloading source code, the plaintiffs could not reasonably be expected to do more. In addition, due to the alleged removal of the "Auto" function, it is no longer possible to use the source codes of all the challenged websites for a comparison. Defendants 1, 3, 5 and 6, on the other hand, have access without any obstacles. The plaintiffs rely on the source codes available to defendants 1, 3, 5 and 6 - at least according to the defendants - to substantiate their claims.

The defendants oppose the requests for production. These are unclear and indefinite in terms of subject matter and timing, are also late and constitute inadmissible requests for information. Irrespective of this, they are unfounded. There were no factual allegations at issue that were relevant to the claims asserted. The plaintiffs had not made sufficient submissions on acts of infringement in connection with the Safari browser; accordingly, the defendants, who did not have access to the proprietary source code of the Safari browser, including the media player source code, had not disputed anything in this respect in their statement of defence. The source code of Google Chrome and that of Microsoft Edge were accessible to the plaintiffs. The blanket assertion in the statement of defence that all challenged embodiments had the characteristics of the two embodiments examined did not meet the plaintiffs' burden of proof and was not admissible. The plaintiffs are also aware from the British parallel proceedings that the website [www.pornmd.com](http://www.pornmd.com) from the application against defendant 6 is no longer operated by the defendants and also does not include or did not include its own media player. Moreover, media players without an "auto" function were not attacked. In any event, the plaintiffs had not exhausted all reasonably available evidence. This is shown by the fact that, according to their submission in the parallel proceedings in the UK, they had examined the 52 websites attacked there, which also included the websites at issue in the present proceedings, using the Charles proxy analysis tool and source code examinations, although access to more than 40 of these sites was subject to a charge. Source code before

They should have investigated the deactivation of the "Auto" function before filing the lawsuit. In any case, the order for production was disproportionate before the defendants had had the opportunity to comment on the Reply in their Duplik.

Reference is also made to the exchanged documents. The

plaintiffs request the following,

in accordance with Art. 59 UPCA and Rule 190 UPC RoP,

1. that the defendant to 1 has obtained the source codes of the streaming services [www.brazzers.com](http://www.brazzers.com), [www.digitalplayground.com](http://www.digitalplayground.com), [www.men.com](http://www.men.com), [www.babes.com](http://www.babes.com), [www.seancody.com](http://www.seancody.com), [www.transangels.com](http://www.transangels.com), [www.realitykings.com](http://www.realitykings.com), [www.mofos.com](http://www.mofos.com), [www.twistys.com](http://www.twistys.com), [www.whynotbi.com](http://www.whynotbi.com), [www.fakehub.com](http://www.fakehub.com), [www.fakehub.com/fakedrivingschool](http://www.fakehub.com/fakedrivingschool), [www.publicagent.com](http://www.publicagent.com), [www.faketaxi.com](http://www.faketaxi.com), [www.lesbea.com](http://www.lesbea.com), [www.danejones.com](http://www.danejones.com), [www.sexyhub.com](http://www.sexyhub.com), [www.sexyhub.com/massagerooms](http://www.sexyhub.com/massagerooms), [www.iknowthatgirl.com](http://www.iknowthatgirl.com), [www.milehighmedia.com](http://www.milehighmedia.com), [www.bang-bros.com](http://www.bang-bros.com), [www.bangpovbros.com](http://www.bangpovbros.com), [www.sweetheartvideo.com](http://www.sweetheartvideo.com), [www.sweetsinner.com](http://www.sweetsinner.com), [www.realityjunkies.com](http://www.realityjunkies.com), [www.doghousedigital.com](http://www.doghousedigital.com), [www.familysinners.com](http://www.familysinners.com), [www.hentaipros.com](http://www.hentaipros.com), [www.erito.com](http://www.erito.com), [www.transharder.com](http://www.transharder.com), [www.metrohd.com](http://www.metrohd.com), [www.squirted.com](http://www.squirted.com), [www.propertysex.com](http://www.propertysex.com), [www.transsensual.com](http://www.transsensual.com), [www.bromo.com](http://www.bromo.com), [www.czechhunter.com](http://www.czechhunter.com), [www.bigstr.com](http://www.bigstr.com), [www.spicevids.com](http://www.spicevids.com), [www.trueamateurs.com](http://www.trueamateurs.com), [www.deviant.com](http://www.deviant.com), [www.fakehostel.com](http://www.fakehostel.com), [www.biempire.com](http://www.biempire.com), [www.milfed.com](http://www.milfed.com), [www.gilfed.com](http://www.gilfed.com), [www.dilfed.com](http://www.dilfed.com), [www.girlgrind.com](http://www.girlgrind.com), [www.girlgrind.com](http://www.girlgrind.com), [www.kinkyspa.com](http://www.kinkyspa.com), [www.shewillcheat.com](http://www.shewillcheat.com), [www.devianthard-core.com](http://www.devianthard-core.com), [www.familyhookups.com](http://www.familyhookups.com), [www.realitydudes.com](http://www.realitydudes.com), [www.noirmale.com](http://www.noirmale.com) and [www.iconmale.com](http://www.iconmale.com) used Media Player in each case before and after alleged removal of the "auto" function when streaming videos using the Safari browser;
2. that the defendant 3 submits the source codes of the media players used by the streaming services [www.pornhub.com](http://www.pornhub.com), [www.pornhubpremium.com](http://www.pornhubpremium.com), [www.youporn.com](http://www.youporn.com), [www.youporn-gay.com](http://www.youporn-gay.com), [www.redtube.com](http://www.redtube.com), [www.pornmd.com](http://www.pornmd.com), [www.thumbzilla.com](http://www.thumbzilla.com) and [www.tube8.com](http://www.tube8.com), in each case before and after the alleged removal of the "auto" function when streaming videos using the Safari browser;
3. that the defendant 5 submits the source codes of the media players used by the streaming service [www.mygf.com](http://www.mygf.com) before and after the alleged removal of the "auto" function when streaming videos using the Safari browser;
4. that the defendant to 6 submit the source codes of the media players used by the streaming service [www.bangbros.com](http://www.bangbros.com) and [www.bangpovbros.com](http://www.bangpovbros.com) before and after the alleged removal of the "auto" function when streaming videos using the Safari browser;
5. that the defendant to 1 has the source codes of the streaming services [www.men.com](http://www.men.com), [www.babes.com](http://www.babes.com), [www.seancody.com](http://www.seancody.com), [www.transangels.com](http://www.transangels.com), [www.realitykings.com](http://www.realitykings.com), [www.mofos.com](http://www.mofos.com), [www.twistys.com](http://www.twistys.com), [www.whynotbi.com](http://www.whynotbi.com), [www.fakehub.com](http://www.fakehub.com),

www.fakehub.com/fakedrivingschool, www.publicagent.com, www.faketaxi.com, www.lesbea.com, www.danejones.com, www.sexyhub.com, www.sexyhub.com/massagerooms, www.iknowthatgirl.com, www.milehighmedia.com, www.bang-bros.com, www.bangpovbros.com, www.sweetheartvideo.com, www.sweetsinner.com, www.realityjunkies.com, www.doghousedigital.com, www.familysinners.com, www.hentaipros.com, www.erito.com, www.transharder.com, www.squirted.com, www.propertysex.com, www.transsensual.com, www.bromo.com, www.czechhunter.com, www.bigstr.com, www.spicevids.com, www.trueamateurs.com, www.fakehostel.com, www.biempire.com, www.milfed.com, www.gilfed.com, www.dilfed.com, www.girlgrind.com, www.kinkyspa.com, www.shewillcheat.com, www.devianthard-core.com, www.familyhookups.com, www.realitydudes.com, www.noirmale.com and www.iconmale.com used Media Player in each case before and after alleged removal of the "auto" function when streaming videos using the Google Chrome and Microsoft Edge browsers;

6. that the third defendant submits the source codes of the media players used by the streaming services www.pornhubpremium, www.youporn-gay.com, www.pornmd.com and www.thumbzilla.com before and after the alleged removal of the "auto" function when streaming videos using the browsers Google Chrome and Microsoft Edge;
7. that the defendant to 5 submit the source codes of the media players used by the streaming service www.mygf.com after allegedly removing the "auto" function when streaming videos using the browsers Google Chrome and Microsoft Edge;
8. that the defendant to 6 submit the source codes of the media players used by the streaming service www.bangpovbros.com in each case before and after and from the streaming service www.bang-bros.com after alleged removal of the "auto" function when streaming videos using the browsers Google Chrome and Microsoft Edge;
9. that the submission of the evidence referred to in points 1 to 4 must be made within 14 days of the order to submit it;
10. pursuant to R. 190.4 (b), 190.7 UPC RoP, that in the event that the defendants 1, 3, 5 and 6 fail to fulfil their obligation under the order for reference, that failure is taken into account in the decision on the matter in question and that the plausible submission of the applicants that the source codes match is assumed to be correct; and
11. pursuant to R. 190.4 (b) UPC RoP in conjunction with Art. 82 (4) UPCA. Art. 82(4) UPCA that a penalty payment to be determined at the discretion of the court is to be paid for each case of non-compliance with the order.

The defendants claim:

1. The application is rejected in its entirety;

in the alternative

2. the defendant obliged to produce is permitted to redact, for each document ordered to be produced, those passages to which the plaintiffs do not refer in fact and in law in their submissions in their application of 9 August 2024 and in their reply pleadings of 9 August 2024 and 19 August 2024.

#### REASONS FOR THE ORDER:

The requested submission orders cannot be considered for several reasons.

1. Pursuant to Art. 59(1) UPCA, R. 190.1 RoP, the court may, on application by a party who has submitted all reasonably available evidence in support of its claims and has identified the evidence in the possession of the opposing party or a third party in support of its claims, order the submission of such evidence by the opposing party or a third party, provided that the protection of confidential information is ensured. In this context, the substantiation of objections is equivalent to the substantiation of claims within the meaning of Art. 59 UPCA, so that the right to file an application is not limited to the party bringing the action (see Court of Appeal, order of 24 September 2024, UPC\_CoA\_298/2024, UPC\_CoA\_299/2024, UPC\_CoA\_300/2024 para. 32 et seq.). The provision is to be interpreted in conformity with Directive 2004/48/EC and its Art. 6(1) (see Court of Appeal, loc. cit., para. 39).

As a rule, the order to produce a document presupposes that a fact is relevant for the substantiation of claims (or objections) and requires proof. To this end, the applicant must set out in detail in the application which specific fact he wishes to prove by which means of evidence and for what reason. No evidence is required for a fact that is not effectively disputed (see R. 171.2 RoP). If the fact is not relevant to the claims (or objections) being pursued, the order to produce evidence is generally at least disproportionate. However, the right of the parties to determine the evidence in support of their submissions themselves must not be impaired (Art. 43 UPCA).

Whether the applicant has submitted all available evidence to sufficiently substantiate his claims (or objections) and, as a result, whether an order for the submission of evidence against the opponent or a third party can be considered, must be assessed by weighing up all the circumstances of the individual case, taking into account the interests involved.

The order is also at the discretion of the court and must not be disproportionate. When exercising discretion, the circumstances of the individual case must be taken into account, taking into account the mutual interests and the principle of efficient conduct of proceedings (see Court of Appeal, order of 24 September 2024, UPC\_CoA\_298/2024, UPC\_CoA\_299/2024, UPC\_CoA\_300/2024 para. 47, 53). In particular, the applicant has an interest in obtaining evidence, including its right to determine the evidence supporting its submission (Art. 43 UPCA), while the defendant has an interest in protecting confidential information. With regard to the procedural powers of the judge-rapporteur, the presiding judge or the panel, there is a margin of discretion when deciding on a request for referral,

which also includes determining the order in which points in dispute are to be decided. In exceptional cases, an oral hearing may be adjourned in accordance with R. 114 RoP in order to invite further submissions of evidence (see Court of Appeal, order of 24 September 2024, UPC\_CoA\_298/2024, UPC\_CoA\_299/2024, UPC\_CoA\_300/2024 para. 54 f.). Similarly, a previously requested and duly substantiated submission of evidence, the relevance of which only becomes apparent to the court during the oral hearing, can lead to an adjournment in order to take the evidence.

According to general principles, the applicant has the burden of presentation and proof for the existence of the requirements for a production order, which also includes the defendant's power of disposal over the evidence to be produced.

2. In accordance with these requirements, the requested submission orders are waived.

a) It is irrelevant whether the plaintiffs have sufficiently set out the requirements for the issuance of production orders in the application, in particular whether they have sufficiently demonstrated which specific fact is to be proven.

b) Furthermore, no final clarification is currently required as to the extent to which the court must examine all streaming services designated in the statement of claim as attacked embodiments, which may differ in relevant features, for patent infringement in the present case of abstract applications and must also take into account the Safari browser - as far as can be seen - mentioned specifically for the first time in the Reply.

c) An order cannot be considered at this point in time because it is not yet clear whether the defendants will effectively dispute the allegations in the Reply regarding the design of the source code and whether a dispute might not be more about the interpretation of the lines of code than about their actual existence. It is also unclear at this stage whether any disputed points will be relevant under patent law and whether the source code may be required for this purpose. In the statement of grounds, the plaintiffs often merely referred to the fact that a certain circumstance also arose from the source code discussed (cf. "moreover", "furthermore", etc., statement of grounds, in particular pp. 62, 64, 90, 91, 94). On the other hand, the order for the submission of source code - here assumed not otherwise accessible, but available to the defendants - represents a not insignificant interference. If only individual points of the source code are in dispute, only a limited production could be considered. Against this background, the order to produce the source code is currently disproportionate.

d) Apart from this, the plaintiffs have not exhausted all available, reasonable means of evidence which they could reasonably be expected to use, taking into account the interests of the parties concerned.

In the statement of claim and the Reply, the plaintiffs have substantiated the asserted patent infringement for the streaming services [www.brazzers.com](http://www.brazzers.com) and [www.pornhub.com](http://www.pornhub.com) with reference to Charles Proxy recordings and source code of the media player under the Microsoft Edge browser. For some other streaming services, they have submitted at least comparisons of the corresponding source code in Annexes K19a to K19e and K20a to K20c. Contrary to their opinion, it is reasonable for the plaintiffs to also submit corresponding Charles proxy records for the other challenged streaming services, insofar as they are disputed, and to provide the publicly accessible source code of the media player under the Microsoft Edge browser.



player under the Microsoft Edge browser. Insofar as the streaming services are fee-based, it is reasonable for the plaintiffs to obtain fee-based access. They have not demonstrated any specific circumstances that would make this appear unreasonable. It is true that the plaintiffs have argued that the "auto" function for setting the playback quality has now been "partially" removed. At the same time, however, they have argued in the Reply that the relevant code for the design of this function is still available in the source code of the media players of the streaming services [www.brazzers.com](http://www.brazzers.com) and [www.pornhub.com](http://www.pornhub.com) (without integration into the programme sequence) (see, for example, Reply to the Statement of Defence of Defendants 1 to 3, p. 30 below). Therefore, the plaintiffs can also be expected to retrieve and submit the source code for the other streaming services for which they do not yet have the source code of the media player of the Microsoft Edge browser.

The above principles apply equally to the media player under the Google Chrome browser. In this respect, the plaintiffs have not argued that the source code is not publicly accessible, for example by using a similar analysis tool to the Microsoft Edge browser.

If there is no access to the source code of the media player (as is the case with the Safari browser and possibly the Google Chrome browser), the plaintiffs are required to prove the functionality in the event of a dispute, at least by means of Charles Proxy recordings to the extent possible, before a submission order can be considered. Nothing else applies if, in individual cases, a media player does not (or no longer) contain code for an "auto" function.

After weighing up the circumstances of the individual case and the mutual interests, it is therefore not possible to issue the requested production orders. In the present situation, the plaintiffs' right to determine the evidence for their submission themselves takes second place to the defendant's interest in not being burdened with the submission of the source code. This applies all the more in the absence of a need for the requested submission of the source code after switching off the "Auto" function. The plaintiffs have not even begun to show why they need it.

With regard to the Safari browser, it is no longer decisive against this background that the defendants claim that they themselves do not have access to the source code of the media player in particular.

The defendant's assertion that the plaintiffs do not need the source code because, according to their submission in the British proceedings, they analysed all websites using the Charles proxy analysis tool and examined the source code is equally irrelevant. Should this be true, however, it would require particular explanation as to which specific facts require which parts of the source code as evidence.

e) Finally, the state of facts and disputes reached so far regarding the interpretation, infringement and validity of the patent in suit does not justify burdening the defendants with the order to submit the requested source codes.

3. All defendants were involved in the ancillary proceedings relating to the dispute over the submission of the source code. It is irrelevant that the submission is only requested by defendants 1, 3, 5 and 6, because the source code to be submitted is intended to prove patent infringements.

in which, according to the plaintiff's submission, defendants 2 and 4 are also involved. The interests of these defendants are therefore also affected by the dispute.

**ORDER:**

The applicants' applications for the submission of evidence dated 9 August 2024 are rejected.

**DETAILS OF THE ORDER**

Order no. ORD\_47065/2024 in PROCEDURE NUMBER: ACT\_594191/2023

UPC number: UPC\_CFI\_471/2023

Nature of the action: Action for infringement

No. of the related procedure Application No.:

46519/2024 Type of application:

Template for procedural application

**NAMES AND SIGNATURES**

Issued in Mannheim on 20 October 2024

**Dirk Andreas** Digitally signed by Dirk  
Andreas Böttcher  
**Cooper** Date: 2024.10.20  
20:35:50 +02'00'

Böttcher judge-  
rapporteur

**INFORMATION ON APPOINTMENT** (Art. 73(2)(a), 59 UPCA, R. 190, R. 220.1 (c), 224.1 (b) RoP)

The party adversely affected may appeal against this order within 15 days of its notification.