



Action number:
UPC_CoA_520/2024
APL_51079/2024
App_64946/2024

Procedural Order
of the Court of Appeal of the Unified Patent Court
concerning an application under R. 109 RoP
issued on 11 December 2024

RESPONDENT AND APPELLANT

Scandit AG, Hardturmstrasse 181, 8005 Zurich, Switzerland (hereinafter referred to as "**Scandit**"), represented by Dr Johannes Bukow and Tonio Allendorf, attorneys-at-law, Quinn Emanuel Urquhart & Sullivan, LLP

APPLICANT AND APPELLANT

Hand Held Products, Inc, 855 S Mint Street, Charlotte, NC 28202, USA (hereinafter referred to as "**Hand Held Products**"), represented by Dr Tobias Wuttke, lawyer, Bardehle Pagenberg, Partnerschaft mbB Patentanwälte Rechtsanwälte,

PATENT IN S U I T
EP 3 866 051

DECIDING JUDGE

Emmanuel Gougé, judge-rapporteur

LANGUAGE OF THE PROCEEDINGS

German

CONTESTED ORDER OF THE COURT OF FIRST INSTANCE

- Order of the Court of First Instance of the Unified Patent Court, Munich Local Division, dated 27 August 2024
- Action number: ORD_46277/2024, ACT_9216/2024, UPC_CFI_74/2024

BRIEF PRESENTATION OF THE FACTS AND APPLICATION

1. By procedural order dated 14 November 2024, the date for the oral hearing was set for 9 January 2025.

2. On 9 December 2024, the applicant applied pursuant to R. 109.1 RoP for an order for simultaneous interpretation of the oral proceedings from German into English and, alternatively, pursuant to R. 109.4 RoP, for an order for arrangements for simultaneous interpretation of the oral proceedings from German into English at the applicant's expense.

JUSTIFICATION OF THE ORDER

3. Simultaneous interpreting of oral proceedings is regulated in R 109 RoP.
4. According to R 109.1 RoP, an application for simultaneous interpretation must be submitted at least one month before the hearing and must contain the information listed in R 109.1 para (a) to (d).
5. According to R. 109.2 RoP, the judge-rapporteur then decides whether and to what extent simultaneous interpreting is appropriate and instructs the registry to make all necessary arrangements for simultaneous interpreting. If the judge-rapporteur refuses to order simultaneous interpreting, the parties may request that arrangements for simultaneous interpreting be made at their expense as far as practically possible.
6. Alternatively, a party may hire an interpreter at its own expense. In this case, in accordance with R 109.4 RoP, the party must inform the registry at least two weeks before the hearing. In such a case, no order from the court is required, but the party wishing to hire an interpreter at its own expense must inform the registry within the specified period.

Main application

7. In the present case, the application is admissible as it was submitted within one month prior to the oral hearing and contains the requested information.
8. The judge-rapporteur points out that the applicant submitted her application for an interim order and the action for infringement in the main proceedings in German, although she could also have chosen English as the language of the proceedings.
9. The mere fact that internal employees of the applicant who are not proficient in German will attend the hearing does not justify ordering the Registry to make all necessary arrangements for simultaneous interpretation, and the order for such a measure is therefore refused.

First aid application

10. The auxiliary request is aimed at ordering arrangements for simultaneous interpretation of the oral proceedings at the expense of the applicant. Such an application actually relates to the provisions of the second sentence of R 109.2 RoP and not to the provisions of R 109.4 RoP, as incorrectly stated by the applicant.
11. For the aforementioned reasons, an order for simultaneous interpreting under the conditions requested by the applicant in her auxiliary request is also out of the question.
12. However, pursuant to R. 109.4 RoP, the applicant has the option of hiring an interpreter at her own expense and arranging simultaneous interpreting herself. Should she wish to make use of this option, she should contact the Registry as soon as possible, but no later than two weeks before the oral hearing, to inform the Registry of this so that the oral hearing can be prepared accordingly.

PROCEDURAL ORDER

The application for an order for simultaneous interpretation of the oral proceedings from German into English is rejected.

This order will be issued on 11 December 2024.

EMMANUEL
LUCIEN, RENÉ
GOUGÉ

Signé numériquement par
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Emmanuel Gougé judge-
rapporteur