



**Munich local division
UPC_CFI_52/2023**

Order
of the Court of First Instance of the Unified Patent Court local division
Munich
issued on 23 December 2024

APPLICANT (DEFENDANT)

Avago Technologies International Sales Pte. Limited, 1 Yishun Avenue 7 - 768923 - Singapore - SG

represented by: Dr Bernd Allekotte (Grünecker).

DEFENDANTS (APPLICANTS)

- 1) **Tesla Germany GmbH**, Ludwig-Prandtl-Straße 27-29 - 12526 Berlin - DE
- 2) **Tesla Manufacturing Brandenburg SE**, Tesla Str. 1 - 15537 Grünheide (Mark) - DE

represented by: Dr Marcus Grosch (Quinn Emanuel Urquart & Sullivan).

PATENT IN SUIT

European Patent No. 1 838 002

PANEL/CHAMBER

Panel 1 of the Munich local division

PARTICIPATING JUDGES

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

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LANGUAGE OF THE PROCEEDINGS

German

FACTS OF THE CASE

By decision of 30 August 2024, the local division declared European patent 1 838 002 invalid in response to the revocation counterclaims and dismissed the infringement action. The plaintiff has lodged an appeal.

In a document dated 30 September 2024, the defendants (applicants) filed an application for the determination of costs (App_53895/2024). In a document dated 17 December 2024, they applied for the withdrawal of the application for the determination of costs to be admitted (App_66647/2024).

In the workflow App_66775/2024 UPC_CoA_637/2024, the applicant submitted an application for the withdrawal of the action and stated in this respect that a decision on costs pursuant to R.265.2 (c) RoP was not necessary in the present case. However, should this be necessary with regard to R. 265.2 (c) RoP, it requested an Order that the parties each bear their own costs.

FACTS OF THE CASE

A separate prior hearing of the plaintiff does not appear to be necessary in the present case. Consent to the withdrawal of the application for the determination of costs must be granted. By way of clarification, it should be ordered that each party must bear its own costs in the cost assessment proceedings.

ORDER

1. The withdrawal request is admitted.
2. The cost assessment proceedings are closed.
3. This decision must be in the register.
4. Each party shall bear its own costs in the cost assessment proceedings.

DETAILS OF THE DECISION

Order no. ORD_67711/2024 in ACTION NUMBER: ACT_462984/2023

UPC number: UPC_CFI_52/2023


Action type: Infringement Action

Related proceeding no. Application no.: 66647/2024

Application Type: Application for leave to withdraw an action (RoP265)

UPC_CFI_52/2023

**Matthias
ZIGANN**

 Digitally signed by
Matthias ZIGANN Date:
2024.12.23
10:41:27 +01'00'

Dr Zigann Presiding
judge