



Local Division Munich
UPC_CFI_119/2025

Procedural Order
of the Court of First Instance of the Unified Patent Court
Local Division Munich
issued on 14 April 2025

CLAIMANTS

- 1) Shanghai Jinko Green Energy Enterprise Management Co., Ltd.**
5/F, No. 277 Huqingping Road, Minhang District - 201105 - Shanghai – CN
- 2) Zhejiang Jinko Solar Co., Ltd.**
No. 58, Yuan Xi Road Yuan Hua Town - 314416 - Haining, Zhejiang - CN

represented by: Marco Scheffler (Gulde & Partner)

DEFENDANTS

- 1) LONGi Solar Technologie GmbH**
Bockenheimer Landstr. 51-53 - 60325 - Frankfurt am Main – DE

represented by: Benjamin Schröder (Hogan Lovells)
- 2) LONGi Green Energy Technology Co. Ltd.**
No.388 Hangtian Middle Road, Chang'an District, Xi'an City, Shaanxi Province 710100, PR China

represented by: ./.

- 3) LONGI SOLAR FRANCE SARL.**
3 RUE SAINT-GEORGES - 75009 - PARIS – FR

represented by: ./.

4) Soltech Energy GbR

Kolberger Straße 4 - 13357 - Berlin – DE

represented by: ./.

5) Longi (Netherlands) Trading B.V.

Boompjes Xb - 3011 40 - Rotterdam – NL

represented by: ./.

6) Energy3000 solar GmbH

Industriestraße V/1 - 7052 - Müllendorf - AT

represented by: Benjamin Schröer (Hogan Lovells)

PATENT AT ISSUE

European patent n° 4 372 829

PANEL/DIVISION

Panel 1 of the Local Division Munich

DECIDING JUDGE/S

This order has been issued by the Presiding Judge Dr. Matthias Zigann acting as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS

English

SUBJECT-MATTER OF THE PROCEEDINGS

Service on defendants

SUMMARY OF FACTS

The statement of claim was lodged on 20 February 2025. Defendants 1), 5) and 6) were served on 14 March 2025. Defendants 1) and 6) are currently represented by Benjamin Schröer (Hogan Lovells). No UPC representative has been appointed for the other defendants.

Defendant 4) was served by Deutsche Post under reference number RJ818922452DE112. It was returned to the Court on Tuesday 4 March 2025. On Monday, 10 March 2025, the following status message can be read at Deutsche Post:

„Der Empfänger wurde benachrichtigt. Die Sendung liegt zur Abholung in der zuständigen Filiale der Deutschen Post bereit.“

Translation in English:

"The recipient has been notified. The item is ready for collection at the local Deutsche Post office".

The defendant 4) did not collect it. After two weeks, it was returned to the Court. The Court received it on 24 March. The phrase "nicht abgeholt" (translated into English as "unclaimed") is written on the postage. The bottom of the item was open and the post office had to seal it in a transparent envelope. A photograph of the item as we received it is attached to this statement from the Registry dated 27 March 2025.

Proof of service is still outstanding for defendants 2), 3) and 5).

REQUESTS BY THE PARTIES

Claimants request:

1. Recognize the attempted service on Defendant 4 as valid and completed in accordance with the Rules of Procedure;

or, alternatively,

2. Authorize substituted service pursuant to Rule 275 RoP by an alternative method as proposed by the Claimants, with the aim of securing procedural efficiency and fairness.

GROUND FOR THE ORDER

Pursuant to Rule 271.6.b RoP (b) where service takes place by registered letter with acknowledgement of receipt or equivalent such letter shall be deemed to be served on the addressee on the tenth day following posting unless it has failed to reach the addressee, has in fact reached him on a later date or the acknowledgement of receipt or equivalent has not been returned. Such service shall, except where paragraph 8 applies, be deemed effective even if acceptance of the letter has been refused.

The last alternative is the situation here. Defendant 4) was informed of the delivery on 10 March 2025, the statement of claim was made available for collection at the local branch of the Deutsche Post, he did not collect it within the following two weeks, nor did he inquire about it later at the Deutsche Post. Acceptance of the letter was therefore refused.

No notification pursuant to Rule 271.8 of the Rules of Procedure was filed. The statement of claim is therefore deemed to have been served on the defendant 4) on the tenth day after posting (4 March 2025), on 14 March 2025.

ORDER

- 1) The statement of claim is deemed served on defendant 4), Soltech Energy GbR, on 14 March 2025 by registered letter.
- 2) The statement of defence is to be filed by defendant 4) by 16 June 2025.

INSTRUCTIONS TO THE REGISTRY

1. The statement of claim is deemed served on defendant 4) on 14 March 2025 by registered letter.
2. This date is to be entered into the CMS.

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DETAILS OF THE ORDER

Order no. ORD_16018/2025 in ACTION NUMBER: ACT_7567/2025

UPC number: UPC_CFI_119/2025

Action type: Infringement Action

Dr. Zigann
Presiding Judge