



**App\_561742/2023 to UPC\_CFI\_15/2023  
final decision on application for extension of deadline  
of the Court of First Instance of the Unified Patent Court  
from 08/23/2023**

PRINCIPLE:

1. An intended harmonization of the time limit regime as such does not constitute a reason for an extension of the time limit that runs for the litigant who was successfully served at an earlier point in time. Rather, an alignment can also be achieved by shortening the period that runs for the party in dispute who was only served at a later point in time.

2. Working with the new procedural law and the case management system (CMS) poses significant challenges for everyone involved. Therefore, in the early stages, it is necessary to deal with the challenges that arise in a practical way.

KEYWORDS: Application for extension of deadline, adjustment of deadlines for disputants,  
Shortened deadlines, discretion, challenges in the early days

REFERENCE CODE ECLI: ...

applicant

- |    |  |  |
|----|--|--|
| 1) | <b>Meril GmbH</b><br>(applicant)<br>- Bornheimer Straße 135-137 - 53119 - Bonn -<br>EN | Represented by<br>Dr Andreas von Falck |
|----|--|--|

parties

- |    |  |                                 |
|----|--|---------------------------------|
| 1) | <b>Edwards Life Sciences Corporation</b><br>(plaintiff)<br>- 1 Edwards Way - 92614 - Irvine - US | Represented by<br>Elsa Tzschope |
|----|--|---------------------------------|

- 2) Meril GmbH  
(Defendant 1)  
- Bornheimer Straße 135-137 - 53119 - Bonn -  
EN  
Service of action on 07/07/2023  
Represented by  
Dr Andreas von Falck
- 3) Meril Life Sciences Pvt Ltd.  
(Defendant 2)  
- M1-M2, Meril Park, Survey No 135/2/B &  
174/2 Muktanand Marg, Chala, Vapi - 396 191  
Gujarat - Vapi - IN  
Service of action on 01/08/2023  
Represented by  
Dr Andreas von Falck

Patent in suit

Patent No.	owner
EP3646825	Edwards Life Sciences Corporation

REPORTER

Presiding Judge Matthias Zigann

LANGUAGE OF THE PROCEDURE: German

APPLICATION FROM APPLICANT 1 (= DEFENDANT 1) DATED August 14, 2023

An application is made to extend the deadline for filing a defense in accordance with Rule 23 VerFO until November 1, 2023 (Rule 9.3 lit. a) VerFO).

THE RESPONDENT (= PLAINTIFF)

agrees to the request for an extension of the deadline (written statement dated August 22, 2023).

FACTS

Following the -successful - application to extend the objection period (cf. App\_557291/2023 UPC\_CFI\_15/2023), the applicant (defendant 1) is now requesting an extension of the deadline for filing a complaint. This would be in line with the deadline for the second defendant to file a response.

The respondent (= plaintiff) has agreed to the request for an extension of the deadline.

#### REASONS

As in the order dated August 1, 2023 on App\_557291/2023 UPC\_CFI\_15/2023 established, the reasons put forward generally do not justify an extension of the deadline. In particular, an alignment of the time limit regime as such is not a reason for an extension of the time limit that runs for the party in dispute who was successfully served at an earlier point in time. Rather, an alignment can also be achieved by shortening the period that runs for the party in dispute who was only served at a later point in time.

However, it should be noted once again that working with the new procedural law and the case management system (CMS) poses significant challenges for everyone involved. Therefore, in the early stages, it is necessary to deal with the challenges that arise in a practical way. The rapporteur therefore exercises the discretion granted by the Rules of Procedure to exceptionally grant the request. In addition, the respondent (= plaintiff) agreed to the application for an extension of the deadline. Since November 1st, 2023 is a public holiday in Bavaria, the extension must be announced until November 2nd, 2023.

#### DISPOSAL

1. The deadline for filing a statement of claim for applicant 1) (= defendant 1) is until extended to November 2, 2023.
2. For defendant 2, the deadline for filing a defense expires on November 2, 2023 (Rule 301 No. 1 VerFO).

DR. ZIGANN  
PRESIDING JUDGE AND RAPPORTEUR