



Düsseldorf local division
UPC_CFI_363/2023

Procedural Order
of the Court of First Instance of the Unified Patent Court local division
Düsseldorf
issued on 20 January 2024
concerning EP 3 926 698 B1

Plaintiff:

Seoul Viosys Co, Ltd, legally represented by its authorised directors ... and
..., 65-16, Sandan-ro 163 beon-gil, Danwon-gu, Ansan-si, Gyeonggi-do, 15429, Republic of Korea,

represented by: Lawyer Dr. BolkoEhlgen, Julia Schönbohm, Linklaters LLP,
lawyer Dr. Taunusanlage 8, 60329 Frankfurt am Main, Germany,

supported by: Patent attorney Dr Dipl.-Phys. Olaf Isfort, law firm Schneiders &
Behrendt, Huestraße 23, 44787 Bochum,

electronic delivery address: ...

defendant:

1. expert e-Commerce GmbH, legally represented by its managing directors ... and ..., Bay-
ernstraße 4, 30855 Langenhagen,

represented by: Attorney Dr Dirk Jestaedt, law firm Krieger Mes & Graf von
der Groeben Part mbB, Bennigsen-Platz 1, 40474 Düsseldorf,

electronic delivery address: ...

with the participation of: Patent attorney Bernhard Ganahl, HGF Europe LLP, Neumarkter
Straße 18, 81673 Munich,

2. expert klein GmbH, legally represented by its managing directors ... and ..., Jägerstraße
32, 57299 Burbach,

represented by: Attorney Dr Dirk Jestaedt, law firm Krieger Mes & Graf von
der Groeben Part mbB, Bennigsen-Platz 1, 40474 Düsseldorf,

electronic delivery address: ...

with the participation of: Patent attorney Bernhard Ganahl, HGF Europe LLP, Neumarkter
Straße 18, 81673 Munich,

STREITPATENT:

European Patent No. 3 926 698 B1

ADJUDICATING BODY/CHAMBER:

Judges of the Düsseldorf local division:

This order was issued by presiding judge Thomas as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS: German

SUBJECT: R. 9.3 Rop Application for extension of time limit

REASONS FOR THE ORDER:

Insofar as R. 9.3 (a) Rules of Procedure allows for the possibility of extending the time limit, this should only be used with restraint and only in justified exceptional cases against the background of the strict time limit regime to be found in the Rules of Procedure, which serves to ensure that the proceedings are conducted as quickly as possible (see UPC_CFI_475/2023 (LK Düsseldorf), order of 19 January 2024).

Despite the plaintiff's objection, the defendants have not been able to show reasons that justify an extension of the deadline for filing the defence and counterclaim. The merely general reference that access to the CMS was not possible "over a longer period of time" is clearly not sufficient for this.

The statement of claim, including the attachments, was served on the defendants in paper form. It was therefore fully available to them at all times from the time of service and irrespective of possible malfunctions of the CMS. In contrast, it is neither submitted nor apparent that the defendants were unable to upload their documents to the CMS in due time due to technical reasons.

ORDER:

The defendant's application to extend the deadline for filing a statement of defence and a counterclaim by two weeks, i.e. until 6 February 2024, is rejected.

DETAILS OF THE ORDER:

App_2249/2024 for the main file reference

ACT_579244/2023 UPC number: UPC_CFI_363/2023

Type of proceedings: Action for infringement

Issued in Düsseldorf on 20 January 2024

NAMES AND SIGNATURES

Presiding judge Thomas