



Procedural order
of the Court of First Instance of the Unified Patent Court Local Division
Düsseldorf
issued on 1 March 2024
concerning EP 2 697 391 B1

LEADERSHIPS:

1. Pursuant to R. 109 para. 1 VerfO, a party may submit a request for simultaneous interpretation at least one month before the oral hearing. If the party makes use of this option, simultaneous interpreting cannot normally be ordered by the judge-rapporteur if the party requesting simultaneous interpreting has consciously decided in favour of a specific language of the proceedings in which the oral hearing will now take place.
2. The judge-rapporteur regularly sees himself obliged to refuse such an order for simultaneous interpreting if the party concerned has opposed a request by the opposing party to change the language of the proceedings (R. 323 VerfO) in the course of the proceedings and the oral proceedings are now to be conducted in the originally chosen language of the proceedings for this reason, among others.
3. If the request for simultaneous interpreting is rejected, the parties shall, as a rule, be authorised to hire a simultaneous interpreter at their own expense upon their timely request. The technical equipment required for such simultaneous interpreting is available in the courtroom.

KEYWORDS:

Simultaneous interpreting; time limit for applications; rejection; change of language of proceedings

APPLICANT:

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APPLICANT:

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PENALTY PATENT:

EUROPEAN PATENT NO. EP 2 697 391 B1

DECISION-MAKING BODY/CHAMBER:

Judges of the Düsseldorf Local Court Co-Judges:

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

LANGUAGE OF PROCEDURE: German

SUBJECT: R. 109.1 VerfO - Simultaneous interpretation of oral proceedings

BRIEF DESCRIPTION OF THE FACTS:

The parties are currently involved in proceedings for interim measures, whereby the applicant has opted for German as the language of the proceedings. The applicant has opposed an application by the defendant to change the language of the proceedings to English. After the President of the Court of First Instance decided against changing the language of the proceedings, the proceedings will continue to be conducted in German.

In a written submission dated 26 February 2024, the applicant requested that simultaneous interpreting be ordered for the oral hearing scheduled for 26 March 2024 (and 27 March 2024 if necessary). In the alternative, it requested that the necessary arrangements for such simultaneous interpreting be ordered.

MOTIONS BY THE PARTIES:

The applicant requests

1. the order for simultaneous interpreting of the oral proceedings on 26 March 2024 and, if a second hearing day is required, on 27 March 2024 from German into English;

in the alternative:

- 1.a) the ordering of arrangements for simultaneous interpretation of the oral hearing on 26 March 2024 and, insofar as a second day of the hearing is required, on 27 March 2024 from German into English at the expense of the applicant.

REASONS FOR THE ORDER:

The request for simultaneous interpretation submitted by the applicant on 26 February 2024 is admissible. In particular, it was filed within the one-month deadline, R. 109.1 VerfO.

In view of the course of the proceedings to date, there is no reason for the judge-rapporteur to order simultaneous interpreting (R. 109 para. 2 sentence 1 VerfO). When filing her application for interim measures, the applicant opted for German as the language of the proceedings. It also opposed the application filed by the defendant to change the language of the proceedings from German to English. In the proceedings pursuant to R. 323 VerfO, the President of the Court of First Instance subsequently rejected the application to change the language of proceedings, which is why - in accordance with the applicant's wishes - German remains the language of proceedings.

Insofar as the applicant alternatively requests the ordering of arrangements for simultaneous interpreting, there is no need for such an order. The technical means required for simultaneous interpretation are already available in the courtroom. In order to give the applicant's Vice President Intellectual Property, Mr Randy Wu, and any other party representatives the opportunity to follow the oral proceedings conducted in German, the parties are permitted to hire simultaneous interpreters from German into English at their own expense (R. 109 para. 2 sentence 2 VerfO in conjunction with R. 109 para. 4 VerfO).

ARRANGEMENT:

1. The applicant's request to order simultaneous interpretation of the oral hearing on 26 March 2024 and, if a second day of the hearing is required, on 27 March 2024 from German into English is rejected.
2. The applicant's request to order arrangements for simultaneous interpretation of the oral hearing on 26 March 2024 and, if a second day of the hearing is required, on 27 March 2024 from German into English at the applicant's expense is rejected.
3. The parties are permitted to attend the oral hearing on 26 March 2024 and, if a second hearing day is required, on 27 March 2024.

to engage simultaneous interpreters for the translation from German into English at their own expense. The parties are instructed to provide the Sub-Registry of the Local Chamber Düsseldorf by email (contact_dusseldorf.loc@unifiedpatentcourt.org) by 12 March 2024 whether they will make use of this option.

4. With regard to the group of participants in the oral hearing yet to be named, the parties' attention is drawn to the following:

It is planned to subdivide the oral hearing in such a way that the question of infringement and the legal status as well as the necessity of ordering interim measures and the balancing of interests will be dealt with in separate sections.

Taking into account the content of the information classified by the defendant as confidential, it can be assumed on the basis of the current state of facts and disputes that at least the infringement issue and the legal status will be negotiated in public and thus without restricting the group of persons authorised to access it.

DETAILS OF THE ARRANGEMENT:

App_9978/2024 for the main file reference

ACT_590953/2023 UPC number: UPC_CFI_463/2023

Type of proceedings: Application for interim measures

Issued in Düsseldorf on 1 March 2024 NAMES

AND SIGNATURES

Presiding Judge Thomas