



Local division Mannheim
UPC_CFI_218/2023

Order
of the Court of First Instance of the Unified Patent Court, Mannheim
Local Division
issued on 6 May 2024
concerning EP 3 096 315
ORD_25617/2024

concerning the separation of the proceedings relating to defendants 1, 2, 7 and 8

Plaintiff:

Panasonic Holdings Corporation - 1006, Oaza Kadoma, Kadoma-shi - 571-8501 - Osaka - JP
represented by Christopher Weber

defendant:

- | | |
|--|-----------------------------------|
| 1. xiaomi inc.
(Defendant) - No. 006, Floor 6, Building 6, Yard 33,
Xierqi Middle Road, Haidian District - 100085 -
Beijing - CN | Statement of claim not yet served |
| 2 Beijing Xiaomi Mobile Software Co Ltd (defendant)
- No. 018, Floor 8, Building 6, Yard 33, Xierqi
Middle Road, Haidian District - 100085 - Beijing -
CN | Statement of claim not yet served |

- 3 Xiaomi Technology Germany GmbH** Represented by Dr Corin Gittinger
(Party to the main proceedings - Not provided) -
Niederkasseler Lohweg 175 - 40547 - Düsseldorf - DE
- 4. xiaomi Technology France S.A.S** Represented by Dr Corin Gittinger
(Party to the main proceedings - Not provided) - 93
rue Nationale Immeuble Australia - 92100 - Boulogne-
Billancourt - FR
- 5. xiaomi Technology Italy S.R.L** Represented by Dr Corin Gittinger
(Party to the main proceedings - Not provided) - Viale
Edoardo Jenner 53 - 20158 - Milano - IT
- 6. xiaomi Technology Netherlands B.V.** Represented by Dr Corin Gittinger
(Party to the main proceedings - Not provided) -
Prinses Beatrixlaan 582 - 2595BM - The Hague - NL
- 7 Xiaomi H.K. Limited** Statement of claim not yet served
(Defendant) - Suite 3209, 32/F, Tower 5, The
Gateway, Harbour City, 15 Canton Road, Tsim Sha
Tsui,
Kowloon - 999077 - Hong Kong - HK

8. **xiaomi Communications Co, Ltd.**
(Defendant) - No. 019, Floor 9, Building 6, Yard 33,
Xierqi Middle Road, Haidian District - 100085 -
Beijing - CN

Statement of claim not yet served

9 **Odiporo GmbH**
(defendant) - Formerweg 9 - 47877 - Willich - DE

Represented by Dr Corin Gittinger

10 **Shamrock Mobile GmbH**
(defendant) - Siemensring 44H - 47877 - Willich - DE

Represented by Dr Corin Gittinger

STREITPATENT:

EUROPEAN PATENT NO. EP 3096315

ADJUDICATING BODY/CHAMBER:

Mannheim local division JUDGES:

This Order was issued by the Chairman and judge-rapporteur Dr Tochtermann. LANGUAGE OF THE

PROCEEDINGS: German

SUBJECT: Separation according to R. 303.2 VerfO

REASONS:

Pursuant to R. 303.2 VerfO, the court may order that proceedings initiated in relation to several defendants be heard in separate proceedings. Such a separation is appropriate and necessary in the present case. The representatives of the defendants 3 -6, 9 and 10 have in

In its statement of objection, the plaintiff stated that it was not mandated by defendants 1, 2, 7 and 8. Also, contrary to the information provided by the plaintiff in the statement of claim, there is no authorisation for service of the defendant 3 on the part of the aforementioned defendants. The judge-rapporteur and, on application pursuant to R. 333 of the Rules of Procedure, the panel of judges rejected service on the basis of R. 275.2. of the Rules of Procedure as having been effected by service on the third defendant by means of confirmatory Orders. The appeal lodged against this in one of the parallel proceedings has not yet been decided. Nevertheless, the plaintiffs have already requested that the action be served on the defendants 1, 2, 7 and 8, who are domiciled in the People's Republic of China and Hong Kong respectively, and have since provided the necessary documents and translations.

Due to the foreign service now to be effected in accordance with the Hague Service Convention, it is to be expected that the service process will take some time and therefore the proceedings with regard to defendants 1, 2, 7 and 8 cannot be continued for the time being, because in the absence of a procedural legal relationship established by effective service, no court orders with effects against these defendants are possible to date. In order to continue the proceedings against the remaining defendants, who are already represented by a lawyer, it was therefore necessary to separate the proceedings.

ORDER:

1. About the

- against the defendants 1, 2 and 8, domiciled in the People's Republic of China, on the one hand, and
- against the defendant 7 on the other hand, domiciled in Hong Kong (Special Administrative Region of the People's Republic of China)

proceedings are to be heard in (two further) separate proceedings.

2. With a view to the

- against the defendants 1, 2 and 8, domiciled in the People's Republic of China, on the one hand, and
- against the defendant 7 on the other hand, domiciled in Hong Kong (Special Administrative Region of the People's Republic of China)

separate (new) procedures must be created in the CMS and in the register.

3. The amount in dispute is provisionally based on the plaintiff's statement of the value in dispute, which is still to be discussed.

- 1.2 million for the proceedings against the defendants 1, 2 and 8,
- EUR 400,000.00 for the proceedings against defendant 7.


On this basis, the plaintiff is ordered to pay the resulting additional court fees (R. 303.2 VerfO), which are to be requested from the registry.

4. The right is reserved to examine whether, in the circumstances of the case, service is deemed to have been effected in accordance with R. 275.2 of the Rules of Procedure is deemed to have been effected if service is not effected within a reasonable time (cf. Art. 15 (2) HZÜ).

NAMES AND SIGNATURES

Issued in Mannheim on 6 May 2024

Peter Michael
Dr
Daughter



Digitally signed by Peter Michael Dr.
Daughter date:
2024.05.06
19:29:47 +02'00'

Dr Tochtermann
Chairman and judge-rapporteur