



**Procedural Order**  
**of the Court of First Instance of the Unified Patent Court**  
**issued on 25/07/2024**  
*concerning EP 2 028 981*  
*concerning APP\_42970/2024*  
*(submission of physical exhibits)*

CLAIMANT

**Hurom Co., Ltd.**

- 80-60, Golden root-ro - 62184 - Juchon-myeon,  
Gimhae-si, Gyeongsangnam-do - KR

Represented by Klaus Haft

DEFENDANTS/APPLICANTS

1) **NUC Electronics Europe GmbH**

- Schwalbacher Strasse 76 - 65760 - Eschborn -  
DE

Represented by Christian  
Kau

2) **WARMCOOK**

- 73 boulevard Gay Lussac - 13014 - Marseille -  
FR

Represented by Christian  
Kau

PATENT AT ISSUE:

European Patent Nr. EP 2 028 981

PANEL/DEVISION:

Panel of the Local Division in Mannheim

DECIDING JUDGES:

This order was issued by the legally qualified judge Böttcher acting as judge-rapporteur

LANGUAGE OF PROCEEDINGS: English

SUBJECT-MATTER OF THE PROCEEDINGS: Patent infringement action - Generic procedural Application regarding physical exhibits

SUMMARY OF FACTS AND STATEMENT OF FORMS OF ORDER SOUGHT BY THE PARTIES

The defendants submitted a R. 9 RoP application requesting that video recordings referred to as exhibits in their statement of defence of July 18, 2024, should be provided on a USB stick. The time limit for the lodging of the statement of defence has not yet expired.

The defendants put forward that the size of the video recordings exceeds the maximum size for exhibits to be uploaded to the CMS.

They request

to submit the video recordings on USB stick referred to in the statement of defence of July 18, 2024 as Exhibits D 7b and D 7c.

ORDER:

The defendants are informed that they can submit the video recordings (referred to in the statement of defence of July 18, 2024 as Exhibits D 7b and D 7c) on a USB stick as a so-called “physical exhibit” because the size of the video recordings exceeds the maximum size for exhibits to be uploaded to the CMS. However, a specific procedure has to be followed in order to submit a physical exhibit to a written pleading.

If a physical exhibit to a written pleading is to be submitted, the CMS provides that a “physical exhibit description” is uploaded to the CMS together with the respective pleading instead of the exhibit itself. This is necessary because otherwise the physical exhibit submitted by mail cannot be registered to the CMS. To do so, the respective party has to create a document which indicates the subject-matter of the physical exhibit to be submitted by mail. This document has to be uploaded together with the written pleading via the function “add file” in the section “Upload documents” of the workflow for uploading the written pleading and the exhibits to it. In order to add the document with the description of the physical exhibit the following settings shall be chosen:

- Document Type: “Physical exhibit description”
- Document Title: title of the respective exhibit (e.g. exhibit 1)
- Additional relevant information: type of the physical exhibit (e.g. USB stick)

Since the defendants do not appear to have followed this procedure while filing their statement of defence, a subsequent physical exhibit can only be registered to the CMS if the defendants submit the respective physical exhibit as an exhibit to a separate application workflow. A separate application is required because no exhibit can be registered to the CMS without a written pleading.

To do so, the defendants shall

1. start a new R. 9-application in the main proceedings ACT\_17336/2024
2. - in the section "Upload documents" –
  - a) upload a signed application document and select document type "application" and
  - b) upload a second document containing a (short) description of the physical exhibit to be submitted by using the following settings:
    - (1) select as document type "physical exhibit description",
    - (2) select as document title the name of the respective exhibits, i.e. exhibits D 7b and D 7c to the statement of defence
    - (3) and (in addition) enter the type of the physical exhibit in short (in this case e.g. "USB stick containing exhibits D 7b and D 7c") in the field "Additional relevant information".

In order to facilitate the understanding for those involved in the proceedings, the defendants could, for example, state in the signed application document that the application only serves the purpose to submit a physical exhibit to the statement of defence after having lodged the statement of defence. In the second document containing the description of the physical exhibit, the defendants could, for example, state that the exhibits D 7b and D 7c will be submitted physically on a USB stick sent by mail.

The defendants shall then submit an USB stick for each defendant and the court (3 USB sticks in total) by mail.

#### ORDER DETAILS

Order no. ORD\_43151/2024 in ACTION NUMBER: ACT\_17336/2024

UPC number: UPC\_CFI\_159/2024

Action type: Infringement Action

Related proceeding no. Application No.: 42970/2024

Application Type: Generic procedural Application

Issued in Mannheim on 25 July 2024

#### **NAMES AND SIGNATURES**

Böttcher  
Legally qualified judge