



UPC_CFI_327/2024
Procedural Order
of the Court of First Instance of the Unified Patent Court
issued on 06/08/2024

Date of receipt of Statement of claim : Not provided

Orbisk B.V. Statement
(Defendant) of claim
- served on
Kanaalweg 27/06/2024
29 A - 3526
KM -
Utrecht -
NL

REFERENCE CODE ECLI: Not provided

APPLICANT/S

- | | | |
|----|--|-----------------------------------|
| 1) | Orbisk B.V.
(Applicant) - Kanaalweg 29 A - 3526 KM -
Utrecht - NL | Represented by Michiel
De Baat |
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RESPONDENT/S

RELEVANT PROCEEDING PARTIES

1) **Winnow Solutions Limited**
(Main proceeding party - Claim
Avebury Boulevard - MK9 1FH -
Keynes - GB

Represented by Gregory Bacon

PATENT AT ISSUE

<i>Patent no.</i>	<i>Proprietor/s</i>
EP3198245	Winnow Solutions Limited

No SPC details provided

<i>Patent no.</i>	<i>SPC details</i>
	SPC ID National Designations

No SPC Holders provided

<i>Patent no.</i>	<i>SPC ID</i>	<i>National Designations</i>	<i>Holders</i>

DECIDING JUDGE

Judge-rapporteur

Edger Brinkman

LANGUAGE OF PROCEEDINGS: English

SUBJECT-MATTER OF THE PROCEEDINGS

Infringement action. R. 190 RoP application.

STATEMENT OF THE FORMS OF ORDER SOUGHT BY THE PARTIES

On 30 July 2024, the judge-rapporteur (“JR”) by Preliminary Order granted respondent Orbisk B.V. (“Orbisk”) a three-week term to respond to the R190 Request, which will expire on 20 August 2024. For reasons outlined in its request, Orbisk requests the Court to extend the term granted in the Preliminary Order and to allow Orbisk to respond to Winnow’s R190 Request together with its Statement of defence (27 September 2024).

SUMMARY OF FACTS

On 18 June 2024, Winnow Solutions Ltd. (“Winnow”) filed its Statement of Claim, alleging infringement of EP 3 198 245 B1, together with a ‘Request for order to produce evidence under Article 59 UPCA and Rule 190 RoP’ (the “R. 190 request”). After service of the SoC on 27 June 2024, the Statement of Defence (“SoD”) in the main proceedings is currently due on 27 September 2024.

GROUND FOR THE ORDER

Winnow does not object to an extension for Orbisk’s reply to 30 August 2024. The JR will grant an extension of an extra week on top of that, so to 6 September 2024. The reason for this extension is based solely on the summer holiday period. The extra week is granted to give a few days extra after the summer holidays have ended. The JR agrees with Winnow that speed for handling the R. 190 request is necessary for it to use any information obtained (if granted) in its reply to the SoD. After all, the JR will still need some time to decide on the R. 190 request and, if granted, confidentiality issues may need to be addressed. The JR also agrees with Winnow that Orbisk was in the possession of this R. 190 request already since 27 June 2024, so that it effectively has had much longer time to respond to it than the three weeks granted in the 30 July 2024 Preliminary Order. The JR does not agree with Orbisk that its reply should coincide with the SoD. It may be true that certain arguments regarding invalidity or non-infringement from the main proceedings may also be brought forward against the R. 190 request. That does not mean however that the SoD and the reply to the R. 190 request should (necessarily) be filed on the same date. Without merit is finally Orbisk’s assumption that absent an (earlier) Preliminary Order by the JR, it could reasonably have assumed that the deadline to reply would coincide with the SoD.

ORDER

The JR will grant an extension for Orbisk to file its reply to the R. 190 RoP request until 6 September 2024.

ORDER DETAILS

Order no. ORD_45347/2024 in ACTION NUMBER: ACT_36388/2024

UPC number: UPC_CFI_327/2024

Action type: Infringement Action

Related proceeding no. Application No.: 44803/2024

Application Type: Generic procedural Application