



Düsseldorf local division
UPC_CFI_226/2024

Decision
of the Court of First Instance of the Unified Patent Court
local division Düsseldorf
issued on 26 September 2024
concerning EP 3 605 534

Plaintiff:

Dolby International AB, represented by its Board of Directors, 77 Sir John Rogerson's Quay Block C Grand, Canal Docklands, Dublin, D02 VK60, Ireland,

represented by: Rechtsanwalt Dr Volkmar Henke, Rechtsanwalt Dr Tilman Müller, Pagenberg Partnerschaft mbB, Bohnenstraße 4, 20457 Hamburg,

Patent attorney Dipl.-Ing. Tobias Kaufmann, patent attorney Dr.-Ing. Julian Renner, Pagenberg Partnerschaft mbB, Bohnenstraße 4, 20457 Hamburg,

electronic Zustelladresse: mueller@bardehle.de defendant

:

1. Optoma Deutschland GmbH, represented by its managing directors, Am Nordpark 3, 41069 Mönchengladbach,

represented by: Rechtsanwalt Dr Andreas Kramer, Vossius & Partner Patentanwälte Rechtsanwälte mbB, Georg-Glock-Straße 3, 40474 Düsseldorf

Electronic delivery address: a.kramer@vossius.eu

2. Optoma Europe Ltd, represented by its directors, 1 Bourne End Mills, Hemel Hempstead, Hertfordshire, HP1 2UJ, United Kingdom,

3. Optoma Corporation, represented by its directors, 12F, No. 213, Section 3, Beixin Road, Xindian District, New Taipei City 231, Taiwan, R.O.C,

STREITPATENT:

European Patent No. EP 3 605 534

ADJUDICATING BODY/CHAMBER:

Judges of the Düsseldorf local division:

This decision was issued by presiding judge Thomas as judge-rapporteur, legally qualified judge Dr Thom and legally qualified judge Kokke.

LANGUAGE OF THE PROCEEDINGS: German

SUBJECT: R. 265 RoP - Withdrawal of the action

BRIEF DESCRIPTION OF THE FACTS:

By document dated 10 May 2024, the plaintiff filed a patent infringement action against the defendants.

Even before the deadline for the defence to the action and for filing a possible action for annulment expired, the plaintiff declared the withdrawal of the action in a document dated 24 September 2024 against the background of an out-of-court settlement. At the same time, the plaintiff filed a motion,

1. confirm that each party is to bear its own costs and that the applicant is to pay the court costs and that there will be no reimbursement of costs between the parties;
2. to reimburse the applicant 60 % of the court costs paid when the action was brought.

The defendants joined this withdrawal of the action and the plaintiff's further applications in a document dated 26 September 2024.

REASONS FOR THE ORDER:

The decision follows the unanimously expressed will of the parties.

Insofar as R. 265.2 (c) RoP requires a decision on costs pursuant to Part 1 Chapter 5 RoP, the decision takes into account the agreement reached between the parties.

The Order for the pro rata reimbursement of court costs is based on R. 370.11 RoP in conjunction with R. 370.11 RoP.

R. 370.9 (b) (i) RoP.

ORDER:

1. Withdrawal of the action is permitted on the application of the plaintiff and with the consent of the defendant.
2. The proceedings are declared closed.
3. This decision is to be included in the register.
4. The plaintiff shall bear the court costs. The parties shall each bear their own extrajudicial costs. There will be no reimbursement of costs between the parties.

4. The Registrar is ordered to reimburse the applicant as soon as possible 60 % of the court fees paid by the applicant in these proceedings, i.e. the sum of EUR 14 400.
5. The amount in dispute is set at EUR 2,000,000.

ORDER DETAILS:

ORD_53245/2024 to App_53109/2024 concerning the main file reference ACT_26489/2024

UPC number: UPC_CFI_226/2024

Type of proceedings: Action for infringement

Issued in Düsseldorf on 26 September 2024 NAMES

AND SIGNATURES

Presiding judge Thomas	Ronny Thomas Digital signed from Ronny Thomas Date: 2024.09.26 15:25:13 +02'00'
Legally qualified judge Dr Thom	Anna Bérénice Dr THOM Digitally signed by Anna Bérénice Dr. THOM Date: 2024.09.26 15:47:40 +02'00'
Legally qualified judge Kokke	Margot Elsa KOKKE Digitally signed by Margot Elsa KOKKE Date: 2024.09.26 16:07:37 +02'00'