



**Düsseldorf local division**  
**UPC\_CFI\_512/2024**

**procedural order**  
**of the Court of First Instance of the Unified Patent Court issued on**  
**11 October 2024**  
**concerning EP 1 788 320 B1**

Plaintiff:

**Truma Gerätetechnik GmbH & Co KG**, represented by Truma Gerätetechnik Verwaltungs GmbH, which in turn is represented by the Managing Directors Markus Heringer and Robert Strauß, Wernher-von-Braun-Str. 12, 85640 Putzbrunn, Germany,

represented by: Attorney Axel Verhauwen, Attorney Jens Künzel, Krieger Mes Partnerschaft mbB, Bennigsen-Platz 1, 40474 Düsseldorf, Germany,

Patent Attorneys Ruff, Wilhelm, Beier, Dauster & Partner mbB, Patent Attorney Dipl.-Ing. Peter Wilhelm, Kronenstr. 30, 70174 Stuttgart, Germany,

Electronic delivery address: axel.verhauwen@krieger-mes.de  
jens.kuenzel@krieger-mes.de

defendant:

**CAN Srl Airxcel Europe**, Via G. Appolonio 11, 36061 Bassano del Grappa (VI), Italy,

represented by: Dr Constanze Krenz, DLA Piper UK LLP, Maximiliansstrasse 2, 80539 Munich, Germany,

further authorised to represent: Attorney Julia Oertel, Attorney Joschua Fiedler, both DLA Piper UK LLP, Munich, Germany,

Avv. Gualtiero Dragotti, DLA Piper Italy, Milan, Italy,

electronic Zustelladresse: constanze.krenz@dlapiper.com

STREITPATENT:

European Patent No. EP 1 788 320 B1

ADJUDICATING BODY/CHAMBER:

Judges of the Düsseldorf local division:

This Order was issued by the Judge-Rapporteur, Dr Thom. LANGUAGE OF THE PROCEEDINGS:

German

SUBJECT: R 9.3 (a) RoP - Request for extension of time limit

REASONS FOR THE ORDER:

Insofar as R. 9.3 (a) RoP grants the possibility of extending the time limit, this should only be used with caution and only in justified exceptional cases against the background of the strict time limit regime to be found in the Rules of Procedure, which serves to ensure that the proceedings are conducted as quickly as possible (see UPC\_CFI\_363/2023 (LK Düsseldorf), order of 20 January 2024, Seoul Viosys Co, Ltd. v. expert e-Commerce GmbH and others).

In the present case, the defendant has not shown any reasons that would justify an extension of the time limit for filing an objection or a defence. Insofar as it justifies its request for an extension of the time limit with an alleged ineffectiveness of the service of the trade fair, the start of both the opposition and the statement of defence periods is linked to the service of the statement of claim (see R. 19.1 RoP, R. 23 RoP). Accordingly, ineffective service of the notice would not trigger the start of the time limit. If, on the other hand, the service of the trade fair was effective, the defendant has not shown any reason why it does not consider itself to be in a position to comply with the time limit for filing an objection and/or an action.

There is therefore no need at the present time to address the issue raised by the defendant regarding the effectiveness of the service of process, nor is it necessary for the court to set deadlines.

ORDER:

- I. The defendant's application to extend the deadline for the preliminary objection (R. 19 RoP) to 30 October 2024 is rejected.
- II. The application to extend the deadline for the statement of defence and the counterclaim until 30 December 2024 is rejected.

ORDER DETAILS:

App\_54390/2024 for the main file reference ACT\_50223/2024

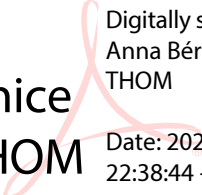
UPC number: UPC\_CFI\_512/2024

Type of proceedings: Action for infringement

Issued in Düsseldorf on 11 October 2024 NAMES

AND SIGNATURES

Anna  
Bérénice  
Dr THOM



Digitally signed by  
Anna Bérénice Dr  
THOM  
Date: 2024.10.11  
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Judge Dr Thom