



Local Division Mannheim
UPC_CFI_ 210/2023

Order

of the Court of First Instance of the Unified Patent Court,

Mannheim local division

issued on 22 November 2024

concerning EP 2 568 724

Plaintiff:

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

defendant:

1)

OROPE Germany GmbH - Graf-Adolf-Platz 15 - 40213 - Düsseldorf - DE

represented by Andreas Kramer

2)

Guangdong OPPO Mobile Telecommunications Corp. Ltd - NO.18 Haibin Road, Wusha, Chang'an Town, Guangdong Province - 523860 - Dongguan - CN

represented by Andreas Kramer

STREITPATENT:

EUROPEAN PATENT NO. EP 2 568 724

PANEL/CHAMBER:

Mannheim local division JUDGES:

This order was issued by the chairman and judge-rapporteur Prof Dr Tochtermann.

LANGUAGE OF THE PROCEEDINGS: German

SUBJECT: Request for suspension and transfer

FACTS OF THE CASE

The defendants request the suspension of the proceedings and cancellation of the announcement date of 22 November 2024 and, in the alternative, the postponement of the announcement date to a later date, at least to 6 December 2024.

According to the CMS activities log, these applications were filed in CMS on 21 November 2024 at 15:14 and assigned a registry number by the court registry on 22 November 2024 at 11:24 - i.e. after the pronouncement. The defendant's representatives informed the court and the opposing party of the application in advance by email dated 21 November 2024 at 15:23. The application was then acknowledged by the presiding judge on 21 November 2024 and confirmed by order dated 21 November 2024 (ORD_62305/2024) that the hearing would take place as notified to the parties by email dated 4 November 2024. At the hearing, the date for the announcement of a decision was provisionally set for 6 December 2024, 10 a.m. At the same time, it was communicated that, depending on the progress of the panel's deliberations, an earlier announcement date would be communicated to the parties in advance. This was communicated to the parties by email from the chairman on 4 November 2024.

Previously, the defendant's representative had informed the court and the opponent by email dated 25 October 2024 that [...].

The plaintiff's representative sent an email dated 26 October 2024 to the court and the opposing party [...]. By email dated 4 November 2024 to the party representatives - after no further notifications [...] were made either via the CMS or by email - the announcement date of 22 November 2024 was communicated [...].

The plaintiff responded on the same day by email to the court and the opposing party [...]. No statement was made as to whether a decision was desired or not. The

The defendants did not respond to [...] until the application to be decided in the present case was filed in the afternoon of the day before the announcement date.

The defendants argue [...]. Against this background, neither party has a legitimate interest in continuing the proceedings. Nevertheless, at the request of the defendants, the plaintiff declared by email dated 18 November 2024 that it did not agree to a stay of the proceedings. She could not assert a legitimate interest in this.

[...]

REASONS FOR THE DECISION

The application and the alternative application had to be rejected.

1. The requirements for a suspension pursuant to R.295 RoP are not met. In particular, there is no joint application pursuant to R. 295 d) RoP. According to the defendant's own submission, the plaintiff has objected to the suspension.
2. Nor is a suspension pursuant to R. 295 m) RoP required. According to the defendant's own submission, [...]. Nor have any other notifications been made by the plaintiff in the proceedings that would require a stay. They are therefore entitled to have the proceedings concluded by a court decision. The defendants cannot dispose of this unilaterally.

In particular, the defendants cannot the requirement of the proper administration of justice under Rule 295 m) RoP. Rather, they have left the court in the dark "until the last second" as to whether a decision should be made or not [...].

3. In so far as the defendants argue that [...]
4. A suspension was therefore just as out of the question as a cancellation or postponement of the announcement date.

DECISION

The application dated 21 November 2024,

stay proceedings ACT_545551/2023 concerning EP 2 568 724 ("EP 724") including all related proceedings, in particular CC_596561/2023 and CC_596895/2023, and cancel the date of pronouncement of 22 November 2024

and the auxiliary request,

to postpone the announcement date of 22 November 2024 to a later date, at least to the announcement date of 6 December 2024 provisionally set in the oral hearing, are rejected.

NAMES AND SIGNATURES

Issued in Mannheim on 22 November 2024

Peter Michael
Dr
Tochtermann

Digitally signed by Peter Michael Dr.
Tochtermann Date:
2024.11.22
23:14:51 +01'00'

Prof Dr Tochtermann Chairman
and judge-rapporteur