



No. App_65942/2024
UPC_CFI_483/2024

ORDER

**of the President of the Court of First Instance
in the proceedings before the Local Division MUNICH
pursuant to R. 323 RoP (language of the proceedings)
issued on 15/01/2025**

APPLICANTS (DEFENDANTS IN THE MAIN PROCEEDINGS):

- 1) **XSYS Germany GmbH**,
Industriestraße 1, 77731 Willstätt - Germany
- 2) **XSYS Prepress N.V.**,
Oostkaai 50, 8900 Ieper – Belgium
- 3) **XSYS Italia S.r.l.**
Corso Di Porta Nuova n. 46, 20121 Milano - Italy

Represented by: Rüdiger Pansch, rospatt Rechtsanwälte PartGmbH, Emanuel-Leutze-Str.
11, 40547 Düsseldorf, Germany.

RESPONDENT (CLAIMANT IN THE MAIN PROCEEDINGS):

Esko-Graphics Imaging GmbH
Zusestraße 4a, 25524 Itzehoe, Germany,

Represented by: Steffen Steininger, Hogan Lovells International LLP, Karl-Scharnagl-Ring
5, 80539 München, Germany.

PATENT AT ISSUE: EP 3742231.

SUMMARY OF FACTS – SUBJECT - MATTER OF THE PROCEEDINGS:

By a statement of claim dated 27 August 2024, Esko-Graphics Imaging GmbH filed an infringement action against XSYS Germany GmbH, XSYS Prepress N.V. and XSYS Italia S.r.l. based on EP 3742231.

By a generic procedural application dated 13 December 2024 (No. App_65942/2024), the abovementioned Defendants requested that the language of the proceedings be changed from German to English.

The Application was forwarded to the President of the Court of First Instance of the Unified Patent Court pursuant to R. 323.1 RoP by email dated 17 December 2024. By an Order dated 19 December 2024, the Claimant in the main action (No. ACT_46804/2024 UPC_CFI_483/2024) was subsequently invited, in accordance with R. 323.2 RoP, to indicate within 10 days its position on the admissibility of the request and on the use of the language in which the patent was granted as language of the proceedings.

By an order dated 24 December 2024, Esko-Graphics Imaging was granted an extension of the time-limit to comment on the Application until 10 January 2025.

The panel has been consulted in accordance with R.323.3 RoP.

INDICATION OF THE PARTIES' REQUESTS:

The Applicants requested:

I. That the language of the proceedings be changed to English, language in which the patent in suit was granted.

II.1 That the Order be not conditional on any translation and interpretation arrangements.

II.2 In the alternative: In the event of an appeal being lodged against the decision of the Court of First Instance, the parties shall, in accordance with Rule 7(2) RoP, submit non-certified English translations of their pleadings at their own expense.

II.3 Further in the alternative: Pursuant to Rule 7(2) of the Rules of Procedure, the parties shall submit non-certified English translations of their pleadings at their own expense.

Esko-Graphics Imaging GmbH submitted its written comments on 9 January 2025 and consented to the requested change. Furthermore, they agreed that translations of the pleadings and other documents already submitted are not required pursuant to R. 324 RoP.

GROUND FOR THE ORDER:

As expressly agreed by Esko-Graphics Imaging GmbH in its written comments on the Application, the language of the proceedings shall be changed to the language in which the patent at issue was granted – namely English.

The present order shall not be conditional on specific translation or interpretation arrangements, as agreed by the parties.

ON THESE GROUNDS:

- 1- The application is granted, and the language of the proceedings (German) shall be changed to English (language in which the patent was granted).
- 2- The present order shall not be conditional on specific translation or interpretation arrangements.
- 3- An appeal may be brought against the present order within 15 calendar days of its notification to the Applicants pursuant to Art. 73. 2 (a) UPCA and R.220 (c) RoP.

INSTRUCTIONS TO THE PARTIES AND TO THE REGISTRY:

The next step requires the Applicants to file the Statement of defence within the time period prescribed by the Rules of Procedure.

Issued on 15 January 2025

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| Florence Butin President of the Court of First Instance of the Unified Patent Court | |
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