



Local division Mannheim
UPC_CFI_219/2023

Order
of the Court of First Instance of the Unified Patent Court,
Mannheim Local Division
issued on 3 February 2025

ACT_545615/2023
CC_591342/2023 CC_594299/2023, CC_594307/2023, CC_594305/2023, CC_594594/2023
CC_594595/2023

Plaintiff:

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

defendant:

Xiaomi Represented by Dr Corin Gittinger
Technology
Germany GmbH
(party to the main
proceedings - Not
provided) -
Niederlasser
Lohweg 175 -
40547 -
Düsseldorf - DE

Xiaomi Represented by Dr Corin Gittinger
Technology
France S.A.S
(Party to the main proceedings - Not provided) - 93 rue Nationale Immeuble Australia - 92100 - Boulogne- Billancourt - FR

Xiaomi Represented by Dr Corin Gittinger
Technology Italy
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Xiaomi Represented by Dr Corin Gittinger
Technology
Netherlands B.V.
(Party to the main proceedings - Not provided) - Prinses Beatrixlaan 582 - 2595BM - Den The Hague - NL

Odiporo GmbH Represented by Dr Corin Gittinger
(party to the main proceedings - Not provided) - Formerweg 9 - 47877 - Willich - EN

Shamrock Mobile Represented by Dr Corin Gittinger
Ltd.

(Party to the main
proceedings - Not
provided) -
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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: R. 265.1 p. 2 RoP - Withdrawal of the action for infringement and for annulment

FACTS OF THE CASE

The parties have withdrawn the action for infringement and the action for annulment brought jointly by the defendants on the basis of a settlement.

REASONS FOR THE DECISION

The decision follows the unanimously expressed will of the parties, which the defendants have assured for the plaintiff's side.

Insofar as R. 265.2 (c) RoP requires a decision on costs pursuant to Part 1 Chapter 5 RoP, the agreement reached by the parties in this regard was to be confirmed.

The decision on the reimbursement of court costs is based on R. 370.11 RoP in conjunction with R. 370.11 RoP. R.

370.9 (b) (iii) RoP. In the present proceedings, the parties did participate in the oral hearing and requested the suspension of the proceedings on the record and thus carried out a procedural act. However, the application for withdrawal was made before the final decision concluding the oral proceedings was issued. There are no special reasons in the present case to refrain from a refund in accordance with Rule 370.9(e) RoP - such as the request withdrawal or cancellation shortly before the scheduled announcement of the decision, which has already been completed.

However, due to the increase in the amount in dispute from € 4 million to € 8 million, the fees for the infringement action will not be reimbursed in the present case, even if the reduction is applied. Instead, the plaintiff is required to pay € 13,400 (paid to date):
37,000 €, court costs at 8 million: 63,000€ x 20% reduction= 50,400 less 37,paid = 13.400 €).

The fees for the defendant's (uniform) action for annulment are to be reduced to 16,000€ . Due to the capping of the fee for the revocation counterclaim at 20,000 € is not sufficient to increase the value in dispute. Otherwise, a party seeking the cancellation of the patent in suit by way of an action for revocation would also be in a worse position than a party attacking the legal validity with an isolated action for revocation. This is because a contested value-independent fixed fee of 20,000€ . There are no apparent justifiable reasons for a different treatment.

The determination of the amount in dispute is clarifying, after the amount in dispute was already determined accordingly in the Order in the interim proceedings.

TENOR OF THE DECISION

1. Withdrawal of the action for infringement and the action for annulment is permitted on application by the parties.
2. The proceedings are declared closed in their entirety.
3. This decision is to included in the register.
4. Each party shall bear its own costs and there shall be no reimbursement of costs between the parties.
5. There is no reimbursement of fees with regard to the infringement action brought by the plaintiff. The plaintiff still has to pay € 13,400 in court costs.
6. The Registrar is ordered to reimburse the defendants as soon as possible 20 % of the court fees paid by them in these proceedings for their joint action for annulment and thus a one-off amount of EUR 4 000.
7. The amount in dispute is set at EUR 8,000,000.

Prof Dr Tochtermann Chairman
and judge-rapporteur