



**Local division Mannheim**  
**UPC\_CFI\_218/2023**

**Order**  
**of the Court of First Instance of the Unified Patent Court,**  
**Mannheim local division**  
**issued on 4 February 2025**

ACT\_545606/2023  
CC\_594296/2023 CC\_594472/2023, CC\_594470/2023, CC\_594471/2023, CC\_594473/2023  
CC\_594474/2023

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

**Xiaomi  
Technology Italy  
S.R.L** Represented by Dr Corin Gittinger  
(Party to the main  
proceedings - Not  
provided) - Viale  
Edoardo Jenner  
53 - 20158  
- Milan - IT

**Xiaomi  
Technology  
Netherlands B.V.** Represented by Dr Corin Gittinger  
(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 -  
DE

**Shamrock Mobile** Represented by Dr Corin Gittinger  
**Ltd.**

(Party to the main  
proceedings - Not  
provided) -  
Siemensring 44H -  
47877 - Willich -  
DE

PANEL/CHAMBER:

Local division Mannheim

PARTICIPATING JUDGES:

This Order was issued by the Chairman and judge-rapporteur Prof Dr Tochtermann.

PATENT IN SUIT: EP 3069315

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The parties have withdrawn the action for infringement and the action for annulment brought jointly by the defendants on the basis of a settlement.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

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) (ii) RoP. The application for withdrawal was filed before the interim proceedings were concluded. Therefore, in principle, 40% of the court fees are to be reimbursed. The fact that the written procedure was first suspended on 4 December 2024 and then, subsequently, on 9 December 2024, the written procedure was formally concluded in the CMS by simply clicking the button provided for this purpose does not change this. This is because the written procedure had already been completed and advertised in all workflows since the end of August 2024 - all that was missing was the final "click" in the CMS. A reimbursement of more than 40% also does not appear appropriate against the background of the character of the present proceedings, which are at the extreme edge of the conceivable complexity of a patent infringement dispute and are characterised by an almost unmanageable number of reciprocal requests for secrecy protection and submission. Therefore, the requested repayment of

60% instead of 40% under Rule 370.9(e) RoP. This is an "exceptional case" in every within the meaning of the rule, which would have no scope of application if the present case were not covered.

Therefore, due to the increase in the amount in dispute from € 4 million to € 6.4 million, the fees for the infringement action will be reimbursed in the present case if the reduction is recognised. The plaintiff is to be reimbursed 2,800€ (paid to date: € 37,000, court costs at € 8 million: € 57,000).

€ x 40% reduction = 34,200 less 37,000 paid = -2,800 €).

The value in dispute is determined in accordance with the determination in the parallel proceedings between the parties and takes into account the determination of the value in dispute in the proceedings separated due to service pursuant to the HZÜ (there: € 1.6 million, 1.6+ 6.4= totalling € 8 million for the formerly unified proceedings).

The fees for the defendant's (uniform) action for annulment are to be reduced to 12,000€ . Due to the capping of the fee for the action for annulment to 20,000

€ is not sufficient to increase the value in dispute. Otherwise, a party seeking the destruction 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.

#### 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 be included in the register.
4. Each party shall bear its own costs and there shall be no reimbursement of costs between the parties.
5. The Chancellor is instructed,
  - to reimburse the plaintiff as soon as possible 40 % of the court fees paid by them in these court proceedings and thus a one-off amount of EUR 2,800.
  - to reimburse the defendants as soon as possible 40 % of the court fees paid by them in these court proceedings for their joint action for annulment, i.e. an amount of EUR 8,000.

Any further applications for reimbursement will be rejected.

6. The amount in dispute is set at EUR 6,400,000.

Prof Dr Tochtermann Chairman  
and judge-rapporteur