



Munich Local Division
UPC_CFI_73/2024
UPC_CFI_408/2024

Procedural order
of the Court of First Instance of the Unified Patent Court local division Munich
issued on 24 February 2025

CLAIMANT

Hand Held Products, Inc.

represented by: Tobias Wuttke (Bardehle Pagenberg)

DEFENDANT

Scandit AG

represented by: Johannes Bukow (Quinn Emanuel)

PATENT IN SUIT

European Patent No. 3 866 051

PANEL/CHAMBER

Panel 1 of the Munich local division

PARTICIPATING JUDGES

This Order was issued by presiding judge Dr Matthias Zigann as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS

German

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OBJECT

Action for infringement - Rule 105.5 RoP

COURSE OF THE INTERIM APPOINTMENT

The interim meeting place as a video conference on 21 February 2025.

I. This was attended by:

For the court:

Dr Matthias Zigann, András Kupecz, Torsten Duhme

For Hand Held:

Dr Tobias Wuttke, Dr Tilman Müller, Sabrina Smyczek, Mobuchika Mamine

For Scandit:

Dr Johannes Bukow, Tinio Allendorf, Fabian Knödler

The judge-rapporteur explains that the value of the counterclaim should be estimated 50 per cent higher according to the Guidelines.

Scandit raises no objections to the partial withdrawal of the direct patent infringement action. Hand Held wishes to maintain the applications for recall and removal from the distribution channel also in relation to the indirect patent infringement.

Scandit explained that the Rule 36 application had been made because the deadline for written submissions otherwise provided for was limited to certain topics. The judge-rapporteur indicated that Scandit's Rule 36 application might be granted. Hand Held would like to reply to this in writing.

The extent to which the failure to use the separate workflows has an impact on the admissibility of applications under Rule 263 RoP is discussed. The judge-rapporteur points out that the justification for the delay is likely to be the main issue. Findings from the EV proceedings are also likely to be important for the main proceedings. However, a connection must be demonstrated. In this context, Hand Held explains why and to what extent Scandit's late submission is not admissible due to the lack of a connection.

The judge-rapporteur allows that English-language originals do not need to be translated.

The judge-rapporteur states that the appeal judgement in the PA proceedings is expected at the end of February or beginning of March and that the parties have until 27 March 2025 to comment on this.

The parties state that an oral hearing in parallel proceedings will be held before the Munich I Regional Court on 10 April 2025. They also state that talks are taking place in the background in the USA. However, the UPC Agreement representatives are not involved in these discussions.

The judge-rapporteur explains that the use of PowerPoint presentations in the oral proceedings is permitted, provided that the content is limited to what has already been submitted in writing. The presentation must be sent to the opponent and the court by email by 24 April 2025.

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The judge-rapporteur suggests that the parties agree in advance on an amount for the representation costs to be reimbursed by the loser.

REASONS FOR THE ORDER

1. According to the Guidelines, the value of the nullity counterclaim is 150 per cent of the value of the infringement action, unless - as here - there are better findings. The value of the action should therefore be set at EUR 3 million, the value of the counterclaim at EUR 4.5 million and the value of the proceedings at EUR 7.5 million.
2. The Board will decide on the issue of the admission of late submissions and the treatment of Scandit's Rule 36 application at the hearing. Hand Held can comment on this in writing. As a precautionary measure, the statement should also include a complete discussion of the content.

ORDER

1. The date for the oral hearing on 29 April 2025, 9.00 a.m., Courtroom 212 and Overflow Room 220b, Denisstr. 3 in Munich, is confirmed.
2. The parties are summoned to this meeting.
3. Hand Held can comment on Scandit's document dated 12 February 2025 until 27 March 2025.
4. Both parties have until 27 March 2025 to comment on the outcome of the appeal proceedings APL_51079/2024 and the timetable of the Opposition Division of the European Patent Office.
5. Both parties have until 27 March 2025 to respond to the questions:
 - Names of the meeting participants
 - Necessity of a hybrid video conference
 - Necessity/involvement of interpreters
 - possible agreement on the amount of reimbursable costs for the winner
6. The partial withdrawal of the action is authorised.
7. The main hearing will decide on the issues of the extension of the claim and the counterclaim as well as the admissibility of the further auxiliary claims and the rejection of late submissions and Scandit's Rule 36 application.
8. Attachments in the original English language do not need to be translated.
9. The parties may use PowerPoint slides during the oral proceedings to support their arguments. These must be sent in advance to the opposing party and the court by email by 24 April 2025 at the latest. The content is limited to a reproduction of content already submitted in the documents.
10. The value of the claim is set at € 3 million and the value of the counterclaim at € 4.5 million. The value of the proceedings therefore amounts to € 7.5 million.

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INFORMATION ON THE REVIEW BY THE PANEL

Either party may request a review of this Order by the adjudicating body in accordance with R. 333 PANEL. The Order remains effective until it has been reviewed (R. 102.2 RoP).

INFORMATION ABOUT THE ORAL PROCEEDINGS IN COURT

The oral hearing is public unless the court decides to hold a hearing in , if necessary, in the interests of one of the parties or third parties or in the general interests of justice or public order (R. 115 RoP).

INFORMATION ABOUT THE SOUND RECORDING

An audio recording of the hearing is made. The recording is made available to the parties or their representatives after the hearing on the premises of the court (R. 115 RoP).

INFORMATION ON THE ABSENCE OR LATENESS OF A REPRESENTATIVE

Upon application, a default judgement may be issued against a party if a duly summoned party fails to at an oral hearing. (R. 355.1 (b) RoP).

INFORMATION ABOUT A DEFAULT JUDGEMENT

If a party fails to comply with this Order within the time limit, a default judgement may be issued in accordance with R. 355 RoP (R. 103.1, last subparagraph and .2 RoP).

ORDER DETAILS

Order No. ORD_9117/2025 in PROCEDURE NUMBER: ACT_9206/2024
UPC number: UPC_CFI_73/2024
Nature of the action: Action for infringement
No. of the related procedure Application no.: 7141/2025
Type of application: Template for procedural request

Order No. ORD_9118/2025 in PROCEDURE NUMBER: ACT_9206/2024
UPC number: UPC_CFI_73/2024
Nature of the action: Action for infringement
No. of the related procedure Application no.: 5199/2025
Type of application: Template for procedural request

Order No. ORD_9120/2025 in PROCEDURE NUMBER: ACT_9206/2024
UPC number: UPC_CFI_408/2024
Nature of the action: Action for infringement
No. of the related procedure Application no.: 4138/2025
Type of application: Submission for procedural request

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Signed in Munich on 24 February 2025

Dr Zigann Presiding
judge

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