



**Local Division Düsseldorf**  
**UPC\_CFI\_11/2024**

**Procedural order**  
**of the Court of First Instance of the Unified Patent Court**  
**issued on 26 February 2025**  
**concerning EP 2 778 423 B1**

Plaintiff:

**Grundfos Holding A/S**, Poul Due Jensens Vej 7, 8850 Bjerringbro, Denmark, represented by its Managing Director, Mr Poul Due Jensen and the Chairman of its Board of Directors, Mr Jens Winther Moberg, ibid,

represented by: Attorney Dr Markus B. Bölling, Mitscherlich Patent- und Rechtsanwälte PartmbB, Karlstraße 7, 80333 Munich,

co-operating: Patent attorney Christian Rupp, Mitscherlich Patent- und Rechtsanwälte PartmbB, Karlstraße 7, 80333 Munich,

Electronic address for service: markus.boelling@mitscherlich.de\_

Defendant:

**Hefei Xihu Canned Motor Pump Co, Ltd**, No. 1 Yanglin Road, Hi-Tech District, Hefei, Anhui, 230088, People's Republic of China,

represented by: Attorney Dr Michael Rüberg, Patent Attorney Oliver Tavenkorn, Boehmert & Boehmert Anwaltspartnerschaft mbB, Pettenkofenstrasse 22, 80336 Munich,

electronic delivery address: rueberg@boehmert.de\_

STREITPATENTE:

European Patents No. EP 2 778 423 B1

ADJUDICATING BODY/CHAMBER:

Judges of the Düsseldorf Local Court Co-

Judges:

This order was issued Presiding Judge Thomas as judge-rapporteur.

LANGUAGE OF PROCEEDINGS: German

SUBJECT: R. 36 VerfO - Application for admission of a further pleading

FOUNDER OF THE ARRANGEMENT:

Pursuant to R. 36 of the Rules of Procedure, the judge-rapporteur may allow the exchange of further written submissions within a time limit to be set in response to an application by a party, accompanied by a statement of reasons, submitted one day before the day on which the judge-rapporteur wishes to conclude the written procedure (cf: UPC\_CFI\_16/2024 (LK Düsseldorf), order of 30 October 2024 - Or- tovox v. Mammut).

On this basis, the defendant justifies its request for admission of a further written submission on 19 February 2025, and thus in due time, by stating that the State Intellectual Property Office in Beijing declared the Chinese patent CN201480013981.1, which corresponds to the patent in suit here, to be invalid in its entirety on 6 January 2025 on the basis of the same citations. The admission of a further pleading is necessary in order to introduce the reasons for this decision, which is highly relevant from the defendant's point of view and which the defendant is currently still having translated German, into the present proceedings and to provide the Chamber with them for further decision-making.

On this basis, the possibility of submitting a further pleading cannot be considered.

The oral hearing has already been scheduled for 27 March 2025. No reasons have been presented or are apparent as to why the request for the opportunity to submit a further pleading was only submitted more than 6 weeks after the decision of the State Intellectual Property Office. In addition, defendant nevertheless only submitted the decision referred to in Chinese, but not in the German language of the proceedings. If the defendant were the opportunity to submit and comment on the decision only on 8 March 2025 and thus only 2 ½ weeks before the date of the oral hearing, this would not only be to the detriment of proper preparation for the hearing by the adjudicating body, but also by the plaintiff. In addition, as the plaintiff has rightly pointed out, the defendant has also not argued that the decision of the State Intellectual Property Office addresses points that have not already been introduced in the present proceedings.

Insofar as the defendant also wishes to respond to the objection of delay raised in the duplicate to the action for annulment, the oral hearing is to it for this purpose. The need for a further pleading is not apparent in this respect.

ARRANGEMENT:

The defendant's motion for leave to file a further pleading is dismissed.

DETAILS OF THE ARRANGEMENT:

App\_8530/2025 for the main file numbers ACT\_2097/2024, CC\_26515/2024 and CC\_32539/2024 UPC  
number: UPC\_CFI\_11/2024

Type of proceedings: Action for infringement and action for annulment

Issued in Düsseldorf on 26 February 2025

NAMES AND SIGNATURES

Presiding Judge Thomas