



## **Order**

**of the Court of First Instance of the Unified Patent Court**

**issued on 13 May 2025**

**concerning EP 3 476 616**

**concerning App\_20955/2025**

### CLAIMANT:

**FUJIFILM Corporation**, 26-30, Nishiazabu 2-chome, Minato-ku, Tokyo 106-8620, Japan,

represented by: Christof Augenstein Kather Augenstein Rechtsanwälte  
PartGmbH, Bahnstraße 16 - 40212 - Düsseldorf - DE

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### DEFENDANTS:

**1. Kodak GmbH**, Kesselstraße 19, 70327 Stuttgart, represented by its CEOs, at the same place,

represented by: Elena Hennecke, Freshfields Bruckhaus Deringer  
Rechtsanwälte Steuerberater PartG mbB, Feldmühleplatz 1,  
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**2. Kodak Graphic Communications GmbH**, Kesselstraße 19, 70327 Stuttgart, represented by  
its CEOs, at the same place,

represented by: Elena Hennecke, Freshfields Bruckhaus Deringer  
Rechtsanwälte Steuerberater PartG mbB, Maximiliansplatz  
13, 80333 Munich, Germany

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**3. Kodak Holding GmbH**, Kesselstraße 19, 70327 Stuttgart, represented by its CEOs, at the  
same place,

represented by: Elena Hennecke, Freshfields Bruckhaus Deringer  
Rechtsanwälte Steuerberater PartG mbB, Maximiliansplatz  
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PATENT AT ISSUE:

European patent EP 3 476 616

PANEL/DIVISION:

Panel of the Local Division in Mannheim

DECIDING JUDGES:

This order is issued by the presiding judge Tochtermann, the legally qualified judge Böttcher as judge-rapporteur, the legally qualified judge Agergaard and the technically qualified judge Wismeth.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT OF THE PROCEEDINGS: Patent infringement – Application for rectification R. 353 RoP

BRIEF SUMMARY OF THE FACTS AND THE REQUEST:

On 2 April 2025, the Local Division Mannheim delivered a decision with regard to the patent infringement and revocation proceedings at hand (hereinafter referred to as “decision”), which, in its operative part, inter alia contains the following order:

“G. The value in dispute for the infringement action and the counterclaim of revocation is set at EUR 15.000.000.”

The oral hearing took place on 11 and 12 February 2025.

Under para. 207, the grounds for the decision state:

“The value of the dispute is set to EUR 15.000.000 after having heard the parties in the oral hearing.”

The same value in dispute was set in the parallel proceedings UPC\_CFI\_365/2025. The Defendants were successful in the present proceedings but unsuccessful in the parallel proceedings.

On 2 May 2025, Defendants filed the application for rectification at hand.

Defendants argue that, particularly in the light of judge-rapporteur’s order of 30 January 2025, the court obviously intended to set the value in dispute at EUR 15.000.000 for each of the infringement action and the counterclaim for revocation, resulting in the total value in dispute of EUR 30.000.000. As an auxiliary request, they are of the opinion that the decision has to be rectified to the effect that the ceiling for the recoverable costs is raised to at least EUR 1.000.000 in total.

Defendants request (requested rectifications marked by underlining):

1. To rectify section G. of the decision of 2 April 2025 of the Local Division Mannheim (UPC\_CFI\_359/2023) in accordance with Rule 353 RoP UPC as follows:

*G. The value in dispute for the infringement action and the counterclaim of revocation is set at 15.0000.000 each.*

*H. The ceiling for recoverable costs for the infringement action and the counterclaim for revocation is set at EUR 1,200,000 in total.*

2. [Request related to the setting of recoverable costs]
3. [Request related to the setting of recoverable costs]
4. [Request related to the setting of recoverable costs]

**In the alternative**, as a precaution for the case that contrary to expectations the Court only wanted to raise the value in dispute for the infringement case and the counterclaim for revocation to EUR 15,000,000 in total, we clarify that Defendants already implicitly requested the following and repeat to **request** in the name and on behalf of the Defendants:

5. To rectify section G. of the decision of 2 April 2025 of the Local Division Mannheim (UPC\_CFI\_359/2023) in accordance with Rule 353 RoP UPC as follows:

*H. The ceiling for recoverable costs for the infringement action and the counterclaim for revocation is set at EUR 1,000,000 in total.*

#### REASONS FOR THE ORDER:

The admissible application, which was filed within the time period pursuant to R. 353 RoP, is unfounded.

1. According to R. 353 RoP, the Court may upon an application by a party made within one month of service of the decision or order, rectify clerical mistakes, errors in calculation and obvious slips in the decision or order. "Obvious slips" within the meaning of R. 353 RoP are all incorrect or incomplete statements of what the Court actually intended in the order or decision. In other words, the declaration of the Court's intention in the decision or order must deviate from the intention that existed when the decision was made (cf. LD Düsseldorf, order of 20 November 2024, UPC\_CFI\_368/2024, under I.)

2. Applying these principles, there is no reason to rectify the decision in question.

The panel intended to set the value in dispute at EUR 15.000.000 for the whole proceedings including both infringement action and counterclaim for revocation. Thus, there is no deviation between the intention of the panel and the wording of the decision.

In the decision, the panel did not intend to elaborate on the ceiling for recoverable costs. Therefore, the fact that the operative part does not mention such ceiling does not deviate from the panel's intention either.

Since the panel did not intend to decide on the ceiling for recoverable costs in the decision, Defendants' auxiliary request is unsuccessful aslo. Apart from that, insofar as Defendants may suggest that the panel forgot to rule on an application to raise such ceiling, this does not constitute an admissible subject-matter for an application for rectification under R. 353 RoP. Moreover, neither the UPCA nor the RoP call for deciding on the ceiling within the decision on the merits of the case.

3. Since the application is dismissed, there was no necessity to hear Claimant first.

ORDER:

The application for rectification is dismissed.

Issued in Mannheim on 13 May 2025

**NAMES AND SIGNATURES**

Presiding judge Tochtermann	
Legally qualified judge Böttcher	
Legally qualified judge Agergaard	
Technically qualified judge Wismeth	