

Order
of the Court of First Instance of the Unified Patent Court
issued on 19 May 2025
concerning EP 3 716 655
concerning App_23057/2025
(harmonization of time periods)

CLAIMANT:

Malikie Innovations Ltd.

- GH2, 92 Lower George's Street, Dun Laoghaire - A96
VR66 - Co. Dublin - IE

represented by Miriam Kiefer

DEFENDANTS/APPLICANTS:

1) **Discord Inc.**

- 444 De Haro Street, Suite 200 - CA 94107 -
San Francisco - US

represented by Tobias Wuttke

2) **Discord Netherlands B.V.**

- Schiphol Boulevard 195 - 1118BG - Schiphol
- NL

represented by Tobias Wuttke

PATENT AT ISSUE:

European patent 3 716 655

PANEL/DIVISION:

Panel of the Local Division in Mannheim

DECIDING JUDGES:

This order was issued by the legally qualified judge Böttcher acting as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT OF THE PROCEEDINGS: infringement action – harmonization of time periods

BRIEF SUMMARY OF THE FACTS AND THE REQUEST:

Claimant sues Defendants for patent infringement. The Defendants are entities of the same group of companies. The Statement of claim was served on Defendant 2 on 2 March 2025 and on Defendant 1 on 13 May 2025.

Referring to a corresponding agreement between the parties, Defendants request:

that the terms for submitting Defendant 1's and Defendant 2's SoD and lodging a CCfR is aligned until July 2, 2025.

Claimant, which has been heard, confirmed the corresponding agreement between the parties.

REASONS FOR THE ORDER:

The order finds its basis in R. 9.3 (a), (b) RoP.

The extension of the time period for the Statement of defence for Defendant 2 and the shortening of the time period for Defendant 1 is justified by the consent of all parties and the aim of establishing a uniform time period regime, given that the dates of service vary for the two Defendants, which belong to the same group of companies and are represented uniformly. Without a uniform time period regime, there would be different time periods in the individual procedural relationships throughout the entire written procedure. This would make the conduct of the proceedings more difficult for all parties involved. In addition, the new time period will speed up the overall proceedings.

The new time period for the Statements of Defence also applies automatically to the filing of any counterclaim for revocation.

ORDER:

The time periods for the Statements of defence are set uniformly for all Defendants at **2 July 2025**.

ORDER DETAILS

Order no. ORD_23160/2025 in ACTION NUMBER: ACT_4816/2025

UPC number: UPC_CFI_79/2025

Action type: Infringement Action

Related proceeding no. Application No.: 23057/2025

Application Type: Generic procedural Application

Issued in Mannheim on 19 May 2025

NAME AND SIGNATURE

Böttcher
Judge-rapporteur