

**Procedural Order  
of the Court of First Instance of the Unified Patent Court  
issued on 22/05/2025  
concerning EP 2 746 957  
concerning App\_7563/2025  
(R. 36 RoP)  
Concerning App\_18490/2025  
(R. 333 RoP)**

CLAIMANT/APPLICANT

**TOTAL SEMICONDUCTOR, LLC**  
- 101 E. Park Blvd., Ste 600 - 75074 - Plano,  
Texas – US

Represented by Thomas Lynker

DEFENDANTS

- 1) **Texas Instruments Incorporation**  
- 12500 TI Blvd - 75243 - Dallas – US

Represented by Klaus Haft

- 2) **Texas Instruments Deutschland GmbH**  
- Haggertystr. 1 - 85356 - Freising – DE

Represented by Klaus Haft

3) **Texas Instruments EMEA Sales GmbH**  
- Haggertystr. 1 - 85356 - Freising – DE  
Represented by Klaus Haft

PATENT AT ISSUE

European Patent No. EP 2 746 957

PANEL/DEVISION:

Panel of the Local Division in Mannheim

DECIDING JUDGES:

This order was issued by the presiding judge Tochtermann, the judge-rapporteur Böttcher, the legally qualified judge Zana and the technically qualified judge Scilletta.

LANGUAGE OF PROCEEDINGS: English

SUBJECT-MATTER OF THE PROCEEDINGS: Patent infringement action – Application pursuant to R. 333 RoP for review of an order regarding R. 12.5, R. 36 RoP

BRIEF SUMMARY OF FACTS AND REQUESTS

Claimant requested to allow the submission of a further written pleading according to R. 12.5, R. 36 RoP.

For justifying the request, Claimant submitted that, in their rejoinder, Defendants had raised “numerous new points which have not been discussed at all before and that are technically (at least) incomplete – if not incorrect”. For Claimant, it were “essential to respond to these new arguments (and to correct the incomplete statements) to demonstrate that the attacked embodiments do indeed make use of the claimed invention”. Without a further written submission, Claimant fears that the Court may not be able to take into account all relevant facts of the case in order to assess infringement. The new and undiscussed issues are also claimed to be “technically too complex to be dealt with only orally at the oral hearing” and that they “rather need to be addressed before in writing so that the oral hearing can be streamlined and focused on the decisive issues of the case”.

After Defendants have been heard, the judge-rapporteur issued the impugned order dismissing the request on 1 April 2025, basing the dismissal inter alia on formal reasons because Claimant had limited its submission to vague and general terms instead of explaining with a sufficient level of substantiation the grounds why a further brief is necessary. The order was served on Claimant the same day, using the separate workflow ORD\_15972/2025 due to technical problems.

Claimant filed the request at hand for review pursuant R. 333 RoP on 16 April 2025.

Defendants object the request.

Claimant requests:

- I. to review and set aside the Procedural Order of the Court of First Instance of the Unified Patent Court - Local Division Mannheim delivered on 1 April 2025 (ORD\_15972/2025 in ACT\_14978/2024; UPC\_CFI\_132/2024), dismissing Claimant's request to allow the filing of a further written Submission dated 13 February 2025; and
- II. to allow Claimant the Submission of a further written pleading with respect to the Defendants' pleading in para. 82 - 115 of their Rejoinder to the Reply to the Statement of Defence dated 3 February 2025.

Defendants request to

- I. refuse Claimant's requests I. and II., and
- II. confirm the case management order ORD\_15972/2025 of the judge rapporteur dated 1 April 2025.

REASONS FOR THE ORDER:

The admissible application for review is unfounded.

1. The order of the judge-rapporteur issued on 1 April 2025 in re Application: 7563/2025 is confirmed and the application for panel review is rejected for the reasons set out in the impugned order. The panel exercises its discretion in the same way as the judge-rapporteur.

A request pursuant to R. 36, 12.5 RoP calls for a sufficient degree of substantiation so that the judge-rapporteur can retrieve the essential facts from the application itself without having to study the file. This formal standard applies in general and does not depend on whether there was a change of the judge-rapporteur or not.

Contrary to Claimant, there is no deviation from CD Munich's order of 24 January 2024 (UPC\_CFI\_1/2023). That order does not elaborate on the formal level of substantiation required for a request pursuant R. 36 RoP.

Against this backdrop, in the case at hand, the judge-rapporteur rightfully concluded that the request does not fulfill the formal requirements.

In addition, the judge-rapporteur rightfully dismissed the request with regard to points in substance. The vague points brought forward by Claimant do not justify allowing the submission of a further written pleading.

Contrary to Claimant, the judge-rapporteur was not obliged to notify Claimant in advance that its request lacks the required formal level of substantiation. The Defendants had already criticized this formal deficiency. There is no obligation of the court to inform the Claimant beforehand that Defendants are right.

As far as Claimant attempts to remedy the deficiencies in its request pursuant R. 333 RoP, these statements are irrelevant to the review proceedings. It is inherent in the review proceedings that it has the same basis as the impugned order. On a regular basis, the review only concerns the facts and the state of the dispute at the time the impugned order was issued, so that the additional arguments now put forward in the review proceedings do not justify a different outcome.

2. Leave to appeal is not granted as the alleged violation of fundamental procedural rights is unfounded, the facts relate to the present case alone and the panel does not deviate from case law of other divisions of the CFI or the CoA.

ORDER:

The Claimant's application of 16 April 2025 for review of the rapporteur's order by the panel is dismissed.

ORDER DETAILS

Order no. ORD\_19029/2025 in ACTION NUMBER: ACT\_14978/2024

UPC number: UPC\_CFI\_132/2024

Action type: Infringement Action

Related proceeding no. Application No.: 18490/2025

Application Type: APPLICATION\_ROP\_333

Issued in Mannheim on **22 May 2025**

**NAMES AND SIGNATURES**

Presiding judge Tochtermann	
Legally qualified judge Böttcher	
Legally qualified judge Zana	
Technically qualified judge Scilletta	