

Order
of the Court of First Instance of the Unified Patent Court
issued on 27 June 2025
concerning EP 2 831 787
concerning App_28345/2025
(request for the extension of the time period for the SoD)

CLAIMANT:

Irdeto B.V.
Taurusavenue 105 - 2132 - LS Hoofddorp - NL

Represented by Holger
Stratmann

DEFENDANTS

1) **SZ DJI Technology Co., Ltd.**
14th Floor, West Wing, Skyworth
Semiconductor Design Building, No.18 Gaoxin
South 4th Ave - 518057 - Shenzhen - CN

2) **DJI Europe B.V.**
(Applicant) - Bijdorp-oost 6 - 2992 -
Barendrecht - NL

Represented by Tobias J.
Hessel

3) **DJI GmbH**
(Applicant) - Industriestraße 12 - 97618 -
Niederlauer - DE

Represented by Tobias J.
Hessel

4) **Solelectric GmbH**
(Applicant) - Ubstadter Straße 23 - 76698 -
Ubstadt-Weiher - DE

Represented by Tobias J.
Hessel

PATENT AT ISSUE:

European patent EP 2 831 787

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: Patent infringement action – Request for the extension of a time period

BRIEF SUMMARY OF THE FACTS:

Claimant sues Defendants for patent infringement. Defendants 1 to 3 are entities of the same group of companies. Defendant 4 allegedly runs a DJI web store. The statement of claim was served on Defendant 2 on 14 March 2025 and on Defendants 3 and 4 on 29 April 2025. The service on Defendant 1 domiciled in China is still pending.

Defendants 2 to 4 request the extension and harmonization of the time periods for the statement of defence. They argue that they need more time to prepare the statement of defence and that the harmonization of the time periods would facilitate the case management.

Claimant objects the request.

The parties considered an agreement that the representative of Defendant 2 to 4 are prepared to accept service on behalf of Defendant 1 and, in return, a uniform extended time period for the statement of defence should apply to all four Defendants so that the total proceedings is accelerated and facilitated. However, the parties' views on the length of the extension differed by two weeks (15 September 2025 vs 1 September 2025), so that no agreement could be reached.

Defendants 2 to 4 request:

to extend the deadline for filing the Statement of Defense according to R. 23 RoP for all three defendants until 15 September 2025 in accordance with R. 9 (a) RoP.

Claimant requests

that the Court not grant the requested extensions.

REASONS FOR THE ORDER:

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

The extension of the time period for the Statement of defence for Defendants 2 and 4 is justified in part.

First, a harmonization of the time periods is justified in order to establish a uniform time period regime, given that the dates of service vary for the Defendants 2 to 4, which are represented uniformly and which in the case of Defendants 2 and 3 belong to the same group of companies. Without a uniform time period regime, there would be different time periods in individual procedural relationships throughout the entire written procedure. This would make the conduct of the proceedings more difficult for all parties involved. Since the procedural relationship with the latest time period sets the pace, the overall proceedings are not delayed by the harmonization of the time periods. Although individual defendants then have more time to respond to the statement of claim, this does not generally place a claimant at an unreasonable disadvantage, as the claimant is able to take the time needed to prepare the statement of claim.

As far as the Claimant in the proceedings at hand has announced that it will attempt to submit its next written statement to Defendants' 2 to 4 state of defence at the same time, this announcement is not binding and thus does not guarantee harmonized time periods for the further course of the written procedure.

Second, a further extension of the relevant time periods for the statement of defence in the case at hand is not justified. The Defendants 2 to 4 did not sufficiently demonstrate that they need more time than until 14 August 2025 to respond to the statement of claim. They have merely vaguely claimed that "due to the technical complexity of the proceedings, comprehensive preparation of the facts of the case requires a thorough examination of the technical design of the attacked embodiments and consultation with the client, which cannot be accomplished within the deadline for filing the statement of defense pursuant to R. 23 RoP. That is particularly because the plaintiff has submitted its own test results concerning the functionality of the attacked embodiments, which have to be assessed in detail." In doing so, they have not presented concrete facts on the basis of which the necessity of an extension of the time period could be assessed. In particular, they have not specified why the time needed to prepare the statement of defence in the present case is longer than average.

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 of Defendants 3 and 4 are extended until **14 August 2025**. In all other respects, Defendants' 2 to 4 request is dismissed.

ORDER DETAILS

Order no. ORD_28596/2025 in ACTION NUMBER: ACT_18112/2025

UPC number: UPC_CFI_344/2025

Action type: Infringement Action

Related proceeding no. Application No.: 28345/2025

Application Type: Generic procedural Application

Issued in Mannheim on 27 June 2025

NAME AND SIGNATURE

Böttcher
Judge-rapporteur