



No. APP_22463/2025
UPC_CFI_292/2025

ORDER
of the President of the Court of First Instance
in the proceedings before the Local Division MANNHEIM
Pursuant to R. 323 RoP (language of the proceedings)
Issued on 09/07/2025

HEADNOTE

- The position of all parties potentially affected by the requested change must be heard in the context of an application pursuant to R. 323 RoP.

KEYWORDS

- Change of the language of the proceedings – Art. 49 (5) UPCA and R. 323 RoP

APPLICANT AND DEFENDANTS IN THE MAIN PROCEEDINGS:

- 1- The Walt Disney Company Limited**
3 Queen Caroline Street, Hammersmith - W6 9PE - London - GB
- 2- The Walt Disney Company (Benelux) B.V**
Asterweg 15S - 1031 HL - Amsterdam – NL
- 3- The Walt Disney Company**
500 S Buena Vista St - CA 91521 - Burbank - US
- 4- Disney Interactive**
500 S Buena Vista St - CA 91521 - Burbank – US
- 5- Disney Electronic Content, Inc.**
500 S Buena Vista St - CA 91521 - Burbank - US

6- Disney Platform Distribution, Inc,
500 S Buena Vista St - CA 91521 - Burbank – US

7- Disney Enterprises, Inc.
500 S Buena Vista St - CA 91521 - Burbank - US

8- Disney Streaming Services LLC
500 S Buena Vista St - CA 91521 - Burbank - US

9- Disney Media & Entertainment Distribution LLC
500 S Buena Vista St - CA 91521 - Burbank – US

10- Disney Entertainment & Sports LLC
500 S Buena Vista St - CA 91521 - Burbank - US

11- BAMTech LLC
1211 Avenue of the Americas - New York 10036 - New York - US

Represented by: Dietrich Burkhard Kamlah, Christian Lederer, Michael Schächinger, Leonie König (Taylor Wessing)

RESPONDENT (CLAIMANT IN THE MAIN PROCEEDINGS):

InterDigital VC Holdings, Inc.
200 Bellevue Parkway, Suite 300, Wilmington - 19809 - Delaware - US

Represented by: Robert Fritz, Arno Riße, Cordula Schumacher, Lisa Rieth and Victoria Thüsing (Arnold Ruess)

PATENT AT ISSUE: EP3259902

SUMMARY OF FACTS

By a statement of claim filed on 3 April 2025, InterDigital VC Holdings, Inc. brought an infringement action against the Applicant and abovementioned Defendants, based on EP3259902 (No. ACT_15090/2025 UPC_CFI_292/2025).

By a generic procedural application dated 13 May 2025, The Walt Disney Company (Benelux) B.V., referring to R. 323 RoP, requested a change of the language of proceedings from German to English. The request was forwarded to the President of the Court of First Instance of the UPC pursuant to R. 323.1. RoP and by an order dated 20 May 2025, the Claimant in the main action (No. ACT_15090/2025 UPC_CFI_292/2025) was subsequently invited, in accordance with R. 323.2 RoP, to state its position on the admissibility of the Application and on the use of the language in which the patent was granted, namely English, as language of the proceedings.

InterDigital VC Holdings, Inc. submitted its written comments on 30 May 2025.

All other defendants indicated by statement dated 3 July 2025 that they joined in the Application filed on 13 May 2025 and arguments developed therein.

The panel of the LD Mannheim has been consulted in accordance with R. 323.3 RoP.

INDICATION OF THE PARTIES' REQUESTS:

The Defendants request that the Court change the language of the proceedings from German to English pursuant to Art. 49 para. 5 UPCA and R. 323 RoP.

InterDigital VC Holdings, Inc. requested that all Defendants submit a corresponding application or alternately be given the opportunity to be heard before any decision based on R. 323 is issued.

POINTS AT ISSUE:

The Applicants first state that their request, despite not being submitted with the Statement of Defence, is admissible as it is beneficial that the decision can be taken at an earlier stage in the course of the proceedings.

On the merits of the Application, they refer to previous decisions between the same parties in parallel proceedings (order dated 30 April 2025, App_11333/2025 and 17395/2025; order dated 2 May 2025, App_17389/2025), which allowed a change of the language of the proceedings to the language in which the patent at issue was granted. They further contend that a change of the language of the proceedings from German to the language in which the patent was granted is equally required in the present case on grounds of fairness and considering all relevant circumstances pursuant to Art. 49 (5) UPCA and R. 323 RoP, for the following reasons:

- The Defendant 2 is based in the Netherlands and belong to the US-group The Walt Disney Company whose business language is English.
- The Claimant itself is based in the US and uses English as its working language. It therefore has no legitimate interest in conducting the proceedings in another language, which is reflected by the absence of translation regarding the patent and exhibits provided to support their allegations. It can consequently be assumed that the prior art in the relevant technical field is also published almost exclusively in English.
- According to the case law cited (CoA 10x Genomics v. Curio Bioscience, order of 17 April 2024, UPC_CoA_101/2024 ApL_12116/2024) in the event of a balanced result taking into account all the circumstances, the position of the defendant would be the decisive factor in deciding on the change of the language of proceedings to the language in which the patent was granted.

InterDigital VC Holdings, Inc., although being still of the opinion that the requested change is not necessary for grounds of fairness, stated that he will refrain from presenting its arguments again in the present case against the background of the orders previously issued to prioritize judicial resources.

Following an Order dated 2 July 2025 pursuant to R. 323.2 RoP – according to which “the other party” shall be consulted – all other Defendants indicated that they support and join the Application dated 13 May 2025 for the same reasons.

GROUNDINGS FOR THE ORDER:

1- Admissibility of the Application

The admissibility of the Application is not disputed.

2- Merits of the Application

According to Art. 49(1) UPCA, the language of the proceedings before a local division must be an official language of its hosting Member State or alternately the other language designated pursuant to Art. 49 (2). It is further provided by R. 323 RoP that “If a party wishes to use the language in which the patent was granted as language of the proceedings, in accordance with Article 49(5) of the Agreement (...) [t]he President, having consulted [the other parties and] the panel of the division, may order that the language in which the patent was granted shall be the language of the proceedings and may make the order conditional on specific translation or interpretation arrangements”.

In the absence of further arguments and objection raised by the Claimant in the main proceedings and with regard to the position expressed by all Defendants in their submission dated 03 July 2025, the language of the proceedings shall be changed to the language in which the patent at issue was granted – namely English.

The present order shall not at this stage be conditional on specific translation or interpretation arrangements, considering that an English version of the Statement of Claim was already provided and that a considerable proportion of exhibits is submitted in this language.

ON THESE GROUNDS

- 1- The language of the proceedings shall be changed to the language in which the patent was granted, namely English.
- 2- The present order shall not be conditional on specific translation or interpretation arrangements.
- 3- An appeal may be brought against the present order within 15 calendar days of its notification pursuant to Art. 73. 2 (a) UPCA and R.220 (c) RoP.

INSTRUCTIONS TO THE PARTIES AND TO THE REGISTRY

The next step requires the Applicants to file the Statement of Defence within the time period prescribed by the Rules of Procedure.

ORDER

Issued on 09 July 2025

NAME AND SIGNATURE

Florence Butin
President of the UPC Court of First Instance