

**Order**  
**of the Court of First Instance of the Unified Patent Court**  
**issued on 16 July 2025**  
**concerning EP 2 839 403**  
**concerning App\_32611/2025**  
**(request for the extension of time periods)**

CLAIMANT:

**Fingon LLC**, 57 Pond Brook Road - CT 06470 - Newtown - US,

represented by: Simon Reuter

DEFENDANTS/APPLICANTS:

- 1. Samsung Electronics GmbH**,  
Frankfurter Straße 2 - 65760 - Eschborn – DE,

represented by: Henrik Timmann

- 2. Samsung Electronics France S.A.S.**,  
6 Rue Fructidor - 93400 - Saint-Ouen-sur-Seine – FR,

represented by: Henrik Timmann

PATENT AT ISSUE:

European patent EP 2 839 403

PANEL/DIVISION:

Panel of the Local Division in Mannheim

DECIDING JUDGES:

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

LANGUAGE OF THE PROCEEDINGS: English

BRIEF SUMMARY OF THE FACTS:

Defendants request the extension of the time periods for their rejoinder in the infringement proceedings and their reply to the Defence to the counterclaim for revocation by three weeks until 11 August 2025.

The Claimant opposes the request.

For further details, reference is made to the parties' written pleadings.

REASONS FOR THE ORDER:

The extension is granted as requested.

1. When deciding whether to extend a time period, the interests of the parties involved and the interests of the court and the public in the efficient conduct of proceedings must be weighed against each other, taking into account the circumstances of the individual case. As the Claimant rightfully points out, the discretion given by R. 9.3 (a) RoP has to be construed narrowly and should be exercised with caution. An extension should be granted only under justified exceptional circumstances in order not to undermine the time period regime set out in the RoP which ensures that the court proceedings can be concluded swiftly and that there is sufficient time for the court to prepare the oral hearing. In principle, the time periods provided by the RoP are sufficient. Work must be organised in such a way that time periods can be met even in the event of foreseeable obstacles such as holidays or the unavailability of a private expert of a party during certain periods due to a conference. However, special circumstances may justify an extension of a time period.
2. Applying these principles to the case at hand, taking the circumstances of the individual case into account, the judge-rapporteur decides to grant the extension as requested.
  - a) In contrast to their earlier auxiliary request within their prior application to disregard new submissions in Claimant's reply in the infringement proceedings, Defendants have now put forward substantiated facts as to why they need more time to comment on the new technical arguments after having analysed them in more detail.
  - b) It is not disputed that several of the plurality of (software) application introduced in the reply in the infringement proceedings stem from a third party. The same is true for the security environment relied on in the reply.
  - c) It is plausible that the Defendants, as they have substantiated, need information from the third party developer about said functionalities and the support of a private expert, and that they need time, after having received the information from the developer and the opinion of their private expert (who may take said information into account), to finalize their rejoinder in the infringement proceedings. This is all the more true as aspects may arise during the drafting of the rejoinder that require further consultation and coordination with the developer, the private expert or the internal experts. None of Claimant's arguments casts significant doubt on the time required by the Defendants. This applies in particular to Claimant's

assertion that its own private expert needed 'a few weeks' to reverse-engineer and decompile the 'information' (needed for his expert opinion submitted with Claimant's reply). This does not allow the conclusion to be drawn that the Defendants or the developer are delaying the proceedings at hand. On the other hand, the extension of the time period does not jeopardise the preparation of the oral hearing. In view of all circumstances, when balancing the interests involved, an extension of the time period by three weeks appears justified and appropriate. In particular, the interests of the Claimant are not unduly affected, since it has indeed provided many further examples of allegedly patent-infringing applications in its reply, which, at least at the first glance at the current stage of the proceedings (where an in-depth analysis is not possible), give rise to plausible need for further analysis by Claimant.

- d) In contrast, all other circumstances invoked by Defendants (holidays, unavailability of the private expert for one week due to a conference) are not decisive.
- e) The extension must also be granted for the reply to the defence to the counterclaim for revocation. According to established case law, in order to enable a party to reconcile its arguments on infringement with those on validity, on a regular basis, an extension of a time period in the infringement proceedings must also be granted accordingly for the time period for the corresponding written pleadings in the proceedings on the counterclaim for revocation and (if applicable) the application to amend the patent, the regular time periods for which are aligned with the regular time periods in the infringement proceedings. In the absence of circumstances that make such alignment unnecessary at the case at hand, the time period for the reply in the proceedings on the counterclaim for revocation is therefore also extended accordingly.

#### ORDER:

The time periods for filing the rejoinder in the infringement proceedings and the reply in the counterclaim for revocation proceedings are extended **until 11 August 2025**.

#### ORDER DETAILS

Order no. ORD\_32720/2025 in ACTION NUMBER: ACT\_63404/2024

UPC number: UPC\_CFI\_750/2024

Action type: Infringement Action

Related proceeding no. Application No.: 32611/2025

Application Type: Generic procedural Application

Issued in Mannheim on 16 July 2025

NAME AND SIGNATURE

Böttcher  
Judge-rapporteur