

Order
of the Court of First Instance of the Unified Patent Court
issued on 21 July 2025
concerning EP 3 716 655
concerning App_32869/2025
(harmonization of time periods)

CLAIMANT/APPLICANT:

Malikie Innovations Ltd.

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

represented by Miriam Kiefer

DEFENDANTS

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:

The Defendants have, as permissible, submitted their statement of defence (SoD) and their counterclaim for revocation (CCR) in a joint brief. As also permissible, they have uploaded this brief in the infringement action workflow and uploaded a reference brief in the counterclaim for revocation workflow, which refers to the brief uploaded in the infringement action workflow.

The reference brief was served on Claimant on 2 July 2025 within the counterclaim for revocation workflow, the brief uploaded in the infringement action workflow containing the submissions in substance with regard to the SoD and the CCR was served on Claimant on 10 July only (due to the CMS freeze), after the formal checks had been completed.

Against this backdrop, as a precautionary measure, the Claimant requests

that the term of the Response to the Counterclaim for Revocation and the Application for Amendment of the Patent be aligned or synchronized with the term of the Reply, i.e. until 10 September 2025.

The Defendants were given the opportunity to comment. At the same time, the parties were informed that harmonization of the time periods might not be necessary on the instant facts and why this is the case.

The Defendants did not comment.

REASONS FOR THE ORDER:

The alignment of the time periods requested as a precautionary measure is not necessary, as the counterclaim for revocation contained in the statement of defence was served upon Claimant on 10 July 2025 only. The time period for filing an Application to amend the patent automatically follows the time period for filing the defence to the CCR.

As already indicated in the order of 16 July 2025 for hearing the Defendants, the time period for the defence to the CCR does not commence before the claimant had been able to take note of the CCR in substance. Here, this was only the case when the statement of defence, which also contained the content of the CCR, was served on the Claimant in the main workflow of the infringement action, i.e. on 10 July 2025.

ORDER:

The request for the extension of the time period is rejected. The counterclaim for revocation was served on the Claimant on 10 July 2025.

ORDER DETAILS

Order no. ORD_33008/2025 in ACTION NUMBER: ACT_4816/2025

UPC number: UPC_CFI_605/2025

Action type: Infringement Action

Related proceeding no. Application No.: 32869/2025

Application Type: Generic procedural Application

Issued in Mannheim on 21 July 2025

NAME AND SIGNATURE

Böttcher

Judge-rapporteur