



Local Division Mannheim

UPC_CFI_414/2024

Procedural Order

of the Court of First Instance of the Unified Patent Court

issued on 1 August 2025

CLAIMANT

Centripetal Limited, Galway Technology Centre, Mervue Business Park -7XPF+6C -Galway –IE

Represented by Ralph Nack

DEFENDANTS

- 1) **Keysight Technologies, Inc.** Represented by Klaus Haft
(Applicant) - 1400 Fountaingrove Parkway -
95403 - Santa Rosa - US

- 2) **Keysight Technologies Deutschland GmbH** Represented by Klaus Haft
(Applicant) - Herrenberger Straße 130 - 71034
- Böblingen - DE

PATENT AT ISSUE

European Patent No. EP 3 821 580

PANEL/DIVISION

Panel of the Local Division in Mannheim

DECIDING JUDGES:

This order was issued by the legally qualified judge Prof. Dr. Tochtermann acting as presiding judge and judge-rapporteur.

LANGUAGE OF PROCEEDINGS: English

SUBJECT-MATTER OF THE PROCEEDINGS: R. 36 Request

After having heard Defendants, the court had to dismiss Claimant's request for a further written pleading.

First, the introduction of such new infringement reading would warrant a further brief from Defendants for reasons of procedural fairness. A time limit for such a brief – taking into account the summer holiday season – could not be set before early September. In the light of the vacations of the panel members in this period and taking into account further oral hearings taking place before the LD Mannheim in September, there would not remain sufficient time to appropriately prepare the case for the oral hearing on 9/10 October 2025.

Second, it has to be emphasized that defendants correctly point to the fact that their arguments submitted in their rejoinder were a mere reaction to the new infringement reading presented in the Reply.

Third, Claimant's rights are not unduly impaired by limiting the scope of arguments presented to those, which were contained in the briefs foreseen by the RoP. Claimant may file a new infringement action. The RoP impose a frond-loaded procedure on the court and the parties for good reason. Only if the substance matter, which had been defined by the Claimant in the SoC had been prepared by the briefs foreseen in the written phase of the case, the case is deemed to be sufficiently prepared for the oral hearing. Therefore, further written pleadings will have to be admitted only in scenarios where the case as initially defined by the Claimant had not yet been sufficiently prepared for the oral hearing by the briefs for specific reasons. It is however not a tool to introduce new infringement readings as the case proceeds as had happened with the Reply already.

Finally, in the case at hand, it had to be taken into consideration, that the "click here" functionality attacked in the envisaged brief was known to the Claimant from ITC proceedings since 2023 as Defendants submit and prove by filing records of that hearing. Furthermore, Claimant could have realized Defendant's further AI Stack functionality since its launch in March 2025 already.

ORDER

Claimant's request of 25 July 2025 for a further written pleading is dismissed.

Issued in Mannheim on 1 August 2025

NAME AND SIGNATURE

Tochtermann
Presiding judge and judge-rapporteur