



Local Division Mannheim
UPC_CFI_162/2024

Procedural Order
of the Court of First Instance of the Unified Patent Court
issued on 4 August 2025
concerning EP 2 028 981
concerning App_33193/2025
(Request for a penalty payment, R. 354.4 RoP)
concerning App_33935/2025
(request for the extension of the time period)

CLAIMANT/APPLICANT

Hurom Co., Ltd.

- 80-60, Golden root-ro - 62184 - Juchon-myeon,
Gimhae-si, Gyeongsangnam-do - KR

Represented by Klaus Haft

DEFENDANT/RESPONDENT

NUC Electronics Co., Ltd

- 280, Nowon-ro - 41548 - Buk-gu, Daegu - KR

Represented by Martin
Momtschilow

PATENT AT ISSUE:

European Patent No. EP 2 028 981

PANEL/DEVISION:

Panel of the Local Division in Mannheim

DECIDING JUDGES:

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

LANGUAGE OF PROCEEDINGS: English

SUBJECT-MATTER OF THE PROCEEDINGS: Patent infringement action – penalty request; extension of the time period

BRIEF SUMMARY OF THE FACTS:

By order of 22 July 2025, the judge-rapporteur gave the Defendant the opportunity to comment until 6 August 2025 on Claimant's request of 21 July 2025 for imposition of a penalty payment to enforce the Defendant's obligation to provide information in accordance with the decision of the Local Division of 11 March 2025 (UPC_CFI_162/2024) after the Defendant had submitted information which the Claimant considers insufficient.

In its present request of 29 July 2025, the Defendant now requests an extension of the time period for comments by three weeks, invoking in particular the absence of responsible contact persons and UPC representatives due to overlapping vacations, the alleged complexity of the issues raised, which allegedly requires internal verification of facts, international location and logistical constraints, and the time needed to rectify any (disputed) shortcoming.

The Claimant opposes the request and, inter alia, refers to the vagueness of Defendant's statements regarding the alleged absence of contact persons due to vacations, and to the predominantly legal nature of the issues to be commented on. In addition, it fears further delay.

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

Similar penalty requests and similar requests for an extension of the time period for comments thereon were filed in relation to the Defendants in the parallel case UPC_CFI_159/2024.

REASONS FOR THE ORDER:

The order at hand is based on R. 9.3 (a) RoP.

1. When exercising its discretion, the court has to weigh up the interests of the parties involved as well as the public interest in a swift and appropriate court proceedings, taking into account the circumstances of the individual case and the overarching principle of efficient proceedings without undue delay. 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. In principle, this applies not only to time periods referred to in the Rules of Proceedings, but also to time periods set by the court.

2. Applying these principles to the case at hand, weighing up the parties' interests and taking the circumstances of the individual case into account, only an extension of the time period by 2 weeks is justified.

Contrary to Defendant, the time period for commenting on a penalty request has not to provide sufficient time for remedying any potential deficiency in the information rendered so far. It has to be differentiated between the defence against a penalty request and the remedy of an insufficient communication of information. A serious effort to remedy the situation may be taken into account in determining the amount and timing of the penalty payment, if such efforts and the reasons why the remedy cannot be completed within the time period set for the comments are convincingly substantiated in the comments on the penalty payment. However, the time which may be needed to remedy deficiencies is not decisive for the length of a time period for comments on a penalty request. Otherwise, the imposition of the penalty payment for the deficiency in the past would be unduly delayed. Accordingly, the extension of a time period for said comments has no effect on the obligation to render the relevant information in due time.

Furthermore, the vague and abstract statement that the Defendant is domiciled abroad with the need of language and time zone coordination does not justify a time period extension by weeks without further ado. The same applies in principle to the vague and abstract statements regarding the absence of staff due to vacations.

However, since we are currently in the summer vacation period, an extension of two weeks seems to be appropriate and sufficient to take account of any general difficulties arising from the coordination of the responses of the Defendants in the present case and the parallel proceedings during the vacation period. The extension does not unduly impact Claimant's interest in obtaining any possibly missing information. Since the extension does not affect the Defendant's obligation to provide the relevant information in due time, it merely postpones the imposition of a possible penalty. Since the extension does not remedy any late submission of relevant information, it has no bearing on the amount of the penalty in the event a failure by the Defendant to provide information owed in due time.

ORDER:

The time period for commenting on the Claimant's request for the imposition of a penalty payment is extended until **20 August 2025**. In all other respects, the Defendant's request of 29 July 2025 is rejected.

ORDER DETAILS

Order no. ORD_34004/2025 in ACTION NUMBER: ACT_17365/2024

UPC number: UPC_CFI_162/2024

Action type: Infringement Action

Related proceeding no. Application No.: 33935/2025

Application Type: Generic procedural Application

Issued in Mannheim on 4 August 2025

NAME AND SIGNATURE

Böttcher

Legally qualified judge