

Order
of the Court of First Instance of the Unified Patent Court
issued on 27 August 2025
concerning EP 2 936 439
concerning App_35377/2025
(Request for a new time period regime; new service dates)

CLAIMANT

Eyesmatch Ltd.

c/o Hermes Corporate Service (BVI) Ltd., 6th Floor,
Waters Edge, Building 1, Wickham's Cay 2, Road Town,
Tortola - VG1110 - Tortola - VG

Represented by Holger
Stratmann

DEFENDANTS:

1) **Samsung Electronics GmbH**
(Applicant) Frankfurter Straße 2 - 65760 -
Eschborn - DE

Represented by Christian
Lederer

2) **Samsung Electronics Co., Ltd.**
129 Samseong-ro, Yeongtong-gu Suwon -
16677 - Gyeonggi - KP

3) **Samsung Electronics France SAS**
(Applicant) 6, rue Fructidor - 93 400 - Saint-
Ouen - FR

Represented by Christian
Lederer

4) **Samsung Electronics Italia S.p.A.**
(Applicant) Via Mike Bongiorno n. 9 - 20124 -
Milano - IT

Represented by Christian
Lederer

5) **Samsung Electronics Nordic AB** Represented by Christian
(Applicant) Torshamnsgatan 48 - 164 40 - Kista Lederer
- SE

PATENT AT ISSUE:

European patent EP 2 936 439

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: Patent infringement action – Request for a new time period regime; service date

BRIEF SUMMARY OF THE FACTS:

After service on Defendant 1, 3 to 5 has been effected in the period between 2 and 5 August 2025, all parties to the proceedings have agreed that service on all Defendants shall be deemed to have been effected uniformly on 1 September 2025, whereby the UPC representatives of Defendant 1, 3 to 5 also accepting service for Defendant 2 in return, without service abroad being necessary. The agreement also includes an agreement to extend the time period for Claimant's reply and its defence to a possible counterclaim for revocation.

Defendants 1, 3 to 5 request that

- I. a uniform (fictitious) date of service is set for all Defendants for September 1, 2025;
- II. the deadline for filing the Statement of Defense and the Counterclaim for Revocation is thereby set for December 1, 2025 for all Defendants;
- III. the deadline for filing the Preliminary Objection is thereby set for October 1, 2025, for all Defendants;
- IV. the respective Claimant's deadline for filing the Reply to the Statement of Defense and the Defense to the Counterclaim for Revocation is extended by additional two weeks, namely until February 16, 2025.

REASON FOR THE ORDER:

According to the established case law of the LD Mannheim, agreements between the parties that aim at facilitating the service on Defendants abroad and/or harmonizing the time period regime are accepted on a regular basis (cf., e.g., order of 30 April 2025, UPC_CFI_197/2025; order of 9 May 2025, UPC_CFI_189/2025; order of 16 April 2025, UPC_CFI_86/2025). In this context, an extension of a time period is regularly justified by the consent of all parties and the purpose of avoiding service abroad and/or of establishing a uniform time period regime. In the case of service abroad and without a uniform time period regime, different time periods would apply in individual procedural relationships throughout the entire written procedure. This would make the management of proceedings more difficult for all parties involved. Avoiding service abroad also speeds up the overall proceedings. These measures are therefore in line with the principles of a swift and efficient procedure.

For these reasons, the request at hand is essentially granted.

Since the parties are free to mutually agree on a service date for Defendants, on which the service of the statement of claim has not been effected yet, the services date for Defendant 2 is set for 1 September 2025.

For Defendants 1, 3 to 5, the time periods for filing a preliminary objection are extended until 1 October 2025 and for filing the statement of defence until 1 December 2025.

Since the time period for filing a counterclaim for revocation is based on and automatically in line with the time period for filing the statement of defence, no separate extension of the time period for filing a counterclaim for revocation is necessary.

Since extending the time periods has the same effect as setting a fictitious date of service for the Defendants 1, 3 to 5, it is not necessary to formally reject the request in this respect.

Finally, the time period for filing the reply in the infringement proceedings and the defence to a possible counterclaim for revocation is extended until 16 February 2026. The moderate extension is justified by the consent of the parties and as part of the overall agreement between the parties which facilitates the handling of the proceedings by harmonizing the time periods and avoiding service abroad on Defendant 2.

ORDER:

1. For Defendant 2, on which the service of the statement of claim has not been effected yet, the service date is set at 1 September 2025. For Defendant 2, the time period for filing a preliminary objection is therefore 1 October 2025 and the time period for filing the statement of defence is 1 December 2025.
2. For Defendants 1, 3 to 5, the time periods for filing a preliminary objection are extended until 1 October 2025 and the time periods for filing the statement of defence are extended until 1 December 2025.
3. For Claimant, the time period for filing the reply in the infringement proceedings and the defence to a possible counterclaim for revocation is extended until 16 February 2026.

ORDER DETAILS

Order no. ORD_35458/2025 in ACTION NUMBER: ACT_24439/2025

UPC number: UPC_CFI_453/2025

Action type: Infringement Action

Related proceeding no. Application No.: 35377/2025

Application Type: Generic procedural Application

Issued in Mannheim on 27 August 2025

NAME AND SIGNATURE

Böttcher

Judge-rapporteur