



No. APP_34568/2025
UPC_CFI_551/2025

ORDER
of the President of the Court of First Instance
in the proceedings before the Local Division HAMBURG
pursuant to R. 323 RoP (language of the proceedings)

Issued on 05/09/2025

HEADNOTE:

- When deciding on an application to change the language of the proceedings to the language in which the patent was granted for reasons of fairness, all relevant circumstances must be taken into account. In the absence of any objections raised by the Claimant, the Court may refer expressly to the reasoning developed in a previous order issued between the Respondent and three of the Defendants involved in the present case if it is not disputed that the context is the same.

KEYWORDS:

Change of the language of the proceedings – Art. 49 (5) UPCA and R. 323 RoP

APPLICANTS (DEFENDANTS IN MAIN PROCEEDINGS):

- 1- Renault Retail Group Deutschland GmbH**
Peter-Huppertz-Straße 5 - 51063 - Köln - DE
- 2- Renault Deutschland AG**
Peter-Huppertz-Straße 5 - 51063 - Köln – DE
- 3- Renault Nederland N.V.**
Boeing Avenue 275 - 1119 PD - Schiphol-Rijk – NL

4- Renault S.A.S.

122-122 bis Avenue du General Leclerc - 92100 - Boulogne-Billancourt – FR

5- Dacia S.A.

Str. Uzinei n°1 - 115400 - Mioveni - RO

Represented by: Felix Roediger - Bird & Bird LLP

RESPONDENT (CLAIMANT IN MAIN PROCEEDINGS):

Avago Technologies International Sales Pte. Limited

1 Yishun Avenue 7 - 768923 - Singapore - SG

Represented by: Bernd Dr. Allekotte Grünecker Patent- und Rechtsanwälte PartG mbB

PATENT AT ISSUE: EP3720095

SUMMARY OF FACTS

By a statement of claim filed on 19 June 2025, Avago Technologies International Sales Pte. Limited brought an infringement action against the Applicants (hereinafter collectively referred to as “Renault” or “the Defendants” in reference to their role in the main proceedings) based on EP3720095 (No. ACT_29140/2025 UPC_CFI_551/2025).

By a generic procedural application dated 11 August 2025 (“the Application”), Renault Retail Group Deutschland GmbH, Renault Deutschland AG, Renault Nederland N.V., Renault S.A.S. and Dacia S.A., referring to R. 323 RoP, requested that the language of the proceedings be changed from German to English. The Application was forwarded to the President of the Court of First Instance of the UPC pursuant to R. 323.1. RoP.

The Claimant in the main action (No. ACT_29140/2025 UPC_CFI_551/2025) was subsequently invited in accordance with R. 323.2 RoP to indicate within 10 days its position on the admissibility of the request and on the use of the language in which the patent was granted, namely English, as language of the proceedings.

Avago Technologies International Sales Pte. Limited submitted their written comments on 22 August 2025.

The panel of the LD Hamburg has been consulted in accordance with R. 323.3 RoP.

INDICATION OF THE PARTIES' REQUESTS:

The Applicants request that the President of the Court of First Instance order as follows:

1. The language of the proceedings shall be the language in which the patent was granted, namely English.
2. The order shall not be subject to specific translation or interpretation arrangements.

Avago Technologies International Sales Pte. Limited does not object to the Application.

POINTS AT ISSUE:

The Applicants state that the change of the language of the proceedings to the language in which the patent was granted is required on fairness grounds and having considered all relevant circumstances as foreseen pursuant to Art. 49 (5) UPCA. They refer in particular to an order dated 3 July 2025 issued between the same Claimant and three of the Defendants involved in the present action (APP_28457/2025 UPC_CFI_448/2025). They contend that the reasons for this decision, summarised below are also applicable here, namely:

- English is generally used in the technical field of the patent in question. The relevant documents and state of the art are predominantly in this language.
- The parties involved are internationally active companies whose business language is English, used for internal and external communication.
- The requested change is procedurally efficient – especially as it is sought at the earliest possible stage – and does not result in any unreasonable disadvantage for Avago.

They add that two other foreign companies – Dutch and Romanian entities — are involved in the present proceedings, which further underscores the need to litigate in English.

Avago Technologies International Sales Pte. Limited does not comment further on the Application except to give their consent to the requested change of the language of the proceedings from German to the language in which the patent was granted.

GROUNDINGS FOR THE ORDER:

1- Admissibility of the Application

The admissibility of the Application is not disputed.

2- Merits of the Application

According to Art. 49(1) UPCA, the language of the proceedings before a local division must be an official language of its hosting Member State or alternately the other language designated pursuant to Art. 49 (2). It is further provided by R. 323 RoP that "If a party wishes to use the language in which the patent was granted as language of the proceedings, in accordance with Article 49(5) of the Agreement (...) [t]he President, having consulted [the other parties and] the panel of the division, may order that the language in which the patent was granted shall be the language of the proceedings and may make the order conditional on specific translation or interpretation arrangements".

Avago Technologies International Sales Pte. Limited doesn't put forward any circumstances relating to the case or the parties that would – for the purpose of the assessment to be made in the context of the Application – differ from the situation addressed in the previous order dated 3 July 2025 (No. APP_28457/2025 - UPC_CFI_448/2025 – LD Munich) which was issued in a parallel action involving the same Claimant and three of the Defendants sued in the present case.

In the absence of any objections raised by the Claimant in the main proceedings and given the position of the Defendants, the Court expressly refers to the reasoning developed in the aforementioned order. On the same grounds, the language of the present proceedings shall be changed to the language in which the patent at issue was granted – namely English.

The present order shall not at this stage be conditional on specific translation or interpretation arrangements, which are not requested.

ON THESE GROUNDS

- 1- The language of the proceedings shall be changed to the language in which the patent was granted, namely English.

- 2- The present order shall not be conditional on specific translation or interpretation arrangements.
- 3- An appeal may be brought against the present order within 15 calendar days of its notification pursuant to Art. 73. 2 (a) UPCA and R.220 (c) RoP.

INSTRUCTIONS TO THE PARTIES AND TO THE REGISTRY

The next step requires the Applicants to file the Statement of Defence within the time period prescribed by the Rules of Procedure.

ORDER

Issued on 5 September 2025

NAME AND SIGNATURE

Florence Butin
President of the UPC Court of First Instance