



Local Division Mannheim

UPC_CFI_414/2024

Procedural Order

of the Court of First Instance of the Unified Patent Court

issued on 5 September 2025

App 34668/2025

CLAIMANT

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

Represented by Ralph Nack

DEFENDANTS

- | | | |
|----|--|---------------------------|
| 1) | Keysight Technologies, Inc.
(Applicant) - 1400 Fountaingrove Parkway -
95403 - Santa Rosa - US | Represented by Klaus Haft |
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| 2) | Keysight Technologies Deutschland GmbH
(Applicant) - Herrenberger Straße 130 - 71034
- Böblingen - DE | Represented by Klaus Haft |

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 Tochtermann as presiding judge and judge-rapporteur.

LANGUAGE OF PROCEEDINGS: English

SUBJECT-MATTER OF THE PROCEEDINGS: Stay of proceedings

SUMMARY OF FACTS

Defendant applied to have the proceedings stayed in the light of a preliminary opinion rendered by the EPO in opposition proceedings against the patent-in-suit the oral hearing being scheduled for 27 November 2025. Defendant is of the opinion that the revocation of the patent-in-suit were highly likely as according to the preliminary opinion suffered from added matter.

Defendant requests:

to stay the infringement (UPC_CFI 414/2024, ACT_41285/2024) and revocation proceedings (UPC_CFI 729/2024, CC_62952/2024) until a decision in the parallel EPO proceedings on the validity of the European patent EP 3 821 580 is rendered.

Claimant requests to reject that request arguing that the preliminary opinion were non-binding and would be reversed in the hearing. A stay should only be considered in exceptional cases according to the jurisprudence of the UPC CoA. Here the proceedings before the UPC were well-advanced with the oral hearing being scheduled for 9/10 October 2025. It were therefore justified to proceed – also so as to avoid conflicting decisions. Moreover, even if a decision were rendered on 27 November 2025, the written grounds could only be expected weeks if not months later which would lead to an unjustifiable delay for claimant.

REASONS FOR THE ORDER

The court exercises its discretion so as to reject Defendant's application to stay the proceedings.

The case is ripe for a full-fledged hearing on 9/10 October 2025 including the validity of the patent. The reasoned decision of the Opposition Division may only be available a considerable time thereafter. Moreover, it remains open, what the consequences of the added matter as found on a preliminary basis by the EPO will be for the patent-in-suit and even if confirmed after the hearing, the patent-in-suit may still be upheld in a restricted form and it remains unclear what the consequences for the infringement reading of the case at hand would be. Therefore, it appears to be preferable for the UPC to continue the proceedings as it is also in the interest of justice in general to avoid conflicting decisions. The decision of the UPC, which will be handed down approximately six weeks after the hearing in October at the latest and therefore before the hearing at the EPO, will have bearing on the case before the EPO. Furthermore, it appears preferable to decide on both aspects, infringement and validity as planned after the hearing in October as the case is ripe for decision.

ORDER

Defendant's request to stay the proceedings is rejected.

Issued in Mannheim on 5 September 2025

NAMES AND SIGNATURES

Tochtermann
Presiding judge and judge-rapporteur

