



Düsseldorf Local Division UPC_CFI_1041/2025

Procedural Order of the Court of First Instance of the Unified Patent Court issued on 7 November 2025 concerning EP 3 850 660

CLAIMANT:

Yangtze Memory Technologies Co., Ltd., No.88 Weilai 3rd Road, East Lake High-tech Development Zone, Wuhan, Hubei 430000, China

represented by: Attorney-at-law Oliver Jan Jüngst, Attorney-at-law Lucas Brons, Bird & Bird LLP, Carl-Theodor-Straße 6, 40213 Düsseldorf, Germany

electronic address for service: oliver.jan.juengst@twobirds.com

participating: Patent Attorney Dr. Felix Landry, Patent Attorney Leonard Lotz, Bird & Bird LLP, Am Sandtorkai 50, 20457 Hamburg, Germany

DEFENDANTS:

1. **Micron Technology, Inc.**, 8000 South Federal Way Boise, Idaho 83707-0006, USA
2. **Micron Europe Ltd.**, Venture House 2 Arlington Square, Downshire Way, Bracknell, Berkshire, RG12 1WA, United Kingdom
3. **Micron Semiconductor (Deutschland) GmbH**, Leopoldstrasse 250 B, 80807 München, Germany
4. **Micron Semiconductor France SAS**, Immeuble Iliade, 23 Avenue Carnot, 91300 Massy, France

Defendants 2) to 4) represented by: Prof Dr Tilmann Müller-Stoy, Dr Anna Giedke, Bardehle Pagenberg, Prinzregentenplatz 7, 81675 München, Germany

PATENT IN SUIT:

European Patent n° 3 850 660

PANEL/DIVISION:

Panel of the Local Division in Düsseldorf

DECIDING JUDGES:

The order was issued by Presiding Judge Thomas acting as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT: R. 9.3 RoP – Extension of time periods

SUMMARY OF THE FACTS AND REQUEST:

1. On 6 October 2025, the Claimant filed three infringement actions against Defendant 1) to 4) (UPC_CFI_1034/2025, UPC_CFI_1041/2025 and UPC_CFI_1042/2025).
2. The statement of claim has been served to Defendants 2) to 4) on 23 October 2025, but not to Defendant 1).
3. By submission dated 30 October 2025, Defendants' 2) to 4) representatives filed a request for an extension of several time periods for Defendants 1) to 4). Firstly, Defendants 2) to 4) requested that the time period for lodging preliminary objections be set at 24 November 2025 for all Defendants. Secondly, Defendants 2) to 4) requested for all Defendants an extension of the time period for filing the statement of defence until 16 March 2025.
4. The Claimant has objected to an extension of time limits as requested.

POINTS AT ISSUE:

5. According to Defendants 2) to 4), they are faced with an exceptionally large litigation campaign filed in several jurisdictions simultaneously. The infringement allegations are based on 8 external technical reports in two of the three pending cases and an extensive 799-pages report in the third case. Defendants 2) to 4) state that the technical evidence submitted by the Claimant in the three UPC cases comprises a total of roughly 3,000 pages, whereby the Claimant has been preparing its technical evidence since 2023. Defendants 2) to 4) assert that they need adequate time to analyse these comprehensive materials and, if necessary, commission their own counter-reports. Furthermore, Defendants 2) to 4) argue that they have reason to believe that they may have prior use rights. The assertion of these rights requires a thorough investigation into the Defendants' product development history, and an assessment based on the applicable national laws. In addition, the service of the statement of claim has not yet been completed on all Defendants in two of the three cases.
6. The Claimant objected to an extension of the time periods. It is asserted that a consistent approach has been taken in all litigation venues. Indeed, in the cases brought in Germany against the same parties, oral hearings have already been set for 17 September 2026. The technical reports attached to these proceedings (and to the parallel proceedings) have been already known to the counterparties since the second half of 2024. The reports address a variety of challenging embodiments (known as dies) and thus do not all concern a single product. Additionally, it should be noted that only a small portion of the reports are directly related to the infringement case. This reduces the complexity of the reports considerably. The need for global coordination due to the simultaneous pendency of several proceedings

in different courts is not a circumstance that might justify the delay requested by the Defendants. Notwithstanding the above considerations, the Claimant agrees to use the date of 23 October 2025 as a starting point for the deadlines to be applied to all Defendants.

GROUND FOR THE ORDER:

7. Given the strict deadline regime set out in the Rules of Procedure, which serves to ensure that proceedings are conducted as expeditiously as possible, the option of extending time periods under R. 9.3(a) RoP should only be used with restraint and exclusively in justified exceptional cases (UPC_CFI_457/2023 (LD Düsseldorf), Order of 19 January 2024 – Dolby v HP; UPC_CFI_451/2025 (LD Düsseldorf, Order of 20 October 2025 – Leap Tools v Wizart).
8. Against this background, an extension of a time period can only be considered from the outset if the request in question provides specific reasons why the deadline could not be met and why an extension is necessary.
9. With regard to the time period for lodging the statement of defence and filing a counterclaim for revocation, defendant must provide specific reasons as to why it was not possible to prepare a response to the statement of claim and, if applicable, file a counterclaim for revocation (UPC_CFI_451/2025 (LD Düsseldorf, Order of 20 October 2025, mn. 7 - 9 – Leap Tools v Wizart).
10. Based on these principles, the requested extension of the time periods is justified in the present case.
11. In order to enable case management to be as effective as possible, it is in the interests of both parties and the Court that the time limits in all three parallel cases end at the same time.
12. On this basis, it should be noted that, in the case at hand, the statement of claim has been served to Defendants 2) to 4) on 23 October 2025. Therefore, the regular time period for submitting the statement of defence and, if applicable, a counterclaim for revocation for these Defendants ends on 23 January 2026. However, service of the statement of claim to Defendant 1) has not been performed yet. In relation to this Defendant, the relevant time period therefore ends in February 2026, whereby Defendants offer, in case of an extension of the time limits as requested, to immediately instruct and assign the authorised representatives of the other Defendants and to accept immediate service via CMS.
13. With this in mind and taking into account the scope of the Claimant's technical submissions, the requested extension of the time periods for the submission of the statement of claim and, if applicable, a counterclaim for revocation is justified in the interests of an effective conduct of the proceedings and to afford the Defendants a sufficient right to be heard. The extension of the time periods is not expected to cause any significant delay in the proceedings.
14. The uniform setting of the time periods for submitting preliminary objections for all Defendants and the associated minor extension of the time period for individual Defendants is justified for effective case management.
15. Defendant 1) is invited to accept service via e-mail to its representative immediately after service of this order to the other Defendants.

ORDER:

1. Upon request of the Defendants, the time periods for lodging the statement of defence and, if applicable, any counterclaim for revocation is extended to **16 March 2026**.
2. The time period for lodging the preliminary objections is harmonised and ends for all Defendants on **24 November 2025**.

Issued in Düsseldorf on 7 November 2025

NAMES AND SIGNATURES

Presiding Judge Thomas