



Brussels Local Division

UPC_CFI_871/2026

Order
Pursuant to Rule 9.3 of the Rules of Procedure
Of the Court of First Instance of the Unified Patent Court (UPC)
Brussels Local Division
Issued on 16 September 2026

CLAIMANT(S):

In(k)control BV
Represented by: 9800 Deinze (Belgium), E3-laan 43 – 9800 Deinze (Belgium)
Kristof Neefs, solicitor (Inteo)
Timothy Van de Gehuchte, solicitor (Portelio)
Ellen Crabbe, patent attorney (Brantsandpatents)
Hereinafter referred to as: The Claimant or IN(K)CONTROL

DEFENDANT(S):

1. Esko-Graphics BV
2. Esko Software BV
Represented by: Raymonde de Larochelaan 13, 9051 Ghent (Belgium)
Raymonde de Larochelaan 13, 9051 Ghent (Belgium)
Kristof Roox, solicitor (Crowell & Moring LLP)
Jan-Diederik Lindemans, solicitor (Crowell & Moring LLP)
Margot Horowitz, solicitor (Crowell & Moring LLP) Margaux
Dejonghe, solicitor (Crowell & Moring LLP)
Hereinafter collectively referred to as Hereinafter individually referred to as: Defendants or ESKO (Defendant 1)
or ESKO-GRAPHICS (Defendant 2)
or ESKO-SOFTWARE

PATENT(S) TO WHICH THE DISPUTE RELATES

<i>Patent No.</i>	<i>Patent holder(s)</i>
EP 3 841 735	IN(K)CONTROL BV

PANEL/DIVISION:

Chair and Reporting Judge
Legally Qualified Judge
Legally Qualified Judge

Samuel Granata
Marije Knijff
Daniel Voß

PRESIDING JUDGE:

This *order* is issued by the Reporting Judge.

I. JOINT APPLICATION FOR AMENDMENT OF THE SCHEDULE OF PROCEEDINGS AND ASSESSMENT

1. Following the issuance of an Order under Rule 296.3 of the Rules of Procedure on 3 September 2026, which set out the resumed procedural timetable, ESKO filed on 15 September 2026 a *“Request for Leave to Appeal and for an Extension of the Time Limit on the Grounds of Exceptional Circumstances (Rule 220.2 of the Rules of Procedure and Rule 9.3 of the Rules of Procedure)”*.
2. On the same day, the Judge-Rapporteur contacted the respective legal advisers in a joint CMS communication and, in the light of, amongst other things, procedural economy, requested the parties to reach an amicable agreement on a schedule for the submission of written submissions. Such an agreement was to be communicated to the Court by means of a joint application (which also requested that the Court state its position regarding the consequences thereof for the applications filed on 15 September 2026). Should such an agreement not be reached by 16 September 2026 (13:00), IN(K)CONTROL was given the opportunity to respond to the aforementioned applications (by 17 September 2026 (12:00) at the latest).
3. Such a joint application was received by the Court on 15 September 2026, which demonstrates a spirit of good faith on the part of both parties. This joint application makes the following request:
 - A. *The parties request the Court to extend the deadline for Esko to submit its statement of defence (and, where applicable, the counterclaim) to 2 November 2026.*
 - B. *The parties also request the Court to extend the next deadline(s) for In(k)control to lodge its reply (and, where applicable, its defence and applications for relief in the event of a counterclaim) under Rules 29 and 30 to 2 February 2027.*
 - C. *The subsequent time limits under Rule 32 are not covered by this request.*
4. Furthermore, ESKO states that it withdraws its applications under Rule 9.3 of the Rules of Procedure and Rule 220.2 of the Rules of Procedure, filed on 15 September 2026.
5. For the record, the Court notes that ESKO is not waiving its interpretation of Rule 296.3 of the Rules of Procedure (in the light of the Order of 3 September 2026) but will therefore not seek a legal remedy against it.
6. The Court accepts the parties' joint requests to amend the schedule of submissions on the following grounds:
 - Granting the amended schedule for the submission of submissions saves costs for both parties and also reduces the workload for the Court (both at first instance and on appeal).
 - Granting the amended schedule for the submission of submissions allows the parties to take into account the judgment of the Court of Appeal in UPC_CoA_73/2026 regarding ESKO's request to change the language of the proceedings. In this regard, it is noted that such a ruling is not expected before the original deadline of 2 October 2026 for the submission of the

statement of defence (and, where applicable, the counterclaim) by ESKO, as required by the Order of 3 September 2026.

- The corresponding extension of IN(K)CONTROL’s subsequent deadlines ensures equality of arms between the parties.
- Whilst the Court is aware that such an amended schedule for submissions makes it impossible to conclude the proceedings within the one-year time limit (cf. Recital 7 of the Preamble to the Rules of Procedure) (whilst also taking into account the period of suspension (between 29 May and 3 September 2026) in light of the unsuccessful negotiations aimed at reaching an amicable settlement), the Court considers that this does not outweigh the procedural efficiency benefits and the need to allow the parties sufficient time to refine their positions.

III. ORDER

1. The Court imposes the following procedural timetable:
 - a. The deadline for ESKO to submit its statement of defence (and, where applicable, the counterclaim for annulment) is extended to 2 November 2026 (6.00 pm).
 - b. The next deadline(s) for IN(K)CONTROL to submit its reply (and, where applicable, its defence and applications for relief in the event of a counterclaim for annulment) (Rule 29 RoP and Rule 30 RoP) is extended to 2 February 2027 (6.00 pm).
 - c. The subsequent time limits (cf. Rule 32 of the Rules of Procedure) are not affected by this Order.
2. The Court takes note of ESKO’s withdrawal of its applications under Rule 9.3 of the Rules of Procedure and Rule 220.2 of the Rules of Procedure, lodged on 15 September 2026.

Order issued on 16 September 2026 by:

Samuel GRANATA President and Reporting Judge	
Legally Qualified Judge	