



Reference no:

UPC-COA-312/2025

**ORDER**  
**of the Court of Appeal of the Unified Patent Court**  
**issued on 12 October 2026**

**APPLICANT (RESPONDENT BEFORE THE COURT OF APPEAL AND CLAIMANT BEFORE THE COURT OF FIRST INSTANCE)**

**Fujifilm Corporation**, 26-30, Nishiazabu 2-chome, Minato-ku, Tokyo 106-8620, Japan  
represented by Christof Augenstein, Kather Augenstein Rechtsanwälte PartGmbB

**RESPONDENTS (APPELLANTS BEFORE THE COURT OF APPEAL AND DEFENDANTS BEFORE THE COURT OF FIRST INSTANCE)**

- 1) Kodak GmbH**, Kesselstraße 19, 70327 Stuttgart, Germany
  - 2) Kodak Graphic Communications GmbH**, Kesselstraße 19, 70327 Stuttgart, Germany
  - 3) Kodak Holding GmbH**, Kesselstraße 19, 70327 Stuttgart, Germany
- all represented by Kilian Seidel, Freshfields PartGmbB

**PATENT AT ISSUE**

EP 3 511 174

**PANEL**

Panel 1b

Klaus Grabinski, presiding judge and president of the Court of Appeal  
Paolo Catallozzi, legally qualified judge and judge-rapporteur  
Peter Blok, legally qualified judge

#### DECIDING JUDGE

This order has been issued by the judge-rapporteur

#### LANGUAGE OF THE PROCEEDINGS

English

#### DECISION UNDER REVIEW

- Decision of the Court of Appeal of Appeal of the Unified Patent Court dated 2 June 2026.

Number attributed by the Court of Appeal: UPC\_CoA\_312/2025.

#### SUMMARY OF FACTS

1. By application of 8 October 2026, the Respondents requested that the time period for lodging their written comments, due to expire on 16 October 2026, be extended by one week, until 23 October 2026. The Respondents stated that the Applicant had agreed to the requested extension and submitted the relevant email correspondence in support of that statement.

#### GROUNDINGS FOR THE ORDER

2. The Respondents' request for extension of the time period for lodging written comments on Applicant's request for rehearing is admissible and well-founded.
3. Pursuant to R. 9.3(a) RoP, the Court may, on a reasoned request by a party, extend a time period referred to in the Rules of Procedure or imposed by the Court.
4. In exercising its discretion under that provision, the Court must take account of all the circumstances of the case and, in particular, of the consequences of the requested extension for the efficient and fair conduct of the proceedings and for the other party's rights of defence.
5. In the present case, the requested extension is limited to one week. The Court also takes into account that, until its postponement on 7 October 2026, the Respondents' representatives had been required to prepare for an oral hearing scheduled for 13 October 2026 in infringement proceedings between the same parties before the

Düsseldorf Regional Court. The postponement occurred only one day before the present application was lodged.

6. The Applicant has agreed to the requested extension, as confirmed by the correspondence submitted as Exhibit FBD-FV 1. In view of the extension's limited duration, granting it will neither disrupt the procedural timetable nor adversely affect the efficient conduct of the proceedings or place the Applicant at any procedural disadvantage.
7. In those circumstances, and having regard also to the reasons set out in the application, the requested extension is warranted and should be granted.

### **ORDER**

The time period for the Respondents to lodge their written comments on the application for rehearing is extended until 23 October 2026.

Issued on 12 October 2026.

**Paolo Catallozzi**

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Paolo Catallozzi, legally qualified judge and judge-rapporteur