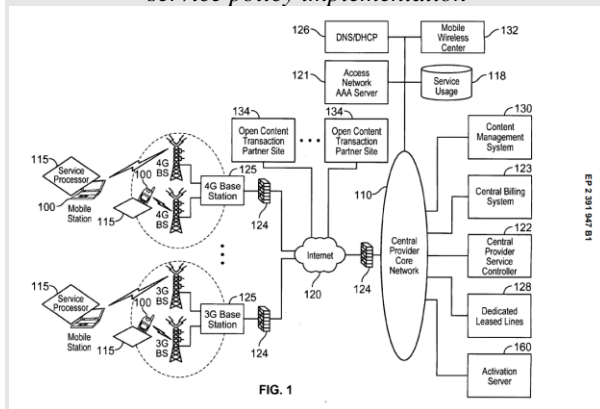


UPC CFI, President, 12 June 2024, Samsung v Headwater

*verifiable device assisted
service policy implementation*



PATENT LAW – PROCEDURAL LAW

Change of language of the proceedings from German to English ([Article 49\(5\) UPCA](#), [Rule 323 RoP](#))

• In the absence of objection from Headwater Research LLC., the language of the proceedings shall be changed to the language in which the patent at issue has been granted - namely English. It is to be noted that the Applicants did not request that existing pleadings and other documents should be translated.

Source: [Unified Patent Court](#)

UPC Court of First Instance, President, 12 June 2024

(Butin)

No. ACT_29928/2024

UPC_CFI_54/2024

ORDER

of the President of the Court of First Instance in the proceedings before the Local Division Munich pursuant to [R. 323 RoP](#) (language of the proceedings) issued on 12/06/2024

APPLICANTS (DEFENDANTS IN THE MAIN PROCEEDINGS):

1- Samsung Electronics GmbH

Am Kronberger Hang 6, 65824 Schwalbach/Taunus
Germany

2- Samsung Electronics France, S.A.S.

6 Rue Fructidor, CS 2003, 93400 Saint-Ouen-Sur-Seine
France

3- Samsung Electronics Benelux B.V.

Evert van de Beekstraat 310, 118 CX Schiphol The
Netherlands

Represented by: Denis Benz – Allen&Overy

RESPONDENT (CLAIMANT IN THE MAIN PROCEEDINGS):

Headwater Research LLC

110 North College Avenue, Suite 1116, Tyler, TX
75702, USA

Represented by: Thomas Adam – Peterreins Schley

SUMMARY OF FACTS - SUBJECT - MATTER OF THE PROCEEDINGS:

By a Statement of Claim filed on 12 February 2024, Headwater Research LLC. brought an infringement action against Samsung Electronics GmbH, Samsung Electronics France, S.A.S., and Samsung Electronics Co. Ltd, based on [EP 2391947](#).

By an application dated 24 May 2024, the abovementioned defendants, referring to [R.323 RoP](#), requested that the language of proceedings be changed from German to English (hereinafter the “Application”). The Application was forwarded to the President of the Court of First Instance of the UPC pursuant to [R. 323.1. RoP](#).

By an order dated 27 May 2024, the claimant in the main action (No. ACT_7603/2024 UPC_CFI_54/2024) was therefore 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.

Headwater Research LLC. submitted its written comments on the Application on 6 June 2024 and with regard to the recent [order dated 30 May 2024 in the case No UPC_CFI_26/2024](#):

- does not object to the requested change of the language of the proceedings to the language in which the patent was granted.

- welcomes a waiver of translation of pleadings and documents already submitted in accordance with [R. 324 RoP](#).

GROUND FOR THE ORDER:

In the absence of objection from Headwater Research LLC., the language of the proceedings shall be changed to the language in which the patent at issue has been granted - namely English. It is to be noted that the Applicants did not request that existing pleadings and other documents should be translated.

ON THESE GROUNDS:

1- The Application shall be granted and the language of the proceedings shall be changed to the language in which the patent at issue has been 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 to the Applicants pursuant to [Art. 73. 2 \(a\) UPCA](#) and [R.220 \(c\) RoP](#).

INSTRUCTIONS TO THE PARTIES AND TO THE REGISTRY:

The next step is for the Applicants to file the Statement of Defence within the time period as set by the Judge-rapporteur.

Issued on 12 June 2024

NAME AND SIGNATURE

Florence Butin

President of the UPC Court of First Instance
