

UPC CFI, Local Division Hamburg, 25 July 2024,
Xiaomi v Daedalus



PATENT LAW – PROCEDURAL LAW

No convincing reasons for time limit extensions ([Rule 9.3\(a\) RoP](#))

- [Necessary coordination with suppliers based outside Europe is not a convincing reason for an exceptional extension of the time.](#)

[Neither that exchange of technical information is subject to very restrictive confidentiality obligations imposed on the defendants 3\) and 4\). this does not justify the requested extension.](#) The RoP do provide especially for that purpose a possibility for the protection of confidential information in [R. 262A RoP](#), which can be used parallel with the lodging of the statement of defence.

- Additionally, the arguments brought forward do not justify an extension for the deadline for filing a counterclaim for revocation as the latter concerns technical questions that are most likely independent of any possible confidentiality obligations.

Source: [Unified Patent Court](#)

UPC Court of First Instance, 25 July 2024

(Schilling)

UPC_CFI_169/2024

Procedural Order

of the Court of First Instance of the Unified Patent Court
delivered on 25/07/2024

APPLICANT/S

3) Xiaomi Technology Netherlands B.V.

(Defendant) - Prinses Beatrixlaan 582 - 2595BM -
The Hague (Den Haag) - DE

Represented by Prof. Dr. Tilman Müller-Stoy

4) Xiaomi Technology Germany GmbH

(Defendant) - Niederkasseler Lohweg 175 - 40547 -
Düsseldorf - DE

Represented by Prof. Dr. Tilman Müller-Stoy

CLAIMANT

1) Daedalus Prime LLC

(Claimant) - 75 South Riverside, unit B/C, Croton-on-
Hudson - 10520 - New York - US

Represented by Dr. Marc Grunwald

PATENT AT ISSUE

Patent no. Proprietor/s
[EP2792100](#) Daedalus Prime LLC

DECIDING JUDGE

Judge-rapporteur Dr. Schilling

LANGUAGE OF THE proceedings:

English

SUBJECT OF THE PROCEEDINGS:

Patent infringement

MOTIONS BY THE PARTIES:

The defendants 3) and 4) request that the deadlines for lodging the statement of defence and any possible Counterclaim for revocation, currently due on 26 July 2024, be extended by two weeks.

They argue that the deadline extensions are necessary for the required clarification of the facts. The infringement action attacks specific functionalities of a certain component (chip) that is allegedly implemented in certain smartphones of defendants 3) and 4). They state that neither defendants 3) and 4) nor any other entities within the Xiaomi group to have the necessary technical insights into the functioning of this component. Therefore, these insights have to be obtained from MediaTek, who is the manufacturer of the attacked components.

They declare that the exchange of technical information with MediaTek is underway but would be subject to considerable delays due to very restrictive confidentiality obligations which are imposed on them, the defendants 3) and 4).

The claimant objected to the request to extend the deadline. It is of the opinion that the defendants have neither asserted nor shown any exceptional reasons that justify an extension of their deadline. The argument that they are allegedly still lacking certain technical information to be used in their statement of defense from defendant 5) (MediaTek) is not plausible. It argues that the defendants as well as MediaTek have known about claimant's concern of unauthorized use of its patent rights and its intention to bring a legal action for a considerable time now, namely since March 2024. Furthermore, a time extension of two weeks would bear significant disadvantages for the claimant as regards to its defence against the parallel (standalone) revocation action that Xiaomi Technology France SAS filed on May 31, 2024 with the Central Division of the UPC in Paris (Docket no. ACT_31389/2024).

REASONS FOR THE ORDER:

The request for an extension of the time limit is not justified. The Rules of Procedure of the Unified Patent Court (RoP) contain a balanced time limit regime for the written procedure of an infringement action pursuant to [R. 12 RoP](#) with adequate time limits pursuant to [R. 23](#) and [29 RoP](#). The longest time limit of three months is already provided for the statement of defense under [R. 23 RoP](#).

The defendants have not put forward any convincing reasons that would allow an extension of the time limit in accordance with [R. 9.3 \(a\) RoP](#) in deviation from the envisaged time limit regime. **Insofar as the defendants refer to the fact that coordination with suppliers based outside Europe, whose components are at the heart of the infringement allegation is necessary, this circumstance as such does not constitute a convincing reason for an exceptional extension of the time limit (comp. [LD Hamburg, 22.08.2023, UPC CFI 54/2023, ORD](#)**

[560542 in ACT 463258/2023](#)). On the contrary, the time limit for filing a statement of defense pursuant to [R. 23 RoP](#) is already calculated in such a way that it enables clarification of the facts and internal coordination for international patent disputes falling within the jurisdiction of the Unified Patent Court. Moreover, in the present legal dispute, the time limit for filing a statement of defense is already three months and seven respectively nine days for the defendants 3) and 4) without the requested extension of the time limit due to the calculation of the time limit pursuant to [R. 271.6 \(b\)](#) in conjunction with [271.4 \(a\) RoP](#).

With regards to the statement that the exchange of technical information with MediaTek was underway but subject to very restrictive confidentiality obligations which are imposed on the defendants 3) and 4), this does not justify the requested extension. The RoP do provide especially for that purpose a possibility for the protection of confidential information in [R. 262A RoP](#), which can be used parallel with the lodging of the statement of defence.

Additionally, the arguments brought forward do not justify an extension for the deadline for filing a counterclaim for revocation as the latter concerns technical questions that are most likely independent of any possible confidentiality obligations.

The responsibility for the order by the rapporteur follows from [R. 331.1](#) in conjunction with [334 \(a\) RoP](#).

ORDER

The Defendants' 3) and 4) application for an extension of the time limit for lodging the statement of defence and any possible Counterclaim for revocation is rejected.

ORDER DETAILS

Order no. ORD_43090/2024 in ACTION NUMBER:
ACT_19012/2024

UPC number: UPC_CFI_169/2024

Action type: Infringement Action

Related proceeding no. Application No.: 42733/2024

Application Type: Generic procedural Application

ISSUED IN HAMBURG, JULY 25 TH , 2024

Judge rapporteur Dr. Schilling
