

UPC CFI, Local Division The Hague, 6 August 2024,  
Winnow v Orbisk

*a system and method for monitoring food waste*

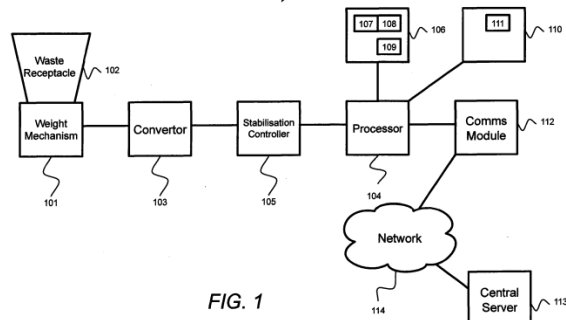


FIG. 1

**PATENT LAW – PROCEDURAL LAW**

Extension granted from 20 August 2024 to 6 September 2024 for filing response to [Rule 190 RoP](#) request (order to produce evidence)

- [The Statement of defence and the reply to the R. 190 request so not \(necessarily\) have to be filed on the same date](#)

Source: [Unified Patent Court](#)

UPC Court of First Instance,  
Local Division The Hague, 6 August 2024  
(Brinkman)

UPC\_CFI\_327/2024

**Procedural Order**

of the Court of First Instance of the Unified Patent Court  
issued on 06/08/2024

[...]

**Orbisk B.V.**

(Defendant) - Kanaalweg 29 A - 3526 KM - Utrecht - NL

Statement of claim served on 27/06/2024

[...]

**APPLICANT/S**

1) **Orbisk B.V.** (Applicant) - Kanaalweg 29 A - 3526 KM - Utrecht - NL

Represented by Michiel De Baat

**RESPONDENT/S**

**RELEVANT PROCEEDING PARTIES**

1) **Winnow Solutions Limited**

(Main proceeding party - Claimant) - 100 Avebury Boulevard - MK9 1FH - Milton Keynes - GB

Represented by Gregory Bacon

**PATENT AT ISSUE**

Patent no. Proprietor/s  
[EP3198245](#) Winnow Solutions Limited

[...]

**DECIDING JUDGE**

Judge-rapporteur Edger Brinkman

**LANGUAGE OF PROCEEDINGS:** English

**SUBJECT-MATTER OF THE PROCEEDINGS**

Infringement action. [R. 190 RoP](#) application.

**STATEMENT OF THE FORMS OF ORDER SOUGHT BY THE PARTIES**

On 30 July 2024, the judge-rapporteur (“JR”) by Preliminary Order granted respondent Orbisk B.V. (“Orbisk”) a three-week term to respond to the [R 190](#) Request, which will expire on 20 August 2024. For reasons outlined in its request, Orbisk requests the Court to extend the term granted in the Preliminary Order and to allow Orbisk to respond to Winnow’s [R190](#) Request together with its Statement of defence (27 September 2024).

**SUMMARY OF FACTS**

On 18 June 2024, Winnow Solutions Ltd. (“Winnow”) filed its Statement of Claim, alleging infringement of [EP 3 198 245 B1](#), together with a ‘Request for order to produce evidence under [Article 59 UPCA](#) and [Rule 190 RoP](#)’ (the “R. 190 request”). After service of the SoC on 27 June 2024, the Statement of Defence (“SoD”) in the main proceedings is currently due on 27 September 2024.

**GROUND FOR THE ORDER**

Winnow does not object to an extension for Orbisk’s reply to 30 August 2024. The JR will grant an extension of an extra week on top of that, so to 6 September 2024. The reason for this extension is based solely on the summer holiday period. The extra week is granted to give a few days extra after the summer holidays have ended. The JR agrees with Winnow that speed for handling the [R. 190](#) request is necessary for it to use any information obtained (if granted) in its reply to the SoD. After all, the JR will still need some time to decide on the [R. 190](#) request and, if granted, confidentiality issues may need to be addressed. The JR also agrees with Winnow that Orbisk was in the possession of this [R. 190](#) request already since 27 June 2024, so that it effectively has had much longer time to respond to it than the three weeks granted in the 30 July 2024 Preliminary Order. The JR does not agree with Orbisk that its reply should coincide with the SoD. It may be true that certain arguments regarding invalidity or non-infringement from the main proceedings may also be brought forward against the [R. 190](#) request. That does not mean however that the SoD and the reply to the R. 190 request should (necessarily) be filed on the same date. Without merit is finally Orbisk’s assumption that absent an (earlier) Preliminary Order by the JR, it could reasonably have assumed that the deadline to reply would coincide with the SoD.

**ORDER**

The JR will grant an extension for Orbisk to file its reply to the R. 190 RoP request until 6 September 2024.

**ORDER DETAILS**

Order no. ORD\_45347/2024 in ACTION NUMBER: ACT\_36388/2024

UPC number: UPC\_CFI\_327/2024

Action type: Infringement Action

Related proceeding no. Application No.: 44803/2024

Application Type: Generic procedural Application

[...]

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