

Mannheim Local Division

UPC\_CFI\_210/2023

Order

of the Court of First Instance of the Unified Patent Court

Mannheim Local Division

issued on 16 September 2024

regarding EP 2 568 724

Plaintiff:

Panasonic Holdings Corporation - 1006, Oaza Kadoma, Kadoma-shi - 571-8501 - Osaka - JP  
represented

by Christopher Weber

Defendants:

1)

OROEPE Germany GmbH - Graf-Adolf-Platz 15 - 40213 - Düsseldorf - DE

represented by Andreas Kramer

2)

Guangdong OPPO Mobile Telecommunications Corp. Ltd. - NO.18 Haibin Road, Wusha,  
Chang'an

Town, Guangdong Province - 523860 - Dongguan – CN

represented by Andreas Kramer

CONTESTED PATENT:

EUROPEAN PATENT NO. EP 2 568 724

JUDICATORY BODY/CHAMBER:

Local Chamber Mannheim

PARTICIPATING JUDGES:

This order was issued by the chairman and judge-rapporteur Prof. Dr. Tochtermann.

LANGUAGE OF THE PROCEEDINGS: German/English

SUBJECT: Preparation of oral hearing - interim proceedings

1. The hearing date has been coordinated with the parties and has already been finally  
set:

Montag, den 7. Oktober 2024, 10:00 Uhr (Verletzung/Rechtsbestand), Raum O 102 Aula (Schloss Ostflügel) Schloss Mannheim, D-68161 Mannheim

Dienstag, den 8. Oktober 2024 (FRAND-Einwand und -widerklage) 10:00 Uhr, Raum O 102 Aula (Schloss Ostflügel) Schloss Mannheim, D-68161 Mannheim

Reservetag: Donnerstag, den 10. Oktober 2024, 10:00 Uhr, Saal 1 (EG), EPG Mannheim, Schubertstraße 11, 68165 Mannheim

Please note that Thursday is only scheduled for unforeseen and unforeseeable discussions. The aim is to conclude the hearing on Monday and Tuesday (Oppo) or Monday and Wednesday (Xiaomi).

Please note that on Thursday there are only eight seats at tables for the party representatives in Room 1. Other people can attend in the audience in Room 1 (a total of 24 additional seats); if necessary, Room 2 can be used as an overflow room, into which the video signal is transmitted (another 40 audience seats).

The attached order of the chairman regarding the order of the session must be observed.

## 2. Information on structuring the hearing

The chairman will introduce the facts and the dispute, organized by topic. After that, a break of a maximum of 15 minutes can be taken if necessary before the oral statements of the parties begin. At the end of his introduction, the chairman will determine which side of the party will have the floor first.

### First day - technology

The hearing will first deal with the uniform interpretation of the patent in suit for validity and infringement. The validity will then be discussed.

Here, it will be discussed to what extent the document FBD-T13 = VB-T D 15 should also be admitted in the UPC\_CFI\_210/2023 proceedings. It will also be discussed to what extent the plaintiff's patent attorneys' statement in the written submission of September 9, 2024 should be taken into account.

At least in the UPC\_CFI\_219/2023 case, the document FBD-T13 could be the first to be examined.

It should be noted that the UPC\_CFI\_210/2023 and 219/2023 cases will be heard together without connection in the matter as far as the technical aspects of the case are concerned.

Finally, the infringement by the standard will be discussed. The proceedings appear to be sufficiently prepared with regard to the technical aspects based on the information in the written proceedings.

### Second day - FRAND

On the second day of the hearing, the FRAND complex of the case (in the UPC\_CFI210/2023 case, including the FRAND counterclaim) will be heard. The FRAND complex will be heard separately in the UPC\_CFI\_210/2023 and UPC\_CFI\_219/2023 proceedings on the different dates (Tuesday: UPC\_CFI\_210/2023, Wednesday UPC\_CFI\_219/2023).

The chairman will again introduce the facts and the dispute. The abstract legal questions and the versions of the applications will be discussed first. The details of the respective proceedings will be dealt with later.

It is pointed out that the abstract discussion of antitrust law will take place in public.

The public will only be excluded if specific circumstances that are the subject of the R262a orders are affected. If there is a need for discussion on this, it will be discussed in private whether and to what extent the public should be excluded.

### 3. Participation in the hearing

The party representatives must inform the court by September 27, 2024, which people are participating in the hearing for each side. These must be named. In addition, those people who are participating in the hearing via video link (web.ex) must be named.

The party representatives are required to inform the court, if the public is excluded, which people are still allowed to participate in the hearing via video link. Forwarding the video access link is prohibited, as is the participation of other unnamed people via the video link.

The link for the video link will be sent by email to the party representatives Augenstein/Weber on the plaintiff side and Kramer or Prinz zu Waldeck on the defendant side in the week before the hearing. The party representatives must then forward the link to the people they have named who want to participate in the video link.

### 4. Sending any documents

If the party representatives intend to use diagrams, figures or other graphic means in their statements, these must be sent to CONTACT MANNHEIM.LOC  
contact\_mannheim.loc@unifiedpatentcourt.org and to the opponent by September 27, 2024. The images will be sent to the screens and to the VC by the bench or the service team.

### 5. Choice of language

The court must be informed by email to the chairman by September 27, 2024 in which of the languages permitted under the settlement will be used to plead which aspect of the case.

6. Value in dispute The value in dispute for these proceedings is set at over EUR 50 million in accordance with Rule 370.6 of the Rules of Procedure in view of the defendant's FRAND counterclaim and the applications formulated by the plaintiff in this context. The statement of the value in dispute in the statement of claim does not yet reflect this further course of proceedings and appears to be understated in any case with regard to the territories claimed.

### 7. Estimate of costs

The parties are requested by September 27, 2024, in accordance with Rule 104 (k) of the Rules of Procedure, to submit a preliminary estimate of the costs of the litigation that the parties intend to claim.

### 8. Interpretation

The parties have stated that they will arrange for interpretation on their part. Any technical details must be agreed with the registry of the local division (CONTACT

MANNHEIM.LOC contact\_mannheim.loc@unifiedpatentcourt.org) by September 27, 2024, if still necessary.

NAMES AND SIGNATURES

Issued in Mannheim on September 16, 2024

Prof. Dr. Tochtermann

Chairman and judge-rapporteur