



UPC Court of Appeal  
UPC\_CoA\_183/2024  
App\_23543/2024

## ORDER

of the Court of Appeal of the Unified Patent Court  
issued on 1 May 2024

concerning a request for panel review of an order concerning extension of the time period for lodging a  
Statement of grounds of appeal (R.224.2(b), R.9.3(a) and R.333 RoP)

APPLICANT (AND CLAIMANT IN THE MAIN PROCEEDINGS BEFORE THE CFI):

**Daedalus Prime LLC**, New York, USA

represented by: Dr. Marc Grunwald, Rechtsanwalt, Peterreins Schley, Munich, Germany

RESPONDENTS (AND 3 and 4; DEFENDANTS IN THE MAIN PROCEEDINGS BEFORE THE CFI):

1) **Xiaomi Communications Co., Ltd.**, Beijing, China

2) **Xiaomi Inc.**, Beijing, China

3) **Xiaomi Technology Netherlands B.V.**, The Hague, the Netherlands

represented by: Prof. Dr. Tilman Müller-Stoy, Rechtsanwalt, Bardehle Pagenberg

4) **Xiaomi Technology Germany GmbH**, Düsseldorf, Germany

represented by: Prof. Dr. Tilman Müller-Stoy, Rechtsanwalt, Bardehle Pagenberg

5) **MediaTek Inc.**, Hsin-Chu City, Taiwan

LANGUAGE OF THE PROCEEDINGS

English

PATENT IN SUIT

EP 2792100

## PANEL

Second Panel

### DECIDING JUDGES:

This order has been issued by the second panel consisting of:

Rian Kalden, Presiding judge and legally qualified judge

Ingeborg Simonsson, legally qualified judge and judge rapporteur

Patricia Rombach, legally qualified judge

### IMPUGNED ORDER OF THE COURT OF FIRST INSTANCE

□ Date: 18 April 2024

□ Order ORD\_20986/2024, concerning ACT\_19012/2024, in the infringement action UPC\_CFI\_169/2024

### SUMMARY OF FACTS

In the impugned order, the Court of First Instance dismissed the claimant's (Daedalus') requests for service of the Statement of claim on three of the defendants via their respective German branch offices. Daedalus appealed the order and asked for extended time to lodge its Statement of grounds of appeal. On 29 April 2024, the judge-rapporteur denied the request for extension (ORD\_23174/2024). As set out in the said order, Daedalus had explained that, given that the order of the Court of Appeal can be a precedent, it wanted to present a thorough analysis and was in the process of seeking a legal opinion from a law professor. The judge-rapporteur, however, took the view that Daedalus could and should have sought external advice and comprehensively set out its own arguments before lodging the Statement of claim with the Court of First Instance, and that at this stage in the proceedings there was no reason to extend the time period for lodging the Statement of grounds of appeal.

### INDICATION OF APPLICANT'S REQUEST:

Daedalus has applied for a panel review of the order of 29 April 2024 pursuant to R.333 RoP. In addition to the reasons stated in the request which was denied, Daedalus has brought forward that it had good reasons to assume that the Hamburg Local Division would be convinced by its line of argumentation concerning service of the Statement of claim, that additional aspects may come up in the appeal process since the discussion pertains to legal issues, and that there has been a systemic problem of the CMS in the context of this procedural appeal.

Respondents 3 and 4 have been heard and have refuted the request.

### GROUND FOR THE ORDER

The panel agrees with the order of the judge-rapporteur. Furthermore, the issues with the CMS have not been such as to prevent Daedalus from lodging the Statement of grounds of appeal in time.

### ORDER

The panel confirms the order of the judge-rapporteur (ORD\_23174/2024) and hence the request for extension is denied.

Issued on 1 May 2024

Rian Kalden, Presiding judge and legally qualified judge

Ingeborg Simonsson, legally qualified judge and judge-rapporteur

Patricia Rombach, legally qualified judge

For technical reasons signed by Presiding judge Rian Kalden on behalf of Patricia Rombach