



## Paris Local Division

UPC\_CFI\_495/2023  
Procedural Order  
of the Court of First Instance of the Unified Patent Court  
delivered on 12/02/2024

HEADNOTES:

The Court authorizes an alternative method of service (R. 275.1 RoP) only if the service could not be effected. The method already effected by the Court is not considered to constitute an alternative method. The Hague Service Convention: If the registered letter has been received by the Central Authority, a delay of 10 days from the date of sending the registered letter shall not be considered as a failure of service.

KEYNOTES:

Alternative method of service (R. 275.1 RoP)

APPLICANT

ICPillar LLC  
(Applicant) - 4265 San Felipe Street, Suite 1100  
- 77027 - Houston, Texas - US

Represented by Lionel Martin

RELEVANT OTHER PARTIES (defendants to whom the service of the SoC has not been effected)

Arm Poland Sp. z.o.o  
UL. ŻELAZNA 2 - 40-851 -  
KATOWICE, ŚLĄSKIE - PL

ARM Limited  
110 Fulbourn Road CB1  
9NJ Cambridge United  
Kingdom

Simulity Labs Limited  
110 Fulbourn Road - CB1  
9NJ - Cambridge - GB

Hyperglance limited  
Office 7 35-37 Ludgate  
Hill - EC4M 7JN - London -  
GB

SVF Holdco  
69 Grosvenor Street -  
W1K 3JP - London - GB

Apical Limited  
110 Fulbourn Road -  
CB1 9NJ - Cambridge -  
GB

#### PATENT AT ISSUE

<i>Patent no.</i>	<i>Proprietor</i>
EP3000239	ICPillar

#### DECIDING JUDGE

Judge-rapporteur : Camille Lignieres

LANGUAGE OF PROCEEDINGS: English

SUBJECT-MATTER OF THE MAIN PROCEEDINGS : INFRINGEMENT ACTION

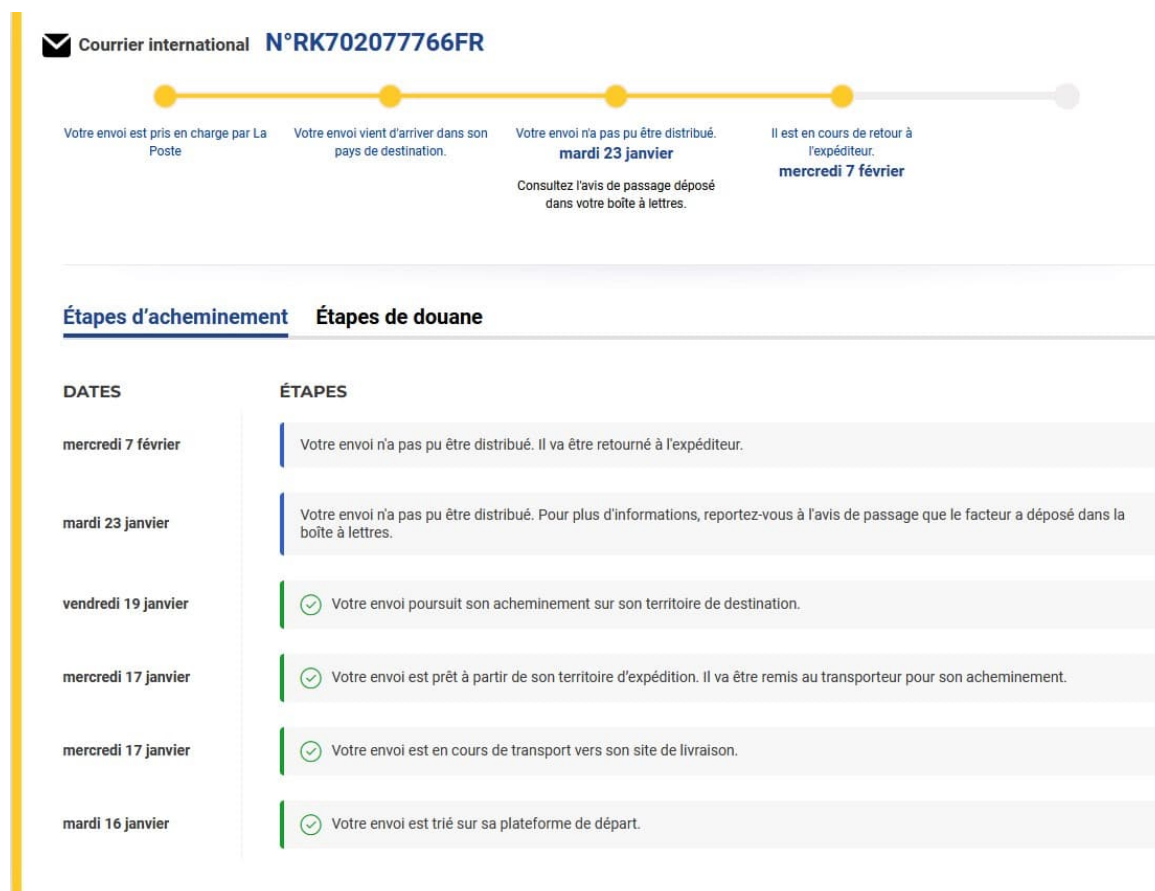
#### ORDER

On 01/02/2024, ICPILLAR (hereinafter the "Applicant", Claimant in the main proceedings) lodged an application under R. 275.1 RoP related to an alternative method for the service of their Statement of Claim (hereinafter "SoC") dated of 22/12/2023 in the infringement main proceedings (ACT\_495/2023) and registered on 28/12/2023 against 12 defendants all belonging to the ARM group of companies, in various countries.

Service of the SoC by electronic means cannot be effected by the Court.

Regarding service in EU countries, all registered letters with acknowledgement of receipt in accordance with R. 271.4 a) Rop and Art. 18 Regulation (EU) 2020/1784 were sent by the Court on 16/01/24.

With the exception of Poland, all letters were duly delivered. As regards the service in Poland to Arm Poland Sp. z.o.o., the digital tracking provided by the Post office shows that delivery cannot be carried out:



The Court notes that we are in the case foreseen by R. 275.1 Rop "where service under section 1 or 2 could not be effected".

The Claimant proposes to be authorised to proceed as follows:

-1) through French bailiff with service following Article 8 of the EU Regulation 2020/1784 (i.e. with the French bailiff acting as transmitting agency and using the local official receiving agency) accompanied by the sending by registered letter with acknowledgement of receipt of a certified copy of the document to be notified following Article 686 of the French Civil Procedure Code;

-2) through French bailiff with service following Article 18 of the EU Regulation 2020/1784 (i.e. by postal services on persons present in another Member State by registered letter with acknowledgement of receipt);

-3) through French bailiff by establishing bailiff reports of direct contact of local Polish bailiff ("*ko-mornik*") requesting for the later to the perform service according to the local rules of service for a document instituting a judicial proceeding;

-4) by establishing bailiff reports of sending made by a representative of the claimant using two well-established private carriers, independent from one another (e.g. UPS, DHL, Fedex) for in person delivery against acknowledgement of receipt, including bailiff reporting the acknowledgment of receipt with the use of the tracking tools of those private carriers.

The second proposal is the service method already effected by the Court without reaching the recipient.

The three other methods suggested below appear to be good service and comply with the law of the country where service is to be effected (R. 275.4 RoP), as they comply with the EU Service Regulation (EU 2020/1784). The date on which the SoC is deemed to have been served is the date of effective delivery of the letter to this defendant at his legal address.

As regards service in the United Kingdom, which is a non-EU country, service was effected by the Court in accordance with the Hague Service Convention under R. 274.1 (ii) RoP by sending an international registered letter with acknowledgement of receipt to the central authority designated by that country.

According to the digital tracking provided by the Post Office, this letter was received by the central authority on 26/01/2024, i.e. the Master of the Royal Court in London. Therefore, the criteria under R. 275.1 RoP "where service could not be effected in accordance with paragraphs 1 or 2" are not met at this stage of the procedure. Service under R. 274.1 (ii) is still in progress and the delay of 10 days from the date of sending the registered letter is still reasonable. Therefore, the request under R. 275.1 regarding service on the UK entities will be dismissed.

FOR ALL THESE REASONS,

THE COURT OF FIRST INSTANCE – PARIS LOCAL DIVISION

orders that:

1) The claimant is authorised to proceed an alternative method of service as regards to Arm Poland Sp. z.o.o., by using one of the following methods:

-Either, through French bailiff with service following Article 8 of the EU Regulation 2020/1784 (i.e. with the French bailiff acting as transmitting agency and using the local official receiving agency) accompanied by the sending by registered letter with acknowledgement of receipt of a certified copy of the document to be notified following Article 686 of the French Civil Procedure Code;

-Or, through French bailiff by establishing bailiff reports of direct contact of local Polish bailiff ("*komornik*") requesting for the later to the perform service according to the local rules of service for a document instituting a judicial proceeding;

-Or, by establishing bailiff reports of sending made by a representative of the claimant using two well-established private carriers, independent from one another (e.g. UPS, DHL, Fedex) for in person delivery against acknowledgement of receipt, including bailiff reporting the acknowledgment of receipt with the use of the tracking tools of those private carriers.

The date on which the Statement of Claim is deemed to have been served is the date of effective delivery of the letter to this defendant at his legal address.

2) The request under R.275.1 RoP in respect of all UK entities is dismissed.

Delivered in Paris, on 12 February 2024.

C. Lignieres, Judge-rapporteur.

ORDER DETAILS

Order no. 7671 in ACTION NUMBER: ACT\_596432/2023

UPC number: UPC\_CFI\_495/2023

Action type: Infringement Action

Related proceeding no. Application No.: 5858/2024

Application Type: R.275.1 RoP