

**Non-binding Guidance
for the use of the
“General Template for Order – UPC CFI”**

Summons of a court expert

ORDER

of the Court of First Instance of the Unified Patent Court
Local division in ... / Regional division in ... / Central division (Paris Seat or Munich Section)
issued on ... [dd month in words yyyy]
concerning ... [EP/UP/SPC/EP application at issue]

HEADNOTES: ... *[required by R. 67 RegR] [to be provided by the Judge-rapporteur]*

KEYWORDS: *[required by R. 67 RegR] [to be provided by the Judge-rapporteur]* simultaneous interpretation; questions to be put to the court expert; responsibility of the court expert; oral hearing, summons of parties, party experts; date set in written procedure / at interim conference; parties' agreement to shorter time period; simultaneous interpretation; at a party's cost; closure of interim conference.

REFERENCE CODE ECLI: ... *[required by R. 67 RegR] [to be provided by the Deputy-Registrar]*

CLAIMANT:

... *[name and postal address]*

represented by ... *[academic title (where applicable), name, national professional title, firm]*

assisted by ... *[academic title (where applicable), name, national professional title, firm]*

DEFENDANT:

... *[name and postal address]*

represented by ... *[academic title (where applicable), name, national professional title, firm]*

assisted by ... *[academic title (where applicable), name, national professional title, firm]*

PATENT AT ISSUE (data to be retrieved in databases of the EPO)

European patent n° ... *[hereafter referred to by its last three digits, e.g. EP 789]*

[or European patent with unitary effect n° ... [e.g. UP 789]

[or Supplementary protection certificate ... [e.g. SPC 789]

[or European patent application n° ... [e.g. EP application 789]

PANEL/DIVISION

Panel *[in divisions having more than one panel number of the panel: ...]* of the Local *[or: Regional]*

Division in ... *[or: of the Central Division (Paris Seat) or: of the Central Division (Munich Section)]*

DECIDING JUDGES [R. 350.1(c) ROP]:

This Order has been issued by the judge-rapporteur ...

[in case a single judge is delivering the Order]

This order has been issued by the single judge ...

SUMMARY OF FACTS [OPTIONAL - MANDATORY IN CASE LEAVE TO APPEAL IS GRANTED BY SINGLE JUDGE, SEE R. 351.2(b) RoP]

[Free text]

STATEMENT OF FORMS OF ORDER SOUGHT BY THE APPLICANT [OPTIONAL - MANDATORY IN CASE LEAVE TO APPEAL IS GRANTED BY SINGLE JUDGE, SEE R. 351.2(a) RoP]

[Free text]

POINTS AT ISSUE [OPTIONAL - MANDATORY IN CASE LEAVE TO APPEAL IS GRANTED BY SINGLE JUDGE, SEE R. 351.2(b) RoP]

[Free text]

FOUNDATIONS FOR THE ORDER [OPTIONAL - MANDATORY IN CASE LEAVE TO APPEAL IS GRANTED BY SINGLE JUDGE, SEE R. 351.2(c) RoP]

[Free text]

ORDER (OPERATIVE PART) [R. 351.1(e) RoP]

[Optional standard text]

It is ordered that

- the court expert [name, address and description, R. 185.4(a) to (i) RoP]
- is summoned to the oral hearing which shall take place
 - on ... [dd month in words yyyy] [must be a UPC working day of the UPC]
 - at ... [hour] [R. 108 RoP]
 - in Court, at the ... division in ... [full visiting address]
 - by video-conference [R. 112.3(c) RoP]

The court expert shall be informed of the following:

- the court expert may be heard by the Court in particular on the following facts of the action [R. 186.6 RoP]: ...
- the language of the proceedings is Simultaneous interpretation between that language and the language of the court expert is possible [R. 178.6, 188RoP]

The court expert has the following obligations

- to attend the oral hearing [R. 186.6 RoP]
- to answer questions from the Court and from the parties [R. 186.6 RoP]
- to give expert advice only on questions which have been put to him [R. 186.3 RoP]
- to assist the Court impartially on matters relevant to his area of expertise [R. 186.7 RoP]

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| <p>□ to be independent and objective and not to act as an advocate for any party to the proceedings [R. 186.7 RoP]</p> |
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Issued on ...

NAMES AND SIGNATURES	
<p>Judge-rapporteur [Art. 8 UPCA, Art. 35(5) UPCS]</p>	<p>Deputy-Registrar [Art. 35(5) UPCS]</p>
<p>Judge-rapporteur ...</p>	<p>Deputy-Registrar ...</p>
<p><i>Or: Single judge ...</i></p>	

Service of the Order

This order shall be served on the Court appointed expert at the electronic address for service he has provided, R. 276.1 RoP or any other method in accordance with Chapter 2 .

INFORMATION ABOUT REVIEW BY PANEL

Any party may request that this Order be referred to the panel for a review pursuant to R. 333 RoP. Pending review, the Order shall be effective (R. 102.2 RoP).

INFORMATION ABOUT APPEAL (only if order is issued by single judge; otherwise appeal only against panel decision after review pursuant to R. 333 RoP)

The present order may either

- be the subject of an appeal by any party which has been unsuccessful, in whole or in part, in its submissions together with the appeal against the final decision of the Court of First Instance in the main proceedings, or
- be appealed by any party which has been unsuccessful, in whole or in part, in its submissions at the Court of Appeal with the leave of the Court of First Instance within 15 days of service of the Court of First Instance's decision to that effect (Art. 73(2)(b) UPCA, R. 220.2, 224.1(b) RoP).