

UPC CFI, Local Division Paris, 5 July 2023, Bitzer v Carrier

PATENT LAW – PROCEDURAL LAW

Rule 16(3) RoP correction of deficiencies in the Statement of Claim is not an urgent action as mentioned in Rule 345(5) RoP that requires a standing judge.

- The abovementioned R. 16-5 RoP is not applicable in the present situation, as the claimant did not fail to correct the deficiencies within 14 days of service of the Registry’s notification but was only asked to amend the statement of claim according to the relevant correction provided in a separate document. The claimant is at the time of the present order allowed to lodge an amended statement of claim pursuant to R. 16-3 RoP.
- Consequently, there is no grounds for forwarding the case to a judge of the relevant division, neither for taking any decision pursuant to R. 16.5 RoP.

Source: [Unified Patent Court](#)

**UPC Court of First Instance,
Local Division Paris, 5 July 2023**

(Garros Lignieres)

Paris-Central division

Case n° PR_ACT_536477/2023

Procedural Order

Of the Court of First Instance of the Unified Patent Court

Delivered on 5/07/2023

Date of receipt of the information by the Registry according to Rule 16-5 RoP: 4/07/2023

CLAIMANT:

BITZER Electronics A/S Kærvej 77 6400 Sønderborg
Denmark

DEFENDANT:

Carrier Corporation, Farmington, CT 06032 (US)

PATENT AT ISSUE:

No. EP 3 414 708 B1

DECIDING JUDGE:

Standing judge Camille GARROS LIGNIERES

LANGUAGE OF PROCEEDINGS:

English

ORDER

The Registry informed the Standing judge assigned to Pool 3 that an order shall be taken pursuant to Rule 16-5 of the Rules of Procedure (RoP).

Having regard to R. 345.5 RoP, according to which a standing judge is designated for “urgent actions”.

Having regard to R.16.5 RoP, according to which “if the claimant fails to correct the deficiencies (...), the Registry shall inform a judge of the division who may reject the action as inadmissible by a decision by default. The judge may give the claimant an opportunity to be heard beforehand.”

The case at stake should not have been forwarded to the standing judge, as it is not an urgent action as mentioned in R. 345.5 RoP.

The abovementioned R. 16-5 RoP is not applicable in the present situation, as the claimant did not fail to correct the deficiencies within 14 days of service of the Registry’s notification but was only asked to amend the statement of claim according to the relevant correction provided in a separate document. The claimant is at the time of the present order allowed to lodge an amended statement of claim pursuant to R. 16-3 RoP.

Consequently, there is no grounds for forwarding the case to a judge of the relevant division, neither for taking any decision pursuant to R. 16.5 RoP.

INSTRUCTIONS TO THE PARTIES AND TO THE REGISTRY

The proceedings shall be forwarded to the Registry to proceed according to R. 16.3 a) RoP
