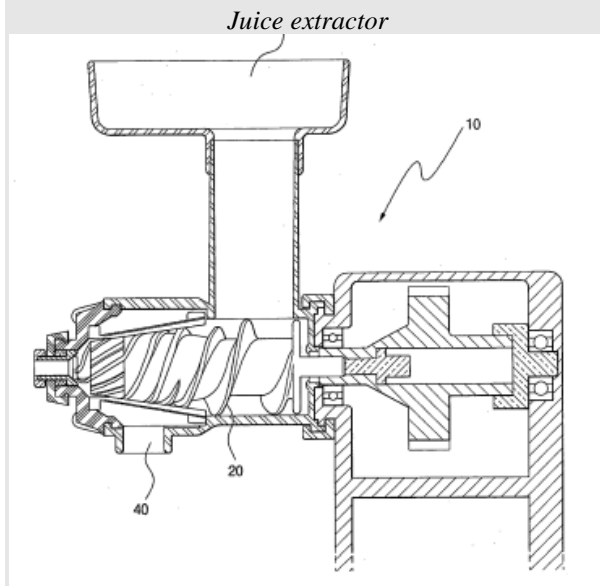


UPC CFI, Local Division Mannheim, 25 July 2024,  
Hurom v NUC



## PATENT LAW – PROCEDURAL LAW

**Video recordings exceeding the maximum size for exhibits to be uploaded to the CMS can be submitted on a USB stick as so-called “physical exhibit” (with a detailed ‘how to’-instruction by the judge-rapporteur) (Article 53 UPCA, Rule 4 RoP, Rule 9 RoP)**

Source: [Unified Patent Court](#)

UPC Court of First Instance,  
Local Division Mannheim, 25 July 2024

(Böttcher)

UPC\_CFI\_159/2024

### Procedural Order

of the Court of First Instance of the Unified Patent Court  
issued on 25/07/2024

concerning [EP 2 028 981](#)

concerning APP\_42970/2024

(submission of physical exhibits)

### CLAIMANT

**Hurom Co., Ltd.**

- 80-60, Golden root-ro - 62184 - Juchon-myeon,  
Gimhae-si, Gyeongsangnam-do - KR

Represented by Klaus Haft

### DEFENDANTS/APPLICANTS

**1) NUC Electronics Europe GmbH**

- Schwalbacher Strasse 76 - 65760 - Eschborn -  
DE

Represented by Christian Kau

**2) WARMCOOK**

- 73 boulevard Gay Lussac - 13014 - Marseille -  
FR

Represented by Christian Kau

### PATENT AT ISSUE:

European Patent Nr. [EP 2 028 981](#)

### PANEL/DEVISION:

Panel of the Local Division in Mannheim

### DECIDING JUDGES:

This order was issued by the legally qualified judge  
Böttcher acting as judge-rapporteur

**LANGUAGE OF PROCEEDINGS:** English

### SUBJECT-MATTER OF THE PROCEEDINGS:

Patent infringement action - Generic procedural  
Application regarding physical exhibits

### SUMMARY OF FACTS AND STATEMENT OF FORMS OF ORDER SOUGHT BY THE PARTIES

The defendants submitted a [R. 9 RoP](#) application  
requesting that video recordings referred to as exhibits  
in their statement of defence of July 18, 2024, should be  
provided on a USB stick. The time limit for the lodging  
of the statement of defence has not yet expired.

The defendants put forward that the size of the video  
recordings exceeds the maximum size for exhibits to be  
uploaded to the CMS.

They request to submit the video recordings on USB  
stick referred to in the statement of defence of July 18,  
2024 as Exhibits D 7b and D 7c.

### ORDER:

The defendants are informed that they can submit the  
video recordings (referred to in the statement of defence  
of July 18, 2024 as Exhibits D 7b and D 7c) on a USB  
stick as a so-called “physical exhibit” because the size  
of the video recordings exceeds the maximum size for  
exhibits to be uploaded to the CMS. However, a specific  
procedure has to be followed in order to submit a  
physical exhibit to a written pleading.

If a physical exhibit to a written pleading is to be  
submitted, the CMS provides that a “physical exhibit  
description” is uploaded to the CMS together with the  
respective pleading instead of the exhibit itself. This is  
necessary because otherwise the physical exhibit  
submitted by mail cannot be registered to the CMS. To  
do so, the respective party has to create a document  
which indicates the subject-matter of the physical  
exhibit to be submitted by mail. This document has to be  
uploaded together with the written pleading via the  
function “add file” in the section “Upload documents”  
of the workflow for uploading the written pleading and  
the exhibits to it. In order to add the document with the  
description of the physical exhibit the following settings  
shall be chosen:

- Document Type: “Physical exhibit description”
- Document Title: title of the respective exhibit (e.g.  
exhibit 1)
- Additional relevant information: type of the physical  
exhibit (e.g. USB stick)

Since the defendants do not appear to have followed this  
procedure while filing their statement of defence, a  
subsequent physical exhibit can only be registered to the  
CMS if the defendants submit the respective physical  
exhibit as an exhibit to a separate application workflow.  
A separate application is required because no exhibit can  
be registered to the CMS without a written pleading.

To do so, the defendants shall

1. start a new R. 9-application in the main proceedings  
[ACT\\_17336/2024](#)
2. - in the section “Upload documents” –

a) upload a signed application document and select document type “application” and

b) upload a second document containing a (short) description of the physical exhibit to be submitted by using the following settings:

(1) select as document type “physical exhibit description”,

(2) select as document title the name of the respective exhibits, i.e. exhibits D 7b and D 7c to the statement of defence

(3) and (in addition) enter the type of the physical exhibit in short (in this case e.g. “USB stick containing exhibits D 7b and D 7c”) in the field “Additional relevant information”.

In order to facilitate the understanding for those involved in the proceedings, the defendants could, for example, state in the signed application document that the application only serves the purpose to submit a physical exhibit to the statement of defence after having lodged the statement of defence. In the second document containing the description of the physical exhibit, the defendants could, for example, state that the exhibits D 7b and D 7c will be submitted physically on a USB stick sent by mail.

The defendants shall then submit an USB stick for each defendant and the court (3 USB sticks in total) by mail.

**ORDER DETAILS**

Order no. ORD\_43151/2024 in ACTION NUMBER:  
ACT\_17336/2024

UPC number: UPC\_CFI\_159/2024

Action type: Infringement Action

Related proceeding no. Application No.: 42970/2024

Application Type: Generic procedural Application

Issued in Mannheim on 25 July 2024

Böttcher

Legally qualified judge

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