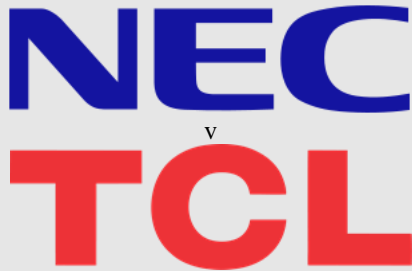


UPC CFI, Local Division Munich, 6 August 2024,
NEC v TCL



PATENT LAW – PROCEDURAL LAW

Service of Statement of claim on Defendant 2 ([Rule 271 RoP](#))

- [Defendant's statement of 30 July 2024 is deemed to be proof of service. There is no need to wait for further proof of service from the Chinese authorities](#)

Defendant 2) filed a preliminary objection on 11 June 2024. So far, however, no proof of service (by the Chinese authorities) has been provided. When questioned by the Court, the Defendant 2) stated in a statement of 30 July 2024 that it had received the complaint on 11 May 2024.

Source: [Unified Patent Court](#)

**UPC Court of First Instance,
Local Division Munich, 6 August 2024**

(VoB)

UPC_CFI_498/2023

Order

of the Court of First Instance of the Unified Patent Court issued on 6 August 2024

CLAIMANT

NEC Corporation, 7-1 Shiba 5-chome Minato-ku, Tokyo 108-8001, Japan, represented by its President and Chief Executive Officer Mr. Takayuki Morita, *ibid*, represented by: Dr. Müller, Dr. Henke, BARDEHLE PAGENBERG Partnership mbB Patent attorneys, attorneys at law, Bohnenstraße 4, 20457 Hamburg.

DEFENDANT 1, 2, 3, 4, 6

1. TCL Deutschland GmbH & Co. KG, Am Seestern 4, 40547 Düsseldorf, represented by the general partner TCL Deutschland Verwaltungs GmbH, which in turn is represented by its managing directors, *ibid*,

2. TCL Industrial Holdings Co., Ltd., 22/F, TCL Technology Building, 17 Huifeng 3rd Road, Huizhou, 516000 Guangdong, China, represented by its directors, *ibid*,

3. TCT Mobile Germany GmbH, Am Seestern 4, 40547 Düsseldorf, Germany, represented by its managing directors, *ibid*,

4. TCT Mobile Europe SAS, 55 Avenue des Champs Pierreux, 92000 Nanterre, France, represented by its directors, *ibid*,

6. TCL Operations Polska Sp., Z.o.o, ul. A. Mickiewicza 31/41 96-300 Zyrardow, Poland, represented by its managing directors, *ibid*, represented by: Dr. Nack, Dr. Gajeck, Noerr Partnerschaftsgesellschaft mbB, Brienner Str. 28, 80333 Munich, Germany.

PATENT AT ISSUE

European patent no° [EP 3 057 321](#)

PANEL/DIVISION

Panel 2 of the Local Division Munich

DECIDING JUDGE

This Order has been issued by the Presiding Judge Ulrike Voß as Judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS

English

SUBJECT-MATTER OF THE PROCEEDINGS

Patent infringement – Notification of Service Defendant 2)

SUMMARY OF FACTS

The Claimant is suing among others Defendant 2), which is domiciled in China, for patent infringement of European Patent [EP 3 057 321](#). The Statement of claim is dated on 22 December 2023 and was served on Defendants 1, 3, 4 and 6 on 23 February and 23 March 2024 respectively.

Defendant 2) filed a preliminary objection on 11 June 2024. So far, however, no proof of service (by the Chinese authorities) has been provided. When questioned by the Court, the Defendant 2) stated in a statement of 30 July 2024 that it had received the complaint on 11 May 2024.

ORDER

1. The action was served on the Defendant 2) on 11 May 2024.

2. The Defendant's statement of 30 July 2024 is deemed to be proof of service. There is no need to wait for further proof of service from the Chinese authorities.

INSTRUCTION TO THE REGISTRY

The Registry is instructed to enter 11 May 2024 in the CMS as the date of service and the lawyers named in the statement of 30 July 2024 as representatives of the Defendant 2). The statement of 30 July 2024 is to be treated as proof of service

DETAILS OF THE ORDER

Order no. 44084/2024 related to the main proceedings ACT_596658/2023

UPC-Number: UPC_CFI_498/2023

Issued 6 August 2024

Ulrike Voß Presiding Judge and Judge-rapporteur
