

UPC CFI, Local Division Düsseldorf, 12 December 2024, Valeo Electrification v Magna



PROCEDURAL LAW – PATENT LAW

Time period for lodging the Defence to the Counterclaim for Revocation and the Reply to the Statement of Defence is set on 14 January 2025 ([R. 9 RoP](#))

- [The Defendants have not objected to the harmonisation of the time limits for filing the Reply to the Statement of Defence and the Defence to the Counterclaim for Revocation. Such harmonisation of the time limits is in the interest of all parties and of the Court in the efficient conduct of the proceedings.](#)

Source: [Unified Patent Court](#)

UPC CFI, Local Division Düsseldorf, 12 December 2024

(Thomas)

UPC_CFI_459/2024

UPC_CFI_657/2024

Final Order

of the Court of First Instance of the Unified Patent Court issued on 12 December 2024 concerning [EP 3 320 602 B1](#)

APPLICANT:

Valeo Electrification, 14 avenue des Béguines, 95800 Cergy, France, represented by the President Thierry Kalanquin, with the same address

Represented by: Attorney-at-law Felix Rödiger, Attorney-at-law Jonas Smeets, Attorney-at-law Fabian Saupe, Bird & Bird LLP, Carl-Theodor-Straße 6, 40213 Düsseldorf, Germany,

Electronic address for service: felix.roediger@twobirds.com

Contributing European patent attorneys: Nicolas Cardon, Amandine Ricard, Florian Saadi, Valeo Electrification, Cergy

DEFENDANTS:

1. Magna PT B.V. & Co. KG, Herrmann-Hagenmeyer-Str. 1, 74199 Untergruppenbach, Germany, represented by its general partner, Magna PT Management B.V., with the same address, which is jointly represented by the managing directors Thomas Klett and Sandro Gildo Morandini, with the same address,,

2. Magna PT s.r.o., Perinska cesta 282, Kechnec 044 58, Slovakia, represented by its managing directors Martin Hluchý und Katarína Vaškovičová, with the same address,

3. Magna International France, r SARL, 4 route de Gisy Bâtiment 26, Bièvres 91570, France, represented

by its managing directors Thierry Servouse and Franz Trummer, with the same address,

All Defendants represented by:

Attorney-at-law Klaus Haft, Attorney-at-law Sabine Agé, Attorney-at-law Sebastian Kratzer, Hoyng, ROKH, Monegier, Steinstraße 20, 40213 Düsseldorf, Germany, Collaborating attorney: Attorney-at-law Dr Wolfgang Kellenter, Hengeler Müller, Benrather Straße 18-20, 40213 Düsseldorf, Germany,

Collaborating European Patent attorney: European Patent Attorney Jan Ackermann, Cohausz & Florack, Bleichstraße 14, 40211 Düsseldorf, Germany,

PATENT IN SUIT:

EUROPEAN PATENT NO. [EP 3 320 602 B1](#)

PANEL/DIVISION:

Panel of the Düsseldorf Local Division

DECIDING JUDGES:

This order was issued by Presiding Judge Thomas acting as judge-rapporteur.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT: [R. 9.3 RoP](#) – Request for the extension of time limits

GROUND FOR THE ORDER:

The Defendants have not objected to the harmonisation of the time limits for filing the Reply to the Statement of Defence and the Defence to the Counterclaim for Revocation. Such harmonisation of the time limits is in the interest of all parties and of the Court in the efficient conduct of the proceedings.

As the Defendants have objected to a further extension the Court sees no reason for a further extension of the time limits.

The Defendants have correctly pointed out that the statutory time limits already take into account all relevant circumstances of a typical case, such as workload, possible holidays and holiday planning. The Claimant has not put forward any exceptional circumstances that would exceptionally justify an extension of the time limits in this case.

To the extent that the Claimant refers to problems with the display of files in the CMS, it has, according to its own submissions, been aware of the Statement of Defence since 12 November 2024. Service of the Counterclaim for Revocation was accepted on 14 November 2024. This means that, in accordance with the present Order, the Claimant now has two months, as required by law, to prepare the Reply to the Statement of Defence and the Defence to the Counterclaim for Revocation. In this respect, it should be noted that the Claimant was already aware of large parts of the Defendants' submissions from the previous proceedings for provisional measures.

Insofar as the Claimant refers to Defendants' [R. 262A-RoP](#) application, an extension of the time limits can only be considered if the facts in question, which are subject to the confidentiality order, were not already known to the Claimant from the previous proceedings. This has not been explained in detail in this request for extension.

ORDER:

The time period for lodging the Defence to the Counterclaim for Revocation together with the Reply to the Statement of Defence is **set on 14 January 2025**.

The request for a further extension of the time limits is rejected.

DETAILS OF THE ORDER:

App_64571/2024 under main file reference
ACT_44727/2024 and CC_59743/2024

UPC number: UPC_CFI_459/2024 and
UPC_CFI_657/2024

Type of procedure: Infringement Action and
Counterclaim for Revocation

Issued in Düsseldorf on 12 December 2024

NAMES AND SIGNATURES

Presiding Judge Thomas
