

UPC CFI, Local Division Düsseldorf, 19 February 2025, Maxeon Solar v Aiko Energy

trench process and structure for backside contact solar cells with polysilicon doped regions

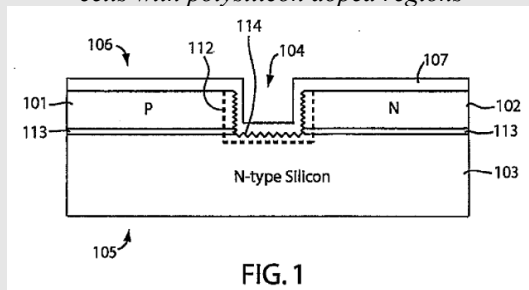


FIG. 1

PATENT LAW – PROCEDURAL LAW

Statutory time limit extended with one week (instead of requested three) until 3 March 2025 (R. 9 RoP)

- because the Chinese New Year holidays also fell within the relevant time limits and either the representatives or the employees of the Defendants' 1), 2) and 4) parent company in China were unavailable for a significant period of time.

The Claimant has correctly pointed out that the statutory time limits already take into account all the relevant circumstances of a typical case, such as workload, possible holidays and holiday planning (UPC CFI 459/2024 (LD Düsseldorf), Order of 12 December 2024 – Valeo v. Magna). On that basis, an extension of time limits cannot be justified by the mere fact that the Claimant's submissions were received before the Christmas holidays and that the time limits in question began to run from that date. There is therefore no reason to extend the time limits in question by three weeks, as requested in the main request. However, the Court takes into account the fact that the Chinese New Year holidays also fell within the relevant time limits. According to the Defendants 1), 2) and 4), either the representatives or the employees of the Defendants' 1), 2) and 4) parent company in China were unavailable for a significant period of time. Even if this also does not in itself justify an extension of a time limit, an extension by one week seems justifiable in view of the mutual absences in Europe and subsequently in China.

Source: [Unified Patent Court](#)

UPC Court of First Instance,
Local Division Düsseldorf, 19 February 2025
(Thomas)

Lokalkammer Düsseldorf

UPC_CFI_336/2024

UPC_CFI_605/2024

Procedural Order

of the Court of First Instance of the Unified Patent Court
issued on 21 January 2025

concerning [EP 3 065 184 B1](#)

Claimant:

Maxeon Solar Pte. Ltd., represented by its CEO, 8 Marina Boulevard #05-02, Marina Bay Financial Centre, 018981 Singapur,

Represented by: Attorney-at-law Christian Harmsen, Attorney-at-law Dr Bastian Selck, Bird & Bird LLP, Carl-Theodor-Straße 6, 40213 Düsseldorf,

Electronic address for service: christian.harmsen@twobirds.com

bastian.selck@twobirds.com

Contributing: Patent Attorney Dr Felix Harbsmeier, Patent Attorney Cameron Walker, Bird & Bird LLP, Am Sandtorkai 50, 20457 Hamburg,

Tjibbe Douma and Carlos van Staveren, Bird & Bird (Netherlands) LLP, Gustav Mahlerlaan 42, 1082 MC Amsterdam, Niederlande,

Defendants:

1. **Aiko Energy Germany GmbH**, represented by ist CEOs Dr Christian Frank Peter und Haojie Lu, Niederkasseler Lohweg 18, 40547 Düsseldorf, Germany,

2. **Solarlab Aiko Europe GmbH**, Dr Christian Frank Peter, Berliner Allee 29, 79110 Freiburg im Breisgau, Germany,

3. **Memodo GmbH**, represented by its CEOs Enrico Brandmeier, Daniel Schmitt und Tobias Wenleder, Eichenstraße 11 a-d, 85445 Oberding, Germany,

4. **Aiko Energy Netherlands B.V.**, represented by its CEO, Schiphol Boulevard 201 – 1118 BG - Schipol, the Netherlands,

5. **Libra Energy B.V.**, represented by ist CEO Bram van Duijn, Eendrachtstraat 199, 1951 AX Velsen-Noord, the Netherlands,

6. **VDH Solar Groothandel B.V.**, represented by its CEO, Finlandlaan 1, 2391 PV, Hazerswoudedorp, the Netherlands,

7. **PowerDeal SRL**, represented by its CEO, Rue du Fond des Fourches 41, 4041 Herstal, Belgium,

8. **Coenergia Srl a Socio Unico**, represented by its CEO, Foro Buonaparte 55, 20121 Milan, Italy,

Defendants 1., 2. and 4. represented by: Attorney-at-law Gertjan Kuipers, Attorney-at-law Hendrik Jan Ridderinkhof and other Representatives before the UPC of Hogan Lovells International LLP, Strawinskylaan 4129, 1077 ZX Amsterdam, the Netherlands,

Electronic address for service: upc-hub@hoganlovells.com

Contributing: Attorney-at-law Dr Henrik Lehment, Attorney-at-law Vanessa Zipperich and other Representatives before the UPC of Hogan Lovells LLP, Dreischeibenhaus 1, 40211 Düsseldorf, Germany,

Patent Attorney Dr Andreas Schmid, Patent Attorney Cedrik Rohr and other Representatives before the UPC of Hogan Lovells International LLP, Karl-Schmagnl-Ring 5, 80539 Munich, Germany,

Defendants 3. and 5. to 8. Represented by: Attorney-at-law Dr Constantin Kurtz, Attorney-at-law Dr Stefan Eck, Attorney-at-law Maximilian Reif, Klaka Rechtsanwälte Partnerschaft mbB, Delpstraße 4, 81679 Munich, Germany,

Electronic address for service: ckurtz@klaka.com

Contributing: Patent Attorney Dr Markus Herzog, Patent Attorney Manuel Millahn, Weickmann & Weickmann Patent- und Rechtsanwälte PartGmbB, Richard-Strauss-Straße 80, 81679 Munich, Germany,

Presiding Judge Thomas

PATENT IN SUIT:

EUROPEAN PATENT NO. [3 065 184 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 an extension of time periods

GROUND FOR THE ORDER:

The Claimant has correctly pointed out that the statutory time limits already take into account all the relevant circumstances of a typical case, such as workload, possible holidays and holiday planning ([UPC CFI 459/2024 \(LD Düsseldorf\), Order of 12 December 2024 – Valeo v. Magna](#)). On that basis, an extension of time limits cannot be justified by the mere fact that the Claimant's submissions were received before the Christmas holidays and that the time limits in question began to run from that date. There is therefore no reason to extend the time limits in question by three weeks, as requested in the main request. However, the Court takes into account the fact that the Chinese New Year holidays also fell within the relevant time limits. According to the Defendants 1), 2) and 4), either the representatives or the employees of the Defendants' 1), 2) and 4) parent company in China were unavailable for a significant period of time. Even if this also does not in itself justify an extension of a time limit, an extension by one week seems justifiable in view of the mutual absences in Europe and subsequently in China. This will not delay the proceedings in view of the Local Division's timetable. In order to maintain the harmonisation of the time limits, the time limits for all Defendants have been extended in the same way.

ORDER:

The time limits for

- (i) the Rejoinder to the Reply to the Statement of Defence,
- (ii) the Reply to the Defence to the Counterclaim for revocation and
- (iii) the Defence to the Application to amend the patent are each extended until 3 March 2025.

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

DETAILS OF THE ORDER:

App_7738/2025, App_7882/2025 and App_7886/2025 under main file references ACT_36426/2024, CC_57043/2024 and CC_57310/2024

UPC number: UPC_CFI_336/2024 and UPC_CFI_605/2024

Type of procedure: Infringement action and counterclaim for revocation

Issued in Düsseldorf on 19 February 2025

NAME UND SIGNATURE