



**UPC\_CFI\_819/2024**  
**Procedural Order**  
**of the Court of First Instance of the Unified Patent Court**  
**issued on 9 April 2025**  
**Application:**  
**17158/2025**

Claimant

**Corning Incorporated, One Riverfront Plaza - 14831 - Corning - US**

represented by: Dr. Marcus Grosch, Quinn Emanuel Urquhart & Sullivan, LLP,  
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Defendants

- 1) **Hisense Gorenje Germany GmbH,**  
(Applicant) - Parkring 31-33, 85748 Garching near Munich, Germany
  
- 2) **Hisense Europe Holding GmbH,**  
Wienerbergstraße 11, Turm B, Stock 13, 1100 Vienna, Austria

- 3) **TCL Deutschland GmbH & Co. KG**  
(Applicant) - Bernhard-Wicki-Straße 5 - 80636 - München - DE
  
- 4) **TCL Deutschland Verwaltungs GmbH**  
(Applicant) - Bernhard-Wicki-Straße 5 - 80636 - München - DE
  
- 5) **TCL Operations Polska, Sp. z o.o.**  
(Applicant) - ul. A. Mickiewicza 31/41 - 96-300 - Zyrardów - PL
  
- 6) **TCL Belgium, SA,**  
(Applicant) - Rue du Paruck 35/19, 1080 Molenbeek-Saint-Jean, Belgium
  
- 7) **LG Electronics Deutschland GmbH,**  
(Applicant) - Alfred-HerrhausenAllee 3-5, 65760 Eschborn, Germany
  
- 8) **LG Electronics European Shared Service Center B.V.,**  
(Applicant) - Krijgsman 1, 1186 DM Amstelveen, the Netherlands
  
- 9) **LG Electronics European Holding B.V.,**  
(Applicant) - Krijgsman 1, 1186DM Amstelveen, the Netherlands

All defendants represented by: Felix Rödiger, Bird & Bird LLP  
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PATENT AT ISSUE: EP 3 296 274

DECIDING JUDGE: Prof. Dr. Peter Tochtermann acting as presiding judge and judge-rapporteur

LANGUAGE OF PROCEEDINGS: English

SUMMARY OF FACTS AND ORDERS SOUGHT

The defendants, which belong to three different groups of companies, namely TCL, Hisense and LG, filed applications for a separation of proceedings so that the proceeding is split up in three proceedings against the three groups of companies.

To support the requests defendants submit that they would have to disclose sensitive supply chain information in order to defend themselves against Claimant's allegations. Exchange of such confidential information amongst the competing groups of companies had to be restricted so as to avoid potential conflicts with EU competition law. This would call for a separation of proceedings.

GROUND FOR THE ORDER

The requests to separate the proceedings are to be rejected.

The potential conflicts being addressed in the application stem solely from the fact that the defendants decided to be represented by identical counsel. It is the obligation of the representative to organize the proceedings of his groups of clients internally in a way to avoid such potential conflicts. This may be done by a mutual confidential agreement amongst the clients as presented as Exhibit B&B1 or in other appropriate ways. It does however not call for a separation of proceedings. Sharing information amongst competitors in the course of a legal proceeding is limited in use only for the purposes of the proceedings anyway so that such information is not being shared so as to avoid competition. Whether or not the defendant groups find it necessary or at least helpful to enter into an internal understanding that the information shared in the course of the proceedings may not be used outside the proceedings or if they decide not to share such information in the first place is solely up to the internal decision of the parties. It is not for the court to guarantee for a specific scheme.

It had to be ordered that the defendants will have to submit **one** Statement of defence in the unseparated proceedings as all defendants chose to be represented by one representative. It is not foreseen by the RoP to split up the Statement of defence into multiple briefs. The representative may as well exchange with each group of clients individualized versions of the Statement of defence where only the parts relevant to that client remain unredacted as he will not be obliged to share details concerning one client with the other clients. Reference is made to point 2 of the court order of 2 April 2025 upon Applications 8314/2025, 8850/2025, 8319/2025, 8313/2025, 8316/2025, 8317/2025.

As far as defendants' representative outlines in para. 18 that representative intends to submit R262A RoP requests so as to restrict access to external attorneys only on the side of the other respective Defendants, R.262A RoP may not address conflicts that a representative may have when representing various defendants in parallel. It appears not to be the objective of R 262A RoP to impose – in case of breach – penalty payments upon a representative, sharing confidential information to various clients with potentially conflicting interests.

ORDER:

1. Defendants requests for separation of the proceedings are rejected.
2. It is ordered, that the defendants to the proceedings submit one Statement of defence in one brief by way of upload to the CMS.

Issued in Mannheim on 9 April 2025

Prof. Dr. Peter Tochtermann