



Düsseldorf- Local Division
UPC_CFI_100/2024
UPC_CFI_411/2024

Procedural Order
of the Court of First Instance of the Unified Patent Court
issued on 14 April 2025
concerning EP 2 263 098 B1

CLAIMANT:

Ona Patents SL, Carrer de Calàbria 149 En. 1, 08015 Barcelona, Spain, represented by its Managing Director Raúl Diaz Morales, *ibid.*,

represented by: Attorney-at-law Dr Christof Augenstein, Attorney-at-law Dr. Benedikt Walesch, Attorney-at-law Dr Melissa Lutz, Kather Augenstein, Bahnstraße 16, 40212 Düsseldorf,

electronic address for service: augenstein@katheraugenstein.com

DEFENDANTS:

1. Google Ireland Limited, Gordon House, Barrow Street 4, Dublin 4, D04 V4X7, Republic of Ireland, represented by its directors Elizabeth M. Cunningham, David M. Sneddon, Vanessa Hartley, Colin Goulding, Amanda Storey, *ibid.*,

2. Google Commerce Limited, Gordon House, Barrow Street, Dublin 4, D04 E5W5, Republic of Ireland,

represented by: Attorney-at-law Dr Marcus Grosch, Attorney-at-law Dr Jesko Preuß, Attorney-at-law Dr Andreas Hahne, Quinn Emanuel, Hermann-Sack-Straße 3, 80331 München,

electronic address for service: marcusgrosch@quinnemanuel.com

PATENT AT ISSUE:

European patent n° EP 2 263 098 B1

PANEL/DIVISION:

Panel of the Local Division in Düsseldorf

DECIDING JUDGES:

This order was issued by Presiding Judge Thomas, the legally qualified judge Dr Thom acting as judge-rapporteur and the legally qualified judge Kokke.

LANGUAGE OF THE PROCEEDINGS: English

SUBJECT OF THE PROCEEDINGS: Rule 37.1 RoP, Article 33(3) UPCA

GROUNDS FOR THE ORDER:

Pursuant to Rule 37.2 RoP, the local division takes an earlier decision on the question of how to proceed with regard to Art. 33(3) UPCA within the meaning of Art. 33(3)(a) UPCA before the end of the written procedure.

According to Rule 37.2 RoP, the panel may take an earlier decision by order, provided that it takes into account the party's submissions and gives them the opportunity to be heard.

In the present case, the local division exercises its discretion to hear both the infringement action and the counterclaim for revocation (Art. 33(3)(a) UPCA). Such a joint hearing of the infringement action and the counterclaim seems to be appropriate in particular for reasons of efficiency. It is also preferable because it allows both issues – validity and infringement – to be decided on the basis of a uniform interpretation of the patent by the same panel composed of the same judges.

An early decision on the bifurcation issue will set the framework for possible issues. This will enable the parties and the Court to manage the case accordingly.

ORDER:

With the consent of the parties, the Düsseldorf Local Division will hear both the infringement action and the counterclaim for revocation.

Instructions to the Judge-Rapporteur:

The Judge-Rapporteur shall request the President of the Court of First Instance to allocate to the panel a technically qualified judge with appropriate qualifications and experience in the field of technology related to the patent in suit.

DETAILS OF THE ORDER:

ORD_9090/2025 referring to the main proceedings ACT_11921/2024, CC_41214/2024 and App_55078/2024

UPC-Number: UPC_CFI_100/2024 and UPC_CFI_411/2024

Subject of the Proceedings: Patent infringement action and counterclaim for revocation

Issued in Düsseldorf on 14 April 2025
NAMES UND SIGNATURES

Presiding Judge Thomas	
Legally Qualified Judge Dr Thom	
Legally Qualified Judge Kokke	