



Paris Local Division

UPC_CFI_495/2023
Procedural Order
of the Court of First Instance of the Unified Patent Court
delivered on 28/02/2024

APPLICANT

ICPillar LLC
4265 San Felipe Street, Suite 1100
77027 - Houston, Texas - US

Represented by Lionel Martin

RELEVANT OTHER PARTIES

ARM Limited
110 Fulbourn Road
CB1 9NJ - Cambridge – GB

Apical Limited
110 Fulbourn Road
CB1 9NJ - Cambridge – GB

Simulity Labs Limited
110 Fulbourn Road
CB1 9NJ - Cambridge – GB

SVF Holdco
69 Grosvenor Street
W1K 3JP - London – GB

OTHER PARTIES present in the main proceedings

Allinea Software GmbH
c/o Grant Thornton GmbH, Ganghoferstrasse 31
80339 - München – DE

Arm France SAS
Batiment B - 732 Avenue de Roumanille
06410 - Biot – FR

Arm Germany GmbH
Bretonischer Ring 16
85630 - Grasbrunn – DE

Arm Germany d.o.o
Obrtna Cesta 18
SL-8310 - Sentjernej – SI

Arm Ireland Limited
Lyrr Building, 3, Mervue Business Park Galway
Co. Galway - Galway – IE

Arm Poland Sp. z.o.o
UL. ŻELAZNA 2
40-851 - KATOWICE, ŚLĄSKIE – PL

Arm Sweden AB
Emdalavagen 6
SE-223 69 - Lund - SE

PATENT AT ISSUE

<i>Patent no.</i>	<i>Proprietor</i>
EP3000239	ICPillar

DECIDING JUDGE

Judge-rapporteur Camille Lignieres

LANGUAGE OF PROCEEDINGS: English

GROUNDS FOR THE ORDER

On 15/02/2024, ICPILLAR (hereinafter the “Applicant”, Claimant in the main proceedings) lodged an application under R. 275.2 RoP related to an alternative method for the service of their Statement of Claim (hereinafter “SoC”) dated of 22/12/2023 in the infringement main proceedings (ACT_495/2023) and registered on 28/12/2023 against 12 defendants all belonging to the ARM group of companies, in various countries.

The present request is related to four defendants located in UK, namely: Arm Limited, Apical Limited, Simulity Labs Limited and SVF Holdco.

Service of the SoC by electronic means cannot be effected by the Court to these UK defendants. As United Kingdom is a non-EU country, service was effected by the Court in accordance with the Hague Service Convention under R. 274.1 (ii) RoP by sending an international registered letter with acknowledgement of receipt to the central authority designated by that country on January 16, 2024.

According to the digital tracking provided by the Post Office, this letter was received by the central authority on 26/01/2024, i.e. the Master of the Royal Court in London, but service has not been completed yet.

The Claimant justified having performed service by his own means (Exhibits 2 to 5) for each of the four UK entities of the ARM Group, by sending a Letter via FEDEX and DHL enclosed:

- the Statement of claims in its original English language,
- the corresponding Letter to accompany Service established by this Court with the code access to CMS.

The Claimant has provided a bailiff report (Procès-verbal du Commissaire de justice) dated of the 5/02/24 and of the 8/02/24, on the acknowledgement of the Sending of the Letter and its content via Fedex and DHL and the Receipt of said Letter at the appropriate address in UK (delivery in person, with the signature of the person receiving the Letter), for the following defendants:

-ARM limited, Central Building 110 Fulbourn Road Cambridge CB1 9NJ, United Kingdom: Letter delivered on 7 February 2024 (Exhibit 2)

-Apical Limited, Central Building 110 Fulbourn Road, CB1 9NJ Cambridge United Kingdom: Letter delivered on 7 February 2024 (Exhibit 3)

-Simulity Labs Limited, Central Building 110 Fulbourn Road, CB1 9NJ Cambridge, United Kingdom: Letter delivered on 7 February 2024 (Exhibit 4)

-SVF Holdco, 69 Grosvenor Street, W1K 3JP London, United Kingdom: Letter delivered on 7 February 2024 (Exhibit 5).

The Court notes that the request for an alternative procedure is a "reasoned request", given that service is not effected yet, whereas the main application was registered on 28/12/2023.

Moreover, the Court considers that the steps already taken to bring the SoC to the defendant's attention by an alternative method, as described above, respect the rights of the defence.

Therefore, the alternative method proposed by the Claimant is in accordance with the UPC principles of efficiency and fairness (RoP Preamble, points 4 and 5) and is a "good service" pursuant to R. 275.2 RoP.

ORDER

The Statement of Claim to Arm Limited, Apical Limited, Simulity Labs Limited and SVF Holdco, is deemed to be served on 7 February 2024.

Delivered in Paris, on 28 February 2024.

C. Lignieres, Judge-rapporteur.

ORDER DETAILS

Order no. 10136 in ACTION NUMBER: ACT_596432/2023

UPC number: UPC_CFI_495/2023

Action type: Infringement Action

Related proceeding no. Application No.: 8330/2024

Application Type: Request under R.275.2 RoP Service alternative method