



Procedural Order
of the Court of First Instance of the Unified Patent Court
delivered on 01/04/2025

APPLICANT/S

TOTAL SEMICONDUCTOR, LLC
(Applicant) - 101 E. Park Blvd., Ste 600 - 75074
- Plano, Texas – US

Represented by Thomas Lynker

RESPONDENT/S

1) **Texas Instruments Incorporation**
(Main proceeding party - Defendant) - 12500 TI Blvd - 75243 - Dallas – US

Represented by Klaus Haft

2) **Texas Instruments Deutschland GmbH**
(Main proceeding party - Defendant) - Haggertystr. 1 - 85356 - Freising – DE

Represented by Klaus Haft

3) Texas Instruments EMEA Sales GmbH

(Main proceeding party - Defendant) - Haggertystr. 1 - 85356 - Freising – DE

Represented by Klaus Haft

PATENT AT ISSUE

European Patent No. EP 2 746 957

PANEL/DEVISION:

Panel of the Local Division in Mannheim

DECIDING JUDGE:

This order is issued by the legally qualified judge Böttcher as judge-rapporteur.

LANGUAGE OF PROCEEDINGS: English

SUBJECT-MATTER OF THE PROCEEDINGS: Patent infringement action – request pursuant to R. 36 RoP

SUMMARY OF FACTS

Claimant requests to allow filing of a further written submission according to R. 12.5, 36 RoP.

For justifying the request, Claimant submits that in their rejoinder, Defendants had raised “numerous new points which have not been discussed at all before and that are technically (at least) incomplete – if not incorrect”. For Claimant, it were “essential to respond to these new arguments (and to correct the incomplete statements) to demonstrate that the attacked embodiments do indeed make use of the claimed invention”. Without a further written submission, Claimant fears that the Court may not be able to take into account all relevant facts of the case in order to assess infringement. The new and undiscussed issues are also claimed to be “technically too complex to be dealt with only orally at the oral hearing” and that they “rather need to be addressed before in writing so that the oral hearing can be streamlined and focused on the decisive issues of the case”.

REASONS

The application is to be dismissed.

R. 12 RoP establishes as framework for the written procedure an exchange of two mandatory briefs and two optional briefs. This framework aims at allowing the court to conduct the proceedings in an efficient manner (Preamble recital 4). On the other hand, the court has to conduct the proceedings on the basis of proportionality, flexibility, fairness and equity having due regard to the legitimate interests of all parties (Preamble recitals 3 and 5).

Taking into account that the judge rapporteur - in the written procedure – is not yet familiarized with all aspects contained in the briefs in detail as it were highly inefficient to already study the written briefs being exchanged between the parties at an early stage in all their aspects where the case may as well be resolved amicably without further intervention on the side of the court, the judge rapporteur will only focus on procedural issues brought up by the parties at that stage and will only start dealing with the various aspects of the case in detail during the interim procedure in order to prepare the oral hearing and seek for options to settle or at least streamline the case before the oral hearing takes place.

Against this general background, R. 12.5, 36 RoP have to be construed all the more so as to include as an formal aspect that the party requesting to allow further briefs sets out in the application itself sufficient details, which justify the request, so that the judge rapporteur does not have to browse through the briefs so as to verify, whether or not the points allegedly demanding a further brief are true or not. This requires that the applicant does not limit its submission to vague and general terms alone but sets out in detail with reference to specific paragraphs of the briefs which points had been addressed so far and explains with a sufficient level of substantiation the grounds why a further brief is necessary in deviation from the general framework of R. 12 RoP.

The application at hand falls short of any substantiation in this respect and is therefore bound to be dismissed for formal reasons alone.

Furthermore, as to the points in substance, Defendants, in their comments to the application, explain that the vague points Claimant submitted as calling for a further brief had only been addressed by Defendants in reaction to submissions of Claimant in its reply. The AVS class topic had already been subject of Exhibit D6, P. 10 to the SoD. The same holds true for the further vague reference to allegedly new arguments concerning features 8 and 6.4 in the rejoinder.

ORDER:

The request to allow filing of a further written submission of 13 February 2025 is dismissed.

ORDER DETAILS

Order no. ORD_7652/2025 in ACTION NUMBER: ACT_14978/2024

UPC number: UPC_CFI_132/2024

Action type: Infringement Action

Related proceeding no. Application No.: 7563/2025

Application Type: Generic procedural Application

Due to technical problems issued under ORD_15972/2025

Issued in Mannheim on 1 April 2025

NAME AND SIGNATURE

Böttcher

Judge Rapporteur