



Appeal n°:
UPC_CoA: pending

PROCEDURAL ORDER
of the Court of Appeal of the Unified Patent Court
issued on 24 September 2025

APPELLANTS (DEFENDANTS IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

1. **Industriebeteiligungs- und Beratungs GmbH**, Pyrmonter Straße 78, 32676 Lügde, Germany (Appellant 1) and Defendant 2) with the CFI);
2. **BEGA-Consult Internationale Handelsagentur GmbH & Co KG**, Siemensstraße 2 32676 Lügde, Germany (Appellant 2) and Defendant 3) with the CFI);
3. **BEGA BBK Sp. z o.o. sp. K.**, Poznańska 113A, PL 62-052 Komorniki, Poland (Appellant 3) and Defendant 4) with the CFI);
4. **NEG Novex Großhandelsgesellschaft für Elektro- und Haustechnik GmbH**, Chenover Straße 5, 67117 Limburgerhof, Germany (Appellant 4) and Defendant 5) with the CFI);

hereinafter collectively referred to as “**Appellants**”

represented by Dr. Volkmар Henke, attorneys-at-law, BARDEHLE PAGENBERG Partnership mbB, Hamburg, Germany, and other representatives of that firm

RESPONDENTS (APPLICANTS IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE)

1. **Washtower IP B.V.**, Enschedesestraat 300 - 7552 CN - Hengelo – NL (Respondent 1) and Applicant 1) with the CFI)
2. **Washtower B.V.**, Enschedesestraat 300 - 7552 CN - Hengelo – NL (Respondent 2) and Applicant 2) with the CFI)

hereinafter collectively referred to as “**Respondents**”

represented by Peter van Schijndel, attorney at law, HOYNG ROKH MONEGIER, Amsterdam, The Netherlands

PATENT AT ISSUE

EP 3 522 755

DECIDING JUDGE

Emmanuel Gougé, Judge-rapporteur

LANGUAGE OF THE PROCEEDINGS

English

IMPUGNED ORDER OF THE COURT OF FIRST INSTANCE

- ☐ Order of the Court of First Instance of the Unified Patent Court, The Hague Local Division, dated 11 September 2025.
- ☐ Numbers attributed by the Court of First Instance:

UPC_CFI_479/2025

ACT_25599/2025

ORD_36708/2025

SUMMARY OF FACTS AND PARTIES' REQUESTS

1. Appellants have lodged an appeal against the impugned order on 22 September 2025.
2. While the deadline for lodging their Statement of grounds of appeal expires on Friday 26 September 2025, appellants request the Court of Appeal to extend said deadline by two weeks, i.e. until 10 October 2025, and to decide on said request without delay.
3. Appellants argue that they find themselves in an exceptional situation given that both the lead attorney-at-law and the lead patent attorney for Appellants are unable to devote the necessary time and resources to prepare the grounds of appeal due to various professional constraints, including business travel of team members and an oral hearing before the EPO which one of the two lead attorneys of the Appellants has to attend on 25 and 26 September 2025.

GROUNDS

4. According to R. 9.3 lit. (a) RoP, on a reasoned request by a party, the Court may extend, even retrospectively, a time period referred to in the RoP or imposed by the Court. The deadline for filing the Statement of grounds of appeal is extendable as it is not one of the deadlines specified under R. 9.4 RoP for which an extension is excluded.
5. Taking into consideration the two days oral hearing that one the lead attorney has to attend at the EPO at the time the deadline for filing the Statement of grounds of appeal expires, and considering that a time extension for filing said grounds of appeal would not prevent the enforcement of the impugned order, it is justified, by reference to the principles of due process, that the Appellants may exceptionally be granted a time extension which shall be limited to three working days.

6. Given the approaching deadline for filing the grounds of appeal, and considering that the Court has taken into account the interests of both parties, including the interest and the position of the Respondents which remains sufficiently secured since the impugned order is enforceable, there is no need to hear the Respondents on this request for time extension.

PROCEDURAL ORDER

The deadline for the Appellants to file their Statement of Grounds of appeal, currently expiring on 26 September 2025, is extended by three (3) working days until 1 October 2025.

This order was issued on 24 September 2025

Emmanuel Gougé, Judge-rapporteur