

Attested Copy

Landgericht Hamburg
[Hamburg Regional Court]

Hamburg, 27.08.2013

308 O 206/13

Court Order

In the matter of

DIN Deutsches Institut für Normung e.V. versus Public Resource.Org. Inc. et al

Requests, orders and information

1. Written preliminary proceedings will be carried out.
2. **Pursuant to Section 276, 271 of the German Code of Civil Procedure [Zivilprozessordnung] the defendant party is requested as follows:**

2.1 The defendant is requested to inform the court in writing, within a **non-extendible time limit of 1 (one) month**

following service of the action through its lawyer of its intention to defend the action.

Information:

This time-limit cannot be extended and is considered observed only if the notice of defence is received by the Court within the stipulated time-limit. If it is not received within that period the action may be lost. At the petition of the opposing party the court may issue a judgment by default (Section 331 of the Code of Civil Procedure [Zivilprozessordnung]); in such a case the defaulting party also has to pay the court fees and any necessary expenses of the opposing party (Section 91 of the Code of Civil Procedure). Subsequently the opponent of the defaulting party may levy execution against the latter from the default judgment (Section 708 No. 2 of the Code of Civil Procedure).

If the defendant states that it will recognize the claim in full or in part it will be sentenced without an oral hearing in accordance with the recognition made.

2.2 The defendant has to send a **written statement** in respect of the **pleadings** within the period of **3 (three) weeks**

following expiry of the non-extendible time-limit mentioned under 2.1 if it wants to defend the action.

Information pursuant to Sections 277 Para. 2, 296 Para. 1 and 3 of the Code of Civil Procedure:

The time-limit is considered observed only if the notice is received by the Court within the stipulated time-limit. The defendant can only defend against the claim before expiry of this time-limit and may submit objections and defence, offers to produce evidence and objections to the admission of evidence. Failure to observe the time-limit will mean that, in general, any later defence is blocked and that the case will be decided on the basis of the plaintiff's pleadings only. A late submission can be taken into account only, by way of exception, if this does not delay the settlement of the case or if adequate apology is made for the delay by the party. Late and waiveable objections regarding the admissibility of the action can only be admitted if adequate

apology is made for the delay.

The case may be lost just because of failure to observe the time-limit.

The above time-limit may be extended, by way of exception, if important reasons were available. The written application for an extension of the time-limit has to be received by the court before expiry of the time-limit.

- 2.3 If the defending party wants to defend the action, it has to appoint a **lawyer** as its counsel or, in agreement with such solicitor, a national of a member state of the European Union or of any other contracting state of the Convention on the European Economic Area who commands the German language and who, according to parts 1 and 5 of the Law regulating the activity of European lawyers in Germany (EuRAG) is authorized to temporarily perform the activity of a lawyer at this court.

Information:

At the Regional Courts representation by a lawyer is mandatory. Consequently, only a lawyer or a foreign legal counsel as defined above may submit a notice of defense (item 2.1) and a statement of defense (item 2.2) effectively and make petitions and other declarations. Any steps in the proceedings that a party involved makes itself are ineffective under procedural law. If there is no lawyer or any other foreign legal counsel as mentioned above who acts on behalf of the opponent party a judgment by default may be passed (Sections 330, 331 of the Code of Civil Procedure). In such a case the costs of the proceedings and any necessary expenses of the opposing party will also be awarded against the defaulting party (Section 91 of the). The opponent of the defaulting party may levy execution against the latter (Section 708 No. 2 of the Code of Civil Procedure).

3. **The parties are requested to abstain from filing any written pleadings by fax in advance, if possible.** In most cases faxes are sent without apparent reason and result in fax jams, additional work and increased circulation of records. In the case of normal time limits a delay of one or two days will not cause a delay as defined by § 296 of the Code of Civil Procedure (except for § 296 Para. 3 of the Code of Civil Procedure [ZPO]). Consequently, a fax should be restricted to those cases where non-extendible time limits have to be observed, as is the case in notices of defence (§ 276 Para. 1 sentence 1 [ZPO]), time limits for restitution to the previous condition (§ 233 [ZPO]) and time limits for legal remedies or grounds for appeals.

Rachow
Judge Presiding at the Regional Court

Certified True Copy of the Original
Hamburg, 05.09.2013
[Seal] Hamburg Regional Court – 65 – Hamburg

[signature]
Lindner, Judicial Clerk
Recorder of the Court Office

[Overleaf seal] Hamburg Regional Court
Court – 65 – Hamburg

CERTIFIED TRANSLATION FROM THE GERMAN LANGUAGE

This is to certify that to the best of my knowledge and belief the foregoing is a true, faithful and unabridged translation of the German document [attested copy] before me, the undersigned public translator and court interpreter, fully conversant with the German language and duly sworn to render true German and English translations.

Witness my hand and seal at Hamburg,
Federal Republic of Germany,
this 10th day of October 2013.

Ulrike Typke
Address:
Schaeperstueck 5
22549 Hamburg
F. R. G.



