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**Datasheet for the decision
of 17 July 2014**

Case Number: T 2311/11 - 3.2.08

Application Number: 98910422.9

Publication Number: 0969777

IPC: A61F2/06, A61F2/92

Language of the proceedings: EN

Title of invention:

COILED SHEET STENT HAVING HELICAL ARTICULATION AND METHODS OF
USE

Patent Proprietor:

Endotex Interventional Systems, Inc.

Opponent:

MEDINOL LTD.

Headword:

Lapse of the patent

Relevant legal provisions:

EPC R. 84(1), 100(1), 126(2), 131, 133(1)

Keyword:

Lapse of patent in all designated states -
continuation of appeal proceedings (no)

Decisions cited:

Catchword:



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

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Case Number: T 2311/11 - 3.2.08

D E C I S I O N
of Technical Board of Appeal 3.2.08
of 17 July 2014

Appellant:
(Opponent)

MEDINOL LTD.
P.O. Box 58165,
Kiryat Atidim,
Bldg. 3, 4th Fl.
Tel Aviv 61581 (IL)

Representative:

Kuhnen & Wacker
Patent- und Rechtsanwaltsbüro
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85354 Freising (DE)

Respondent:
(Patent Proprietor)

Endotex Interventional Systems, Inc.
10231 Bubb Road
Cupertino, CA 95014-4167 (US)

Representative:

Hermann, Gerhard
Vossius & Partner
Siebertstraße 4
81675 München (DE)

Decision under appeal:

**Interlocutory decision of the Opposition
Division of the European Patent Office posted on
2 September 2011 concerning maintenance of the
European Patent No. 0969777 in amended form.**

Composition of the Board:

Chairman T. Kriner
Members: C. Herberhold
D. T. Keeling

Summary of Facts and Submissions

I. European patent no 0 969 777 was maintained in amended form by decision of the Opposition Division dated 2 September 2011.

II. The opponent filed an appeal against that decision, paid the appeal fee and filed a statement setting out the grounds of appeal within the prescribed periods.

III. On 19 March 2014 the patent proprietor informed the European Patent Office that the patent had lapsed with effect for all the designated Contracting States.

IV. In a communication dispatched on 4 April 2014, the Board informed the opponent that, since the patent had lapsed with effect for all designated Contracting States, the opposition and appeal proceedings would be terminated, by virtue of Rules 84(1) and 100(1) EPC, unless the opponent requested their continuation within two months from notification of the communication.

VI. No submission has been filed by the opponent since the notification of the communication mentioned under point IV.

Reasons for the Decision

1. Rule 84(1) EPC provides that, if the European patent has lapsed in all the designated Contracting States, the opposition proceedings may be continued at the request of the opponent filed within two months from a notification by the EPO informing him of the lapse. Rule 100(1) EPC states that, unless otherwise provided, the provisions relating to proceedings before the department which took the decision impugned shall apply to appeal proceedings.

2. In the present case, the notification of the lapse of the European patent, within the meaning of Rule 84(1) EPC, was sent to the opponent on 4 April 2014. The period for requesting continuation of the opposition and appeal proceedings ended on 16 June 2014 by virtue of Rule 126(2) EPC in conjunction with Rules 131 and 134(1) EPC. Since no such request was filed within that time limit, the opposition and appeal proceedings must be closed.

Order

For these reasons it is decided that:

The opposition and appeal proceedings are closed.

The Registrar:

The Chairman:



V. Commare

T. Kriner

Decision electronically authenticated