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**Datasheet for the decision
of 10 January 2019**

Case Number: T 0795/13 - 3.3.08

Application Number: 04025648.9

Publication Number: 1522590

IPC: C12P21/00

Language of the proceedings: EN

Title of invention:

Methods for producing modified glycoproteins

Patent Proprietor:

GlycoFi, Inc.

Opponents:

Glycode
Novartis AG

Headword:

Modified glycoproteins/GLYCOFI

Relevant legal provisions:

EPC R. 84(1), 101(1)

Keyword:

Lapse of patent in all designated states - termination of the
appeal proceedings

Decisions cited:

T 0329/88, T 0949/09, T 0520/10, T 0480/13

Catchword:



Beschwerdekammern
Boards of Appeal
Chambres de recours

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Case Number: T 0795/13 - 3.3.08

D E C I S I O N
of Technical Board of Appeal 3.3.08
of 10 January 2019

Appellant:
(Patent Proprietor)

GlycoFi, Inc.
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Lebanon, NH 03766 (US)

Representative:

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Respondent I:
(Opponent 1)

Glycode
6 Rue Porte Baffat
19140 Uzerche (FR)

Respondent II:
(Opponent 2)

Novartis AG
Lichtstrasse 35
CH - 4002 Basel (CH)

Representative:

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75440 Paris Cedex 09 (FR)

Decision under appeal:

**Decision of the Opposition Division of the
European Patent Office posted on 21 December
2012 revoking European patent No. 1522590
pursuant to Article 101(3)(b) EPC.**

Composition of the Board:

Chairman B. Stolz
Members: M. R. Vega Laso
 J. Geschwind

Summary of Facts and Submissions

- I. The appeal of the patent proprietor (appellant) lies from a decision of an opposition division posted on 21 December 2012, revoking the European patent No. 1 522 590 (application No. 04025648.9) with the title "Methods for producing modified glycoproteins".
- II. By a communication pursuant to Rule 84(1) EPC dated 6 July 2018, the board informed the parties that, even though the European patent had lapsed with effect for all the designated Contracting States, the appeal proceedings could be continued at their request, provided that the request was filed within two months from notification of the communication.
- III. Following a failure to notify opponent 1 (respondent I), the communication was re-sent to respondent I on 12 October 2018.
- IV. No request for continuation of the proceedings was received from any of the parties.

Reasons for the Decision

1. Pursuant to Rule 84(1) EPC in conjunction with Rule 100(1) EPC, appeal proceedings may be continued after the European patent has lapsed, if the opponent files a request to this effect within two months of a communication informing him of the lapse (see, *inter alia*, decisions T 329/88 of 22 June 1993; T 949/09 of 17 October 2012; and T 480/13 of 5 November 2014).
2. According to the jurisprudence of the Boards of Appeal (see, e.g., decision T 520/10 of 11 June 2013), when the patent proprietor has filed an appeal, by analogy

to Rule 84(1) in connection with Rule 100(1) EPC the appeal proceedings may be continued also upon request of the patent proprietor.

3. Since no request for continuation of the appeal proceedings was received from any of the parties in due time, the board decides to terminate the appeal proceedings.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:



L. Malécot-Grob

B. Stolz

Decision electronically authenticated