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**Datasheet for the decision
of 10 April 2018**

Case Number: T 2033/13 - 3.5.03

Application Number: 03767236.7

Publication Number: 1527653

IPC: H04Q7/38

Language of the proceedings: EN

Title of invention:

METHOD AND SYSTEM FOR CELLULAR NETWORK TRAFFIC REDIRECTION

Patent Proprietor:

Roamware, Inc.

Opponent:

Sangpur Limited

Headword:

Cellular network traffic redirection/ROAMWARE

Relevant legal provisions:

EPC Art. 99(1), 107 sentence 1
EPC R. 100(1)

Keyword:

Appeal proceedings terminated - appellant has ceased to exist

Decisions cited:

G 0008/91, T 0353/95, T 2334/08

Catchword:



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Chambres de recours

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Case Number: T 2033/13 - 3.5.03

D E C I S I O N
of Technical Board of Appeal 3.5.03
of 10 April 2018

Appellant: Sangpur Limited
(Opponent) Veale Wasbrough, Orchard Court
Orchard Lane
Bristol BS1 5WS (GB)

Representative: Fenlon, Christine Lesley
Haseltine Lake LLP
Lincoln House, 5th Floor
300 High Holborn
London WC1V 7JH (GB)

Respondent: Roamware, Inc.
(Patent proprietor) 2880 Lakeside Drive
Suite 135
Santa Clara, CA 95054 (US)

Representative: Wallis, Helen Frances Mary
CMS Cameron McKenna Nabarro
Olswang LLP
Cannon Place
78 Cannon Street
London EC4N 6AF (GB)

Decision under appeal: **Decision of the Opposition Division of the European Patent Office posted on 16 July 2013 rejecting the opposition filed against European patent No. 1527653 pursuant to Article 101(2) EPC.**

Composition of the Board:

Chairman F. van der Voort
Members: T. Snell
 P. Guntz

Summary of Facts and Submissions

- I. The appellant, Sangpur Limited, appealed the decision of the opposition division dated 16 July 2013 to reject its opposition of 15 July 2008, received on 16 July 2008 against European patent EP 1 527 653.
- II. On 9 June 2017 the board issued a communication giving its preliminary opinion on the case and summoned the parties to oral proceedings to be held on 15 November 2017.
- III. In a letter dated 8 August 2017, the representative of the appellant informed the Board that the appellant, UK Company No. 06636957, had been wound up and that its status now was "dissolved".
- IV. In a communication with a time limit for reply, the board set out the legal position and concluded that, as there appeared to be no legal appellant, there appeared to be no basis for continuing the appeal proceedings. It advised that unless it became aware of any reason to change this assessment by the end of the time limit set for reply, it intended to issue a decision closing the appeal proceedings.
- V. No reply has been received to the board's communication within the time limit.

Reasons for the Decision

1. According to the case law of the Boards of Appeal, only an existing natural or legal person can be a party to opposition proceedings (cf. decisions T 353/95, Reasons 2, and T 2334/08, Reasons 3). This applies, *mutatis mutandis*, to opposition appeal proceedings,

since the EPC makes no different provision in this respect (Article 107, first sentence, and Rule 100(1) EPC).

2. According to the communications of the Companies House for England and Wales, filed by the appellant's former representative on 8 August 2017, the appellant was dissolved on 16 May 2017. In consequence, it ceased to exist as from that day.
3. As the original appellant within the meaning of Article 107 EPC is no longer an existing natural or legal person, it has lost its capacity to be a party to either opposition or opposition appeal proceedings. Further, the board has no information to the effect that a transfer has taken place to a putative successor.
4. As there is no appellant, it follows that there is no basis for continuing the appeal proceedings (cf. G 8/91, OJ EPO 1993, 346, concerning withdrawal of an appeal by the sole appellant, a situation which is considered to apply, *mutatis mutandis*, to the present situation). The appeal proceedings are therefore to be terminated.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:



G. Rauh

F. van der Voort

Decision electronically authenticated