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**Datasheet for the decision
of 15 January 2018**

Case Number: T 1006/14 - 3.3.08

Application Number: 04737840.1

Publication Number: 1636352

IPC: C12N7/02

Language of the proceedings: EN

Title of invention:
IMPROVEMENTS IN VIRUS PRODUCTION

Patent Proprietor:
Microbix Biosystems Inc.

Opponent:
Novartis Vaccines and Diagnostics, Inc.

Headword:
Virus production/MICROBIX

Relevant legal provisions:
EPC R. 84(1), 100(1)

Keyword:
Lapse of patent in all designated states - termination of
appeal proceedings

Decisions cited:

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

Catchword:



Beschwerdekammern

Boards of Appeal

Chambres de recours

Boards of Appeal of the
European Patent Office
Richard-Reitzner-Allee 8
85540 Haar
GERMANY
Tel. +49 (0)89 2399-0
Fax +49 (0)89 2399-4465

Case Number: T 1006/14 - 3.3.08

D E C I S I O N
of Technical Board of Appeal 3.3.08
of 15 January 2018

Appellant: Novartis Vaccines and Diagnostics, Inc.
(Opponent) 4560 Horton Street
Emeryville, CA 94608 (US)

Representative: Wise, Daniel Joseph
Carpmaels & Ransford LLP
One Southampton Row
London WC1B 5HA (GB)

Respondent: Microbix Biosystems Inc.
(Patent Proprietor) 341 Bering Avenue
Toronto,
Ontario M8Z 3A8 (CA)

Representative: Dörries, Hans Ulrich
df-mp Dörries Frank-Molnia & Pohlman
Patentanwälte Rechtsanwälte PartG mbB
Theatinerstrasse 16
80333 München (DE)

Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 20 February
2014 rejecting the opposition filed against
European patent No. 1636352 pursuant to Article
101(2) EPC.**

Composition of the Board:

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

Summary of Facts and Submissions

- I. The appellant (opponent) lodged an appeal against the decision of an opposition division posted on 20 February 2014, rejecting the opposition to the grant of the European patent No. EP 1 636 352 with the title "Improvements in virus production".
- II. By a communication of the Registrar dated 30 November 2017, the appellant was informed that the European patent had lapsed for all the designated contracting states, and that the appeal proceedings could be continued at the appellant's request, provided that a corresponding request was filed within two months from the notification of the communication.
- III. By letter dated 22 December 2017, the appellant declared that he did not wish to proceed with the appeal.

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. Since in the present case the appellant (opponent) declared that he does not wish to proceed with the appeal, 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