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**Datasheet for the decision  
of 28 June 2021**

**Case Number:** T 1093/15 - 3.2.08

**Application Number:** 09011598.1

**Publication Number:** 2143462

**IPC:** A61M25/01, A61M25/10, A61M25/00

**Language of the proceedings:** EN

**Title of invention:**  
Rapid exchange catheter having a support mandrel

**Patent Proprietor:**  
Abbott Cardiovascular Systems Inc.

**Opponent:**  
Terumo Kabushiki Kaisha

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

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



**Beschwerdekammern**

**Boards of Appeal**

**Chambres de recours**

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Case Number: T 1093/15 - 3.2.08

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.08**  
**of 28 June 2021**

**Appellant:** Abbott Cardiovascular Systems Inc.  
(Patent Proprietor) 3200 Lakeside Drive  
Santa Clara, CA 95054 (US)

**Representative:** Boulton Wade Tennant LLP  
Salisbury Square House  
8 Salisbury Square  
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**Appellant:** Terumo Kabushiki Kaisha  
(Opponent) 44-1, Hatagaya 2-Chome  
Shibuya-ku  
Tokyo 151-0072 (JP)

**Representative:** Prüfer & Partner mbB  
Patentanwälte · Rechtsanwälte  
Sohnckestraße 12  
81479 München (DE)

**Decision under appeal:** **Interlocutory decision of the Opposition  
Division of the European Patent Office posted on  
27 March 2015 concerning maintenance of the  
European Patent No. 2143462 in amended form.**

**Composition of the Board:**

**Chairwoman** P. Acton  
**Members:** M. Olapinski  
C. Schmidt

### **Summary of Facts and Submissions**

- I. Both the patent proprietor (appellant 1) and the opponent (appellant 2) lodged an appeal against the interlocutory decision of the opposition division to maintain the patent in amended form.
  
- II. In a communication under Rule 100(2) EPC the Board informed the parties that the patent had lapsed in all designated Contracting States and that the appeal proceedings may be continued at the request of an appellant filed within two months of this communication.
  
- III. Appellant 2 did not respond to the Board's communication under Rule 100(2) EPC.
  
- IV. Appellant 1 requested initially continuation of the proceedings. Before oral proceedings took place, appellant 1 withdrew its request to continue the appeal proceedings.

### **Reasons for the Decision**

It follows from Rule 84(1) EPC in conjunction with Rule 100(1) EPC that proceedings are not continued after the European patent has lapsed, unless the appellant files a request for their continuation within two months of being notified of the lapse by the European Patent Office.

Since appellant 1's initial request has been withdrawn, no such request is on file and the proceedings are to be terminated by a decision of the Board.

**Order**

**For these reasons it is decided that:**

The appeal proceedings are terminated.

The Registrar:

The Chairwoman:



D. Magliano

P. Acton

Decision electronically authenticated