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**Datasheet for the decision  
of 26 October 2020**

**Case Number:** T 1422/15 - 3.4.01

**Application Number:** 05785265.9

**Publication Number:** 1668384

**IPC:** G01S7/493, H01L27/148

**Language of the proceedings:** EN

**Title of invention:**  
A range image sensor

**Patent Proprietor:**  
Panasonic Corporation

**Opponent:**  
IEE International Electronics & Engineering S.A.

**Relevant legal provisions:**  
EPC R. 84(1), 100(2)

**Keyword:**  
Lapse of patent in all designated states

**Decisions cited:**  
T 1590/11, T 0660/13



**Beschwerdekammern**

**Boards of Appeal**

**Chambres de recours**

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Case Number: T 1422/15 - 3.4.01

**D E C I S I O N**  
**of Technical Board of Appeal 3.4.01**  
**of 26 October 2020**

**Appellant:** Panasonic Corporation  
(Patent Proprietor) 1006, Oaza Kadoma,  
Kadoma-shi,  
Osaka 571-8501 (JP)

**Representative:** Appelt, Christian W.  
Boehmert & Boehmert  
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Pettenkoferstrasse 22  
80336 München (DE)

**Appellant:** IEE International Electronics & Engineering S.A.  
(Opponent) ZAE Wiergewan  
11 Rue Edmond Reuter  
5326 Contern (LU)

**Representative:** Office Freylinger  
P.O. Box 48  
8001 Strassen (LU)

**Decision under appeal:** **Interlocutory decision of the Opposition  
Division of the European Patent Office posted on  
7 May 2015 concerning maintenance of the  
European Patent No. 1668384 in amended form.**

**Composition of the Board:**

**Chairman** P. Scriven  
**Members:** B. Noll  
R. Winkelhofer

## **Summary of Facts and Submissions**

- I. Appeals were filed by the patent proprietor and the opponent against the interlocutory decision of the opposition division.
- II. By a communication pursuant to Rule 100(2) EPC, the Board informed the appellants that the European patent had lapsed in all the designated Contracting States and that, pursuant to Rule 84(1) EPC, the appeal proceedings would be discontinued, unless a request for continuation was filed, by either party, within two months of the communication's notification.
- III. Both parties declared that they were not interested in continuing the appeal proceedings.

## **Reasons for the Decision**

1. If a European patent has lapsed in all designated Contracting States, opposition proceedings may be continued at the opponent's request (Rule 84(1) EPC). According to Rule 100(1) EPC, this also applies to opposition appeal proceedings.
2. If - as in the present case - both parties have appealed, the patent proprietor too can request that the appeal proceedings be continued (see, for example, T 1590/11, T 660/13 *Lapse of the patent*; Case Law of

the Boards of Appeal of the EPO, 9th edition 2019, III.Q.1.2.2).

3. As both appellants have explicitly declared that they do not wish to continue the proceedings, these are to be terminated.

## Order

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

The appeal proceedings are terminated.

The Registrar:

The Chair:



D. Meyfarth

P. Scriven

Decision electronically authenticated