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**Datasheet for the decision
of 9 January 2019**

Case Number: T 0580/16 - 3.2.02
Application Number: 04762944.9
Publication Number: 1677729
IPC: A61J1/00, B65D83/00, A61J1/05,
A61M5/142
Language of the proceedings: EN

Title of invention:
RESERVOIR DEVICE WITH INTEGRATED MOUNTING MEANS

Patent Proprietor:
NOVO NORDISK A/S

Opponent:
SANOFI-AVENTIS DEUTSCHLAND GMBH

Headword:

Relevant legal provisions:
EPC R. 84(1), 100(1), 133

Keyword:
Lapse of the patent in all designated Contracting States -
termination of appeal proceedings

Decisions cited:

T 0598/98

Catchword:



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 0580/16 - 3.2.02

D E C I S I O N
of Technical Board of Appeal 3.2.02
of 9 January 2019

Appellant: SANOFI-AVENTIS DEUTSCHLAND GMBH
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Respondent: NOVO NORDISK A/S
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Representative: Hoffmann Eitle
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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 4 January 2016
rejecting the opposition filed against European
patent No. 1677729 pursuant to Article 101(2)
EPC.**

Composition of the Board:

Chairman E. Dufresne
Members: M. Stern
D. Ceccarelli

Summary of Facts and Submissions

- I. The appeal of the opponent is directed against the decision of the Opposition Division posted on 4 January 2016 rejecting the opposition filed against European patent Nr. 1 677 729 pursuant to Article 101(2) EPC.
- II. Inspection of the Register had shown that the patent lapsed in all designated Contracting States.
- III. With communication of 26 September 2018 pursuant to Rule 84(1) EPC, sent with advice of delivery, the appellant-opponent was requested to inform the Board within a time limit of two months after notification of the communication, whether he requested the appeal proceedings to be continued or not.
- IV. No answer to that communication was received within the two-months time limit.
- V. On 8 January 2019 the registrar of the Board contacted the representative of the appellant-opponent who confirmed that no reply to the above communication had been delivered to a recognised postal service provider in due time before expiry of the period.

Reasons for the Decision

1. When a European patent has lapsed in all designated contracting states, in analogy to Rule 84(1) EPC, which is to be applied in opposition appeal proceedings pursuant to Rule 100(1) EPC, the opposition appeal proceedings may be continued at the request of appellant-opponent filed within two months of a communication from the European Patent Office informing

him of the lapse (e.g. T 598/98, point 1 of the Reasons).

2. Since the representative confirmed that no reply to the communication had been delivered to a recognised postal service provider in due time before expiry of the period, the expiry of the time limit of three months pursuant to Rule 133 EPC has not to be waited before proceeding further.
3. A continuation of the appeal proceedings was not requested so that the appeal proceedings are to be terminated.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:



D. Hampe

E. Dufrasne

Decision electronically authenticated