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**Datasheet for the decision
of 5 July 2019**

Case Number: T 1015/16 - 3.3.07

Application Number: 09777586.0

Publication Number: 2262486

IPC: A61K9/20, A61K31/554

Language of the proceedings: EN

Title of invention:
QUETIAPINE COMPOSITION

Patent Proprietor:
KRKA, tovarna zdravil, d.d., Novo mesto

Opponent:
ZBM Patents ApS

Headword:
QUETIAPINE COMPOSITION/KRKA, tovarna zdravil, d.d., Novo mesto

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

Keyword:
Lapse of patent in all designated states - (yes)
Termination of the appeal proceedings

Decisions cited:

Catchword:



Beschwerdekammern
Boards of Appeal
Chambres de recours

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Case Number: T 1015/16 - 3.3.07

D E C I S I O N
of Technical Board of Appeal 3.3.07
of 5 July 2019

Appellant: ZBM Patents ApS
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2100 Copenhagen Ø (DK)

Representative: ZBM Patents ApS
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Respondent: KRKA, tovarna zdravil, d.d., Novo mesto
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Representative: Uexküll & Stolberg
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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 26 February
2016 rejecting the opposition filed against
European patent No. 2262486 pursuant to Article
101(2) EPC.**

Composition of the Board:

Chairman J. Riolo

Members: D. Boulois
 C. Schmidt

Summary of Facts and Submissions

- I. The appellant (opponent) lodged an appeal against the decision of the opposition division to reject the opposition against European patent EP 2 262 486.
- II. In a communication from the Board dated 6 March 2019, the parties were informed that the European patent had lapsed for all designated Contracting States and that the appeal proceedings could be continued at the request of the opponent provided that such a request was filed within two months from the notification of the communication.
- III. The opponent did not respond and did not request continuation of the proceedings.

Reasons for the Decision

1. Pursuant to Rule 84(1) EPC, if the European patent has lapsed in all the designated Contracting States, the opposition proceedings may be continued if the opponent files a request to this effect within two months from the notification by the European Patent Office of the lapse. This provision applies to appeal proceedings by virtue of Rule 100(1) EPC.
2. As the appellant did not respond to the communication of the Board and did not request the continuation of the proceedings, these are to be terminated.
3. The opposition and appeal proceedings are terminated.

Order

For these reasons it is decided that:

The opposition and appeal proceedings are terminated.

The Registrar:

The Chairman:



B. Atienza Vivancos

J. Riolo

Decision electronically authenticated