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**Datasheet for the decision
of 16 November 2020**

Case Number: T 1905/16 - 3.3.08

Application Number: 08002266.8

Publication Number: 1914244

IPC: C12N15/09

Language of the proceedings: EN

Title of invention:

Method of modulating the activity of functional immune molecules

Patent Proprietor:

Kyowa Kirin Co., Ltd.

Opponents:

STRAWMAN LIMITED
Boehringer Ingelheim Pharma GmbH & Co. KG/
Boehringer Ingelheim International GmbH
König Szyuka Tilmann von Renesse

Headword:

Immune molecules/KYOWA KIRIN

Relevant legal provisions:

EPC R. 84(1), 101(1)

Keyword:

Lapse of patent in all designated states - termination of the appeal proceedings

Decisions cited:

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

Catchword:



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 1905/16 - 3.3.08

D E C I S I O N
of Technical Board of Appeal 3.3.08
of 16 November 2020

Appellant: STRAWMAN LIMITED
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Respondent: Kyowa Kirin Co., Ltd.
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Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
9 June 2016 concerning maintenance of the
European Patent No. 1914244 in amended form.**

Composition of the Board:

Chairman B. Stolz
Members: M. R. Vega Laso
D. Rogers

Summary of Facts and Submissions

- I. The appeal lies from an interlocutory decision of an opposition division posted on 9 June 2016, in which it was found that, account being taken of the amendments introduced into the claims according to the auxiliary request 4a and the description adapted thereto, the European patent No. 1 914 244 with the title "Method of modulating the activity of functional immune molecules" and the invention to which it relates meet the requirements of the EPC.

- II. By a communication dated 4 August 2020, the board informed the parties that the term of the European patent had expired and, consequently, the European patent had lapsed with effect for all the designated Contracting States. Further, the parties were informed that the appeal proceedings could be continued at the request of the opponents, provided that the request was filed within two months from notification of the communication.

- III. The appellant (opponent 1) informed the board that it did not wish to continue with the appeal.

- IV. No request for continuation of the proceedings was received from the other opponents.

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 it 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 no request for continuation of the appeal proceedings was received from any of the appellants in due time, 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