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**Datasheet for the decision  
of 21 July 2021**

**Case Number:** T 1368/17 - 3.2.04

**Application Number:** 13158720.6

**Publication Number:** 2656736

**IPC:** A22C21/00

**Language of the proceedings:** EN

**Title of invention:**

A method and apparatus for processing a poultry carcass part

**Patent Proprietor:**

Meyn Food Processing Technology B.V.

**Opponent:**

MAREL POULTRY B.V.

**Headword:**

**Relevant legal provisions:**

EPC R. 84(1), 100(1)

**Keyword:**

Lapse of patent in all designated states

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**  
**Boards of Appeal**  
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Case Number: T 1368/17 - 3.2.04

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.04**  
**of 21 July 2021**

**Appellant:** MAREL POULTRY B.V.  
(Opponent) Handelstraat 3  
5831 AV Boxmeer (NL)

**Representative:** EP&C  
P.O. Box 3241  
2280 GE Rijswijk (NL)

**Respondent:** Meyn Food Processing Technology B.V.  
(Patent Proprietor) Westeinde 6  
1511 MA Oostzaan (NL)

**Representative:** Van Breda, Jacobus  
Octrooibureau Los & Stigter B.V.  
Weteringschans 96  
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**Decision under appeal:** **Decision of the Opposition Division of the  
European Patent Office posted on 19 April 2017  
rejecting the opposition filed against European  
patent No. 2656736 pursuant to Article 101(2)  
EPC.**

**Composition of the Board:**

**Chairman** A. de Vries  
**Members:** S. Oechsner de Coninck  
T. Bokor

## **Summary of Facts and Submissions**

- I. The appellant (opponent) lodged an appeal, received on 14 June 2017 against the decision of the Opposition Division of the European Patent Office posted on 19 April 2017 rejecting the opposition filed against European patent No. 2656736. The statement setting out the grounds of appeal was filed on 3 August 2017.
  
- II. In a communication of 5 December 2019 in preparation for oral proceedings the Board gave a provisional opinion on the relevant issues.  
  
Oral proceedings were set for 15 October 2021.
  
- III. A communication pursuant to Rule 84(1) EPC was dispatched on 6 May 2021. It confirmed that the European patent had lapsed for all the designated Contracting States, and that the appeal proceedings might be continued at the request of the appellant/opponent provided that a corresponding request were filed within two months from notification of this communication.
  
- IV. With letter of 6 July 2021 the appellant gave notice that no request for continuation of the appeal proceedings would be filed.
  
- V. An order cancelling oral proceedings was dispatched on 20 July 2021.

## Reasons for the Decision

1. 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.
2. With letter of 5 July 2021 the appellant expressly states not to file a request for continuation. Since they do not file a request for continuation, the proceedings are to be terminated.

## Order

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

**The appeal proceedings are terminated.**

The Registrar:

The Chairman:



G. Magouliotis

A. de Vries

Decision electronically authenticated