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**Datasheet for the decision
of 9 March 2020**

Case Number: T 2240/17 - 3.5.03

Application Number: 05853191.4

Publication Number: 1820355

IPC: H04Q1/14

Language of the proceedings: EN

Title of invention:

Telecommunications patching system that utilizes RFID tags to detect and identify patch cord interconnections

Patent Proprietor:

COMMSCOPE INC. OF NORTH CAROLINA

Opponent:

TKM Telekommunikation und Elektronik GmbH

Headword:

Patching system/COMMSCOPE

Relevant legal provisions:

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

Keyword:

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

Decisions cited:

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



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Case Number: T 2240/17 - 3.5.03

D E C I S I O N
of Technical Board of Appeal 3.5.03
of 9 March 2020

Appellant: TKM Telekommunikation und Elektronik GmbH
(Opponent) Schlosstrasse 123
41238 Mönchengladbach (DE)

Representative: Meyer, Ludgerus
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20354 Hamburg (DE)

Respondent: COMMSCOPE INC. OF NORTH CAROLINA
(Patent Proprietor) 1100 Commscope Place SE
Hickory, NC 28602 (US)

Representative: Popp, Eugen
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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 11 August 2017
rejecting the opposition filed against European
patent No. 1820355 pursuant to Article 101(2)
EPC.**

Composition of the Board:

Chair K. Bengi-Akyürek
Members: K. Schenkel
J. Geschwind

Summary of Facts and Submissions

- I. The appeal of the opponent (appellant) lies from the decision of the opposition division rejecting the opposition filed against the present European patent.
- II. By a communication pursuant to Rule 84(1) EPC dated 17 December 2019, the board informed the parties 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 the appellant/opponent within two months from notification of the board's communication.
- III. No request for continuation of the appeal proceedings was received from the appellant.

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 the appellant/opponent, and since the state of the file gives no grounds for the proceedings to be continued by the European Patent Office of its own motion, the board decides to terminate the appeal proceedings.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chair:



B. Brückner

K. Bengi-Akyürek

Decision electronically authenticated