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**Datasheet for the decision
of 23 April 2021**

Case Number: T 0621/18 - 3.4.01

Application Number: 06801749.0

Publication Number: 2077892

IPC: A61N1/36, A61N1/05

Language of the proceedings: EN

Title of invention:

AUTOMATIC FITTING FOR A VISUAL PROSTHESIS

Patent Proprietor:

Second Sight Medical Products, Inc.

Opponent:

Pixium Vision SA

Headword:

Surrender or lapse of patent/ Second Sight Medical Products
Inc.

Relevant legal provisions:

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

Keyword:

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



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 0621/18 - 3.4.01

D E C I S I O N
of Technical Board of Appeal 3.4.01
of 23 April 2021

Appellant: Pixium Vision SA
(Opponent) 74 rue du Faubourg Saint Antoine
75012 Paris (FR)

Representative: Graf von Stosch, Andreas
Graf von Stosch
Patentanwalts-gesellschaft mbH
Prinzregentenstraße 22
80538 München (DE)

Respondent: Second Sight Medical Products, Inc.
(Patent Proprietor) 12744 San Fernando Road
Building 3
Sylmar, CA 91342 (US)

Representative: Mewburn Ellis LLP
Aurora Building
Counterslip
Bristol BS1 6BX (GB)

Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 29 January 2018
rejecting the opposition filed against European
patent No. 2077892 pursuant to Article 101(2)
EPC.**

Composition of the Board:

Chairman P. Scriven
Members: T. Zinke
D. Rogers

Summary of Facts and Submissions

- I. The appeal was filed by the opponent (appellant) against the decision of the Opposition Division, in which it rejected the opposition filed against the patent in suit (hereinafter "the patent").
- II. In a communication pursuant to Rule 84(1) EPC dated 10 August 2020 the parties were informed that the 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 request to this effect was filed within two months of notification of the communication.
- III. The appellant/opponent did not request continuation of the proceedings.

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. Since no such request was filed by the appellant, the proceedings are to be terminated by a decision of the Board.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:



D. Meyfarth

P. Scriven

Decision electronically authenticated