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**Datasheet for the decision  
of 6 March 2023**

**Case Number:** T 1078/20 - 3.3.09

**Application Number:** 12863319.5

**Publication Number:** 2797944

**IPC:** C13K1/02, C13K13/00

**Language of the proceedings:** EN

**Title of invention:**

COMPOSITIONS COMPRISING C6 OLIGOSACCHARIDES

**Patent Proprietor:**

Renmatix Inc.

**Opponent:**

UPM-Kymmene Oy

**Headword:**

Compositions comprising C6 Oligosaccharides/RENMATIX

**Relevant legal provisions:**

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

**Keyword:**

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

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**  
**Boards of Appeal**  
**Chambres de recours**

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Case Number: T 1078/20 - 3.3.09

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.09**  
**of 6 March 2023**

**Appellant:** Renmatix Inc.  
(Patent Proprietor) 660 Allendale Road  
King of Prussia, PA 19406 (US)

**Representative:** Hoefer & Partner Patentanwälte mbB  
Pilgersheimer Straße 20  
81543 München (DE)

**Appellant:** UPM-Kymmene Oy  
(Opponent) Alvar Aallon katu 1  
00100 Helsinki (FI)

**Representative:** Hoffmann Eitle  
Patent- und Rechtsanwälte PartmbB  
Arabellastraße 30  
81925 München (DE)

**Decision under appeal:** **Interlocutory decision of the Opposition  
Division of the European Patent Office posted on  
24 February 2020 concerning maintenance of the  
European Patent No. 2797944 in amended form.**

**Composition of the Board:**

**Chairman** A. Haderlein  
**Members:** M. Ansorge  
A. Jimenez

## **Summary of Facts and Submissions**

- I. Appeals were filed by the proprietor and the opponent against the opposition division's interlocutory decision finding that, on the basis of auxiliary request 34 (then on file), the patent in suit (hereinafter "the patent") met the requirements of the EPC.
- II. Both parties filed a statement setting out the grounds of appeal and a reply to the statement of grounds of appeal by the other party. As an auxiliary measure, both parties requested oral proceedings.
- III. The Board summoned the parties to oral proceedings.
- IV. In a communication dated 8 December 2022, the Board informed the parties that the patent in suit had lapsed with effect for all the designated Contracting States and that, according to Rule 84(1) EPC, which was also applicable in appeal proceedings against a decision by the opposition division, the opposition proceedings could be continued at the request of the opponent.
- V. The parties were also informed that, according to the case law of the Boards of Appeal of the EPO, if, as in the present case, the proprietor was an appellant, Rule 84(1) EPC also applied, *mutatis mutandis*, to the proprietor (cf. "Case Law of the Boards of Appeal of the EPO", 10th edition 2022, III.Q.1.2, pages 1010 to 1012).
- VI. The parties were further informed that, unless a request from at least one of the appellants for

continuation of the proceedings was filed within two months of notification of the Board's communication, the appeal proceedings would be discontinued, the scheduled oral proceedings would be cancelled, and the Board would take the decision to terminate the current appeal proceedings.

VII. No request for continuation of the proceedings was filed by the appellants.

VIII. The oral proceedings were cancelled.

### **Reasons for the Decision**

Since no request for continuation of the appeal proceedings has been received (Rules 84(1) and 100(1) EPC), 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:



M. Schalow

A. Haderlein

Decision electronically authenticated