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**Datasheet for the decision
of 25 July 2022**

Case Number: T 1600/20 - 3.5.03

Application Number: 02019725.7

Publication Number: 1398677

IPC: G05B19/042

Language of the proceedings: EN

Title of invention:

Modular control system for a glass forming machine

Patent Proprietor:

futronic GmbH

Opponent:

Siemens Aktiengesellschaft

Headword:

Glass-forming machine/FUTRONIC

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 1600/20 - 3.5.03

D E C I S I O N
of Technical Board of Appeal 3.5.03
of 25 July 2022

Appellant: Siemens Aktiengesellschaft
(Opponent) Werner-von-Siemens-Straße 1
80333 München (DE)

Respondent: futronic GmbH
(Patent Proprietor) Tolnauerstr. 3-4
88069 Tett nang (DE)

Representative: Hoffmann Eitle
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Arabellastraße 30
81925 München (DE)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted on
8 May 2020 concerning maintenance of the
European Patent No. 1398677 in amended form.

Composition of the Board:

Chair K. Bengi-Akyürek
Members: K. Peirs
F. Bostedt

Summary of Facts and Submissions

- I. The appeal of the opponent (appellant) lies from the decision of the opposition division maintaining the present European patent in amended form.
- II. By a communication under Rule 84(1) EPC dated 10 May 2022, the board informed the parties that the European patent had lapsed in all the designated Contracting States and that, under 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. Under 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, T 949/09 and T 480/13).
2. Since no request for continuation of the appeal proceedings was received from the appellant/opponent, and since the state of the file does not imply any grounds for the proceedings to be continued by the EPO 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