Datasheet for the decision of 18 March 2016

Case Number: T 1821/13 - 3.4.02
Application Number: 04804452.3
Publication Number: 1706709
IPC: G01D5/14, G01D5/16
Language of the proceedings: EN

Title of invention: POSITION SENSOR

Patent Proprieter: NCTEngineering GmbH

Opponent: METHODE ELECTRONICS, Inc.

Headword:

Relevant legal provisions: EPC R. 84(1), 100(1)

Keyword: Lapse of patent in all designated states - termination of appeal proceedings
Decisions cited:

Catchword:
Case Number: T 1821/13 - 3.4.02

DECISION
of Technical Board of Appeal 3.4.02
of 18 March 2016

Appellant: METHODE ELECTRONICS, Inc.
(Opponent)
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Chicago,
Illinois 60656-4549 (US)

Representative: Prinz & Partner mbB
Patent- und Rechtsanwälte
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80335 München (DE)

Respondent: NCTEngineering GmbH
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Inselkammerstrasse 10
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Representative: Grünecker Patent- und Rechtsanwälte
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Decision under appeal: Interlocutory decision of the Opposition
to Division of the European Patent Office posted on 12 June 2013 concerning maintenance of the
European Patent No. 1706709 in amended form.

Composition of the Board:
Chairwoman T. Karamanli
Members: A. Hornung
F. J. Narganes-Quijano
Summary of Facts and Submissions

I. The opponent (appellant) lodged an appeal against the decision of the opposition division maintaining European patent No. 1706709 in amended form.

II. In a communication of the registrar dated 13 November 2014, the appellant was informed that the patent had meanwhile lapsed in all designated Contracting States, and that the appeal proceedings would be continued at the appellant's request, provided that within two months from the notification of this communication a request to this effect was filed. On the same day a copy of the communication was sent to the patentee (respondent).

III. There was no reply to the communication.

Reasons for the Decision

1. If the European patent has lapsed in all designated Contracting States, opposition proceedings may be continued at the request of the opponent pursuant to Rule 84(1) EPC, provided that this request is filed within two months from a communication by the EPO, informing the opponent of the lapse. According to Rule 100(1) EPC, this also applies in appeal proceedings.

2. Since in the present case the appellant has not requested the continuation of the appeal proceedings, the appeal proceedings are to be terminated.
Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar: The Chairwoman:

M. Kiehl T. Karamanli

Decision electronically authenticated