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Datasheet for the decision
of 10 October 2019

Case Number: T 2178/16 - 3.2.08
Application Number: 09425173.3
Publication Number: 2119934
IPC: F16D69/04, F16D65/092
Language of the proceedings: EN

Title of invention:
Sintered material friction shoes for disc brakes of railway wheeled vehicles

Patent Proprietor:
NCFA S.r.l.

Opponent:
Cofren S.r.l.

Headword:

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

Keyword:
Lapse of patent in all designated states - continuation of appeal proceedings (no)
Decisions cited:

Catchword:
Case Number: T 2178/16 - 3.2.08

DECISION
of Technical Board of Appeal 3.2.08
of 10 October 2019

Appellant: NCFA S.r.l.
(Patent Proprietor)
P.LE V. TECCHIO, 49
80125 NAPOLI (IT)

Representative: Santi, Filippo
Barzanò & Zanardo Roma S.p.A.
Via Piemonte 26
00187 Roma (IT)

Respondent: Cofren S.r.l.
(Opponent)
Via Pianodardine snc
83100 Avellino (IT)

Representative: Bosman, Cesare
Studio Torta S.p.A.
Via Viotti, 9
10121 Torino (IT)

Decision under appeal: Decision of the Opposition Division of the European Patent Office posted on 8 July 2016 revoking European patent No. 2119934 pursuant to Article 101(3)(b) EPC.

Composition of the Board:
Chairwoman P. Acton
Members: M. Foulger
Y. Podbielski
Summary of Facts and Submissions

I. With the decision posted on 8 July 2016, the opposition division revoked European patent No. 2 119 934.

II. The proprietor filed an appeal against this decision.

III. With the communication dated 14 May 2019, the Board informed the parties that the patent had lapsed in all designated contracting states. The appellant (proprietor) was requested to state within two months whether it wished the appeal proceedings to continue.

IV. The appellant did not file a request for continuation of the appeal proceedings.

Reasons for the Decision

1. By analogy with Rule 84(1) EPC in combination with Rule 100(1) EPC (see Case Law of the Boards of Appeal, 9th edition 2019, III.Q.1.2.2), appeal 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 EPO.

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 Chairwoman:

D. Magliano

P. Acton

Decision electronically authenticated