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**Datasheet for the decision
of 15 January 2014**

Case Number: T 0053/10 - 3.3.07

Application Number: 01200507.0

Publication Number: 1232746

IPC: A61K9/10, A61K47/36

Language of the proceedings: EN

Title of invention:

Pharmaceutical composition comprising xanthan gum

Patent Proprietor:

Forte IQ B.V.

Opponent:

Cargill Inc.

Headword:

Pharmaceutical composition comprising xanthan gum/Forte IQ

Relevant legal provisions:

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

Keyword:

Lapse of patent in all designated Contracting States -
Termination of appeal proceedings

Decisions cited:

Catchword:



**Beschwerdekammern
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Chambres de recours**

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Case Number: T 0053/10 - 3.3.07

**D E C I S I O N
of Technical Board of Appeal 3.3.07
of 15 January 2014**

Appellant: Cargill Inc.
(Opponent) 15407 McGinty Road West
Wayzota
MN 55491-5624 (US)

Representative: Wibbelmann, Jobst
Wuesthoff & Wuesthoff
Patent- und Rechtsanwälte
Schweigerstrasse 2
81541 München (DE)

Respondent: Forte IQ B.V.
(Patent Proprietor) Lindenlaan 31c
6584 AC Molenhoek (NL)

Representative: Farago, Peter Andreas
Kanzlei Schieber - Farago
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80538 München (DE)

Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
4 December 2009 concerning maintenance of the
European Patent No. 1232746 in amended form.**

Composition of the Board:

Chairman: J. Riolo
Members: D. Boulois
D. T. Keeling

Summary of Facts and Submissions

- I. The appellant (opponent) lodged an appeal against the interlocutory decision of the opposition division of 10 November 2009 maintaining European patent EP 1 232 746 in amended form.
- II. In a communication from the board dated 12 September 2013 the parties were informed that the European patent had lapsed for all designated Contracting States and that the appeal proceedings could be continued at the request of the opponent provided that such a request was filed within two months from the notification of the communication.
- III. The opponent did not request continuation of the proceedings.
- IV. Oral proceedings were held on 15 January 2014.

Reasons for the Decision

1. Pursuant to Rule 84(1) EPC, if the European patent has lapsed in all the designated Contracting States, the opposition proceedings may be continued if the opponent files a request to this effect within two months from the notification by the European Patent Office of the lapse. This provision applies to appeal proceedings by virtue of Rule 100(1) EPC.
2. As the appellant did not request the continuation of the proceedings, these are to be terminated.

Order

For these reasons it is decided that:

The opposition and appeal proceedings are terminated.

The Registrar:

The Chairman:



K. Boelicke

J. Riolo

Decision electronically authenticated