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**Datasheet for the decision  
of 10 December 2014**

**Case Number:** T 0204/11 - 3.3.02

**Application Number:** 00900300.5

**Publication Number:** 1185264

**IPC:** A61K31/40, C07D207/34

**Language of the proceedings:** EN

**Title of invention:**  
PROCESS FOR THE PRODUCTION OF AMORPHOUS ATORVASTATIN CALCIUM

**Patent Proprietor:**  
Ranbaxy Laboratories Limited

**Opponents:**  
Williams, Paul Edwin  
Bohmann, Armin K., Dr.

**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:**



**Beschwerdekammern  
Boards of Appeal  
Chambres de recours**

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Case Number: T 0204/11 - 3.3.02

**D E C I S I O N  
of Technical Board of Appeal 3.3.02  
of 10 December 2014**

**Appellant:** Williams, Paul Edwin  
(Opponent 1) Ablett & Stebbing  
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101-103 Baker Street  
London  
W1U 6FQ (GB)

**Representative:** Williams, Paul Edwin  
Ablett & Stebbing  
7-8 Market Place  
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**Respondent:** Ranbaxy Laboratories Limited  
(Patent Proprietor) Plot No. 90, Sector - 32  
Gurgaon - 122001, Haryana (IN)

**Representative:** Cronin, Brian Harold John  
CRONIN Intellectual Property  
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**Party as of right:** Bohmann, Armin K., Dr.  
(Opponent 2) Bohmann & Loosen  
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**Representative:** Bohmann, Armin K.  
Bohmann  
Anwaltssozietät  
Nymphenburger Straße 1  
80335 München (DE)

**Decision under appeal:** **Decision of the Opposition Division of the European Patent Office posted on 16 November 2010 rejecting the opposition filed against European patent No. 1185264 pursuant to Article 101(2) EPC.**

**Composition of the Board:**

<b>Chairman</b>	U. Oswald
<b>Members:</b>	H. Kellner
	L. Bühler

### **Summary of Facts and Submissions**

- I. The opponent 1 (appellant) lodged an appeal against the decision of the opposition division posted on 16 November 2010, by which the oppositions against European patent No. 1 185 264 were rejected.
- II. By communication of the board of 12 September 2014, the parties' attention was drawn to the fact that the patent had meanwhile lapsed in all designated contracting states, and the appellant was asked to inform the board whether it requested a continuation of the appeal proceedings.
- III. The appellant did not reply within the time limit of two months.

### **Reasons for the Decision**

1. If a European patent has lapsed in all designated contracting states, opposition proceedings may be continued at the request of the opponent (Rule 84(1)EPC). According to Rule 100(1) EPC, this also applies in appeal proceedings following opposition proceedings.
2. Since the appellant has not, within the time limit set, requested the continuation of the appeal proceedings and the state of the file gives no grounds for the proceedings to be continued by the board of its own motion, the appeal proceedings are terminated (see T 329/88 of 22 June 1993; T 165/95 of 7 July 1997; T 749/01 of 23 August 2002; T 436/02 of 25 June 2004; T 289/06 of 17 December 2007).

**Order**

**For these reasons it is decided that:**

The appeal proceedings are terminated.

The Registrar:

The Chairman:



N. Maslin

U. Oswald

Decision electronically authenticated