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**Datasheet for the decision
of 12 November 2018**

Case Number: T 0482/13 - 3.3.04

Application Number: 00913417.2

Publication Number: 1189629

IPC: A61K38/22, C12N5/071,
G01N33/50, A61P3/06, A61P3/08,
A61P5/48

Language of the proceedings: EN

Title of invention:
Peptide YY (PYY) for treating glucose metabolic disorders

Patent Proprietor:
Curis, Inc.

Opponent:
Glaxo Group Limited

Headword:
Peptide YY/CURIS

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

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

Decisions cited:

Catchword:



Beschwerdekammern

Boards of Appeal

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Case Number: T 0482/13 - 3.3.04

D E C I S I O N
of Technical Board of Appeal 3.3.04
of 12 November 2018

Appellant: Glaxo Group Limited
(Opponent) Berkeley Avenue
Greenford, Middlesex UB6 0NN England (GB)

Representative: Wilson, Lynn Margaret
GlaxoSmithKline
Global Patents (CN925.1)
980 Great West Road
Brentford, Middlesex TW8 9GS (GB)

Respondent: Curis, Inc.
(Patent Proprietor) 4 Maguire Road
Lexington, MA 02421 (US)

Representative: Vossius & Partner
Patentanwälte Rechtsanwälte mbB
Siebertstrasse 3
81675 München (DE)

Decision under appeal: **Interlocutory decision of the Opposition**
Division of the European Patent Office posted on
15 January 2013 concerning maintenance of the
European Patent No. 1189629 in amended form.

Composition of the Board:

Chair G. Alt
Members: R. Morawetz
P. de Heij

Summary of Facts and Submissions

- I. The present appeal was lodged by the opponent (hereinafter "appellant") against the interlocutory decision of the opposition division concerning maintenance of European patent No. 1 189 629 in amended form. The patent had been granted on European patent application 00 913 417.2 which was filed as international application PCT/US00/03391 and published as WO 00/47219. The patent proprietor is the respondent in these appeal proceedings.

- II. In a communication of the board pursuant to Rule 84(1) and Rule 100(1) EPC dated 25 June 2018 the parties were informed that it was apparent from the entries in the European Patent Register, that the patent had lapsed with effect for all the designated Contracting States in the course of the appeal proceedings. The appellant was invited to indicate, within two months, whether continuation of the appeal proceedings was requested. The appeal proceedings would be discontinued if no request for continuation of the proceedings was filed in due time. The respondent was given the opportunity to file comments within the same time limit.

- III. With a letter dated 16 July 2018, the appellant informed the board that it did not wish to request a continuation of the appeal proceedings. The respondent filed no comments within the time limit set.

Reasons for the Decision

1. Rule 84(1) EPC provides that "if the European patent has been surrendered in all the designated Contracting States or has lapsed in all those States, the opposition proceedings may be continued at the request of the opponent filed within two months of a communication from the European Patent Office informing him of the surrender or lapse."
2. Pursuant to Rule 100(1) EPC and in the absence of provisions stating otherwise, Rule 84(1) EPC applies to opposition appeal proceedings, *i.e.* the appeal proceedings may be continued at the request of the appellant-opponent filed within two months as from notification of the surrender or lapse.
3. In the present case, in response to the communication pursuant to Rule 100(1) and Rule 84(1) EPC, the appellant-opponent indicated that it did not wish to request a continuation of the appeal proceedings. As the board sees no reason to continue the appeal proceedings of its own motion, the appeal proceedings can be terminated.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chair:



P. Cremona

G. Alt

Decision electronically authenticated