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**Datasheet for the decision
of 18 July 2016**

Case Number: T 1216/13 - 3.2.07

Application Number: 07110658.7

Publication Number: 1884292

IPC: B05B12/00

Language of the proceedings: EN

Title of invention:

Water flow volume display device for watering nozzle

Patent Proprietor:

Chen, Ho-Chin

Opponent:

GARDENA Manufacturing GmbH

Headword:

Relevant legal provisions:

EPC R. 84(1), 101(1)

Keyword:

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

Decisions cited:

T 0329/88, T 0289/06, T 0978/07, T 0949/09, T 0178/12

Catchword:



Beschwerdekammern
Boards of Appeal
Chambres de recours

European Patent Office
D-80298 MUNICH
GERMANY
Tel. +49 (0) 89 2399-0
Fax +49 (0) 89 2399-4465

Case Number: T 1216/13 - 3.2.07

D E C I S I O N
of Technical Board of Appeal 3.2.07
of 18 July 2016

Appellant:
(Opponent)

GARDENA Manufacturing GmbH
Hans-Lorenser-Str. 40
D-89079 Ulm (DE)

Representative:

Schröer, Gernot H.
Meissner Bolte Patentanwälte
Rechtsanwälte Partnerschaft mbB
Bankgasse 3
90402 Nürnberg (DE)

Respondent:
(Patent Proprietor)

Chen, Ho-Chin
No. 11-2, Lane 188,
Gungye Road,
Lung Ching Shiang
Taichung Hsien (TW)

Representative:

Viering, Jentschura & Partner mbB
Patent- und Rechtsanwälte
Grillparzerstraße 14
81675 München (DE)

Decision under appeal:

**Decision of the Opposition Division of the
European Patent Office posted on 19 March 2013
rejecting the opposition filed against European
patent No. 1884292 pursuant to Article 101(2)
EPC.**

Composition of the Board:

Chairman	H. Meinders
Members:	K. Poalas
	E. Kossonakou

Summary of Facts and Submissions

- I. The appellant (opponent) lodged an appeal against the decision of the Opposition Division rejecting the opposition filed against the European patent 1 884 292.
- II. In a communication of the Board dated 26 April 2016 the parties were informed that from the Register it was known that the European patent had lapsed for all the designated Contracting States and that the appeal proceedings could be only continued at the request of the opponent, provided that within two months from notification of that communication a corresponding request was filed.
- III. The respondent (patent proprietor) with its submission dated 9 June 2016 confirmed that the patent had lapsed with effect for all designated Contracting States.
- IV. The appellant has not responded to the communication of the Board.

Reasons for the Decision

1. Pursuant to Rule 84(1) EPC in conjunction with Rule 100(1) EPC, proceedings are not continued after the European patent has lapsed, unless there is a request to this effect by the opponent filed within two months from notification by the European Patent Office of the lapse (see e.g. T 329/88; T 289/06; T 978/07; T 949/09; T 178/12; all not published in OJ EPO).
2. Since no such request was filed by the appellant, the proceedings are terminated.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:



B. Atienza Vivancos

H. Meinders

Decision electronically authenticated