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

**Case Number:** T 1821/13 - 3.4.02

**Application Number:** 04804452.3

**Publication Number:** 1706709

**IPC:** G01D5/14, G01D5/16

**Language of the proceedings:** EN

**Title of invention:**  
POSITION SENSOR

**Patent Proprietor:**  
NCTEngineering GmbH

**Opponent:**  
METHODE ELECTRONICS, Inc.

**Headword:**

**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**  
**Chambres de recours**

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Case Number: T 1821/13 - 3.4.02

**D E C I S I O N**  
**of Technical Board of Appeal 3.4.02**  
**of 18 March 2016**

**Appellant:** METHODE ELECTRONICS, Inc.  
(Opponent) 7444 West Wilson Avenue  
Chicago,  
Illinois 60656-4549 (US)

**Representative:** Prinz & Partner mbB  
Patent- und Rechtsanwälte  
Rundfunkplatz 2  
80335 München (DE)

**Respondent:** NCTEngineering GmbH  
(Patent Proprietor) Erlenhof-Park,  
Inselkammerstrasse 10  
82008 Unterhaching (DE)

**Representative:** Grünecker Patent- und Rechtsanwälte  
PartG mbB  
Leopoldstraße 4  
80802 München (DE)

**Decision under appeal:** **Interlocutory decision of the Opposition**  
**Division of the European Patent Office posted on**  
**12 June 2013 concerning maintenance of the**  
**European Patent No. 1706709 in amended form.**

**Composition of the Board:**

**Chairwoman** T. Karamanli  
**Members:** A. Hornung  
F. J. Narganes-Quijano

## **Summary of Facts and Submissions**

- I. The opponent (appellant) lodged an appeal against the decision of the opposition division maintaining European patent No. 1706709 in amended form.
- II. In a communication of the registrar dated 13 November 2014, the appellant was informed that the patent had meanwhile lapsed in all designated Contracting States, and that the appeal proceedings would be continued at the appellant's request, provided that within two months from the notification of this communication a request to this effect was filed. On the same day a copy of the communication was sent to the patentee (respondent).
- III. There was no reply to the communication.

## **Reasons for the Decision**

1. If the European patent has lapsed in all designated Contracting States, opposition proceedings may be continued at the request of the opponent pursuant to Rule 84(1) EPC, provided that this request is filed within two months from a communication by the EPO, informing the opponent of the lapse. According to Rule 100(1) EPC, this also applies in appeal proceedings.
2. Since in the present case the appellant has not requested the continuation of the appeal proceedings, the appeal proceedings are to be terminated.

**Order**

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

The appeal proceedings are terminated.

The Registrar:

The Chairwoman:



M. Kiehl

T. Karamanli

Decision electronically authenticated