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**Datasheet for the decision
of 4 October 2017**

Case Number: T 2137/13 - 3.3.07

Application Number: 03738060.7

Publication Number: 1553922

IPC: A61K9/12, A61K31/05, A61K31/11,
A61K31/135, A61P11/06,
A61P11/08

Language of the proceedings: EN

Title of invention:
Salmeterol superfine formulation

Patent Proprietor:
CHIESI FARMACEUTICI S.p.A.

Opponent:
NORTON HEALTHCARE LIMITED

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

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



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Case Number: T 2137/13 - 3.3.07

D E C I S I O N
of Technical Board of Appeal 3.3.07
of 4 October 2017

Appellant: CHIESI FARMACEUTICI S.p.A.
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Appellant: NORTON HEALTHCARE LIMITED
(Opponent) Regent House
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London NW6 3RZ (GB)

Representative: D Young & Co LLP
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Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
12 August 2013 concerning maintenance of the
European Patent No. 1553922 in amended form.**

Composition of the Board:

Chairman J. Riolo
Members: A. Usuelli
I. Beckedorf

Summary of Facts and Submissions

- I. The opponent lodged an appeal against the decision of the opposition division of 12 August 2013 to maintain European patent No. 1 553 922 in amended form.

An appeal was lodged also by the patent proprietor but it was subsequently withdrawn.

- II. In a communication dated 16 February 2017, the Board informed the parties that the patent in suit had lapsed for all the designated States and invited the appellant-opponent to inform the Board, within two months from notification of the communication, whether it requested a continuation of the appeal proceedings pursuant to Rule 84 EPC.

- III. No reply was received from the appellant-opponent within the two month period.

Reasons for the Decision

1. Pursuant to Rule 84(1) EPC in conjunction with Rule 100(1), proceedings are not continued after the European patent has lapsed unless there is a request to this effect by the opponent filed within two month as from the notification by the European Patent Office of the lapse.

As in the present case, no such request by the opponent has been received, the proceedings are to be terminated by a decision of the Board.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:



N. Schneider

J. Riolo

Decision electronically authenticated