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**Datasheet for the decision
of 4 February 2015**

Case Number: T 0121/14 - 3.5.02

Application Number: 02258019.5

Publication Number: 1315280

IPC: H02P6/16

Language of the proceedings: EN

Title of invention:

Sensor system for controlling a motor

Patent Proprietor:

Tamagawa Seiki Kabushiki Kaisha

Opponent:

Siemens Aktiengesellschaft

Headword:

Relevant legal provisions:

EPC R. 84(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 0121/14 - 3.5.02

D E C I S I O N
of Technical Board of Appeal 3.5.02
of 4 February 2015

Appellant: Siemens Aktiengesellschaft
(Opponent) Wittelsbacherplatz 2
80333 München (DE)

Respondent: Tamagawa Seiki Kabushiki Kaisha
(Patent Proprietor) 1879, Ooyasumi
Iida-shi,
Nagano-ken (JP)

Representative: Mounteney, Simon James
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Decision under appeal: **Decision of the Opposition Division of the European Patent Office posted on 14 November 2013 rejecting the opposition filed against European patent No. 1315280 pursuant to Article 101(2) EPC.**

Composition of the Board:

Chairman M. Ruggiu
Members: G. Flynn
W. Ungler

Summary of Facts and Submissions

- I. The opponent has appealed against the decision of the Opposition Division of 14 November 2013 rejecting the opposition against European patent No. 1315280.
- II. The patent has meanwhile lapsed in all designated Contracting States.
- III. By a communication of the Board of 21 August 2014, the attention of the parties was drawn to Rule 84(1) EPC and the appellant (opponent) was invited to inform the Board within two months from notification of the communication whether it was requested that the appeal proceedings be continued, or whether the appeal was withdrawn. The parties were advised that if no request for continuation of the appeal proceedings was received, the Board intended to terminate the appeal proceedings.
- IV. Within the time period set in the above communication no reply was filed.

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. It follows from Rule 100(1) EPC that this also applies in appeal proceedings following opposition proceedings.
2. The opponent has been invited to file a request for continuation, but has not done so.

3. The appeal proceedings are consequently terminated by this decision of the Board.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:



U. Bultmann

M. Ruggiu

Decision electronically authenticated