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**Datasheet for the decision  
of 4 June 2019**

**Case Number:** T 0649/15 - 3.2.04

**Application Number:** 06125678.0

**Publication Number:** 1933027

**IPC:** F03D1/00, F03D1/06, F03D11/00

**Language of the proceedings:** EN

**Title of invention:**  
Hub for the rotor of a wind turbine

**Patent Proprietor:**  
STX Heavy Industries Co., Ltd.  
Xiangtan Electric Manufacturing Corporation, Ltd.

**Opponent:**  
Vestas Wind Systems A/S

**Headword:**

**Relevant legal provisions:**  
EPC R. 84(1)

**Keyword:**  
Lapse of patent in all designated states

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**

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Case Number: T 0649/15 - 3.2.04

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.04**  
**of 4 June 2019**

**Appellant:** Vestas Wind Systems A/S  
(Opponent) Hedeager 44  
8200 Aarhus N (DK)

**Representative:** Inspicos P/S  
Kogle Allé 2  
2970 Hørsholm (DK)

**Respondent:** STX Heavy Industries Co., Ltd.  
(Patent Proprietor 1) 66-5, Sinchondong  
Changwon-si  
Gyeongsangnam-do 641-371 (KR)

**Respondent:** Xiangtan Electric Manufacturing Corporation,  
(Patent Proprietor 2) Ltd.  
No. 302 St. Xiashesi  
Yuetang District  
Xiangtan City, Hunan 411101 (CN)

**Representative:** Caspary, Karsten  
Kroher-Strobel  
Rechts- und Patentanwälte PartmbB  
Bavariaring 20  
80336 München (DE)

**Decision under appeal:** **Decision of the Opposition Division of the  
European Patent Office posted on 20 January 2015  
rejecting the opposition filed against European  
patent No. 1933027 pursuant to Article 101(2)  
EPC.**

**Composition of the Board:**

**Chairman**           A. de Vries  
**Members:**         S. Oechsner de Coninck  
                      C. Heath

## **Summary of Facts and Submissions**

I. The appellant (opponent) lodged an appeal, received on 30 March 2015 against the decision of the opposition division dated 20 January 2015 to reject the opposition against the patent EP 1 933 027, and paid the appeal fee the same day. The statement setting out the grounds of appeal was filed on 29 May 2015.

II. Opposition was filed against the patent as a whole and based on Article 100a) together with 52(1), 54(2) and 56 EPC.

III. The appellant (opponent) requested that the decision under appeal be set aside and that the European patent be revoked.

The respondent (patent proprietor) requested that the appeal be dismissed, in the auxiliary that the decision under appeal be set aside and that the patent be maintained on the basis of the Auxiliary Requests 1 to 3 filed on 13 October 2015.

IV. Oral proceedings were set for 11 February 2019.

V. In response to the summons to attend oral proceedings, the respondent indicated in a letter of 28 June 2018 that it had lost interest in the patent and that all national parts of the patent had expired due to non-payment of annuities, and that it would not therefore attend the oral proceedings.

VI. In a communication of 16 November 2018 , the Board indicated that the Office was still waiting for confirmation of lapse of the patent and invited the appellant to state whether they intended to proceed

further with the opposition appeal proceedings in case the communication under Rule 84(1) EPC on lapse were to be issued.

- VII. With letter of 6 December 2018 the appellant gave notice that they did not intend to proceed further with the opposition appeal proceedings in case the communication on lapse pursuant to Rule 84(1) EPC was issued.
- VIII. By order dated 11 January 2019 oral proceedings were cancelled. This was communicated to the parties with letter of 16 January 2019.
- IX. A communication pursuant to Rule 84(1) EPC was dispatched on 16 January 2019. It confirmed that the European patent had lapsed for all the designated Contracting States, and that the appeal proceedings might be continued at the request of the appellant/opponent provided that a corresponding request were filed within two months from notification of this communication.
- X. In a letter of 18 February 2019 the appellant waived their right for continuation of the opposition-appeal proceedings.

### **Reasons for the Decision**

- 1. Pursuant to Rule 84(1) EPC in conjunction with Rule 100(1) EPC, proceedings are discontinued after the European patent has lapsed due to non-payment of the renewal fees, 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.

2. As in the present case, no such request was made by the appellant-opponent who even has explicitly waived their right for continuation of the opposition-appeal proceedings, the Board concludes that the proceedings can be terminated.

## Order

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

The appeal proceedings are terminated.

The Registrar:

The Chairman:



G. Magouliotis

A. de Vries

Decision electronically authenticated