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**Datasheet for the decision  
of 16 April 2020**

**Case Number:** T 1680/16 - 3.5.03

**Application Number:** 08846806.1

**Publication Number:** 2202934

**IPC:** H04L29/06

**Language of the proceedings:** EN

**Title of invention:**

A multimedia session call control method and the application server thereof

**Patent Proprietor:**

Huawei Technologies Co., Ltd.

**Opponent:**

James Poole Limited

**Headword:**

Multimedia session call/HUAWEI

**Relevant legal provisions:**

EPC R. 84(1), 100(2)

**Keyword:**

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

**Decisions cited:**

T 0329/88, T 0708/01, T 0949/09, T 0480/13



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Case Number: T 1680/16 - 3.5.03

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.03**  
**of 16 April 2020**

**Appellant:** Huawei Technologies Co., Ltd.  
(Patent Proprietor) Huawei Administration Building  
Bantian  
Longgang District  
Shenzhen, Guangdong 518129 (CN)

**Representative:** Körber, Martin Hans  
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**Respondent:** James Poole Limited  
(Opponent) One Southampton Row  
London WC1B 5HA (GB)

**Representative:** Brunner, John Michael Owen  
Carpmaels & Ransford LLP  
One Southampton Row  
London WC1B 5HA (GB)

**Decision under appeal:** **Decision of the Opposition Division of the European Patent Office posted on 13 June 2016 revoking European patent No. 2202934 pursuant to Article 101(3)(b) EPC.**

**Composition of the Board:**

**Chair** K. Bengi-Akyürek  
**Members:** K. Schenkel  
R. Romandini

## **Summary of Facts and Submissions**

- I. The appeal of the patent proprietor (appellant) lies from the decision of the opposition division revoking the present European patent.
- II. By a communication pursuant to Rule 100(2) EPC dated 15 January 2020, the board informed the appellant that the European patent had lapsed in all the designated Contracting States and that, pursuant to Rule 84(1) EPC, the appeal proceedings would be discontinued, unless a request for continuation was filed within two months from notification of the board's communication.
- III. No request for continuation of the appeal proceedings was received from the appellant.

## **Reasons for the Decision**

1. Pursuant to Rule 84(1) EPC in conjunction with Rule 100(1) EPC, appeal proceedings may be continued after the European patent has lapsed, if the opponent files a request to this effect within two months of a communication informing it of the lapse (see, *inter alia*, decisions T 329/88 of 22 June 1993; T 949/09 of 17 October 2012 and T 480/13 of 5 November 2014).
2. This provision applies by analogy to situations where the patent proprietor is the sole appellant (see e.g. T 708/01, Reasons 1). In the present case, the patent proprietor has not filed any request for continuation. As a consequence, the appeal proceedings are to be terminated.

**Order**

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

The appeal proceedings are terminated.

The Registrar:

The Chair:



A. Nielsen-Hannerup

K. Bengi-Akyürek

Decision electronically authenticated