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**Datasheet for the decision  
of 10 October 2019**

**Case Number:** T 2178/16 - 3.2.08

**Application Number:** 09425173.3

**Publication Number:** 2119934

**IPC:** F16D69/04, F16D65/092

**Language of the proceedings:** EN

**Title of invention:**

Sintered material friction shoes for disc brakes of railway  
wheeled vehicles

**Patent Proprietor:**

NCFA S.r.l.

**Opponent:**

Cofren S.r.l.

**Headword:**

**Relevant legal provisions:**

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

**Keyword:**

Lapse of patent in all designated states - continuation of  
appeal proceedings (no)

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**  
**Boards of Appeal**  
**Chambres de recours**

Boards of Appeal of the  
European Patent Office  
Richard-Reitzner-Allee 8  
85540 Haar  
GERMANY  
Tel. +49 (0)89 2399-0  
Fax +49 (0)89 2399-4465

Case Number: T 2178/16 - 3.2.08

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.08**  
**of 10 October 2019**

**Appellant:**  
(Patent Proprietor)

NCFA S.r.l.  
P.LE V. TECCHIO, 49  
80125 NAPOLI (IT)

**Representative:**

Santi, Filippo  
Barzanò & Zanardo Roma S.p.A.  
Via Piemonte 26  
00187 Roma (IT)

**Respondent:**  
(Opponent)

Cofren S.r.l.  
Via Pianodardine snc  
83100 Avellino (IT)

**Representative:**

Bosman, Cesare  
Studio Torta S.p.A.  
Via Viotti, 9  
10121 Torino (IT)

**Decision under appeal:**

**Decision of the Opposition Division of the  
European Patent Office posted on 8 July 2016  
revoking European patent No. 2119934 pursuant to  
Article 101(3) (b) EPC.**

**Composition of the Board:**

**Chairwoman** P. Acton  
**Members:** M. Foulger  
Y. Podbielski

## **Summary of Facts and Submissions**

- I. With the decision posted on 8 July 2016, the opposition division revoked European patent No. 2 119 934.
- II. The proprietor filed an appeal against this decision.
- III. With the communication dated 14 May 2019, the Board informed the parties that the patent had lapsed in all designated contracting states. The appellant (proprietor) was requested to state within two months whether it wished the appeal proceedings to continue.
- IV. The appellant did not file a request for continuation of the appeal proceedings.

## **Reasons for the Decision**

1. By analogy with Rule 84(1) EPC in combination with Rule 100(1) EPC (see Case Law of the Boards of Appeal, 9th edition 2019, III.Q.1.2.2), appeal proceedings are not continued after the European patent has lapsed, unless the appellant files a request for their continuation within two months of being notified of the lapse by the EPO.
2. Since no such request was filed by the appellant, 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 Chairwoman:



D. Magliano

P. Acton

Decision electronically authenticated