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**Datasheet for the decision
of 19 November 2020**

Case Number: T 2046/18 - 3.5.05

Application Number: 11754505.3

Publication Number: 2601759

IPC: H04L12/28, H04W52/02, H04W84/18

Language of the proceedings: EN

Title of invention:
AUTOMATION SYSTEM

Patent Proprietor:
Nice S.p.A.

Opponent:
dormakaba Deutschland GmbH

Headword:
Lapse of patent

Relevant legal provisions:
EPC R. 84(1)

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



Beschwerdekammern

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Case Number: T 2046/18 - 3.5.05

D E C I S I O N
of Technical Board of Appeal 3.5.05
of 19 November 2020

Appellant: dormakaba Deutschland GmbH
(Opponent) Dorma Platz 1
58256 Ennepetal (DE)

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Respondent: Nice S.p.A.
(Patent Proprietor) Via Pezza Alta, 13
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Representative: Citron, Massimiliano
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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 20 June 2018
rejecting the opposition filed against European
patent No. 2601759 pursuant to Article 101(2)
EPC.**

Composition of the Board:

Chair A. Ritzka
Members: N. H. Uhlmann
F. Blumer

Summary of Facts and Submissions

- I. The opponent filed an appeal against the opposition division's decision of 20 June 2018 rejecting the opposition against European patent EP 2 601 759.
- II. A communication of board's registry was issued on 14 August 2020, drawing the appellant/opponent's attention to the fact that the patent had been surrendered or had lapsed with effect for all designated Contracting States. In accordance with Rules 84(1) and 100(1) EPC, the appellant/opponent was invited to inform the board, within two months from notification of the communication, whether they requested a continuation of the appeal proceedings.
- III. No reply was received within the time limit set in the board's communication.

Reasons for the Decision

1. According to Rule 84(1) EPC, if the European patent has been surrendered in all the designated Contracting States or has lapsed in all those States, the opposition proceedings may be continued at the request of the opponent filed within two months of a communication from the EPO informing him of the surrender or lapse. In accordance with Rule 100(1) EPC, Rule 84(1) EPC also applies in opposition appeal proceedings.
2. As indicated in the board's communication of 14 August 2020, the appeal proceedings are discontinued if no request for continuation of the proceedings is filed in due time and no grounds for the proceedings to be

continued by the EPO on its own motion is evident from the state of the file.

3. In the present case, the communication dated 14 August 2020 informing of the lapse was deemed to be delivered to the appellant on 24 August 2020 (Rule 126(2) EPC). The period of two months for requesting continuation of the appeal proceedings thus ended on Monday, 26 October 2020.

4. No request for continuation of the appeal proceedings was received within the time limit set, and the board does not see any reason to continue the proceedings of its own motion. 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. Chavinier-Tomsic

A. Ritzka

Decision electronically authenticated