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**Datasheet for the decision  
of 16 September 2022**

**Case Number:** T 0747/19 - 3.4.01

**Application Number:** 10726246.1

**Publication Number:** 2430469

**IPC:** G01R33/04, G01R33/00

**Language of the proceedings:** EN

**Title of invention:**  
CLOSED-LOOP FLUXGATE CURRENT SENSOR

**Patent Proprietor:**  
LEM International SA

**Opponent:**  
Vacuumschmelze GmbH & Co. KG

**Headword:**  
Lapse of the Patent/ LEM

**Relevant legal provisions:**  
EPC Art. 110  
EPC R. 100(1), 84(1)

**Keyword:**

Lapse of patent in all designated states - no request for continuation received within the period prescribed - termination of appeal proceedings.



**Beschwerdekammern**

**Boards of Appeal**

**Chambres de recours**

Boards of Appeal of the  
European Patent Office  
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Case Number: T 0747/19 - 3.4.01

**D E C I S I O N**  
**of Technical Board of Appeal 3.4.01**  
**of 16 September 2022**

**Appellant:** Vacuumschmelze GmbH & Co. KG  
(Opponent) Grüner Weg 37  
63450 Hanau (DE)

**Representative:** Westphal, Mussnug & Partner, Patentanwälte mbB  
Werinherstraße 79  
81541 München (DE)

**Respondent:** LEM International SA  
(Patent Proprietor) Chemin des Aulx 8  
1228 Plan-les-Ouates (CH)

**Representative:** Reuteler, Raymond Werner  
Reuteler & Cie SA  
Chemin de la Vuarpillière 29  
1260 Nyon (CH)

**Decision under appeal:** **Decision of the Opposition Division of the  
European Patent Office posted on 17 January 2019  
rejecting the opposition filed against European  
patent No. 2430469 pursuant to Article 101(2)  
EPC.**

**Composition of the Board:**

**Chairman** P. Scriven  
**Members:** A. Medeiros Gaspar  
D. Rogers

## **Summary of Facts and Submissions**

- I. The opponent appealed the Opposition Division's decision to reject the opposition filed against European patent No 2430469.
  
- II. In a communication pursuant to Rule 84(1) EPC, the Board notified the parties that the European patent had been surrendered or had lapsed with effect for all designated Contracting States and that the appeal proceedings would be discontinued, unless a request for continuation was filed by the opponent/appellant within two months from notification of the communication.
  
- III. A request for continuation of the proceedings was not received within the time period set.

## **Reasons for the Decision**

1. Pursuant to Rule 100(1) EPC, unless otherwise provided, the provisions relating to proceedings before the department which has taken the decision impugned shall apply to appeal proceedings.
  
2. The EPC contains no specific provision concerning continuation of appeal proceedings in case a European Patent has been surrendered or has lapsed.
  
3. Rule 84(1) EPC is a provision relating to opposition proceedings and provides that, if a European patent has

been surrendered or lapsed in all designated Contracting States, the opposition proceedings may be continued at the request of the opponent filed within two months of a communication from the European Patent Office informing him accordingly.

4. In the present appeal proceedings, a communication pursuant to Rule 84(1) EPC was sent to the parties, but no request for continuation was received from the appellant/opponent within the two months period set.
5. There is, hence, no reason for these appeal proceedings to be continued.

## Order

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

The appeal proceedings are terminated.

The Registrar:

The Chair:



D. Meyfarth

D. Rogers

Decision electronically authenticated