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**Datasheet for the decision
of 19 July 2022**

Case Number: T 2068/19 - 3.2.02

Application Number: 11776826.7

Publication Number: 2632518

IPC: A61M5/50, A61M5/20, A61M5/315,
A61M5/32

Language of the proceedings: EN

Title of invention:
INJECTION DEVICES

Patent Proprietor:
Owen Mumford Limited

Opponents:
PFIZER LIMITED
SHL Group AB
Ypsomed AG
Sanofi-Aventis Deutschland GmbH

Headword:

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

Keyword:

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

Decisions cited:

T 0708/01

Catchword:



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 2068/19 - 3.2.02

D E C I S I O N
of Technical Board of Appeal 3.2.02
of 19 July 2022

Appellant: Owen Mumford Limited
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Appellant: Sanofi-Aventis Deutschland GmbH
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Representative: Schmidt, Christian
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Representative: SSM Sandmair
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Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
10 May 2019 concerning maintenance of the
European Patent No. 2632518 in amended form.**

Composition of the Board:

Chairman M. Alvazzi Delfrate
Members: S. Böttcher
C. Schmidt

Summary of Facts and Submissions

- I. The appeals of the patent proprietor and of opponent 4 are directed against the decision of the opposition division posted on 10 May 2019 that, account being taken of the amendments made by the patent proprietor during the opposition proceedings, the European patent No. 2 632 518 and the invention to which it relates were found to meet the requirements of the Convention.
- II. With communication of 2 November 2021, the parties were informed that the patent had lapsed in all designated Contracting States. The appellant/patent proprietor and the appellant/opponent 4 were requested to inform the board within a period of two months after notification of the communication, whether they requested the appeal proceedings to be continued or not.
- III. With a letter dated 16 December 2021 appellant/opponent 4 requested that the appeal proceedings be continued only if the appellant/patent proprietor would also request to continue it.
- IV. No answer to the communication was received by the appellant/patent proprietor within the two months period.

Reasons for the Decision

1. As mentioned above the patent has lapsed in all designated Contracting States.

2. In such a case, according to Rule 84(1) EPC, which is to be applied in opposition appeal proceedings (Rule 100(1) EPC), the opposition appeal proceedings may be continued at the request of the appellant/opponent filed within two months of a communication from the European Patent Office informing him of the lapse.
3. In analogy to Rule 84(1) EPC, the opposition appeal proceedings may be continued at the request of the appellant/patent proprietor filed within two months of a communication from the European Patent Office informing him of the lapse (e.g. T 0708/01, point 1 of the Reasons).
4. A continuation of the appeal proceedings was requested by appellant/opponent 4 only in case the proprietor would also request continuation. However, the proprietor did not file such a request. Therefore, the appeal proceedings are to be terminated.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:



D. Hampe

M. Alvazzi Delfrate

Decision electronically authenticated