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Veröffentlichung im Amtsblatt	Ja /Nein
Publication in the Official Journal	Yes /No
Publication au Journal Officiel	Oui /Non

Aktenzeichen / Case Number / N^o du recours : T 146/82
Anmeldenummer / Filing No / N^o de la demande : 79300047.2
Veröffentlichungs-Nr. / Publication No / N^o de la publication : 0003178
Bezeichnung der Erfindung: Presence sensing system
Title of invention:
Titre de l'invention :

Klassifikation / Classification / Classement :

INTERLOCUTORY DECISION

vom / of / du 2 December 1985

VARYING ORDER SUSPENDING PROCEEDINGS of 29 May 1985

Anmelder / Applicant / Demandeur : TAG RADIONICS LIMITED

Patentinhaber / Proprietor of the patent /
Titulaire du brevet :

Einsprechender / Opponent / Opposant :

Third Party : PHILIPS ELECTRONIC AND ASSOCIATED
INDUSTRIES LIMITED

Stichwort / Headword / Référence : Suspension of proceedings/TAG

EPÜ/EPC/CBE Rule 13
"suspension of proceedings"

Leitsatz / Headnote / Sommaire

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Case Number: T 146 / 82

INTERLOCUTORY DECISION

of the Technical Board of Appeal 3.5.1

of 2 December 1985

VARYING ORDER SUSPENDING PROCEEDINGS
of 29 May 1985

Appellant:

TAG RADIONICS LIMITED
Swains Industrial Estate
Ashington Road
Rochford Essex (GB)

Representative:

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34 Tavistock Street
London WC2E 7PB (GB)

Third Party :

PHILIPS ELECTRONIC AND ASSOCIATED INDUSTRIES LIMITED
Patent Department
Mullard House
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London WC1E 7HD (GB)

Decision under appeal:

Decision of Examining Division 055
Office dated 20 April 1982
application No 79300047.2
EPC

of the European Patent
refusing European patent
pursuant to Article 97(1)

Composition of the Board:

Chairman:

G. Korsakoff

Member:

J. van Voorthuizen

Member:

P. Ford

Summary of Facts and Submissions

- I. Reference is made to the Summary of Facts and Submissions set out in the previous Decision of this Board, dated 29.05.85, pursuant to which all proceedings for the grant of a European patent on European patent application No. 79 300 047.2 were suspended in accordance with Rule 13 EPC until 01.12.85 or until further order by the Board. Under paragraph 2 of the Order then made, the Appellant and the Third Party were each given liberty to apply for the discharge or variation of the Order suspending proceedings.
- II. By duly confirmed telex of 25.11.85, the Third Party requested a further stay of the proceedings until 01.02.86 on the ground that the Third Party and the Appellant had finally agreed terms for the settlement of their dispute on 22.11.85 and that the Third Party, to which the European patent application would now be assigned, wished to consult with the Appellant and the Appellant's representative regarding the further handling of the appeal.

Reasons for the Decision

1. The Third Party's request for a variation of the Order suspending proceedings under Rule 13 EPC is considered by the Board to be reasonable in all the circumstances of the case, notwithstanding the considerable length of time for which the proceedings have been pending, and the Board is satisfied that it is just to extend the stay of proceedings until 01.02.86, in the interests both of the Third Party and of the public in the expeditious further handling of the case.

2. However, in the public interest, it does not seem desirable to permit any further applications for variation of the Order suspending proceedings. Accordingly, paragraph 2 of the Order made on 29.05.85 must now cease to have effect.

ORDER

For these reasons ,

it is ordered that :

1. All proceedings for the grant of a European patent on European patent application No. 79 300 047.3 are further suspended until 1 February 1986.
2. Paragraph 2 of the Order made in these proceedings on 29 May 1985 shall cease to have effect.

The Registrar

The Chairman

B A Norman

G Korsakoff

