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D E C I S I O N
of 31 March 2003

Case Number: T 0462/97 - 3.5.1

Application Number: 84115561.7

Publication Number: 0148458

IPC: H04M 1/72

Language of the proceedings: EN

Title of invention:

Address encoding system for portable battery - operated devices

Patentee:

MOTOROLA, INC.

Opponent:

Nokia Mobile Phones Ltd
Koninklijke Philips Electronics N.V.

Headword:

-

Relevant legal provisions:

EPC R. 60(1), 66(1)

Keyword:

"National patents lapsed in all designated states"
"Termination of appeal proceedings"

Decisions cited:

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Catchword:

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Case Number: T 0462/97 - 3.5.1

D E C I S I O N
of the Technical Board of Appeal 3.5.1
of 31 March 2003

Appellant: Koninklijke Philips Electronics N.V.
(Opponent 02) Groenewoudseweg 1
NL-5621 BA Eindhoven (NL)

Representative: Mak, Theodorus Nicolaas
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NL-5656 AA Eindhoven (NL)

Respondent: MOTOROLA, INC.
(Proprietor of the patent) 1303 East Algonquin Road
Schaumburg, IL 60196 (US)

Representative: Hudson, Peter David
Motorola,
European Intellectual Property
Midpoint
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Party as of right: Nokia Mobile Phones Ltd
(Opponent 01) Box 86
FI-24101 Salo (FIN)

Representative: Frain, Timothy John
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Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 19 February
1997 concerning maintenance of European patent
No. 0 148 458 in amended form.

Composition of the Board:

Chairman: S. V. Steinbrener
Members: R. R. K. Zimmermann
P. Mühlens

Summary of Facts and Submissions

European patent No. 0 148 458 granted for the Contracting States Germany, France and United Kingdom was, in opposition proceedings, the subject of an interlocutory decision, against which one of the opponents lodged an appeal in due time and form.

In a communication posted 30 December 2002, the opponents were notified that the patent had lapsed with effect for all the designated Contracting States and that the appeal proceedings could only be continued at the request of the appellant opponent to be filed in a stated period. Such a request has not been received within the time required.

Reasons for the Decision

The patent has lapsed in all designated Contracting States without a request pursuant to Rule 60(1) EPC has been filed. Under such circumstances, the Board has no legal basis to continue the proceedings (see "Case Law of the Boards of Appeal of the EPO", fourth edition December 2001, page 541).

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:

M. Kiehl

S. V. Steinbrener