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**Datasheet for the decision
of 9 March 2010**

Case Number: T 0978/07 - 3.3.01

Application Number: 00905322.4

Publication Number: 1156042

IPC: C07D 317/36

Language of the proceedings: EN

Title of invention:

Process for the preparation of glycerol carbonate

Patentee:

KAO CORPORATION

Opponent:

ORGANISATION NATIONALE INTERPROFESSIONNELLE DES OLEAGINEUX
(O.N.I.D.O.L.)

Headword:

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Relevant legal provisions:

EPC R. 84(1), 100(1)

Relevant legal provisions (EPC 1973):

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Keyword:

"Patent lapsed in all designated states"
"Termination of appeal proceedings"

Decisions cited:

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Catchword:

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Case Number: T 0978/07 - 3.3.01

D E C I S I O N
of the Technical Board of Appeal 3.3.01
of 9 March 2010

Appellant: ORGANISATION NATIONALE INTERPROFESSIONNELLE
DES OLEAGINEUX - ONIDOL
12, avenue George V
F-75008 Paris (FR)

Representative: Lassiaille, Christian Michel
Cabinet Barre Laforgue & Associés
95, rue des Amidonniers
F-31000 Toulouse (FR)

Respondent: KAO CORPORATION
(Patent Proprietor) 14-10, Nihonbashi-Kayabacho 1-chome
Chuo-ku
Tokyo 103-0025 (JP)

Representative: Hoffmann Eitle
Patent- und Rechtsanwälte
Arabellastraße 4
D-81925 München (DE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 12 April 2007
rejecting the opposition filed against European
patent No. 11560042 pursuant to Article 102(2)
EPC 1973.

Composition of the Board:

Chairman: P. Ranguis
Members: G. Seufert
R. Menapace
C. M. Radke
D. S. Rogers

Summary of Facts and Submissions

- I. The Appellant (Opponent) lodged an appeal against the decision of the Opposition Division of 12 April 2007 rejecting the opposition filed against the European patent No. 1 156 042.

- II. In a communication by the registrar of the Board dated 20 July 2009 the parties were informed that the European patent 1 156 042 had lapsed for all the designated states and that the appeal proceedings could be continued at the request of the Opponent provided that within two month from notification of this communication a request is so filed.

- III. The Opponent did not request continuation of the proceedings.

Reasons for the Decision

1. Pursuant to Rule 84(1) EPC in conjunction with Rule 100(1), proceedings are not continued after the European patent has lapsed by non-payment of the renewal fees, unless there is a request to this effect by the Opponent filed within two month as from the notification by the European Patent Office of the lapse.

As in the present case, no such request by the Opponent has been received, the proceedings are to be terminated by a decision of the Board.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:

B. Atienza-Vivancos

P. Ranguis