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**Datasheet for the decision
of 22 February 2010**

Case Number: T 0884/08 - 3.2.07

Application Number: 00973044.1

Publication Number: 1226078

IPC: B65D 79/00

Language of the proceedings: EN

Title of invention:
Beverage Container

Patentee:
Nyrotec Beverages Ltd

Opponent:
Unilever PLC

Headword:
-

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

Relevant legal provisions (EPC 1973):
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Keyword:
"Non-payment of renewal fees - lapse of patent - termination
of the appeal proceedings"

Decisions cited:
G 0001/90

Catchword:
-



Case Number: T 0884/08 - 3.2.07

D E C I S I O N
of the Technical Board of Appeal 3.2.07
of 22 February 2010

Appellant:
(Opponent)
Unilever PLC
Unilever House
Blackfriars
London
EC4P 4BQ (GB)

Representative:
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Unilever Patent Group
Colworth House
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Respondent:
(Patent Proprietor)
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Representative:
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Broadgate House
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
10 March 2008 concerning maintenance of
European patent No. 1226078 in amended form.

Composition of the Board:

Chairman: H. Meinders
Members: P. O'Reilly
E. Dufrasne

Summary of Facts and Submissions

- I. Opposition was filed against European patent No. 1 226 078.

The opposition division decided to maintain the patent in amended form in accordance with the fifth auxiliary request.

- II. The appellant (opponent) filed an appeal against that decision.

The proprietor did not file an appeal.

- III. With a communication dated 14 September 2009 the parties were informed that the patent had been surrendered or lapsed in all the designated Contracting States. The opponent was informed that pursuant to Rule 84(1) EPC the opposition proceedings could be continued if a corresponding request was filed within two months.

No such request was filed within this period.

- IV. In a communication from the Registry of the Board dated 13 January 2010 the opponent/appellant was asked whether it wished continue the proceedings or whether the appeal proceedings could be terminated.

- V. In its response dated 29 January 2010 the appellant indicated that it did not wish continuation of the proceedings and that the proceedings could be terminated.

Reasons for the Decision

1. According to Rule 84(1) EPC in combination with Rule 100(1) EPC the proceedings have to be terminated after the lapse of the European patent in all the designated Contracting States in the absence of a request by the opponent for continuation of the proceedings (see G 1/90, OJ EPO 1991, 275, point 7 of the reasons, special case of closure of the proceedings).

2. In the present case no such request has been filed so that the proceedings have to be terminated.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:

G. Nachtigall

H. Meinders