

**Internal distribution code:**

- (A)  Publication in OJ  
(B)  To Chairmen and Members  
(C)  To Chairmen  
(D)  No distribution

**Datasheet for the decision  
of 17 July 2012**

**Case Number:** T 0981/09 - 3.3.06

**Application Number:** 01925514.0

**Publication Number:** 1272599

**IPC:** C11D 3/37, C11D 1/02

**Language of the proceedings:** EN

**Title of invention:**  
Laundry wash compositions

**Patentee:**  
Unilever PLC  
Unilever N.V.

**Opponent:**  
The Procter & Gamble Company

**Headword:**  
Laundry Wash Compositions/UNILEVER

**Relevant legal provisions:**  
EPC Art. 113(2)

**Keyword:**  
"Proprietor's non-approval of the text of the patent"

**Decisions cited:**  
-

**Catchword:**  
-



Case Number: T 0981/09 - 3.3.06

**DECISION**  
of the Technical Board of Appeal 3.3.06  
of 17 July 2012

**Appellant:** The Procter & Gamble Company  
(Opponent) One Procter & Gamble Plaza  
Cincinnati, OHIO 45202 (US)

**Representative:** Fisher, Adrian John  
Carpmaels & Ransford  
One Southampton Row  
London WC1B 5HA (GB)

**Respondent I:** Unilever PLC  
(Patent Proprietor 1) Unilever House  
Blackfriars  
London  
Greater London EC4P 4BQ (GB)

**Respondent II:** Unilever N.V.  
(Patent Proprietor 2) Weena 455  
NL-3013 AL Rotterdam (NL)

**Representative:** Bristow, Stephen Robert  
Unilever Patent Group  
Colworth House  
Sharnbrook  
Bedford MK44 1LQ (GB)

**Decision under appeal:** **Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
23 February 2009 concerning maintenance of  
European patent No. 1272599 in amended form.**

**Composition of the Board:**

**Chairman:** P.-P. Bracke  
**Members:** G. Dischinger-Höppler  
J. Geschwind

## **Summary of Facts and Submissions**

- I. The appeal is from the interlocutors decision of the Opposition Division of the European Patent Office posted on 23 February 2009 concerning maintenance of European patent No. 1272599 in amended form.
- II. On 4 May 2009 the opponent (appellant) lodged an appeal against the decision and paid the corresponding fee on the same day. A statement of grounds was filed on 16 June 2009.
- III. In reply to the summons to oral proceedings and the communication of the Board of 26 June 2012, the respondent's (proprietor's) representative stated by letter dated 6 July 2012, that the proprietor no longer approved the text of the granted patent.

## **Reasons for the Decision**

1. The appeal complies with Articles 106 to 108 EPC and Rule 99 EPC and is therefore admissible.
2. In accordance with Article 113(2) EPC, the EPO can maintain the patent only in the text agreed by the proprietor of the patent. Agreement cannot be held to be given if the proprietor, without submitting an amended text, expressly states that he no longer approves the text of the patent as granted or previously amended. In such a situation a substantive requirement for maintaining the patent is lacking and the proceedings are to be terminated by a decision

ordering revocation, without going into the substantive issues.

## **Order**

### **For these reasons it is decided that:**

1. The decision of the Opposition Division dated 23 February 2009 is set aside.
2. European patent No. 1 272 599 is revoked.

The Registrar:

The Chairman:

D. Magliano

P.-P. Bracke