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**Datasheet for the decision
of 12 November 2013**

Case Number: T 1965/12 - 3.2.07

Application Number: 07115478.5

Publication Number: 1927547

IPC: B65C 9/00, F26B 15/18

Language of the proceedings: EN

Title of invention:

Apparatus for drying external surfaces of containers to be
labelled

Patent Proprietor:

Europool S.r.l.

Opponent:

KHS GmbH

Headword:

-

Relevant legal provisions:

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

Keyword:

"Lapse of patent - termination of the appeal proceedings"

Decisions cited:

T 0329/88, T 0949/09, T 1133/12

Catchword:

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Case Number: T 1965/12 - 3.2.07

D E C I S I O N
of the Technical Board of Appeal 3.2.07
of 12 November 2013

Appellant: KHS GmbH
(Opponent) Juchostraße 20
D-44143 Dortmund (DE)

Representative: Nunnenkamp, Jörg
Andrejewski - Honke
Patent- und Rechtsanwälte
An der Reichsbank 8
D-45127 Essen (DE)

Respondent: Europool S.r.l.
(Patent Proprietor) Via G. Ferraris, 13
I-43036 Fidenza (Parma) (IT)

Representative: Gotra, Stefano
BUGNION S.p.A.
Largo Michele Novaro, 1/A
I-43121 Parma (IT)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 4 July 2012
rejecting the opposition filed against European
patent No. 1927547 pursuant to Article 101(2)
EPC.

Composition of the Board:

Chairman: H. Meinders
Members: K. Poalas
E. Kossonakou

Summary of Facts and Submissions

- I. The appellant (opponent) lodged an appeal against the decision of the Opposition Division rejecting its opposition filed against European patent No. 1 927 547.

- II. With a communication dated 27 August 2013 the parties were informed by the Board that according to the information available to the European Patent Office the patent had lapsed in all the designated Contracting States.

In the communication the respondent (patent proprietor) was requested to confirm this information within a period of two months after notification of the communication. The respondent did not reply to the Board's communication within said time limit.

Further, in the same communication the appellant was informed that pursuant to Rule 84(1) EPC in conjunction with Rule 100(1) EPC the appeal proceedings could be continued, if a corresponding request were filed within two months from notification of the Board's communication. The appellant confirmed with a letter dated 25 September 2013 that it did not request a continuation of the appeal proceedings.

Reasons for the Decision

1. Since in the present case the appellant confirmed with its letter dated 25 September 2013 that it did not request a continuation of the appeal proceedings, the

proceedings can be terminated (see e.g. T 329/88;
T 949/09; T 1133/12; all not published in OJ EPO).

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:

G. Nachtigall

H. Meinders