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**Datasheet for the decision
of 9 January 2018**

Case Number: T 1706/14 - 3.3.06

Application Number: 07873324.3

Publication Number: 2044264

IPC: D21H27/30, D21H27/40, B31F1/07,
B32B29/00, D21H27/02, B32B3/00

Language of the proceedings: EN

Title of invention:

MULTI-PLY TISSUE PAPER PRODUCT, PAPER CONVERTING DEVICE FOR A
MULTI-PLY TISSUE PAPER PRODUCT AND METHOD FOR PRODUCING A
MULTI-PLY TISSUE PAPER PRODUCT

Patent Proprietor:

SCA Hygiene Products GmbH

Opponent:

Kimberly-Clark Worldwide, Inc.

Headword:

Multi-Ply Tissue paper product/SCA Hygiene Products GmbH

Relevant legal provisions:

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

Keyword:

Lapse of patent in all designated states - (yes) - termination
of appeal proceedings

Decisions cited:

Catchword:



Beschwerdekammern
Boards of Appeal
Chambres de recours

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Case Number: T 1706/14 - 3.3.06

D E C I S I O N
of Technical Board of Appeal 3.3.06
of 9 January 2018

Appellant: Kimberly-Clark Worldwide, Inc.
(Opponent) 401 North Lake Street
Neenah, Wisconsin 54956 (US)

Representative: Chiva, Andrew Peter
Dehns
St Bride's House
10 Salisbury Square
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Respondent: SCA Hygiene Products GmbH
(Patent Proprietor) Sandhofer Strasse 176
68305 Mannheim (DE)

Representative: Hoffmann Eitle
Patent- und Rechtsanwälte PartmbB
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81925 München (DE)

Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
28 May 2014 concerning maintenance of the
European Patent No. 2044264 in amended form.**

Composition of the Board:

Chairman B. Czech
Members: G. Santavicca
J. Hoppe

Summary of Facts and Submissions

- I. The Opponent (Appellant) lodged an appeal against the interlocutory decision of the Opposition Division concerning maintenance of European Patent No. 2 044 264 in amended form.
- II. By a communication dated 15 September 2017, the parties were informed by the Registrar of the Board
- that, as apparent from the European Patent Register, the patent in suit had been surrendered or had lapsed with effect for all the designated Contracting States,
 - that pursuant to Rule 84(1) EPC, the appeal proceedings may be continued at the request of an appellant/opponent, provided that a request to this effect is filed within two months from notification of this communication, and
 - that if no such request for continuation of the proceedings was filed in due time, it was to be expected that the appeal proceedings would be terminated without a decision on the merits.
- III. The Appellant/Opponent did not reply to the Board's communication within the set time limit.

Reasons for the Decision

1. As apparent from the online European Patent Register the patent in suit has been surrendered or has lapsed in all the designated Contracting States.
2. Pursuant to Rule 84(1) EPC in conjunction with Rule 100(1) EPC, the appeal proceedings are not continued in such a case, unless a request to this effect is filed by the Appellant/Opponent within two months from

notification of the lapse of the patent in suit by the EPO.

3. Since no such request was filed by the Appellant/ Opponent, the appeal proceedings are to be terminated.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:



D. Magliano

B. Czech

Decision electronically authenticated