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**Datasheet for the decision
of 14 February 2022**

Case Number: T 0372/16 - 3.3.02

Application Number: 08862628.8

Publication Number: 2231607

IPC: C07D213/74, C07D213/90,
C07D401/14, A61K8/49, A61Q5/10

Language of the proceedings: EN

Title of invention:

AZOMETHINE DIRECT DYES OR REDUCED PRECURSORS OF THESE DYES
OBTAINED FROM 2-AMINO-3-HYDROXYPYRIDINE, AND HAIR DYEING
PROCESS USING THESE DYES AND PRECURSORS

Patent Proprietor:

L'Oréal

Opponent:

Henkel AG & Co. KGaA

Headword:

Relevant legal provisions:

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

Keyword:

Lapse of patent in all designated states - termination of appeal proceedings

Decisions cited:

Catchword:



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Case Number: T 0372/16 - 3.3.02

D E C I S I O N
of Technical Board of Appeal 3.3.02
of 14 February 2022

Appellant: Henkel AG & Co. KGaA
(Opponent) Henkelstrasse 67
40589 Düsseldorf (DE)

Representative: Henkel AG & Co. KGaA
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Respondent: L'Oréal
(Patent Proprietor) 14, rue Royale
75008 Paris (FR)

Representative: L'Oreal
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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 16 December
2015 rejecting the opposition filed against
European patent No. 2231607 pursuant to Article
101(2) EPC.**

Composition of the Board:

Chairman M. O. Müller
Members: S. Bertrand
P. de Heij

Summary of Facts and Submissions

- I. The appeal lodged by the opponent ("appellant") lies from the decision of the opposition division to reject the opposition filed against European Patent No. 2 231 607.
- II. By communication of the board dated 26 November 2021, pursuant to Rules 84(1) and 100(1) EPC, the parties' attention was drawn to the fact that, according to the entries in the European Patent Register, the patent had been surrendered or lapsed in all designated contracting states, and the appellant was asked to inform the board, within a two-month time limit, whether it requested a continuation of the appeal proceedings.
- III. The appellant did not reply within the time limit of two months.

Reasons for the Decision

1. If, as in the present case, a European patent has lapsed in all designated contracting states, opposition proceedings may be continued at the request of the opponent (Rule 84(1) EPC). According to Rule 100(1) EPC, this also applies in appeal proceedings following opposition proceedings.
2. Since no such request has been received from the appellant within the time limit set, the appeal proceedings are to be terminated.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:



N. Maslin

M. O. Müller

Decision electronically authenticated