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**Datasheet for the decision
of 4 July 2022**

Case Number: T 2056/18 - 3.3.10

Application Number: 02721464.2

Publication Number: 1372581

IPC: A61Q5/08, A61Q5/10, A61K8/49,
A61K8/41, A61K8/44, A61K8/46,
A61K8/368

Language of the proceedings: EN

Title of invention:
COMPOSITION FOR SIMULTANEOUSLY LIGHTENING AND COLORING HAIR
UTILIZING BLEACH-STABLE ACID AND BASIC DYES

Patent Proprietor:
L'Avant Garde Inc.

Opponent:
Henkel AG & Co. KGaA

Headword:
Composition / L'Avant Garde

Relevant legal provisions:
EPC R. 84(1)

Keyword:

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

Decisions cited:

T 2046/18

Catchword:



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Chambres de recours

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Case Number: T 2056/18 - 3.3.10

D E C I S I O N
of Technical Board of Appeal 3.3.10
of 4 July 2022

Appellant II: L'Avant Garde Inc.
(Patent Proprietor) 4109 Guardian St.
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Representative: Eisenführ Speiser
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Appellant I: Henkel AG & Co. KGaA
(Opponent) Henkelstrasse 67
40589 Düsseldorf (DE)

Correspondence address: Henkel AG & Co. KGaA
CLI (Patente)
40191 Düsseldorf (DE)

Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
7 June 2018 concerning maintenance of the
European Patent No. 1372581 in amended form.**

Composition of the Board:

Chairman M. Kollmannsberger
Members: J.-C. Schmid
F. Blumer

Summary of Facts and Submissions

- I. The appeals were filed by patent proprietor (appellant II) and opponent (appellant I) against the interlocutory decision of the opposition division, in which it found that the patent in suit in an amended form meets the requirements of the EPC.
- II. With a letter dated 31 January 2022, appellant II (patent proprietor) withdrew its appeal.
- III. In a communication pursuant to Rule 84(1) EPC dated 22 March 2022 the parties were informed that the patent had lapsed for all the designated Contracting States and that the appeal proceedings might be continued at the request of the appellant (opponent), provided that a request to this effect was filed within two months of notification of the communication.
- IV. The appellant (opponent) did not request continuation of the proceedings, and the patent proprietor did not react to said communication either.

Reasons for the Decision

1. It follows from Rule 84(1) EPC in conjunction with Rule 100(1) EPC that opposition or opposition appeal proceedings are not continued after the European patent has lapsed, unless the opponent files a request for their continuation within two months of being notified of the lapse by the European Patent Office (see, e.g., T 2046/18).

2. Since no such request was filed by the appellant (opponent), the proceedings are to be terminated.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:



C. Rodríguez Rodríguez

M. Kollmannsberger

Decision electronically authenticated