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**Datasheet for the decision
of 7 March 2023**

Case Number: T 0181/21 - 3.3.06

Application Number: 15153521.8

Publication Number: 3050950

IPC: C11D3/386, C11D3/37, C11D17/04,
C11D3/39, C11D3/33, C11D11/00

Language of the proceedings: EN

Title of invention:

New use of sulfonated polymers

Patent Proprietor:

The Procter & Gamble Company

Opponents:

Reckitt Benckiser Finish B.V.
Henkel AG & Co. KGaA

Headword:

Use of sulfonated polymers/P & G

Relevant legal provisions:

EPC Art. 113(2)

Keyword:

Basis of decision - text or agreement to text withdrawn by
patent proprietor - patent revoked

Decisions cited:

Catchword:



Beschwerdekammern

Boards of Appeal

Chambres de recours

Boards of Appeal of the
European Patent Office
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Case Number: T 0181/21 - 3.3.06

D E C I S I O N
of Technical Board of Appeal 3.3.06
of 7 March 2023

Appellant:
(Opponent 1)

Reckitt Benckiser Finish B.V.
Siriusdreef 14
2132 WT Hoofddorp (NL)

Representative:

Paredes Rojas, José Francisco
Reckitt Benckiser
Corporate Services Limited
Legal Department - Patents Group
Dansom Lane
Hull HU8 7DS (GB)

Appellant:
(Opponent 2)

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

Representative:

Viering, Jentschura & Partner mbB
Patent- und Rechtsanwälte
Hamborner Straße 53
40472 Düsseldorf (DE)

Respondent:
(Patent Proprietor)

The Procter & Gamble Company
One Procter & Gamble Plaza
Cincinnati, OH 45202 (US)

Representative:

P&G Patent Belgium UK
Temselaan 100
1853 Strombeek-Bever (BE)

Decision under appeal:

**Decision of the Opposition Division of the
European Patent Office posted on 19 January 2021
rejecting the opposition filed against European
patent No. 3050950 pursuant to Article 101(2)
EPC.**

Composition of the Board:

Chairman	J.-M. Schwaller
Members:	S. Arrojo
	J. Hoppe

Summary of Facts and Submissions

- I. Appeals were filed by opponents 1 and 2 (the appellants) contesting the decision of the opposition division to reject the oppositions against European patent No. EP 3 050 950.
- II. In their grounds of appeal, the appellants requested that the decision be set aside and that the patent be revoked in its entirety.
- III. In its reply, the proprietor and respondent requested that the appeals be dismissed or, as an auxiliary measure, that the patent be maintained on the basis of one of auxiliary requests 1 to 4 filed on 22 July 2020.
- IV. With a letter dated 27 February 2023, the patent proprietor withdrew all its pending requests and stated that it did no longer approve the text of the patent in any form.

Reasons for the Decision

- 1. According to Article 113(2) EPC, the EPO shall decide on European patents only in the text submitted to it or agreed upon by the patent proprietor.
- 2. Since the patent proprietor withdrew all its pending requests and expressly declared that it did not approve the text of the patent in any form, the proceedings must be terminated with a decision ordering the revocation of the patent without addressing the substantial arguments (Case Law of the Boards of Appeal, 10th edition, 2022, IV.D.2).

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The patent is revoked.

The Registrar:

The Chairman:



A. Pinna

J.-M. Schwaller

Decision electronically authenticated