

BESCHWERDEKAMMERN  
DES EUROPÄISCHEN  
PATENTAMTS

BOARDS OF APPEAL OF  
THE EUROPEAN PATENT  
OFFICE

CHAMBRES DE RECOURS  
DE L'OFFICE EUROPEEN  
DES BREVETS

**Internal distribution code:**

- (A) [ ] Publication in OJ  
(B) [ ] To Chairmen and Members  
(C) [X] To Chairmen

**D E C I S I O N**  
of 7 May 1998

**Case Number:** T 0961/94 - 3.3.2

**Application Number:** 87307589.9

**Publication Number:** 0261812

**IPC:** A61K 7/42

**Language of the proceedings:** EN

**Title of invention:**  
Cosmetic composition

**Patentee:**  
Unilever plc, et al

**Opponent:**  
Henkel Kommanditgesellschaft auf Aktien

**Headword:**  
-

**Relevant legal provisions:**  
EPC Art. 111(1), 113(2)

**Keyword:**  
"Revocation of European patent at request of the proprietor"

**Decisions cited:**  
-

**Catchword:**  
-



Europäisches  
Patentamt

European  
Patent Office

Office européen  
des brevets

Beschwerdekammern

Boards of Appeal

Chambres de recours

Case Number: T 0961/94 - 3.3.2

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.2  
of 7 May 1998

**Appellant:** Henkel  
(Opponent) Kommanditgesellschaft auf Aktien  
TFP/Patentabteilung  
40191 Düsseldorf (DE)

**Representative:** -

**Respondent:** Unilever plc  
(Proprietor of the patent) Unilver House  
Blackfriars  
P.O. Box 68  
London EC4P 4BQ (GB)

**Representative:** Ford, Michael Frederick  
Mewburn Ellis  
York House  
23 Kingsway  
London WC2B 6HP (GB)

**Decision under appeal:** Interlocutory decision of the Opposition Division  
of the European Patent Office posted 25 November  
1994 concerning maintenance of European patent  
No. 0 261 812 in amended form.

**Composition of the Board:**

**Chairman:** P. A. M. Lançon  
**Members:** U. Oswald  
J. H. van Moer

## Summary of Facts and Submissions

- I. In an interlocutory decision posted 25 November 1994, the Opposition Division decided to maintain the patent No. 0 261 812 in amended form.
- II. The Opponent appealed against this decision by a letter filed on 17 December 1994, paid the fee for appeal and filed a statement of grounds of appeal on the same date. He requested that the patent be revoked.
- III. In a letter dated 23 April 1998 the Patentee (Respondent) stated: "The proprietor hereby requests that the above referenced patent be revoked. The proprietor no longer approves of the text of the patent and does not wish to submit an amended text."

## Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.
2. The Patentee (Respondent) has made clear in his letter dated 23 April 1998 that he wishes his patent to be revoked. The Board can therefore in exercise of its power under Article 111(1) EPC decide to revoke the European patent (see Decisions T 186/84, OJ EPO 1986, 79 and T 237/86, OJ EPO 1988, 261).

**Order**

**For these reasons it is decided that:**

The decision of the opposition Division is set aside and European patent No. 0 261 812 is revoked.

The Registrar:



P. Martorana

The Chairman:



P. A. M. Lançon

