Datasheet for the decision
of 13 July 2011

Case Number: T 0574/08 - 3.3.06
Application Number: 02256296.1
Publication Number: 1302531
IPC: C11D 1/83
Language of the proceedings: EN
Title of invention:
Detergent compositions
Patentee:
Unilever PLC, et al
Opponent:
Henkel AG & Co. KGaA
Headword:
Detergent composition/UNILEVER
Relevant legal provisions:
- 
Relevant legal provisions (EPC 1973):
EPC Art. 113(2)
Keyword:
"Proprietor's request for revocation of the patent"
Decisions cited:
- 
Catchword:
-
Case Number: T 0574/08 - 3.3.06

DECISION
of the Technical Board of Appeal 3.3.06
of 13 July 2011

Appellant: Henkel AG & Co. KGaA
Henkelstraße 67
D-40589 Düsseldorf (DE)

(Opponent)

Representative: Stevermann, Birgit
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VTP Patente
D-40191 Düsseldorf (DE)

Respondent: Unilever PLC
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(Patent Proprietor)

and

Unilever N.V.
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Representative: Rosen Jacobson, Frans Lucas M.
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NL-3133 AT Vlaardingen (NL)

Decision under appeal:
Decision of the Opposition Division of the European Patent Office posted 26 February 2008 rejecting the opposition filed against European patent No. 1302531 pursuant to Article 101(2) EPC.

Composition of the Board:
Chairman: P.-P. Bracke
Members: G. Dischinger-Höppler
U. Tronser
Summary of Facts and Submissions

I. In its decision dated 26 February 2008 the Opposition Division rejected the opposition against European patent No. 1 302 531.

II. The Appellant (Opponent) appealed against the decision of the Opposition Division, requesting that the decision under appeal be set aside and that the patent be revoked.

III. In a telefax dated 27 June 2011 the Respondents (proprietors of the patent) stated:

"... please be informed that the proprietors of this patent no longer approve the text in which this patent was granted. In other words, the proprietors of this patent wish that the patent be revoked."

Reasons for the Decision

Since it follows from the provision according to Article 113(2) EPC that a European patent cannot be maintained against the proprietor's will, the present European patent has, therefore, to be revoked.
Order

For these reasons it is decided that:

1. The decision under appeal is set aside.

2. The European patent 1302531 is revoked.

The Registrar: The Chairman:

C. Vodz P.-P. Bracke