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Datasheet for the decision
of 30 September 2014

Case Number: T 1579/12 - 3.3.03
Application Number: 04022749.8
Publication Number: 1520865
IPC: C08F265/06, C08L33/08, C08L33/10, C08F2/22, C09D133/08, C09D133/10, C09D133/12, F16F7/00
Language of the proceedings: EN

Title of invention:
Use of a water-based emulsion for vibration damper

Patent Proprietor:
NIPPON SHOKUBAI CO., LTD.

Opponent:
Rohm and Haas Company

Headword:

Relevant legal provisions:
EPC R. 84(1)

Keyword:
Lapse of patent in all designated states - continuation of appeal proceedings (no)

Decisions cited:
Catchword:
Case Number: T 1579/12 - 3.3.03

DECISION
of Technical Board of Appeal 3.3.03
of 30 September 2014

Appellant: NIPPON SHOKUBAI CO., LTD.
(Patent Proprietor)
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Representative: Mai, Dörr, Besier
Patentanwälte
Steuerberater/Wirtschaftsprüfer
Kreuzberger Ring 64
65205 Wiesbaden (DE)

Respondent: Rohm and Haas Company
(Opponent)
100 Independence Mall West
PHILADELPHIA, PENNSYLVANIA 19106-2399 (US)

Representative: Kent, Venetia Katherine
Patent Outsourcing Limited
1 King Street
Bakewell
Derbyshire DE45 1DZ (GB)

Decision under appeal: Decision of the Opposition Division of the European Patent Office posted on 2 May 2012 revoking European patent No. 1520865 pursuant to Article 101(3)(b) EPC.

Composition of the Board:
Chairwoman B. ter Laan
Members: M. C. Gordon
C. Vallet
Summary of Facts and Submissions

I. European Patent Nr. 1 520 865 was revoked by decision of the opposition division dated 17 April 2012 and posted on 2 May 2012. The patent designated the contracting states DE, FR and GB.

II. The patent proprietor appealed against the decision on 6 July 2012, the statement of grounds of appeal being submitted on 12 September 2012.

III. The opponent, now respondent, filed a reply to the appeal by letter on 29 January 2013.

IV. The patent lapsed in all three designated states:
   DE on 1 April 2014
   FR on 30 September 2013
   GB on 24 September 2013.

V. Lapse of the patent was notified to the parties by a communication pursuant to R. 84(1) EPC of 12 August 2014 (EPO Form 2369).

VI. By letter of 15 September 2014 the respondent (opponent) requested that the board terminate the appeal proceedings.

Reasons for the Decision

1. Pursuant to Rule 84(1) EPC if an European patent has lapsed in all the designated contracting states, opposition proceedings may be continued at the request of the opponent.
2. The opponent has explicitly requested by letter of 15 September 2014 termination of the appeal proceedings.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar: The Chairwoman:

E. Goergmaier B. ter Laan

Decision electronically authenticated