Datasheet for the decision
of 23 November 2017

Case Number: T 0382/15 - 3.3.06
Application Number: 06803637.5
Publication Number: 2016164
IPC: C11D17/00, C11D3/40, C11D17/04

Language of the proceedings: EN

Title of invention: COMPOSITION FOR VISIBILITY AND IMPACT OF SUSPENDED MATERIALS

Patent Proprietor: Colgate-Palmolive Company

Opponents:
UNILEVER PLC / UNILEVER NV
The Procter & Gamble Company
Henkel AG & Co. KGaA

Headword: Composition with suspended materials / COLGATE

Relevant legal provisions:
EPC R. 84(1), 100(1)

This datasheet is not part of the Decision.
It can be changed at any time and without notice.
Keyword:
Lapse of patent in all designated states - termination of appeal proceedings

Decisions cited:

Catchword:
Case Number: T 0382/15 - 3.3.06

DECISION
of Technical Board of Appeal 3.3.06
of 23 November 2017

Appellant I: UNILEVER PLC / UNILEVER NV
(Opponent 1)
Unilever House, 100 Victoria Embankment/ Weena
455
London EC4Y 0DY / 3013 AL Rotterdam (GB)

Representative: Webster, Jeremy Mark
Mewburn Ellis LLP
City Tower
40 Basinghall Street
London EC2V 5DE (GB)

Appellant II: The Procter & Gamble Company
(Opponent 2)
one Procter & Gamble Plaza
Cincinnatti, Ohio 45202 (US)

Representative: Yorquez Ramirez, Maria Isabel
Procter & Gamble
Technical Centres Limited
Whitley Road
Longbenton
Newcastle upon Tyne NE12 9TS (GB)

Appellant III: Henkel AG & Co. KGaA
(Opponent 3)
Henkelstrasse 67
40589 Düsseldorf (DE)

Representative: Henkel AG & Co. KGaA
CLI Patents
Z01
40191 Düsseldorf (DE)

Respondent: Colgate-Palmolive Company
(Patent Proprietor)
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New York, NY 10022 (US)
Representative: Jenkins, Peter David
Page White & Farrer
Bedford House
John Street
London WC1N 2BF (GB)

Decision under appeal: Decision of the Opposition Division of the European Patent Office posted on 15 December 2014 rejecting the opposition filed against European patent No. 2016164 pursuant to Article 101(2) EPC.

Composition of the Board:
Chairman B. Czech
Members: L. Li Voti
C. Heath
Summary of Facts and Submissions

I. Each of the three Opponents lodged an appeal against the decision of the Opposition Division rejecting the oppositions filed against the European patent no. 2 016 164.

II. By a communication of the Registry dated 25 August 2017 the parties were informed that the European patent had been surrendered or had lapsed with effect for all the designated Contracting States and that the appeal proceedings might be continued pursuant to Rule 84(1) EPC at the request of an appellant/opponent, to be filed within two months from notification of the communication.


IV. Neither Appellant I/Opponent 1 nor Appellant II/Opponent 2 replied to this communication within the set time limit of two months.

Reasons for the Decision

1. As apparent from the online European Patent Register, the patent in suit has been surrendered or lapsed with effect for all the designated Contracting States.

2. Pursuant to Rule 84(1) EPC in conjunction with Rule 100(1) EPC, appeal proceedings are not continued in such a case, unless a request to that end is filed by an Opponent/Appellant within two months from notification by the European Patent Office informing it
of the surrender or lapse of the patent in suit (see also Case Law of the Boards of Appeal, 8th edition 2016, IV.C.4.1.2, first, second and fourth paragraphs).

3. Since none of the Opponents filed such a request within the set time limit, the proceedings are terminated without a decision on the merits.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar: The Chairman:

D. Magliano B. Czech

Decision electronically authenticated