Datasheet for the decision
of 25 July 2017

Case Number: T 1306/16 - 3.3.06
Application Number: 08709136.9
Publication Number: 2126027
IPC: C11D3/386, C11D3/00
Language of the proceedings: EN

Title of invention:
ENZYME FOAM TREATMENT FOR LAUNDRY

Patent Proprietor:
Novozymes A/S

Opponent:
The Procter & Gamble Company

Headword:
Enzyme foam treatment/Novozymes

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

Keyword:
Lapse of patent in all designated states - termination of appeal proceedings
Decisions cited:

Catchword:
DECISION of Technical Board of Appeal 3.3.06 of 25 July 2017

Appellant: The Procter & Gamble Company
(Opponent)
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Representative: Russell, Tim
Venner Shipley LLP
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Respondent: Novozymes A/S
(Patent Proprietor)
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Representative: Potter Clarkson LLP
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Decision under appeal: Decision of the Opposition Division of the European Patent Office posted on 7 March 2016 rejecting the opposition filed against European patent No. 2126027 pursuant to Article 101(2) EPC.

Composition of the Board:
Chairman: B. Czech
Members: G. Santavicca
J. Hoppe
Summary of Facts and Submissions

I. The Appellant (Opponent) lodged an appeal against the decision of the Opposition Division rejecting the opposition filed against the European patent 2 126 027.

II. By a communication of the Board dated 21 February 2017 the parties were informed that the European patent had lapsed in all the designated Contracting States and that the appeal proceedings may be continued at the request of the Appellant/Opponent, to be filed within two months from notification of the communication.

III. The Appellant (Opponent) did not reply within the time limit of two months.

Reasons for the Decision

1. As apparent from the online Register of the EPO, the patent in suit has lapsed in 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 there is a request to this effect by the Opponent (Appellant) filed within two months from notification by the European Patent Office informing it of the 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 no such request was filed by the Appellant (Opponent), the proceedings are terminated.
Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar: The Chairman:

D. Magliano B. Czech

Decision electronically authenticated