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**Datasheet for the decision
of 15 December 2009**

Case Number: T 1386/07 - 3.3.06

Application Number: 01980754.4

Publication Number: 1339826

IPC: C11D 17/00

Language of the proceedings: EN

Title of invention:

A process for preparing a detergent tablet

Patentee:

Reckitt Benckiser N.V.

Opponent:

Henkel AG & Co. KGaA

Headword:

-

Relevant legal provisions:

EPC Art. 84(1)

Relevant legal provisions (EPC 1973):

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Keyword:

"Revocation of the European Patent at the proprietor's request"

Decisions cited:

-

Catchword:

-



Case Number: T 1386/07 - 3.3.06

D E C I S I O N
of the Technical Board of Appeal 3.3.06
of 15 December 2009

Appellant: Henkel AG & Co. KGaA
(Opponent) VTP Patente
D-40191 Düsseldorf (DE)

Representative: -

Respondent: Reckitt Benckiser N.V.
(Patent Proprietor) Siriusdreef 14
NL-2132 WT Hoofddorp (NL)

Representative: Bowers, Craig Malcolm
Reckitt Benckiser
Corporate Services Limited
Legal Department - Patents Group
Dansom Lane
Hull HU8 7DS (GB)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 26 June 2007
rejecting the opposition filed against European
patent No. 1339826 pursuant to Article 102(2)
EPC 1973.

Composition of the Board:

Chairman: P.-P. Bracke
Members: G. Dischinger-Höppler
U. Tronser

Summary of Facts and Submissions

The Opposition against the European Patent No. 1 339 826 raised by the Appellant (Opponent) was rejected by the Opposition Division. The Appellant filed an appeal from this decision. The parties have been summoned for oral proceedings to be held on 15 January 2010. A letter of the Respondent (Proprietor) dated 25 November 2009 was received by the European Patent Office reading as follows: "Further to our letter of 23 October 2009 notifying the Board of Appeal that the Proprietor will not be represented at the oral proceedings scheduled for 15. 01.10, the Proprietor now hereby abandons the above patent. Accordingly the request for oral proceedings is withdrawn ...".

By letter dated 4 December 2009 the Appellant (Opponent) answered as follows: "... In Ihrem Schreiben vom 25. 11. 2009 erklärt die Patentinhaberin:
"...the Proprietor now hereby abandons the above patent."

Es ist das Verständnis der Einsprechenden, dass die Patentinhaberin mit dieser Erklärung in allen benannten Vertragsstaaten auf das europäische Patent verzichtet hat.

An einer Fortführung des Einspruchsverfahrens gemäss Regel 84(1) EPÜ besteht seitens der Einsprechenden vor diesem Hintergrund kein Interesse."

Oral proceedings were cancelled by the Board of Appeal on 7 December 2009.

Reasons for the Decision

The appeal is admissible.

With letter dated 25 November 2009 of the Respondent (Proprietor) the European Patent No. 1 339 826 has been surrendered in respect of all the designated states. In this case the opposition proceedings may be continued at the request of the Opponent, provided the request is filed within two months of the date on which the European Patent Office notified the Opponent of the surrender (Rule 84(1) EPC). According to the established case law of the Boards of Appeal Rule 60(1) EPC 1973 (now Rule 84(1) EPC) is applicable in proceedings in which the Appellant is the Opponent (Case Law 5th edition 2006 chapter VII. C.3.3).

Following the Appellant's information sent with letter dated 4 December 2009 that it is not interested in the continuation of the appeal these proceedings are terminated according Rule 84(1) EPC

Order

For these reasons it is decided that:

The decision under appeal is set aside.

The patent is revoked.

The Registrar:

The Chairman:

G. Rauh

P.-P. Bracke