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**Datasheet for the decision
of 26 May 2010**

Case Number: T 0199/08 - 3.3.09

Application Number: 97104936.6

Publication Number: 0798109

IPC: B32B 15/08

Language of the proceedings: EN

Title of invention:

Laminated metal sheet and metal container

Patent Proprietor:

Toyo Boseki Kabushiki Kaisha

Opponent:

ArcelorMittal France

Headword:

-

Relevant legal provisions:

EPC R. 84(1), 100(1)

Relevant legal provisions (EPC 1973):

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Keyword:

"Patent lapsed in all designated states"
"Termination of appeal proceedings"

Decisions cited:

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Catchword:

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Case Number: T 0199/08 - 3.3.09

D E C I S I O N
of the Technical Board of Appeal 3.3.09
of 26 May 2010

Appellant: ArcelorMittal France
(Opponent) 1 à 5 Rue Luigi Cherubini
F-93200 Saint-Denis (FR)

Representative: -

Respondent: Toyo Boseki Kabushiki Kaisha
(Patent Proprietor) No.2-8, Dojimahama 2-chome
Kita-ku
Osaka-shi
Osaka 530 (JP)

Representative: von Kreisler Selting Werner
Deichmannhaus am Dom
Bahnhofsvorplatz 1
D-50667 Köln (DE)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
27 November 2007 concerning maintenance of
European patent No. 0798109 in amended form.

Composition of the Board:

Chairman: W. Sieber
Members: N. Perakis
K. Garnett

Summary of Facts and Submissions

- I. The appellant (opponent) lodged an appeal against the interlocutory decision of the opposition division of 27 November 2007 maintaining the European patent EP-B-0 798 109 in amended form.

- II. In a communication from the registrar of the board dated 12 May 2010 the parties were informed that the European patent had lapsed for all the designated states and that the appeal proceedings could be continued at the request of the opponent provided that within two months from the notification of this communication a request to this effect was filed.

- III. The appellant did not request the continuation of the proceedings (see its letter dated 19 May 2010).

Reasons for the Decision

1. Pursuant to Rule 84(1) EPC in conjunction with Rule 100(1) EPC, proceedings will only be continued after the European patent has lapsed for non-payment of the renewal fees if there is a request to this effect by the opponent filed within two months as from the notification by the European Patent Office of the lapse.

2. As in the present case, the appellant expressly announced that it did not request the continuation of the proceedings, these are terminated.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:

G. Röhn

W. Sieber