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**Datasheet for the decision
of 13 July 2011**

Case Number: T 0574/08 - 3.3.06

Application Number: 02256296.1

Publication Number: 1302531

IPC: C11D 1/83

Language of the proceedings: EN

Title of invention:
Detergent compositions

Patentee:
Unilever PLC, et al

Opponent:
Henkel AG & Co. KGaA

Headword:
Detergent composition/UNILEVER

Relevant legal provisions:
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Relevant legal provisions (EPC 1973):
EPC Art. 113(2)

Keyword:
"Proprietor's request for revocation of the patent"

Decisions cited:
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Catchword:
-



Case Number: T 0574/08 - 3.3.06

D E C I S I O N
of the Technical Board of Appeal 3.3.06
of 13 July 2011

Appellant: Henkel AG & Co. KGaA
(Opponent) Henkelstraße 67
D-40589 Düsseldorf (DE)

Representative: Stevermann, Birgit
Henkel AG & Co. KGaA
VTP Patente
D-40191 Düsseldorf (DE)

Respondent: Unilever PLC
(Patent Proprietor) Unilever House
Blackfriars
London
Greater London EC4P 4BQ (GB)

and

Unilever N.V.
Weena 455
NL-3013 AL Rotterdam (NL)

Representative: Rosen Jacobson, Frans Lucas M.
Unilever Patent Group
Olivier van Noortlaan 120
NL-3133 AT Vlaardingen (NL)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 26 February 2008
rejecting the opposition filed against European
patent No. 1302531 pursuant to Article 101(2)
EPC.

Composition of the Board:

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

Summary of Facts and Submissions

- I. In its decision dated 26 February 2008 the Opposition Division rejected the opposition against European patent No. 1 302 531.
- II. The Appellant (Opponent) appealed against the decision of the Opposition Division, requesting that the decision under appeal be set aside and that the patent be revoked.
- III. In a telefax dated 27 June 2011 the Respondents (proprietors of the patent) stated:

"... please be informed that the proprietors of this patent no longer approve the text in which this patent was granted. In other words, the proprietors of this patent wish that the patent be revoked."

Reasons for the Decision

Since it follows from the provision according to Article 113(2) EPC that a European patent cannot be maintained against the proprietor's will, the present European patent has, therefore, to be revoked.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The European patent 1 302 531 is revoked.

The Registrar:

The Chairman:

C. Vodz

P.-P. Bracke