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

Case Number: T 1801/08 - 3.2.07

Application Number: 00121431.1

Publication Number: 1088603

IPC: B08B 3/08

Language of the proceedings: EN

Title of invention:

Method of removing contamination adhered to surfaces

Patentee:

NOMURA MICRO SCIENCE CO., LTD., et al

Opponent:

WINKLER, Yvonne

Headword:

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Relevant legal provisions:

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

Relevant legal provisions (EPC 1973):

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Keyword:

"Non-payment of renewal fees - lapse of patent - termination
of the appeal proceedings"

Decisions cited:

G 0001/90

Catchword:

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Case Number: T 1801/08 - 3.2.07

D E C I S I O N
of the Technical Board of Appeal 3.2.07
of 26 March 2010

Appellant:
(Opponent)

WINKLER, Yvonne
Bergstrasse 7
D-99092 Erfurt (DE)

Representative:

Liedtke, Klaus
Liedtke & Partner
Patentanwälte
Elisabethstrasse 10
D-99096 Erfurt (DE)

Respondents:
(Patent Proprietors)

NOMURA MICRO SCIENCE CO., LTD.
9-8, Okada 2-chome
Atsugi-shi
Kanagawa 243 (JP)

UMS Co., Ltd.
3-15-2, Utsukushigaoka
Aoba-ku
Yokohama-shi
Kanagawa-ken (JP)

Representative:

Tönhardt, Marion
Forrester & Boehmert
Pettenkoferstrasse 20-22
D-80366 München (DE)

Decision under appeal:

**Interlocutory decision of the Opposition
Division of the European Patent Office posted
11 July 2008 concerning maintenance of European
patent No. 1088603 in amended form.**

Composition of the Board:

Chairman: H. Meinders
Members: P. O'Reilly
E. Dufresne

Summary of Facts and Submissions

- I. Opposition was filed against European patent No. 1 088 603.

The opposition division decided to maintain the patent in amended form in accordance with the fifth auxiliary request.

- II. The appellant (opponent) filed an appeal against that decision.

The respondents (patent proprietors) did not file an appeal.

- III. With a communication dated 8 January 2010 the parties were informed by the Board that according to the information available to the European Patent Office the patent had lapsed in all the designated Contracting States.

In the communication the respondents were requested to confirm this information. With letter of 12 January 2010 the respondents confirmed this information.

In said communication the appellant was informed that pursuant to Rule 84(1) EPC the opposition proceedings could be continued if a corresponding request was filed within two months.

No such request was filed within this period.

Reasons for the Decision

1. According to Rule 84(1) EPC in combination with Rule 100(1) EPC the proceedings have to be terminated after the lapse of the European patent in all the designated Contracting States in the absence of a request by the opponent for continuation of the proceedings (see G 1/90, OJ EPO 1991, 275, point 7 of the reasons, special case of closure of the proceedings).

2. In the present case no such request has been filed so that the proceedings have to be terminated.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:

G. Nachtigall

H. Meinders