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**Datasheet for the decision
of 19 December 2013**

Case Number: T 0547/11 - 3.3.03

Application Number: 03767553.5

Publication Number: 1569972

IPC: C08F 283/06, C11D 3/37

Language of the proceedings: EN

Title of invention:
Polymers and laundry detergent compositions containing them

Patent Proprietor:
Unilever PLC
Unilever N.V.

Opponent:
The Procter & Gamble Company

Headword:
-

Relevant legal provisions:
EPC Art. 113(2)

Keyword:
"No text agreed by the patent proprietor"

Decisions cited:
-

Catchword:
-



Case Number: T 0547/11 - 3.3.03

D E C I S I O N
of the Technical Board of Appeal 3.3.03
of 19 December 2013

Appellant: Unilever PLC
(Patent Proprietor 1) Unilever House
Blackfriars
London
Greater London EC4P 43Q (GB)

Appellant: Unilever N.V.
(Patent Proprietor 2) Weena 455
NL-3013 AL Rotterdam (NL)

Representative: Rosen Jacobson, Frans Lucas M.
Unilever Patent Group
P.O. Box 137
NL-3130 AC Vlaardingen (NL)

Respondent: The Procter & Gamble Company
(Opponent) One Procter & Gamble Plaza
Cincinnati, Ohio 45202 (US)

Representative: Mather, Peter Geoffrey
NV Procter & Gamble Services Company SA
100 Temselaan
BE-1853 Strombeek-Bever (BE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 3 January 2011
revoking European patent No. 1569972 pursuant
to Article 101(3) (b) EPC.

Composition of the Board:

Chairman: B. ter Laan
Members: O. Dury
R. Cramer

Summary of Facts and Submissions

- I. European patent No. 1569972 (based on application No. 03767553.5) was revoked by the decision of the opposition division posted on 3 January 2011.

- II. On 21 February 2011 the patent proprietor filed an appeal against this decision and paid the appeal fee on the same day. The statement setting out the grounds of appeal was received 28 April 2011. In this letter the appellant requested that the decision of the opposition division be set aside and that the patent be maintained on the basis of the amended patent specification documents filed together with the statement of the grounds of appeal. Furthermore the appellant filed an auxiliary request for oral proceedings.

- III. With the letter received on 6 September 2011 the respondent requested that the appeal be dismissed. Furthermore the respondent filed an auxiliary request for oral proceedings.

- IV. In a Communication pursuant to Rule 115(1) sent on 5 November 2013 the board summoned the parties to oral proceedings to take place on 29 April 2014.

- V. With the letter dated 16 December 2013 and filed by facsimile on the same day the appellant stated: "We hereby withdraw our approval for the text of this patent. A hearing is not needed." Accordingly, the Oral proceedings scheduled for 29 April 2014 are cancelled.

Reasons for the Decision

1. The appeal is admissible.
2. As discussed in Decision T 481/96, making reference to earlier Decisions T 18/92 and T 347/90, by declaring the withdrawal of his approval for the text of the patent the appellant simultaneously expresses that he is no longer interested in the continuation of the appeal procedure nor in a decision in respect of the appeal under Article 111 EPC.
3. Therefore the board, following the established practice documented in the above Decisions, concludes that the above declaration of the appellant is to be taken as the withdrawal of the appeal.

Order

For these reasons it is decided that:

By the declaration of the appellant of 16 December 2013 implying the withdrawal of the appeal, the appeal procedure is terminated; in agreement with the decision of the opposition division the patent remains revoked.

The Registrar:

The Chairman:

E. Goergmaier

B. ter Laan