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**Datasheet for the decision  
of 27 September 2013**

**Case Number:** T 0178/12 - 3.2.07

**Application Number:** 03728802.4

**Publication Number:** 1509638

**IPC:** C23F 15/00, C03C 25/14

**Language of the proceedings:** EN

**Title of invention:**

Washwater neutralization system for glass forming line

**Patent Proprietor:**

Owens Corning Intellectual Capital, LLC

**Opponent:**

SAINT-GOBAIN ISOVER

**Headword:**

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**Relevant legal provisions:**

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

**Keyword:**

"Lapse of patent - termination of the appeal proceedings"

**Decisions cited:**

T 0329/88, T 0289/06, T 0949/09, T 1133/12

**Catchword:**

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Case Number: T 0178/12 - 3.2.07

**DECISION**  
of the Technical Board of Appeal 3.2.07  
of 27 September 2013

**Appellant:** SAINT-GOBAIN ISOVER  
(Opponent) 18, avenue d'Alsace  
F-92400 Courbevoie (FR)

**Representative:** Lucas, François  
SAINT-GOBAIN RECHERCHE  
Département Propriété Industrielle  
39, Quai Lucien Lefranc  
F-93300 Aubervilliers (FR)

**Respondent:** Owens Corning Intellectual Capital, LLC  
(Patent Proprietor) One Owens Corning Parkway  
USA, Toledo, OH 43659 (US)

**Representative:** Mallalieu, Catherine Louise  
D Young & Co LLP  
120 Holborn  
GB, London EC1N 2DY (GB)

**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
18 November 2011 concerning maintenance of  
European patent No. 1509638 in amended form.

**Composition of the Board:**

**Chairman:** H. Meinders  
**Members:** H. Hahn  
E. Kossonakou

## **Summary of Facts and Submissions**

- I. The opponent and sole appellant filed an appeal against the decision of the Opposition Division to maintain the European patent No. 1 509 638 in amended form pursuant to the twelfth auxiliary request.
  
- II. With a communication dated 26 June 2013 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 respondent (patent proprietor) was requested to confirm this information, which he did with letter of 4 September 2013.

Further, the appellant was informed that pursuant to Rule 84(1) in conjunction with Rule 100(1) EPC the appeal proceedings could be continued, if a corresponding request were filed within two months from notification of the Board's communication.

No such request was filed within this period.

## **Reasons for the Decision**

1. Since in the present case no request for continuation of the appeal proceedings was filed, the proceedings can be terminated (see e.g. T 329/88; T 289/06; T 949/09; T 1133/12; all not published in OJ EPO).

**Order**

**For these reasons it is decided that:**

The appeal proceedings are terminated.

The Registrar:

The Chairman:

G. Nachtigall

H. Meinders