

**Internal distribution code:**

- (A) [ - ] Publication in OJ  
(B) [ - ] To Chairmen and Members  
(C) [ - ] To Chairmen  
(D) [ X ] No distribution

**Datasheet for the decision  
of 23 April 2015**

**Case Number:** T 0275/12 - 3.2.04

**Application Number:** 06101195.3

**Publication Number:** 1688080

**IPC:** A47L13/17, A47L13/16, B24D11/00

**Language of the proceedings:** EN

**Title of invention:**  
Abrasive wipe for treating a surface

**Patent Proprietor:**  
The Procter & Gamble Company

**Opponent:**  
SCA Hygiene Products AB

**Headword:**

**Relevant legal provisions:**  
EPC Art. 111(1)

**Keyword:**  
Surrender of patent in all designated states - revocation of  
the patent at request of the patent proprietor - termination  
of appeal proceedings

**Decisions cited:**  
T 0481/96, T 0018/92, T 0347/90

**Catchword:**



**Beschwerdekammern**  
**Boards of Appeal**  
**Chambres de recours**

European Patent Office  
D-80298 MUNICH  
GERMANY  
Tel. +49 (0) 89 2399-0  
Fax +49 (0) 89 2399-4465

Case Number: T 0275/12 - 3.2.04

**D E C I S I O N**  
**of Technical Board of Appeal 3.2.04**  
**of 23 April 2015**

**Appellant:** The Procter & Gamble Company  
(Patent Proprietor) IP Department  
One Procter & Gamble Plaza  
Cincinnati, OH 45202 (US)

**Representative:** Siddiquee, Sanaul Kabir  
N.V. Procter & Gamble  
Services Company S.A.  
Temselaan 100  
1853 Strombeek-Bever (BE)

**Respondent:** SCA Hygiene Products AB  
(Opponent) 405 03 Göteborg (SE)

**Representative:** Valea AB  
Box 1098  
405 23 Göteborg (SE)

**Decision under appeal:** **Decision of the Opposition Division of the European Patent Office posted on 19 December 2011 revoking European patent No. 1688080 pursuant to Article 101(3)(b) EPC.**

**Composition of the Board:**

**Chairman** A. de Vries  
**Members:** J. Wright  
C. Heath

## **Summary of Facts and Submissions**

I. The Appellant (proprietor of the patent) lodged an appeal, received on 8 February 2012, against the decision of the opposition division of the European Patent Office posted on 19 December 2011 revoking European patent No. 1688080 pursuant to Article 101(3)b EPC. The appeal fee was paid on the same day. The statement setting out the grounds of appeal was received on 16 April 2012.

Opposition was filed against the patent as a whole. The opposition division held that, taking into account amendments made by the proprietor during opposition proceedings, the patent and the invention to which it relates did not meet the requirements of the EPC. The opposition division therefore revoked the patent.

II. In a communication dated 19 February 2015 the Board summoned the parties to attend oral proceedings on 29 April 2015.

III. With a letter of 8 April 2015 the proprietor declared that they requested the patent be revoked.

## **Reasons for the Decision**

1. The appeal is admissible.
2. According to established jurisprudence, see Case Law of the Boards of Appeal, 7th edition, 2013 (CLBA) IV.C.5.2, see also T 481/96, T 18/92 and T 347/90 cited therein, by requesting the revocation 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 jurisprudence documented above, 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 8 April 2015 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:



G. Magouliotis

A. de Vries

Decision electronically authenticated