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**Datasheet for the decision  
of 30 September 2014**

**Case Number:** T 1579/12 - 3.3.03

**Application Number:** 04022749.8

**Publication Number:** 1520865

**IPC:** C08F265/06, C08L33/08,  
C08L33/10, C08F2/22,  
C09D133/08, C09D133/10,  
C09D133/12, F16F7/00

**Language of the proceedings:** EN

**Title of invention:**  
Use of a water-based emulsion for vibration damper

**Patent Proprietor:**  
NIPPON SHOKUBAI CO., LTD.

**Opponent:**  
Rohm and Haas Company

**Headword:**

**Relevant legal provisions:**  
EPC R. 84(1)

**Keyword:**  
Lapse of patent in all designated states - continuation of  
appeal proceedings (no)

**Decisions cited:**

**Catchword:**



**Beschwerdekammern  
Boards of Appeal  
Chambres de recours**

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Case Number: T 1579/12 - 3.3.03

**D E C I S I O N  
of Technical Board of Appeal 3.3.03  
of 30 September 2014**

**Appellant:** NIPPON SHOKUBAI CO., LTD.  
(Patent Proprietor) 1-1, Koraibashi 4-chome  
Chuo-ku  
Osaka-shi, Osaka 541-0043 (JP)

**Representative:** Mai, Dörr, Besier  
Patentanwälte  
Steuerberater/Wirtschaftsprüfer  
Kreuzberger Ring 64  
65205 Wiesbaden (DE)

**Respondent:** Rohm and Haas Company  
(Opponent) 100 Independence Mall West  
PHILADELPHIA, PENNSYLVANIA 19106-2399 (US)

**Representative:** Kent, Venetia Katherine  
Patent Outsourcing Limited  
1 King Street  
Bakewell  
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**Decision under appeal:** **Decision of the Opposition Division of the  
European Patent Office posted on 2 May 2012  
revoking European patent No. 1520865 pursuant to  
Article 101(3) (b) EPC.**

**Composition of the Board:**

**Chairwoman** B. ter Laan  
**Members:** M. C. Gordon  
C. Vallet

## **Summary of Facts and Submissions**

- I. European Patent Nr. 1 520 865 was revoked by decision of the opposition division dated 17 April 2012 and posted on 2 May 2012. The patent designated the contracting states DE, FR and GB.
- II. The patent proprietor appealed against the decision on 6 July 2012, the statement of grounds of appeal being submitted on 12 September 2012.
- III. The opponent, now respondent, filed a reply to the appeal by letter on 29 January 2013.
- IV. The patent lapsed in all three designated states:  
DE on 1 April 2014  
FR on 30 September 2013  
GB on 24 September 2013.
- V. Lapse of the patent was notified to the parties by a communication pursuant to R. 84(1) EPC of 12 August 2014 (EPO Form 2369).
- VI. By letter of 15 September 2014 the respondent (opponent) requested that the board terminate the appeal proceedings.

## **Reasons for the Decision**

1. Pursuant to Rule 84(1) EPC if an European patent has lapsed in all the designated contracting states, opposition proceedings may be continued at the request of the opponent.

2. The opponent has explicitly requested by letter of 15 September 2014 termination of the appeal proceedings.

## Order

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

The appeal proceedings are terminated.

The Registrar:

The Chairwoman:



E. Goergmaier

B. ter Laan

Decision electronically authenticated