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**Datasheet for the decision
of 22 April 2016**

Case Number: T 0214/13 - 3.2.03

Application Number: 02000285.3

Publication Number: 1223399

IPC: F27D1/16

Language of the proceedings: EN

Title of invention:

Spray method for monolithic refractories

Patent Proprietor:

Plibrico Japan Company Ltd.

Opponents:

Refractory Intellectual Property GmbH & Co. KG
Sika Technology AG

Headword:

Relevant legal provisions:

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

Keyword:

Decisions cited:

T 0329/88, T 0289/06, T 0978/07, T 0949/09, T 1133/12,
T 0480/13

Catchword:



Beschwerdekammern
Boards of Appeal
Chambres de recours

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Case Number: T 0214/13 - 3.2.03

D E C I S I O N
of Technical Board of Appeal 3.2.03
of 22 April 2016

Appellant: Sika Technology AG
(Opponent 2) Zugerstrasse 50
6340 Baar (CH)

Representative: Sika Patent Attorneys
c/o Sika Technology AG
Corp. IP Dept.
Tüffenwies 16
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8048 Zürich (CH)

Respondent: Plibrico Japan Company Ltd.
(Patent Proprietor) No. 1-23, Shiba 4-chome,
Minato-ku
Tokyo 108-0014 (JP)

Representative: Müller-Boré & Partner
Patentanwälte PartG mbB
Friedenheimer Brücke 21
80639 München (DE)

Party as of right: Refractory Intellectual Property GmbH & Co. KG
(Opponent 1) Wienerbergstrasse 11
1100 Wien (AT)

Representative: Becker, Thomas
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Turmstrasse 22
40878 Ratingen (DE)

Decision under appeal: **Interlocutory decision of the Opposition**
Division of the European Patent Office posted on

29 November 2012 concerning maintenance of the
European Patent No. 1223399 in amended form.

Composition of the Board:

Chairman	G. Ashley
Members:	C. Donnelly
	E. Kossonakou

Summary of Facts and Submissions

- I. The appellant (opponent 2) lodged an appeal against the interlocutory decision of the opposition division that the amended European patent N° 1 223 399 and the invention to which it relates met the requirements of the EPC.
- II. In a communication of the Board dated 20 November 2015 the parties were informed that an inspection of the Register had shown that the patent had lapsed for all the designated contracting states. However, the appeal proceedings could be continued at the request of the appellant, provided that such a request was filed within two months from the notification of that communication.
- III. The appellant did not request continuation of the proceedings.

Reasons for the Decision

1. Pursuant to Rule 84(1) EPC in conjunction with Rule 100(1) EPC, proceedings are not continued after the European patent has lapsed in all the contracting states, unless there is a request to that end by the appellant/opponent filed within two months from notification by the European Patent Office (EPO) of the lapse (see e.g. T 329/88; T 289/06; T 978/07; T 949/09; T 1133/12; T 480/13 - all decisions not published in the EPO Official Journal).
2. Since in the present case no request was filed by the appellant, the proceedings are terminated.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:



A. Wolinski

G. Ashley

Decision electronically authenticated