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**Datasheet for the decision
of 11 August 2016**

Case Number: T 0817/13 - 3.3.09

Application Number: 96902093.2

Publication Number: 0871567

IPC: B32B5/16, B32B7/10, B32B27/08,
B32B27/20, B32B27/32

Language of the proceedings: EN

Title of invention:
CLEAR CONFORMABLE ORIENTED FILMS AND LABELS

Patent Proprietor:
AVERY DENNISON CORPORATION

Opponents:
Treofan Germany GmbH & Co. KG
TESA SE

Headword:
Conformable films and labels

Relevant legal provisions:
EPC R. 84(1), 101(1)

Keyword:
Lapse of patent in all designated states (yes)
Termination of appeal proceedings

Decisions cited:

Catchword:



Beschwerdekammern
Boards of Appeal
Chambres de recours

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Case Number: T 0817/13 - 3.3.09

D E C I S I O N
of Technical Board of Appeal 3.3.09
of 11 August 2016

Appellant: Treofan Germany GmbH & Co. KG
(Opponent 1) Bergstrasse
66539 Neunkirchen (DE)

Representative: Mai, Dörr, Besier
Patentanwälte
Steuerberater/Wirtschaftsprüfer
Kreuzberger Ring 64
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Respondent: AVERY DENNISON CORPORATION
(Patent Proprietor) 150 North Orange Grove Boulevard
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Representative: Lang, Johannes
Bardehle Pagenberg Partnerschaft mbB
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Party as of right: TESA SE
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Representative: Plöger, Jan Manfred
Gramm, Lins & Partner
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Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 23 January 2013
rejecting the opposition filed against European**

patent No. 0871567 pursuant to Article 101(2)
EPC.

Composition of the Board:

Chairman	W. Sieber
Members:	M. O. Müller
	E. Kossonakou

Summary of Facts and Submissions

- I. The present appeal was filed by the opponent (appellant) against the decision of the opposition division to reject the opposition against European patent No. 0 871 567.
- II. With letter dated 4 May 2016, the proprietor (respondent) noted that the term of the patent had lapsed in January 2016.
- III. With communication of 18 May 2016, the appellant was asked pursuant to Rule 84(1) in conjunction with Rule 100(1) EPC to inform the board within two months from notification of the communication whether it requested a continuation of the appeal proceedings.
- IV. The appellant did not reply to the board's communication within the two-months time limit.

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 opponent/appellant filed within two months from notification of the lapse.
2. Since in the present case no such request was filed, the proceedings are terminated.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:



M. Cañueto Carbajo

W. Sieber

Decision electronically authenticated