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**Datasheet for the decision
of 2 December 2015**

Case Number: T 0064/14 - 3.3.01

Application Number: 05008718.8

Publication Number: 1591492

IPC: C09D5/00, C09D5/29, C09D5/30,
C09D5/36, C09D5/38, C09C1/00,
C09C1/62, C09C1/64

Language of the proceedings: EN

Title of invention:
Process for multi-layer special effect coating

Patent Proprietor:
E. I. du Pont de Nemours and Company

Opponents:
Akzo Nobel Coatings International N.V.
BASF Coatings GmbH

Relevant legal provisions:
EPC R. 84(1), 100(1)

Keyword:
Patent lapsed in all designated states
Termination of appeal proceedings



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Case Number: T 0064/14 - 3.3.01

D E C I S I O N
of Technical Board of Appeal 3.3.01
of 2 December 2015

Appellant: BASF Coatings GmbH
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Party as of right: Akzo Nobel Coatings International N.V.
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Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
14 October 2013 concerning maintenance of the
European Patent No. 1591492 in amended form.**

Composition of the Board:

Chairman A. Lindner
Members: L. Seymour
 M. Blasi

Summary of Facts and Submissions

- I. The appellant (opponent 2) lodged an appeal against the interlocutory decision of the opposition division that the European patent No. 1 591 492 could be maintained in amended form based on the main request filed with letter of 22 December 2011.

- II. By communication of the board dated 5 August 2015, pursuant to Rules 84(1) and 100(1) EPC, the parties' attention was drawn to the fact that, according to the entries in the European Patent Register, the patent had lapsed in all designated contracting states, and the appellant was asked to inform the board, within a two-month time limit, whether it requested a continuation of the appeal proceedings.

- III. The appellant did not reply within the time limit of two months. On 2 December 2015, the registrar of the board contacted the appellant by telephone. The appellant confirmed that it had received the communication of the board dated 5 August 2015 and that it did not wish to request continuation of the appeal proceedings.

Reasons for the Decision

1. If, as in the present case, a European patent has lapsed in all designated contracting states, opposition proceedings may be continued at the request of the opponent (Rule 84(1) EPC). According to Rule 100(1) EPC, this also applies in appeal proceedings following opposition proceedings.

2. Since no such request has been received from the appellant within the time limit set, the appeal proceedings are to be terminated.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:



M. Schalow

A. Lindner

Decision electronically authenticated