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**Datasheet for the decision
of 15 May 2017**

Case Number: T 1300/14 - 3.3.05

Application Number: 97921275.0

Publication Number: 0902758

IPC: C01B33/193, H01M2/16

Language of the proceedings: EN

Title of invention:
AMORPHOUS PRECIPITATED SILICA

Patent Proprietor:
PPG Industries Ohio, Inc.

Opponent:
Evonik Degussa GmbH

Headword:

Relevant legal provisions:
EPC R. 84(1), 100(1), 100(2)

Keyword:
Admissibility of appeal
Lapse of patent in all designated states - termination of
appeal proceedings

Decisions cited:

Catchword:



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Case Number: T 1300/14 - 3.3.05

D E C I S I O N
of Technical Board of Appeal 3.3.05
of 15 May 2017

Appellant: Evonik Degussa GmbH
(Opponent) Rellinghauser Strasse 1-11
45128 Essen (DE)

Representative: Hartz, Nikolai
Wächtershäuser & Hartz
Patentanwaltspartnerschaft mbB
Weinstrasse 8
80333 München (DE)

Respondent: PPG Industries Ohio, Inc.
(Patent Proprietor) 3800 West 143rd Street
Cleveland, OH 44111 (US)

Representative: f & e patent
Fleischer, Engels & Partner mbB, Patentanwälte
Braunsberger Feld 29
51429 Bergisch Gladbach (DE)

Decision under appeal: **Decision of the Opposition Division of the
European Patent Office posted on 2 May 2014
rejecting the opposition filed against European
patent No. 0902758 pursuant to Article 101(2)
EPC.**

Composition of the Board:

Chairman E. Bendl
Members: H. Engl
P. Guntz

Summary of Facts and Submissions

- I. The appellant (opponent) lodged an appeal against the decision of the opposition division of 29 April 2014 rejecting the opposition against European patent EP-B1-0 902 758.

- II. In a communication from the registrar of the board dated 8 February 2017 the parties were informed that the European patent had lapsed for all designated states and that the appeal proceedings could be continued at the request of the opponent provided that within two months from the notification of this communication a request to this effect was filed.

- III. The opponent did not request the continuation of the proceedings.

Reasons for the Decision

- 1. Pursuant to Rule 84(1) EPC in conjunction with Rule 100(1) and (2) EPC, proceedings may only be continued after the European patent has lapsed for non-payment of the renewal fees if there is a request to this effect by the opponent filed within two months as from the notification by the European Patent Office of the lapse.

- 2. As in the present case the appellant did not request the continuation, the proceedings are to be terminated.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:



C. Vodz

E. Bendl

Decision electronically authenticated