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**Datasheet for the decision  
of 23 November 2017**

**Case Number:** T 0382/15 - 3.3.06

**Application Number:** 06803637.5

**Publication Number:** 2016164

**IPC:** C11D17/00, C11D3/40, C11D17/04

**Language of the proceedings:** EN

**Title of invention:**  
COMPOSITION FOR VISIBILITY AND IMPACT OF SUSPENDED MATERIALS

**Patent Proprietor:**  
Colgate-Palmolive Company

**Opponents:**  
UNILEVER PLC / UNILEVER NV  
The Procter & Gamble Company  
Henkel AG & Co. KGaA

**Headword:**  
Composition with suspended materials / COLGATE

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

**Keyword:**

Lapse of patent in all designated states - termination of appeal proceedings

**Decisions cited:**

**Catchword:**



**Beschwerdekammern**  
**Boards of Appeal**  
**Chambres de recours**

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Case Number: T 0382/15 - 3.3.06

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.06**  
**of 23 November 2017**

**Appellant I:** UNILEVER PLC / UNILEVER NV  
(Opponent 1) Unilever House, 100 Victoria Embankment/ Weena  
455  
London EC4Y 0DY / 3013 AL Rotterdam (GB)

**Representative:** Webster, Jeremy Mark  
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**Appellant II:** The Procter & Gamble Company  
(Opponent 2) One Procter & Gamble Plaza  
Cincinnati, Ohio 45202 (US)

**Representative:** Yorquez Ramirez, Maria Isabel  
Procter & Gamble  
Technical Centres Limited  
Whitley Road  
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Newcastle upon Tyne NE12 9TS (GB)

**Appellant III:** Henkel AG & Co. KGaA  
(Opponent 3) Henkelstrasse 67  
40589 Düsseldorf (DE)

**Representative:** Henkel AG & Co. KGaA  
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40191 Düsseldorf (DE)

**Respondent:** Colgate-Palmolive Company  
(Patent Proprietor) 300 Park Avenue  
New York, NY 10022 (US)

**Representative:** Jenkins, Peter David  
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**Decision under appeal:** **Decision of the Opposition Division of the European Patent Office posted on 15 December 2014 rejecting the opposition filed against European patent No. 2016164 pursuant to Article 101(2) EPC.**

**Composition of the Board:**

**Chairman** B. Czech  
**Members:** L. Li Voti  
C. Heath

## **Summary of Facts and Submissions**

- I. Each of the three Opponents lodged an appeal against the decision of the Opposition Division rejecting the oppositions filed against the European patent no. 2 016 164.
- II. By a communication of the Registry dated 25 August 2017 the parties were informed that the European patent had been surrendered or had lapsed with effect for all the designated Contracting States and that the appeal proceedings might be continued pursuant to Rule 84(1) EPC at the request of an appellant/opponent, to be filed within two months from notification of the communication.
- III. Appellant III/Opponent 3 withdrew its appeal by letter of 11 October 2017.
- IV. Neither Appellant I/Opponent 1 nor Appellant II/Opponent 2 replied to this communication within the set time limit of two months.

## **Reasons for the Decision**

1. As apparent from the online European Patent Register, the patent in suit has been surrendered or lapsed with effect for all the designated Contracting States.
2. Pursuant to Rule 84(1) EPC in conjunction with Rule 100(1) EPC, appeal proceedings are not continued in such a case, unless a request to that end is filed by an Opponent/Appellant within two months from notification by the European Patent Office informing it

of the surrender or lapse of the patent in suit (see also Case Law of the Boards of Appeal, 8<sup>th</sup> edition 2016, IV.C.4.1.2, first, second and fourth paragraphs).

3. Since none of the Opponents filed such a request within the set time limit, the proceedings are terminated without a decision on the merits.

## Order

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

The appeal proceedings are terminated.

The Registrar:

The Chairman:



D. Magliano

B. Czech

Decision electronically authenticated