

Internal distribution code:

- (A) [-] Publication in OJ
- (B) [-] To Chairmen and Members
- (C) [-] To Chairmen
- (D) [X] No distribution

**Datasheet for the decision
of 25 July 2017**

Case Number: T 1306/16 - 3.3.06

Application Number: 08709136.9

Publication Number: 2126027

IPC: C11D3/386, C11D3/00

Language of the proceedings: EN

Title of invention:

ENZYME FOAM TREATMENT FOR LAUNDRY

Patent Proprietor:

Novozymes A/S

Opponent:

The Procter & Gamble Company

Headword:

Enzyme foam treatment/Novozymes

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

European Patent Office
D-80298 MUNICH
GERMANY
Tel. +49 (0) 89 2399-0
Fax +49 (0) 89 2399-4465

Case Number: T 1306/16 - 3.3.06

D E C I S I O N
of Technical Board of Appeal 3.3.06
of 25 July 2017

Appellant: The Procter & Gamble Company
(Opponent) One Procter & Gamble Plaza
Cincinnati, Ohio 45202 (US)

Representative: Russell, Tim
Venner Shipley LLP
200 Aldersgate
London EC1A 4HD (GB)

Respondent: Novozymes A/S
(Patent Proprietor) Krogshøjvej 36
2880 Bagsvaerd (DK)

Representative: Potter Clarkson LLP
The Belgrave Centre
Talbot Street
Nottingham NG1 5GG (GB)

Decision under appeal: **Decision of the Opposition Division of the European Patent Office posted on 7 March 2016 rejecting the opposition filed against European patent No. 2126027 pursuant to Article 101(2) EPC.**

Composition of the Board:

Chairman B. Czech
Members: G. Santavicca
J. Hoppe

Summary of Facts and Submissions

- I. The Appellant (Opponent) lodged an appeal against the decision of the Opposition Division rejecting the opposition filed against the European patent 2 126 027.
- II. By a communication of the Board dated 21 February 2017 the parties were informed that the European patent had lapsed in all the designated Contracting States and that the appeal proceedings may be continued at the request of the Appellant/Opponent, to be filed within two months from notification of the communication.
- III. The Appellant (Opponent) did not reply within the time limit of two months.

Reasons for the Decision

1. As apparent from the online Register of the EPO, the patent in suit has lapsed in 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 there is a request to this effect by the Opponent (Appellant) filed within two months from notification by the European Patent Office informing it of the lapse of the patent in suit (see also Case Law of the Boards of Appeal, 8th edition 2016, IV.C.4.1.2, first second and fourth paragraphs).
3. Since no such request was filed by the Appellant (Opponent), the proceedings are terminated.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:



D. Magliano

B. Czech

Decision electronically authenticated