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**Datasheet for the decision
of 17 September 2019**

Case Number: T 1386/17 - 3.3.07

Application Number: 06776521.4

Publication Number: 1909742

IPC: A61K6/027, A61K6/083, C03C17/32

Language of the proceedings: EN

Title of invention:
DENTAL COMPOSITIONS CONTAINING A SURFACE-MODIFIED FILLER

Patent Proprietor:
3M Deutschland GmbH

Opponents:
Dentsply DeTrey GmbH
S & C Polymer Silicon- und Composite-Spezialitäten GmbH

Headword:
Dental compositions / 3M

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

Keyword:
Lapse of patent in all designated states - continuation of
appeal proceedings (no)



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 1386/17 - 3.3.07

D E C I S I O N
of Technical Board of Appeal 3.3.07
of 17 September 2019

Appellant: 3M Deutschland GmbH
(Patent Proprietor) Carl-Schurz-Strasse 1
41453 Neuss (DE)

Representative: Brem, Roland
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Respondent: Dentsply DeTrey GmbH
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Representative: Hartz, Nikolai
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Respondent: S & C Polymer Silicon- und Composite-
(Opponent 2) Spezialitäten GmbH
Robert Bosch Strasse 5
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Decision under appeal: **Interlocutory decision of the Opposition**
Division of the European Patent Office posted on
6 April 2017 concerning maintenance of the
European Patent No. 1909742 in amended form.

Composition of the Board:

Chairman J. Riolo
Members: E. Duval
 Y. Podbielski

Summary of Facts and Submissions

- I. The appeal was filed by the appellant (patent proprietor) against the interlocutory decision of the opposition division, in which it found that the patent in suit (hereinafter "the patent") in an amended form meets the requirements of the EPC.
- II. In a communication pursuant to Rule 84(1) EPC dated 13 May 2019 the parties were informed that the patent had lapsed for all the designated Contracting States and that the appeal proceedings might be continued at the request of the appellant, provided that a request to this effect was filed within two months of notification of the communication.
- III. The appellant did not request continuation of the proceedings.

Reasons for the Decision

1. It follows from Rule 84(1) EPC in conjunction with Rule 100(1) EPC that proceedings are not continued after the European patent has lapsed, unless the appellant files a request for their continuation within two months of being notified of the lapse by the European Patent Office.
2. Since no such request was filed by the appellant, the proceedings are to be terminated by a decision of the Board.

Order

For these reasons it is decided that:

The appeal proceedings are terminated.

The Registrar:

The Chairman:



B. Atienza Vivancos

J. Riolo

Decision electronically authenticated