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Boards of Appeal

Chambres de recours

**Appeal number:**

**T 0452/05 - 3.2.04**

Patent No.: 0 904 717  
Patentee: Sara Lee/DE N.V.  
Opponent: 02 Coöperative Inkoopvereniging Integro B.A./Vomar Voordeelmarkt  
B.V.  
04 Kraft Food France  
05 Kraft Food Deutschland GmbH  
06 Minges Kaffee GmbH & Co.KG

### **Minutes of the oral proceedings**

of 29 and 30 August 2006

#### **Composition of the Board:**

Chairman: M. Ceyte  
Members: M. Poock  
C. Heath

Start of oral proceedings 29 August: 09.27 hours

End of oral proceedings 29 August: 18.25 hours

Start of oral proceedings 30 August: 09.14 hours

End of oral proceedings 30 August: 11.40 hours

Documents presented: -



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Present on behalf of the appellant 01 (patent proprietor): Mr Jansen, Mr Witmans, Mr Kuipers, Mr Zollner and Mr Dack, professional representatives, identified by passport.

Present on behalf of the appellant 02 (opponent 02): Mr Groeneveld, professional representative, identified by EPO-Card, accompanied by Mr Killan.

Present on behalf of the appellant 04 (opponent 04): Mr Waugh and Mr Döring, professional representatives, identified by passport.

Present on behalf of the appellant 05 (opponent 05): Mr Klusmann, professional representative, identified by EPO-Card, accompanied by Mr Biesterfeld and Mr Marcoux.

Present on behalf of the intervener (opponent 06): Mr Schmidt, professional representative, identified by EPO-Card, accompanied by Mr Hölder and Mr Minges.

The Chairman declared the oral proceedings open.

He summarised the requests and relevant facts as appearing from the file.

The parties addressed the Board.

The matter was then discussed with the parties.



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Then, the Chairman repeated the relevant requests:

Appellant 01 (patent proprietor) requested that the decision under appeal be set aside and that the patent be maintained on the basis of the main request filed on 15 August 2006, in the alternative on the basis of one of the auxiliary requests 1-3 as filed on 15 August 2006.

All other appellants (opponents) requested that the decision under appeal be set aside and that the European patent No. 0 904 717 be revoked.

The parties agreed that these were their requests.

The Chairman then declared the debate closed.

After deliberation by the Board, the following decision was given:

1. The decision under appeal is set aside.
2. The European patent is revoked.

The Chairman then closed the oral proceedings.

The Minute Writer:

C. Heath



The Chairman:

M. Ceyte