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**Datasheet for the decision
of 8 March 2007**

Case Number: T 0013/05 - 3.2.06

Application Number: 97914299.9

Publication Number: 0889981

IPC: D04H 1/70

Language of the proceedings: EN

Title of invention:

Process and apparatus for the production of a mineral
fibreboard

Patentee:

Rockwool International A/S, et al

Opponents:

Paroc Oy Ab
Saint-Gobain Isover G+H AG

Headword:

-

Relevant legal provisions:

EPC Art. 113(2)

Keyword:

-

Decisions cited:

T 0534/01

Catchword:

-



Case Number: T 0013/05 - 3.2.06

DECISION
of the Technical Board of Appeal 3.2.06
of 8 March 2007

Appellant: Paroc Oy Ab
(Opponent) Neilikkatie, 17
FI-01300 Vantaa (FI)

Representative: Grew, Eva Regina
Oy Jalo Ant-Wuorinen Ab
Iso Roobertinkatu 4-6-A
FI-00120 Helsinki (FI)

Appellant: Saint-Gobain Isover G+H AG
(Opponent) Bürgermeister-Grünzweig-Str. 1
D-67059 Ludwigshafen (DE)

Representative: Kuhnen & Wacker
Patent- und Rechtsanwaltsbüro
Postfach 19 64
D-85319 Freising (DE)

Appellant: Rockwool International A/S
(Patent Proprietor) Hovedgaden 584
DK-2640 Hedenhusene (DK)

Representative: Samuels, Lucy Alice
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Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
29 November 2004 concerning maintenance of
European patent No. 0889981 in amended form.

Composition of the Board:

Chairman: P. Alting van Geusau
Members: M. Harrison
W. Sekretaruk

Summary of Facts and Submissions

- I. The opponents and the proprietor filed appeals against the interlocutory decision of the opposition division in which it found that the amended form of the European patent 0 889 981 met the requirements of the EPC.
- II. The opponents requested that the decision under appeal be set aside and that the patent be revoked.
- III. During the oral proceedings held on 8 March 2007 the proprietor withdrew all requests and disapproved all texts for the patent.

Reasons for the Decision

1. The appeals are admissible.
2. According to Article 113(2) EPC, the European Patent Office shall decide upon the European patent only in the text submitted to it, or agreed, by the proprietor of the patent. In the present case the proprietor withdrew all its requests and disapproved all texts for the patent. Since the text of the patent is at the disposition of the patent proprietor, the patent can therefore only be revoked (see e.g. T 534/01).

Order

For these reasons it is decided that:

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

The Registrar

The Chairman

M. Patin

P. Alting van Geusau