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Chambres de recours

Veröffentlichung im Amtsblatt	Ja/Nein
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Aktenzeichen / Case Number / N° du recours : T 264/84 - 3.4.1

Anmeldenummer / Filing No / N° de la demande : 80 103 058.6

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Veröffentlichungs-Nr. / Publication No / N° de la publication : 0 023 544

Bezeichnung der Erfindung: Document reproduction system with two original
Title of invention: document feed devices
Titre de l'invention :

Klassifikation / Classification / Classement : G03B 27/62

ENTSCHEIDUNG / DECISION
vom/of/du 7 April 1988

Anmelder / Applicant / Demandeur :

Patentinhaber / Proprietor of the patent /
Titulaire du brevet :

IBM

Einsprechender / Opponent / Opposant :

Océ - Nederland B.V.

Stichwort / Headword / Référence :

EPÜ/EPC/CBE Articles 111(1), 113(2)

Kennwort / Keyword / Mot clé :

"Revocation of European patent at request of
the proprietor"

Leitsatz / Headnote / Sommaire

Summary of Facts and Submissions

- I. In a decision dated 14 September 1984 the Opposition Division rejected the opposition filed against European patent No. 0 023 544 granted upon the subject-matter of European patent application No. 80 103 058.6.
- II. The Appellant appealed against this decision by a letter of 12 November 1984, paid the fee for appeal on the same date and filed a statement of grounds of appeal on 18 January 1985, in which he requested that the patent be revoked.
- III. In a letter dated 30 March 1988 the representative of the Respondent stated: "... , it is meaningless to continue the prosecution. We therefor herewith withdraw the subject application".

Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.
2. Although the Patentee (Respondent) states in his letter of 30 March 1988 that he withdraws his application, the Board interprets this statement as meaning that he no longer wishes his patent to be maintained, and thus as a request for revocation of the patent. Following the principles stated in Decision T 237/86 dated 11 June 1987 "Abandoned patent/SMS", in the exercise of its powers under Article 111(1) EPC the Board has decided to revoke the European patent.

Order

For these reasons, it is decided that:

The decision of the Opposition Division dated 14 September 1984 is set aside, and European patent No. 0 023 544 is revoked.

The Registrar:

The Chairman:

F.Klein

J.Roscoe