

Europäisches Patentamt Beschwerdekammern

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T = 264/84 - 3.4.1

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80 103 058.6

20

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0 023 544

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Title of invention:

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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 :

EPU / EPC / CBE

Articles 111(1), 113(2)

Kennwort / Keyword / Mot clé:

"Revocation of European patent at request of

the proprietor"

Leitsatz / Headnote / Sommaire

Europäisches **Patentamt**

Beschwerdekammern

European Patent

Office

Boards of Appeal

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Case Number : T 264/84 - 3.4.1



DECISION of the Technical Board of Appeal 3.4.1 of 7 April 1988

Appellant:

(Opponent)

Océ - Nederland B.V.

St. Urbanusweg 43 NL-5900 MA Venlo

Representative:

Endlich, Fritz, Dipl.-Phys.

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Respondent:

International Business Machines Corporation

(Proprietor of the patent)

Old Orchard Road

Armonk, N.Y. 10504

USA

Representative:

Ahlman, Bertel

IBM Svenska AB Box 962

S-18 109 Lidingö

Decision under appeal:

Decision of the Opposition Division of the European

Patent Office dated 14 September 1984 rejecting the

opposition

filed

against

European

patent

No. 0 023 544 pursuant to Article 102(2) EPC

Composition of the Board:

Chairman: J. Roscoe

Members : E. Turrini

C. Payraudeau

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.
- 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