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21

Aktenzeichen / Case Number / N° du recours :

T 154/85

Anmeldenummer / Filing No / N° de la demande :

78 300 755.2

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

0 003 489

Bezeichnung der Erfindung:

Title of invention: Crude oil having improved cold flow properties

Titre de l'invention :

Klassifikation / Classification / Classement :

C 10 L 1/18

**ENTSCHEIDUNG / DECISION**

vom / of / du

31 August 1987

Anmelder / Applicant / Demandeur :

Patentinhaber / Proprietor of the patent /

Titulaire du brevet :

Imperial Chemical Industries

Einsprechender / Opponent / Opposant :

BASF

EXXON Chemical Company

Stichwort / Headword / Référence :

Revocation/ICI

EPÜ / EPC / CBE

Article 111

Kennwort / Keyword / Mot clé :

"Request for revocation by proprietor"

Leitsatz / Headnote / Sommaire

Europäisches  
Patentamt

European Patent  
Office

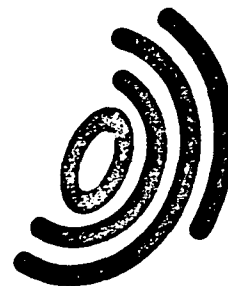
Office européen  
des brevets

Beschwerdekammern

Boards of Appeal

Chambres de recours

Case Number : T 154 /85



**D E C I S I O N**  
of the Technical Board of Appeal 3.3.1  
of 31 August 1987

**Appellant :**  
(Opponent 01)

BASF Aktiengesellschaft  
Carl-Basch-Strasse 38  
D-6700 Ludwigshafen

**Appellant :**  
(Opponent 02)

Exxon Chemical Company  
PO Box 504, Florham Park  
New Jersey 08 932 USA

**Representative :**

Bawden, Peter Charles  
Esso Chemical Research Centre  
PO Box 1  
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Oxfordshire OX13 6EB GB

**Respondent :**  
(Proprietor of the patent)

Imperial Chemical Industries PLC  
Imperial Chemical House Millbank  
London SW1P 3JF  
GB

**Representative :**

James, David Gomer  
Imperial Chemical Industries PLC  
Legal Department: Patents  
PO Box 6  
Bessemer Road  
Welwyn Garden City  
Herts, AL7 1HD GB

**Decision under appeal :**

Decision of Opposition Division of the European  
Patent Office dated 17 January 1985, posted on  
3 April 1985, rejecting the opposition  
filed against European patent No. 0 003 489  
pursuant to Article 102(2) EPC.

**Composition of the Board :**

**Chairman :** K. Jahn

**Members :** G. D. Paterson

R. Andrews

## Summary of Facts and Submissions

- I. Notices of opposition to the European patent No. 3489 were filed by two opponents, on 20 July 1983 and 11 October 1983 respectively. In a decision dated 3 April 1985, the Opposition Division decided to reject the opposition.
- II. Both opponents filed notices of appeal, on 5 and 10 June 1985, and statements of grounds of appeal on 9 August 1985. The Respondent filed a reply to such statements. Both Appellants filed further statements. The Board of Appeal issued a Communication on 12 December 1986.
- III. The Respondent filed a letter on 14 February 1987 which stated that the patentees had decided in view of such Communication "to abandon this application". After further correspondence with the Board of Appeal, by a letter filed on 31 July 1987 the Respondent stated that "the patentees hereby request that the patent be revoked under the provisions of Article 111(1) EPC".

## Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.
2. The patentee has made it clear in his letter filed on 31 July 1987 that he wishes the patent to be revoked. 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 this Board has decided to revoke the European patent.

Order

For these reasons it is decided that:

The Decision of the Opposition Division dated 3 April 1985 is set aside, and European patent No. 3489 is revoked.

The Registrar

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The Chairman

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