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Publication au Journal Officiel	Oui/Non

Aktenzeichen / Case Number / N^o du recours : T 251/86

Anmeldenummer / Filing No / N^o de la demande : 81 301 418.0

Veröffentlichungs-Nr. / Publication No / N^o de la publication : 0 038 145

Bezeichnung der Erfindung: A conical bearing cage and a bearing assembly
Title of invention: comprising such bearing cage
Titre de l'invention :

Klassifikation / Classification / Classement : F16C 33/46, F16C 19/36

ENTSCHEIDUNG / DECISION

vom / of / du 19 October 1987

Anmelder / Applicant / Demandeur :

Patentinhaber / Proprietor of the patent /

Titulaire du brevet : FEDERAL-MOGUL CORPORATION

Einsprechender / Opponent / Opposant : SKF GmbH

Stichwort / Headword / Référence :

EPO / EPC / CBE Articles 102(3a), 111(1), 113(2)

Kennwort / Keyword / Mot clé : "Revocation of the European patent at request
of the proprietor"

Leitsatz / Headnote / Sommaire

Europäisches
Patentamt

Beschwerdekammern

European Patent
Office

Boards of Appeal

Office européen
des brevets

Chambres de recours



001048



Case Number : T 251/86

D E C I S I O N
of the Technical Board of Appeal 3.2.1
of 19 October 1987

Appellant : SKF GmbH
(Opponent) Postfach 14 40
D-8720 Schweinfurt

Representative :

Respondent : FEDERAL-MOGUL CORPORATION
(Proprietor of the patent) Legal Department
P.O. Box 1966
Detroit, MI 48235
USA

Representative : Archer, Philip Bruce
Urquhart-Dykes & Lord
Trinity Court
Trinity Street
Priestgate
Peterborough
Cambridgeshire PE1 1DA
GB

Decision under appeal : Interlocutory decision of the Opposition Division of
the European Patent Office dated 24 June 1986
concerning maintenance of European patent
No. 0 038 145 in amended form.

Composition of the Board :

Chairman : P. Delbecque
Members : C. Wilson
R. Schulte

Summary of Facts and Submissions

- I. In an Interlocutory Decision within the meaning of Article 106(3) EPC, dated 24 June 1986, the Opposition Division maintained the European patent No. 0 038 145 as amended on the basis of the documents specified in the communication pursuant to Rule 58(4) EPC, dated 30 December 1985.
- II. The Appellant appealed against this decision on 2 August 1986, paid the appropriate fee, and filed, on 14 August 1986, the statement of grounds of appeal, in which he requested that the patent be revoked.
- III. In a letter dated 31 March 1987 the representative of the Respondent stated: "Our present instructions from our clients in the above matter are to allow the case to lapse". In a communication dated 27 July 1987 to the Respondent, the Registrar of the Board of Appeal stated that if he wished the Board to revoke the patent he should either withdraw consent to the text of the patent as granted, or request the revocation of the patent. By letter dated 19 August 1987 the representative, on behalf of the Respondent, informed the Board that he withdrew consent to the text of the patent as granted and did not intend to submit any other text.

Reasons for the Decision

1. The appeal complies with Articles 106 and 108 and Rule 64 EPC and is admissible.

2. By his letter dated 19 August 1987 the patentee has made it clear that he wishes the patent to be revoked. Following the principle stated in Decision T 237/86, dated 11 June 1987, 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:

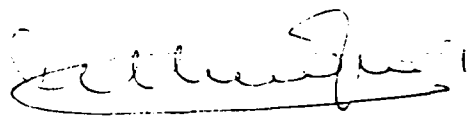
The Decision of the Opposition Division dated 24 June 1986 is set aside, and European patent No. 0 038 145 is revoked.

The Registrar:



F.Klein

The Chairman:



P.Delbecque

19.10.87
03286

John 15.10.87