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Aktenzeichen / Case Number / N° du recours : T 253/86 - 3.2.1

Anmeldenummer / Filing No / N° de la demande : 80 301 472.9

Veröffentlichungs-Nr. / Publication No / N° de la publication : 0 019 408

Bezeichnung der Erfindung: Method for inhibiting explosions in a pulverizing
Title of invention: system
Titre de l'invention :

Klassifikation / Classification / Classement : F23K 1/00, B02C 23/04

ENTSCHEIDUNG / DECISION

vom / of / du 3 May 1988

Anmelder / Applicant / Demandeur :

Patentinhaber / Proprietor of the patent /
Titulaire du brevet :

The Cleveland Cliffs Iron Company

Einsprechender / Opponent / Opposant :

01 EVT Energie und Verfahrenstechnik GmbH
02 Deutsche Babcock AG

Stichwort / Headword / Référence :

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

Kennwort / Keyword / Mot clé :

Revocation of European patent at request of the
proprietor

Leitsatz / Headnote / Sommaire



Case Number : T 253/86 - 3.2.1

D E C I S I O N
of the Technical Board of Appeal 3.2.1
of 3 May 1988

Appellant : EVT Energie und Verfahrenstechnik GmbH
(Opponent 01) Johannesstr. 37-45
D-7000 Stuttgart 1

Other party : Deutsche Babcock Aktiengesellschaft
(Opponent 02) Duisburger Strasse 375
Postfach 10 03 47-48
D-4200 Oberhausen 1

Respondent : The Cleveland Cliffs Iron Company
(Proprietor of the patent) 1460 Union Commerce Building
Cleveland
Ohio 44115
USA

Representative : Harrison, David Christopher
MEWBURN ELLIS & CO
2/3 Cursitor Street
London EC4A 1BQ
GB

Decision under appeal : Decision of the Opposition Division of the European
Patent Office dated 5 June 1986 rejecting
the opposition filed against European patent
No. 0 019 408 pursuant to Article 102(2) EPC.

Composition of the Board :

Chairman : P. Delbecque
Members : M. Liscourt
O. Bossung

Summary of Facts and Submissions

- I. Notices of opposition to the European patent No. 0 019 408 were filed by two opponents, on 27 March 1984 and 6 June 1984 respectively. In a decision dated 5 June 1986, the Opposition Division decided to reject the opposition.
- II. The appellant (opponent 01) appealed against this decision by a letter dated 1 August 1986, in which he requested that the patent be revoked, paid the appeal fee on 5 August 1986, and filed a statement of grounds of appeal on 9 October 1986. The Respondent and the Appellant filed further statements. On 21 March 1988 the Board of Appeal issued a communication.
- III. By a letter filed on 2 May 1988 the representative of the Respondent stated that he had instructions from the patentee to abandon the patent and therefore invites the termination of the proceedings by its revocation.

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 2 May 1988 that he wishes the patent to be revoked. Following the principles stated in Decision T 237/86 dated 11 June 1987 "Abandoned patent/SMS" (to be published), in the exercise of its powers under Article 111(1) EPC this Board can decide to revoke the European patent.

Order

For these reasons, it is decided that:

The Decision of the Opposition Division dated 5 June 1986 is set aside, and European patent No. 0 019 408 is revoked.

The Registrar:

The Chairman:

S. Fabiani

P.E.M. Delbecque