

Veröffentlichung im Amtsblatt	<input checked="" type="checkbox"/> Ja/ <input type="checkbox"/> Nein
Publication in the Official Journal	<input checked="" type="checkbox"/> Yes/ <input type="checkbox"/> No
Publication au Journal Officiel	<input checked="" type="checkbox"/> Oui/ <input type="checkbox"/> Non

Aktenzeichen / Case Number / N^o du recours : T 56/88 - 3.3.1

Anmeldenummer / Filing No / N^o de la demande : 82 201 130.0

Veröffentlichungs-Nr. / Publication No / N^o de la publication : 0 075 359

Bezeichnung der Erfindung: Process for cooling hot ammonium nitrate-containing
Title of invention: granules, as well as granules obtained by applying
Titre de l'invention : this process

Klassifikation / Classification / Classement : C05C 1/02

ENTSCHEIDUNG / DECISION

vom / of / du 22 July 1989

Anmelder / Applicant / Demandeur :

Patentinhaber / Proprietor of the patent /
Titulaire du brevet :

Stamicarbon B.V.

Einsprechender / Opponent / Opposant :

Nederlandse Stikstof Maatschappij B.V.

Stichwort / Headword / Référence :

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

Schlagwort / Keyword / Mot clé :

"Revocation of 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



Case Number : T 56/88 - 3.3.1

D E C I S I O N
of the Technical Board of Appeal 3.3.1
of 22 July 1989

Appellant : Nederlandse Stikstof Maatschappij B.V.
(Opponent) Industrieweg 10
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Representative : Hatzmann, Marinus Jan
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Respondent : Stamicarbon B.V.
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NL-6160 AP Geleen

Representative : Hoogstraten, Willem Cornelis Roeland
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Decision under appeal : Decision of Opposition Division of the European Patent Office dated 9 October 1987, posted on 24 November 1987, rejecting the opposition filed against European patent No. 0 075 359 pursuant to Article 102(2) EPC.

Composition of the Board :

Chairman : K. Jahn

Members : R. Spangenberg
G.D. Paterson

Summary of Facts and Submissions

- I. In a decision dated 9 October 1987, notified to the parties on 24 November 1987 the Opposition Division decided to reject the opposition.
- II. The Appellant appealed against this decision by a letter filed on 21 January 1988, paid the fee for appeal on the same date and filed a Statement of Grounds of appeal on 31 March 1988, in which he requested that the patent be revoked.
- III. In his letter of 17 July 1989 filed on 19 July 1989, the Respondent requested the revocation of the European patent.

Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 84 EPC and is admissible.
2. The patentee has made it clear in his letter of 17 July 1989 that he wishes the patent to be revoked. Following the principles stated in Decision T 426/86 dated 8 July 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 9 October 1987 is set aside, and European patent No. 0 075 359 is revoked.

The Registrar:

The Chairman:

J. Rückerl

K. Jahn