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Aktenzeichen / Case Number / N^o du recours : T 157/88 - 3.3.2

Anmeldenummer / Filing No / N^o de la demande : 82 103 301.6

Veröffentlichungs-Nr. / Publication No / N^o de la publication : 0 063 380

Bezeichnung der Erfindung: Abrasion-resistant monofilament with molybdenum
Title of invention: disulfide
Titre de l'invention :

Klassifikation / Classification / Classement : D01F 6/90

ENTSCHEIDUNG / DECISION
vom / of / du 9 February 1990

Anmelder / Applicant / Demandeur :

Patentinhaber / Proprietor of the patent /
Titulaire du brevet : E.I. Du Pont de Nemours and Company

Einsprechender / Opponent / Opposant : Hoechst Aktiengesellschaft

Stichwort / Headword / Référence : Abandoned patent/E.I. DU PONT DE NEMOURS

EPÜ / EPC / CBE Article 111(1) EPC

Schlagwort / Keyword / Mot clé : "Revocation on the request of proprietor"

Leitsatz / Headnote / Sommaire

Europäisches
Patentamt
Beschwerdekammern

European Patent
Office
Boards of Appeal

Office européen
des brevets
Chambres de recours



Case Number : T 157/88 - 3.3.2

D E C I S I O N
of the Technical Board of Appeal 3.3.2
of 9 February 1990

Appellant : Hoechst Aktiengesellschaft
(Opponent) Postfach 800320
D-6230 Frankfurt am Main 80

Representative :

Respondent : E.I. DU PONT DE NEMOURS AND COMPANY
(Proprietor of the patent) 1007 Market Street
Wilmington Delaware 19898 (US)

Representative : Abitz, Walter, Dr.-Ing. et al
Abitz, Morf, Gritschneider,
Freiherr von Wittgenstein
Postfach 86 01 09
D-8000 München 86

Decision under appeal : Decision of Opposition Division of the European
Patent Office dated 24 February 1988 rejecting
the opposition filed against European patent
No. 0 063 380 pursuant to Article 102(2) EPC.

Composition of the Board :

Chairman : P. Lançon
Members : R. Lunzer
R. Schulte

Summary of Facts and Submissions

- I. In a decision dated 24 February 1988 the Opposition Division rejected the Opposition filed against European patent No. 0 063 380 granted upon the subject-matter of European patent application No. 82 103 301.6.
- II. The Appellant appealed against the decision and filed a Statement of Grounds in which he requested that the patent be revoked.
- III. In a letter received on 18 January 1990, the representative of the Patent Proprietor stated "... we herewith request that the patent be revoked ...".

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 received on 18 January 1990 that he wishes his patent to be revoked. The Board can, therefore, in the exercise of its power under Article 111(1) EPC, decide to revoke the European patent (see Decisions T 237/86, OJ EPO 1988, 261 and T 459/88 of 13 February 1989, to be published in OJ EPO).

Order

For these reasons, it is decided that:

The decision of the Opposition Division dated 24 February 1988 is set aside and European patent No. 0 063 380 is revoked.

The Registrar:

The Chairman:

M. Beer

P. Lançon

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