

Veröffentlichung im Amtsblatt	J/Nein
Publication in the Official Journal	Yes/No
Publication au Journal Officiel	Oui/Non



Aktenzeichen / Case Number / N° du recours : T 288/88 - 3.2.2
Anmeldenummer / Filing No / N° de la demande : 81 302 623.4
Veröffentlichungs-Nr. / Publication No / N° de la publication : 0 042 269

Bezeichnung der Erfindung: A dental apparatus with a number of dental
Title of invention: instruments connected to a common control circuit
Titre de l'invention : and a common operator unit

Klassifikation / Classification / Classement : A61C 1/00

ENTSCHEIDUNG / DECISION

vom / of / du 10 March 1989

Anmelder / Applicant / Demandeur :

Patentinhaber / Proprietor of the patent /
Titulaire du brevet : A/S Flex Dental

Einsprechender / Opponent / Opposant : Siemens Aktiengesellschaft

Stichwort / Headword / Référence : Abandoned patent

EPÜ / EPC / CBE Article 111(1)

Schlagwort / Keyword / Mot clé : Patent revoked as consequence of patentee
stating "the Patentees ... abandon the patent"

Leitsatz / Headnote / Sommaire

Europäisches
Patentamt

Beschwerdekammern

European Patent
Office

Boards of Appeal

Office européen
des brevets

Chambres de recours



Case Number : T 288/88 - 3.2.2

D E C I S I O N
of the Technical Board of Appeal 3.2.2
of 10 March 1989

Appellant :
(Opponent)

Siemens Aktiengesellschaft
Berlin und München
Postfach 22 02 61
D-8000 München 22 (DE)

Representative :

Respondent :
(Proprietor of the patent)

A/S Flex Dental
No. 4 Lyngager
DK-2600 GLOSTRUP (DK)

Representative :

CARPMAEL, John William Maurice
Carpmaels & Ransford
43 Bloomsbury Square
London WC1A 2RA (GB)

Decision under appeal :

Interlocutory decision of the Opposition Division of
the European Patent Office dated 26 April 1988
concerning maintenance of European patent
No. 0 042 269 in amended form.

Composition of the Board :

Chairman : K. Stamm

Members : C. Andries

L. Mancini

Summary of Facts and Submissions

I. In an interlocutory decision dated 26 April 1988 the Opposition Division maintained the European patent No. 0 042 269, granted upon the subject-matter of European patent application No. 81 302 623.4, as amended.

II. The Appellant (Opponent) appealed against this decision on 24 June 1988 and paid the appeal fee at the same time.

A statement setting out the grounds of appeal was filed on 28 June 1988. The Appellant requested the revocation of the European patent.

III. In a letter filed on 9 February 1989 quoting the number of the European patent, the representative of the Respondent (Patentee) stated:

"the Patentees have decided to abandon this patent for commercial reasons".

Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rules 1(1) and 64 EPC, it is therefore admissible.
2. The Respondent has made it clear in his letter filed on 9 February 1989 that he wishes to abandon the patent.

Following the principles stated in Decision T 237/86 dated 11 June 1987 "Abandoned patent/SMS" (cf. OJ EPO, 1988, 261), 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 26 April 1988 is set aside, and European patent No. 0 042 269 is revoked.

The Registrar:



S.Fabiani

The Chairman:



K.Stamm