

Publication in the Official Journal Yes / No

File Number: T 567/90 - 3.3.3

Application No.: 82 111 889.0

Publication No.: 0 085 780

Title of invention: Process for making self-extinguishing, by means of red phosphorus synthetic thermoplastic materials and products so obtained

Classification: C08J 3/22

DECISION
of 16 August 1991

Proprietor of the patent: SAFFA S.p.A.

Opponent: HOECHST AKTIENGESELLSCHAFT, Frankfurt

Headword:

EPC Article 111(1)

Keyword: "Revocation of European patent as consequence of patentee stating "he no longer approves the text in which patent was granted"

Headnote



Case Number : T 567/90 - 3.3.3

D E C I S I O N
of the Technical Board of Appeal - 3.3.3
of 16 August 1991

Appellant :
(Opponent)

HOECHST AKTIENGESELLSCHAFT, Frankfurt
Werk Knapsack
Patentabteilung
W - 5030 Hürth-Knapsack (DE)

Respondent :
(Proprietor of the patent)

SAFFA S.p.A.
Via Del Lauro, 9
I - 20121 Milano (IT)

Representative :

Ferri, Antonio
c/o BREVETTI EUROPA S.r.l.
Piazza Bernini 6
I - 20133 Milano (IT)

Decision under appeal : Interlocutory decision of the Opposition Division of the European Patent Office dated 7 June 1990 concerning maintenance of European Patent No. 0 085 780 in amended form.

Composition of the Board :

Chairman : F. Antony
Members : C.R.J.M. Gérardin
M.K.S. Aúz Castro

Summary of Facts and Submissions

- I. In a decision dated 7 June 1990 the Opposition Division held that European patent No. 0 085 780 granted upon the subject-matter of European patent application No. 82 111 889.0 could be maintained in amended form.
- II. The Appellant (Opponent) appealed against the decision and filed a Statement of Grounds in which he requested that the patent be revoked.
- III. In a letter dated 16 July 1991 the representative of the proprietor stated "... he no longer approves the text in which the patent was granted."

Reasons for the Decision

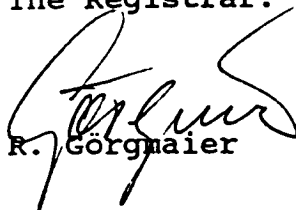
1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.
2. The patentee has made it clear through his representative that he wishes his patent to be revoked. The Board can therefore in the exercise of its power under Article 111(1) EPC decide to revoke the European patent (see Decision T 237/86, OJ EPO 1988, 261).

Order

For these reasons, it is decided that:

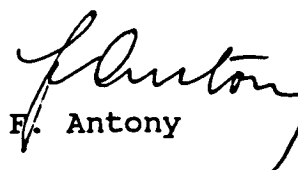
The decision of the Opposition Division dated 7 June 1990 is set aside and the European patent No. 0 085 780 is revoked.

The Registrar:



R. Gorgmaier

The Chairman:



F. Antony