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CHAMBRES DE RECOURS DE L'OFFICE EUROPEEN DES BREVETS

Publication in the Official Journal 🛛 🖉 / No

File Number: T 370/91 - 3.3.2

Application No.: 84 300 930.9

Publication No.: 0 127 252

Title of invention: Synthetic film with a paper-like surface and method of forming same

Classification: B32B 27/20

# DECISION of 6 July 1992

Proprietor of the patent:	MOBIL OIL CORPORATION	
Opponent:	HOECHST AKTIENGESELLSCHAFT,	Frankfurt (Main)

#### Headword:

**EPC** Articles 102, 111(1), 113(2)

Keyword: Patent revoked as consequence of Patentee stating: "I withdraw this Patent leaving no rights outstanding"

Headnote



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Beschwerdekammern

Boards of Appeal

Chambres de recours

Case Number : T 370/91 - 3.3.2

### D E C I S I O N of the Technical Board of Appeal 3.3.2 of 6 July 1992

Appellant :	HOECHST AKTIENGESELLSCHAFT, Frankfurt (Main)
(Opponent)	Werk Kalle
	Abteilung Patente und Lizenzen
	Postfach 3540
	W-6200 Wiesbaden 1 (DE)

Respondent :	MOBIL OIL CORPORATION
(Proprietor of the patent)	150 East 42nd Street
· •	New York
	New York 10017 (US)

Representative :	Cooper, John Anthony
	Mobil Court
	3 Clements Inn
	London WC2A 2EB (GB)

Decision under appeal :

Interlocutory decision of the Opposition Division of the European Patent Office dated 25 February 1991 concerning maintenance of European patent No. 0 127 252 in amended form.

Composition of the Board :

Chairman	:	P.A.M. Lançon
Members	:	I.A. Holliday
		E.M.C. Holtz

T 370/91

Summary of Facts and Submissions

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- I. An appeal was lodged by the Appellant/Opponent against the decision of 25 February 1991 of the Opposition Division, which maintained European patent No. 127 252 in amended form, requesting that the decision be set aside and the patent revoked.
- II. In a letter submitted on 16 June 1992, the Respondent/Patentee stated the following:

"I withdraw this patent leaving no rights outstanding."

#### Reasons for the Decision

- 1. The appeal is admissible.
- 2. In accordance with the jurisprudence of the Boards of Appeal (e.g. T 237/86, OJ EPO 1988, 261, T 430/88 of 14 August 1990 and T 677/90 of 17 May 1991), the Board interprets the statement of the Respondent as agreeing to the revocation of the patent (Article 113(2) EPC).
- 3. The Board can, therefore, in the exercise of its power under Article 111(1) EPC decide to revoke the European patent (Article 102 EPC).

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## Order

For these reasons, it is decided that:

1. The decision under appeal is set aside.

2. European patent No. 127 252 is revoked.

The Registrar:

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P. Martorana

The Chairman:

P.A.M. Lançon

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