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D E C I S I O N
of 26 April 1995

Case Number: T 0765/91 - 3.3.3

Application Number: 85903320.1

Publication Number: 0188489

IPC: C08F 20/00

Language of the proceedings: EN

Title of invention:
Polymeric products and their production

Patentee:
Allied Colloids Limited

Opponent:
SNF Floerger

Headword:
-

Relevant legal provisions:
EPC Art. 113(2)

Keyword:
Revocation of the European patent as consequence of the
patentee's statement stating:
"The patentee ... no longer approves the text which was
granted"

Decisions cited:
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Catchword:
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Case Number: T 0765/91 - 3.3.3

D E C I S I O N
of the Technical Board of Appeal 3.3.3
of 26 April 1995

Appellant:
(Opponent) SNF Floerger
41, Rue Jean-Huss
F-42028 Saint-Etienne Cedex 1 (FR)

Representative:
Maiwald + Partner
Balanstr. 57
81541 München (DE)

Respondent:
(Proprietor of the patent) Allied Colloids Limited
P.O. Box 38,
Low Moor
Bradford,
West Yorkshire BD12 OJZ (GB)

Representative:
Lawrence, Peter Robin Broughton
Gill Jennings & Every,
Broadgate House,
7 Eldon Street
London EC2M 7LH (GB)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office dated 18 June 1991 and with
written reasons posted on 31 July 1991 rejecting
the opposition filed against European patent
No. 0 188 489 pursuant to Article 102(2) EPC.

Composition of the Board:

Chairman: C. R. J. Gérardin
Members: B. L. ter Laan
W. M. Schar

Summary of Facts and Submissions

- I. In a decision given on 18 June 1991, with written reasons posted on 31 July 1991, the Opposition Division rejected the opposition filed against European patent No. 0 188 489 granted upon the subject-matter of European patent application No. 85 903 320.1.
- II. On 30 September 1991 the Appellant (Opponent) appealed against this decision and paid the appropriate fee on the same date. Statements of Grounds were filed on 2 December 1991 in which the Appellant requested that the patent be revoked.
- III. In a letter dated 18 April 1995 the representative of the Respondent (Proprietor of the patent) stated "The patentee ... no longer approves the text which was granted".

Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.
2. The Respondent made it clear through their representative that they no longer approve the text in which the patent was granted without submitting an amended text on which further prosecution of the appeal could be based. Therefore the patent must be revoked (Article 113(2) EPC; see also Decision T 73/84, OJ EPO 1985, 241).

Order

For these reasons it is decided that:

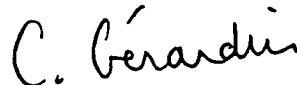
1. The decision of the Opposition Division is set aside.
2. The patent is revoked.

The Registrar:



E. Gorgmeier

The Chairman:



C. Gérardin