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File Number: T 936/91 - 3.3.1

Application No.: 85 307 706.3

Publication No.: 0 185 448

Title of invention: A process for the manufacture of lubricating oils

Classification: C10G 45/64

D E C I S I O N
of 6 May 1993

Proprietor of the patent: MOBIL OIL CORPORATION

Opponent: Akzo N.V.

Headword:

EPC Articles 111(1) and 113(2)

Keyword: "Revocation of European patent at request of the proprietor"



Case Number : T 936/91 - 3.3.1

D E C I S I O N
of the Technical Board of Appeal 3.3.1
of 6 May 1993

Appellant :
(Opponent) Akzo N.V.
Velperweg 76
NL - 6824 BM Arnhem (NL)

Representative :
Sieders, René
Amorijstraat 10
NL - 6815 GJ Arnhem (NL)

Respondent :
(Proprietor of the patent) MOBIL OIL CORPORATION
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 : Decision of the Opposition Division of the
European Patent Office of 18 July 1991, posted on
16 September 1991, rejecting the opposition filed
against European patent No. 0 185 448 pursuant to
Article 102(2) EPC.

Composition of the Board :

Chairman : K.J.A. Jahn
Members : R.W. Andrews
J.-C. Saisset

Summary of Facts and Submissions

- I. An appeal, which was duly lodged by the Appellant/Opponent against the decision of the Opposition Division rejecting the opposition filed against European patent No. 0 185 448, requested that the decision be set aside and that the patent be revoked.

- II. In a letter filed on 7 April 1993, the Respondent/Patentee stated the following: "I request that you revoked the above patent, leaving no rights outstanding".

Reasons for the Decision

1. The appeal is admissible.

2. The Patentee has made clear in his letter received on 7 April 1993 that he wishes his patent to be revoked. In these circumstances, there can scarcely be any more cogent reason for revoking it since it cannot be in the public interest to maintain a patent against its proprietor's will.

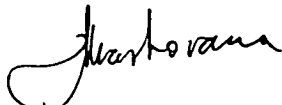
The Board has, therefore, in the exercise of its power under Article 111(1) EPC, decided to revoke the European patent (Article 102 EPC). (See Decisions T 237/86, OJ EPO 1988, 261; T 186/84, OJ EPO 1986, 79 and T 459/88, OJ EPO 1990, 425.)

Order

For these reasons, it is decided that:

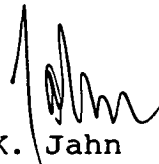
1. The decision under appeal is set aside.
2. European patent No. 0 185 448 is revoked.

The Registrar:



P. Martorana

The Chairman:



K. Jahn