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D E C I S I O N
of 9 September 1997

Case Number: T 0450/93 - 3.2.2

Application Number: 84108940.2

Publication Number: 0137166

IPC: C22B 34/34

Language of the proceedings: EN

Title of invention:

High-purity molybdenum target and high-purity molybdenum silicide target for LSI electrodes and process for producing the same

Patentee:

Nippon Telegraph and Telephone Corporation, et al

Opponent:

Degussa AG, Frankfurt

Headword:

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Relevant legal provisions:

EPC Art. 102(3)(a), 113(2)

Keyword:

"Revocation of European patent as consequence of patentee stating 'proprietor no longer is interested in the maintenance of the subject patent'."

Decisions cited:

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Catchword:

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Case Number: T 0450/93 - 3.2.2

D E C I S I O N
of the Technical Board of Appeal 3.2.2
of 9 September 1997

Appellant:
(Opponent)

Degussa AG, Frankfurt
- Zweigniederlassung Wolfgang-
Zentrale Abteilung Patente
Rodenbacher Chaussee 4
Postfach 1345
D-63403 Hanau (DE)

Representative:

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Respondent:
(Proprietor of the patent)

Nippon Telegraph and Telephone Corporation
1-6 Uchisaiwaicho 1-chome
Chiyoda-ku
Tokyo (JP)

Representative:

Schwan, Gerhard, Dipl.-Ing.
Elfenstrasse 32
81739 München (DE)

Decision under appeal:

Decision of the Opposition Division of the
European Patent Office posted 6 April 1993
rejecting the opposition filed against European
patent No. 0 137 166 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: R. A. Lunzer
Members: J. C. M. De Preter
D. Valle

Summary of Facts and Submissions

- I. In a decision dated 6 April 1993, the Opposition Division rejected the opposition filed against European patent No. 0 137 166.
- II. The Appellants (Opponents) appealed against this decision and filed a statement of grounds in which they requested that the patent be revoked.
- III. In their response of 6 October 1993 the Respondents requested rejection of the appeal.
- IV. In a letter dated 13 August 1997 the representative of the Respondents stated: "Proprietor no longer is interested in the maintenance of the subject patent. Accordingly proprietor's requests in the letter of 6 October 1993 are withdrawn".

Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.
2. Since it follows from the provision according to Article 113(2) EPC that a European patent cannot be maintained against the proprietor's will, the present European patent has, therefore, to be revoked (cf. T 73/84; OJ EPO 1985, 241).

Order

For these reasons it is decided that:

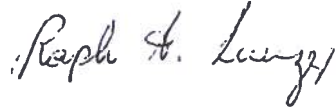
1. The decision under appeal is set aside.
2. The European patent No. 0 137 166 is revoked.

The Registrar:



S. Fabiani

The Chairman:



R. Lunzer



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