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D E C I S I O N
of 4 August 1997

Case Number: T 0221/94 - 3.3.1

Application Number: 85104912.2

Publication Number: 0162313

IPC: D06M 15/00

Language of the proceedings: EN

Title of invention:

Process for the production of rubberreinforcing polyester cord

Applicant/Patentee:

Toyo Boseki Kabushiki Kaisha

Opponent:

Akzo Nobel Faser AG
HOECHST Aktiengesellschaft Zentrale Patentabteilung

Headword:

-

Relevant legal provisions:

EPC Art. 111(1)

Keyword:

"Revocation of European patent on request of proprietor"

Decisions cited:

T 0237/86

Catchword:

-



Case Number: T 0221/94 - 3.3.1

D E C I S I O N
of the Technical Board of Appeal 3.3.1
of 4 August 1997

Other party: Akzo Nobel Faser AG
(Opponent 01) Kasinostrasse 19 - 21
D-42097 Wuppertal (DE)

Representative: -

Appellant: HOECHST Aktiengesellschaft
(Opponent 02) Zentrale Patentabteilung
Postfach 80 03 20
D-65903 Frankfurt (DE)

Representative: -

Respondent: Toyo Boseki Kabushiki Kaisha
(Proprietor of the patent) No. 2-8, Dojimahama 2-chome
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Osaka-shi
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Representative: von Kreisler, Alek, Dipl.-Chem.
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Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 21 January 1994
rejecting the oppositions filed against European
patent No. 0 162 313 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: R. K. Spangenberg
Members: P. Krasa
S. C. Perryman

Summary of Facts and Submissions

- I. In a decision posted 21 January 1994, the Opposition Division rejected two oppositions filed against European patent No. 0 162 313 granted upon the subject-matter of European patent application No. 85 104 912.2.
- II. The Appellant (Opponent 02) appealed against the decision and filed a statement of grounds in which he requested that the patent be revoked.
- III. In a letter dated 22 July 1997 the representative of the patentee stated: "... it is requested to revoke the patent."

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 posted 21 January 1994 is set aside and European patent No. 0 162 313 is revoked.

The Registrar:


E. Görgmaier

The Chairman:


R. Spangenberg

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