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D E C I S I O N
of 15 September 1997

Case Number: T 0231/94 - 3.3.2

Application Number: 84303487.7

Publication Number: 0127435

IPC: A61K 31/18

Language of the proceedings: EN

Title of invention:
Antiarrhythmic class III process

Applicant/Patentee:
Bristol-Myers Squibb Company

Opponent:
PAZ Arzneimittelentwicklungsgesellschaft GmbH

Headword:

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Relevant legal provisions:
EPC Art. 111(1), 113(2)

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

Decisions cited:

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Catchword:

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Case Number: T 0231/94 - 3.3.2

D E C I S I O N
of the Technical Board of Appeal 3.3.2
of 15 September 1997

Appellant: PAZ Arzneimittelentwicklungsgesellschaft GmbH
(Opponent) In der Schildwacht 13
D-65933 (DE)

Representative: Grussdorf, Jürgen, Dr.
Patentanwälte Zellentin & Partner
Rubensstrasse 30
67061 Ludwigshafen (DE)

Respondent: Bristol-Meyers Squibb Company
(Proprietor of the patent) 345 Park Avenue
New York
N. Y. 10154 (US)

Representative: Jones, Alan John
Carpmaels & Ransford
43 Bloomsbury Square
London, WC1A 2RA (GB)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 4 February 1994
rejecting the opposition filed against European
patent No. 0 127 435 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: P. A. M. Lançon
Members: U. Oswald
J. H. Van Moer

Summary of Facts and Submissions

- I. In a decision dated 4 February 1994, the Opposition Division rejected the Opposition filed against European patent No. 0 127 435.
- II. The Opponent appealed against the decision, filed a Statement of Grounds and requested that the patent be revoked.
- III. In a letter received on 15 September 1997 the Patentee (Respondent) requested revocation of the opposed European patent No. 0 127 435 in accordance with EPO legal Advice 11".

Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.
2. The Patentee (Respondent) has made clear in his letter received on 15 September 1997 that he wishes his patent to be revoked. The Board can therefore in exercise of its power under Article 111(1) EPC decide to revoke the European patent (see Decisions T 186/84, OJ EPO 1986, 79 and T 237/86, OJ EPO 1988, 261).

Order

For these reasons it is decided that:

The decision of the Opposition is set aside and European patent No. 0 127 435 is revoked.

The Registrar: The Chairman:

P. Martorana P. A. M. Lançon