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D E C I S I O N
of 5 December 1994

Case Number: T 0241/94 - 3.5.2

Application Number: 84112524.8

Publication Number: 0144647

IPC: H03F 3/45

Language of the proceedings: EN

Title of invention:
Differential amplifier

Patentee:
KABUSHIKI KAISHA TOSHIBA

Opponent:
TEMIC TELEFUNKEN microelectronic GmbH
Deutsche ITT Industries GmbH

Headword:

Relevant legal provisions:
EPC Art. 102(3)(a)
EPC Art. 113(2)

Keyword:
"Revocation requested by Proprietor"

Decisions cited:

Catchword:



Case Number: T 0241/94 - 3.5.2

D E C I S I O N
of the Technical Board of Appeal 3.5.2
of 5 December 1994

Appellant:
(Opponent) Deutsche ITT Industries GmbH
Patentabteilung
Hans-Bunte-Strasse 19
D-79108 Freiburg (DE)

Representative:

Respondent:
(Proprietor of the patent) KABUSHIKI KAISHA TOSHIBA
72, Horikawa-cho
Saiwai-ku
Kawasaki-shi
Kanagawa-ken 210 (JP)

Representative: Henkel, Feiler, Hänzel & Partner
Möhlstrasse 37
D-81675 München (DE)

Other party:
(Opponent) TEMIC TELEFUNKEN microelectronic GmbH
Postfach 35 35
D-74025 Heilbronn (DE)

Representative: Maute, Hans-Jürgen, Dipl.-Ing.
TEMIC TELEFUNKEN microelectronic GmbH
Postfach 35 35
D-74025 Heilbronn (DE)

Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office dated 11 February
1994 concerning maintenance of European patent
No. 0 144 647 in amended form.

Composition of the Board:

Chairman: W. J. L. Wheeler
Members: A. G. Hagenbucher
M. Lewenton

Summary of Facts and Submissions

- I. The Appellant filed an opposition against European Patent No. 144 647 and now contests the interlocutory decision of the Opposition Division that account being taken of the amendments made during the opposition proceedings, the patent and the invention to which it related met the requirements of the EPC.
- II. The Appellant requests that the decision be set aside and the patent revoked.
- III. In a letter dated 21 November 1994, bearing the reference T 0241/94-352 European patent application 84 112 524.8, the Respondent stated the following:
"Revocation of the above-referenced patent is herewith requested".

Reasons for the Decision

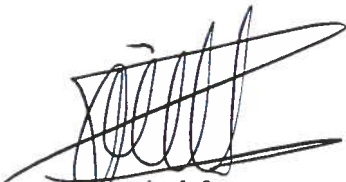
1. The appeal is admissible.
2. European Patent No. 144 647 was granted on European patent application 84 112 524.8. It is therefore clear that the Respondent requests revocation of its own European Patent No. 144 647. Thus, following Decision T 186/84 (OJ EPO, 1986, 74), the Board has to revoke the patent.

Order

For these reasons it is decided that:

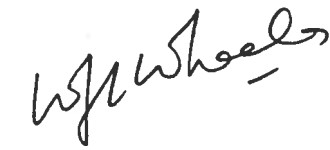
1. The decision under appeal is set aside.
2. European Patent No. 144 647 is revoked.

The Registrar:



M. Kiehl

The Chairman:



W.J.L. Wheeler