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D E C I S I O N
of 4 March 1996

Case Number: T 0553/94 - 3.2.1

Application Number: 87309146.6

Publication Number: 0265184

IPC: B65D 65/40; B23B 3/02

Language of the proceedings: EN

Title of invention:
Opaque polymer film laminates

Applicant:
Mobil Oil Corporation

Opponent:
Hoechst Aktiengesellschaft

Headword:
-

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

Keyword:
"Proprietor's request for revocation of the patent"

Decisions cited:
-

Catchword:
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Boards of Appeal

Chambres de recours

Case Number: T 0553/94 - 3.2.1

D E C I S I O N
of the Technical Board of Appeal 3.2.1
of 4 March 1996.

Appellant:
(Opponent)
Hoechst Aktiengesellschaft
Werk Kalle-Albert
Zentrale Patentabteilung KA
D-65174 Wiesbaden (DE)

Representative:

Respondent:
(Proprietor of the patent)
Mobil Oil Corporation
150 East 42nd Street
New York
New York 10017 (US)

Representative:
Colmer, Stephen Gary
European Office of Patent Counsel
Mobil House
500-600 Witan Gate
Central Milton Keynes
Buckinghamshire MK9 1ES (UK)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 8 June 1994
rejecting the opposition filed against European
patent No. 0 265 184 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: F. Gumbel
Members: S. Crane
G. Davies

Summary of Facts and Submissions

- I. In a decision issued in writing on 8 June 1994 the Opposition Division rejected the opposition filed against European patent No. 0 265 184.
- II. The appellant appealed against this decision by a letter filed on 4 July 1994, paid the fee for appeal on the same date and filed a statement of grounds of appeal on 13 October 1994 in which it requested that the patent be revoked.
- III. In a letter dated 26 February 1996 the respondent (proprietor) requested revocation of the patent.

Reasons for the Decision

The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.

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:

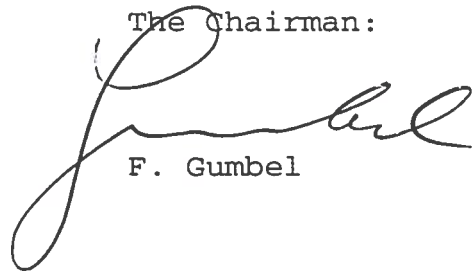
1. The decision under appeal is set aside.
2. The European patent No. 0 265 184 is revoked.

The Registrar:



S. Fabiani

The Chairman:



F. Gumbel