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D E C I S I O N
of 18 January 1996

Case Number: T 0527/95 - 3.2.2

Application Number: 88112317.8

Publication Number: 0315737

IPC: D21D 1/40

Language of the proceedings: EN

Title of invention:

Method and apparatus for treating pulp

Patentee:

A. AHLSTROM CORPORATION

Opponent:

Kamy AB

Headword:

-

Relevant legal provisions:

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

Keyword:

"Proprietor's request for revocation of the patent"

Decisions cited:

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Catchword:

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Case Number: T 0527/95 - 3.2.2

D E C I S I O N
of the Technical Board of Appeal 3.2.2
of 18 January 1996

Appellant: Kamy AB
(Opponent) PO Box 1033
651 15 Karlstad (SE)

Representative: Lettström, Richard Wilhelm
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S-103 62 Stockholm (SE)

Respondent: A. AHLSTROM CORPORATION
(Proprietor of the patent) FIN-29600 Noormarkku (FI)

Representative: Fuchsle, Klaus, Dipl.-Ing.
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Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 28 April 1995
concerning maintenance of European patent
No. 0 315 737 in amended form.

Composition of the Board:

Chairman: H. J. Seidenschwarz
Members: M. G. Noël
C. Holtz

Summary of Facts and Submissions

- I. In an interlocutory decision dated 28 April 1995 the Opposition Division decided to maintain the patent 0 315 737.
- II. The appellant appealed against this decision by a letter filed on 27 June 1995 on the same date paid the fee for appeal and filed a statement of grounds of appeal in which he requested that the patent be revoked.
- III. In a letter dated 18 January 1996 the respondent stated "...that the patentee no longer approves the granted text 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 No. 0 315 737 is revoked.

The Registrar:



S. Fabiani

The Chairman:


H. Seidenschwarz