

Case Number: T 0743/95 - 3.3.1

D E C I S I O N
of the Technical Board of Appeal 3.3.1
of 23 January 1996

Appellant: S.N.F.
(Opponent) 41, Rue Jean-Huss
F-42028 Saint-Etienne Cedex 1 (FR)

Representative: Maiwald, Walter, Dr. Dipl.-Chem.
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Respondent: ALLIED COLLOIDS LIMITED
(Proprietor of the patent) P.O. Box 38
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Representative: Lawrence, Peter Robin Broughton
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Decision under appeal: Decision of the Opposition Division of the European Patent Office posted 3 July 1995 rejecting the opposition filed against European patent No. 0 277 018 pursuant to Article 102(2) EPC.

Composition of the Board:

Chairman: A. J. Nuss
Members: P. M. I. Bracke
W. Moser

Summary of Facts and Submissions

- I. In a decision posted on 3 July 1995, the Opposition Division decided to reject the opposition filed against European patent No. 0 277 018 granted upon the subject-matter of European patent application No. 88 300 727.0.
- II. On 31 August 1995 the Appellant (Opponent) appealed against this decision and paid the appropriate fees on the respective dates. Statements of Grounds were filed on 8 November 1995 in which the Appellant requested that the patent be revoked.
- III. In a letter dated 11 January 1996, received by the EPO on 15 January 1996, the representative of the Respondent (proprietor of the patent) stated: "The Patentee no longer approves the text of the patent and invites an order for revocation of it."

Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.
2. The Respondent made it clear through his representative that he no longer approves of the text in which the patent was granted. Since he did not submit an amended text on which further prosecution of the appeal could be based, the patent must be revoked (see Decision T 73/84, OJ EPO 1985, 241).

Order

For these reasons it is decided that:

1. The decision of the opposition Division is set aside.
2. The patent is revoked.

The Registrar: The Chairman:

E. Görgmaier

A. Nuss