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D E C I S I O N
of 23 July 1999

Case Number: T 0201/96 - 3.3.5

Application Number: 85101695.6

Publication Number: 0153674

IPC: C01F 7/02

Language of the proceedings: EN

Title of invention:
Rehydration bondable alumina

Patentee:
Aluminum Company of America

Opponents:
Lonza AG

Headword:
-

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

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

Decisions cited:
T 0073/94

Catchword:
-



Case Number: T 0201/96 - 3.3.5

D E C I S I O N
of the Technical Board of Appeal 3.3.5
of 23 July 1999

Appellant:
(Opponent)

Lonza AG
Münchensteinerstrasse 38
4002 Basel (CH)

Representative:

Ritthaler, Wolfgang, Dr.
Winter, Brandl, Fürniss, Hübner, Röss
Partnerschaft
Patent- und Rechtsanwaltskanzlei
Alois-Steinecker-Strasse 22
85354 Freising (DE)

Respondent:
(Proprietor of the patent)

Aluminum Company of America
1501 Alcoa Building
Mellon Square
Pittsburgh, PA 15219 (US)

Representative:

Baillie, Iain Cameron
Ladas & Parry
Dachauerstrasse 37
80335 München (DE)

Decision under appeal:

Interlocutory decision of the Opposition Division
of the European Patent Office posted 22 December
1995 concerning maintenance of the European
patent No. 0 153 674 in amended form.

Composition of the Board:

Chairman: R. K. Spangenberg
Members: G. J. Wassenaar
M. B. Günzel

Summary of Facts and Submissions

- I. An interlocutory decision of the Opposition Division concerning maintenance of the European patent No. 0 153 674 in amended form was posted on 22 December 1995.
- II. The Appellant (Opponent) appealed against this decision by a letter filed on 26 February 1996, paid the fee for appeal on the same day and filed a Statement of Grounds of Appeal on 29 April 1996. He requested that the patent be revoked.
- III. In a letter dated 16 July 1999 the Respondent (Proprietor) requested revocation of the patent.

Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.
2. It follows from Article 113(2) EPC that a European patent cannot be maintained against the Proprietor's will. Thus, in view of the Respondent's request for revocation of his patent, the present European patent has 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. 0 153 674 is revoked.

The Registrar:

The Chairman:

S. Hue

R. Spangenberg

