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D E C I S I O N
of 30 January 2001

Case Number: T 0961/97 - 3.4.1

Application Number: 91916466.5

Publication Number: 0499634

IPC: G07F 1/04

Language of the proceedings: EN

Title of invention:
Housing for coin selectors

Patentee:
AZKOYEN INDUSTRIAL, S.A.

Opponent:
Landis & Gyr Technology Innovation AG Intellectual Property
Rights

Headword:

-

Relevant legal provisions:
EPC Art. 111(1)

Keyword:
"Patent revoked as consequence of patentee stating: "we hereby
request the unconditional withdrawal of the same"

Decisions cited:
T 0237/86

Catchword:

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Case Number: T 0961/97 - 3.4.1

D E C I S I O N
of the Technical Board of Appeal 3.4.1
of 30 January 2001

Appellant: Landis & Gyr Technology Innovation AG
(Opponent) Intellectual Property Rights
6301 Zug (CH)

Representative: Wenger, Joel-Théophile
c/o Griffes Consulting S.A.
Route de Florissant 81
1206 Genève (CH)

Respondent: AZKOYEN INDUSTRIAL, S.A.
(Proprietor of the patent) Avenida San Silvestre
31350 Peralta (Navarra) (ES)

Representative: Carpintero Lopez, Francisco
HERRERO & ASOCIADOS, S.L.
Alcalá, 21
28014 Madrid (ES)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 14 July 1997
rejecting the opposition filed against European
patent No. 0 499 634 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: G. Davies
Members: M. G. L. Rognoni
U. G. O. Himmler

Summary of Facts and Submissions

- I. The appellant (opponent) lodged an appeal, received 8 August 1997, against the interlocutory decision of the opposition division, dispatched on 14 July 1997, rejecting the opposition against European patent No. 0 499 634 (application No. 91 916 466.5). The appeal fee was paid on 11 August 1997. The statement setting out the grounds of appeal was received on 18 September 1997.
- II. The appellant requested that the decision of the opposition division be set aside and that the patent be revoked.
- III. In a letter dated 28 December 2000, received on 2 January 2001, the representative of the respondent (patentee) stated the following:

"With respect to the above identified European patent application we would advise you that the applicant is no longer interested with this file and has decided to abandon the same.

Therefore, we hereby request the unconditional withdrawal of the same."

Reasons for the Decision

1. The appeal is admissible.
2. The letter referred to in paragraph III above has to be construed as meaning that the respondent now agrees that the contested patent be revoked, as consistently

requested by the appellant.

3. Accordingly, following the principles set out in the decision T 237/86 (OJ EPO 1988, 261), the Board has decided, in the exercise of its powers under Article 111(1) EPC, to revoke the European patent.

Order

For these reasons it is decided that:

The decision under appeal is set aside and the patent revoked.

The Registrar:

The Chairman:

R. Schumacher

G. Davies