Datasheet for the decision of 21 April 2008

Case Number: T 0789/05 - 3.2.05
Application Number: 95915639.9
Publication Number: 0755493
IPC: F16L 9/12
Language of the proceedings: EN
Title of invention:
Multi layer tubing suitable for use in motor vehicles
Patentee:
ITT Manufacturing Enterprises, Inc.
Opponent:
Degussa AG
Headword:
-
Relevant legal provisions:
EPC Art. 113(2)
Relevant legal provisions (EPC 1973):
-
Keyword:
"Revocation at request of patent proprietor"
Decisions cited:
-
Catchword:
-
Case Number: T 0789/05 - 3.2.05

DECISION
of the Technical Board of Appeal 3.2.05
of 21 April 2008

Appellant:
ITT Manufacturing Enterprises, Inc.
1105 North Market Street
Suite 1217
Wilmington, Delaware 19801   (US)

Representative:
Dreiss, Fuhlendorf, Steimle & Becker
Patentanwälte
Postfach 10 37 62
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Respondent:
Degussa AG
Paul-Baumann-Straße 1
D-45764 Marl     (DE)

Decision under appeal:

Composition of the Board:
Chairman: W. Zellhuber
Members: H. Schram
          E. Lachacinski
Summary of Facts and Submissions

I. The appeal is against the decision of the Opposition Division posted 27 April 2005 revoking European patent No. 0 755 493.

II. In his letter dated 3 April 2008 the appellant (patent proprietor) requested that the patent be revoked.

Reasons for the Decision

The appellant has made it clear that he wishes the patent to be revoked, see point II. Since it follows from the provision according to Article 113(2) EPC that a European cannot be maintained against the proprietor's will, the Board has decided, in agreement with the decision of the opposition division, that the patent remains revoked.

Order

For these reasons it is decided that:

The patent remains revoked.

The Registrar:                        The Chairman:

D. Meyfarth                             W. Zellhuber

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