Datasheet for the decision of 7 May 2009

Case Number: T 1690/06 - 3.2.05
Application Number: 99109338.6
Publication Number: 0949084
IPC: B41M 5/00
Language of the proceedings: EN

Title of invention: Ink jet recording sheet

Patentee: MITSUBISHI PAPER MILLS, LTD.
Opponent: Felix Schoeller jr. Foto-und Spezialpapiere GmbH & Co. KG

Headword: 

Relevant legal provisions: EPC Art. 113(2)

Relevant legal provisions (EPC 1973): 

Keyword: "Revocation at request of patent proprietor"

Decisions cited: 

Catchword: 

EPA Form 3030 06.03
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DECISION
of the Technical Board of Appeal 3.2.05
of 7 May 2009

Appellant: Felix Schoeller jr. Foto-und Spezialpapiere GmbH & Co. KG
D-49086 Osnabrück (DE)

Representative: Minderop, Ralph H.
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Respondent: MITSUBISHI PAPER MILLS. LTD.
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Representative: Adam, Holger
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Composition of the Board:

Chairman: W. Zellhuber
Members: S. Bridge
M. J. Vogel
Summary of Facts and Submissions

I. The appeal is against the decision of the Opposition Division posted 12 September 2006 maintaining the European patent No. 0 949 084 in amended form.

II. The appellant requested that the decision under appeal be set aside and that the patent in suit be revoked.

III. In his letter dated 24 April 2009 the respondent (patent proprietor) requested that the patent be revoked.

Reasons for the Decision

The respondent/patent proprietor has made it clear that he wishes the patent to be revoked, see point III. 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 patent has to be revoked.
Order

For these reasons it is decided that:

The decision under appeal is set aside.

The patent is revoked.

The Registrar:  The Chairman:

D. Meyfarth  W. Zellhuber