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**D E C I S I O N**  
**of 2 February 2001**

**Case Number:** T 0535/00 - 3.5.2

**Application Number:** 93116193.9

**Publication Number:** 0648008

**IPC:** H02P 21/00

**Language of the proceedings:** EN

**Title of invention:**

Pulse width modulation inverter current detection method

**Patentee:**

Kabushiki Kaisha Meidensha

**Opponent:**

Siemens AG

**Headword:**

-

**Relevant legal provisions:**

EPC Art. 113(2)

**Keyword:**

"Revocation at request of the proprietor"

**Decisions cited:**

T 0186/84

**Catchword:**

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Case Number: T 0535/00 - 3.5.2

**D E C I S I O N**  
of the Technical Board of Appeal 3.5.2  
of 2 February 2001

**Appellant:** Siemens AG  
(Opponent) Postfach 22 16 34  
D-80506 München (DE)

**Representative:** -

**Respondent:** Kabushiki Kaisha Meidensha  
(Proprietor of the patent) 2-1-17, Osaki  
Shinagawa-ku  
Tokyo (JP)

**Representative:** Manitz, Finsterwald & Partner  
Postfach 22 16 11  
D-80506 München (DE)

**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 7 April 2000  
rejecting the opposition filed against European  
patent No. 0 648 008 pursuant to Article 102(2)  
EPC.

**Composition of the Board:**

**Chairman:** W. J. L. Wheeler  
**Members:** F. Edlinger  
P. H. Mühlens

## **Summary of Facts and Submissions**

- I. In its decision posted on 7 April 2000 the Opposition Division rejected the opposition against European patent No. 0 648 008.
  
- II. The appellant (opponent) filed an appeal against this decision by a letter filed on 24 May 2000, filed a statement setting out the grounds of appeal on 7 August 2000, and requested that the patent be revoked.
  
- III. In a letter dated 29 January 2001 the respondent (patentee) requested revocation of the patent.

## **Reasons for the Decision**

1. The appeal 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 the patent, the present European patent has to be revoked (cf. T 186/84, OJ EPO 1986, 79).

**Order**

**For these reasons it is decided that:**

1. The decision under appeal is set aside.
2. The European patent No. 0 648 008 is revoked.

The Registrar:

The Chairman:

M. Hörnell

W. J. L. Wheeler