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D E C I S I O N
of 23 September 2002

Case Number: T 1005/01- 3.2.4

Application Number: 93610042.9

Publication Number: 0579573

IPC: A01D 57/00

Language of the proceedings: EN

Title of invention:
A lift-suspended mower

Patentee:
JF-FABRIKEN - J. FREUDENDAHL A/S

Opponent:
Maasland N.V.

Headword:
Mower/JF-FABRIKEN - J. FREUDENDAHL A/S

Relevant legal provisions:
EPC Art. 113(2)

Keyword:
"Withdrawal of the approval of the text of the patent"

Decisions cited:
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Catchword:
-

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Case Number: T 1005/01 - 3.2.4

D E C I S I O N
of the Technical Board of Appeal 3.2.4
of 23 September 2002

Appellant: (Opponent)
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Representative:
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Respondent: (Proprietor of the patent)
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Decision under appeal: **Decision of the Opposition Division of the European Patent Office posted 16 July 2001 rejecting the opposition filed against European patent No. 0 579 573 pursuant to Article 102(2) EPC.**

Composition of the Board:

Chairman: C. A. J. Andries
Members: P. Petti
C. Holtz

Summary of Facts and Submissions

I. In a decision dated 16 July 2001, the Opposition Division rejected the opposition filed against European patent No. 0 579 573 granted upon the subject-matter of European patent application No. 93 610 042.9.

II. The Appellant (Opponent) appealed against this decision by a letter filed on 28 August 2001, paid the fee for appeal on the same date and filed a statement of grounds of appeal on 22 November 2001, in which he requested that the patent be revoked.

III. In a letter dated 5 September 2002 the Respondent (Patentee) stated that it "has lost interest in the above patent and thus wishes to finish the proceedings", that "the consent to the text proposed for grant under Rule 51(45) EPC is hereby withdrawn and no new text will be filed instead" end that "the request for oral proceedings is likewise withdrawn."

Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.

2. From the statements referred to above under point III it follows that the Patentee no longer approves the text in which the patent was maintained and will not submit any amended text, so that the patent has to be revoked.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.

2. The patent is revoked.

The Registrar: The Chairman:

G. Magouliotis C. Andries