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**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:

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Relevant legal provisions:

EPC Art. 113(2)

Relevant legal provisions (EPC 1973):

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Keyword:

"Revocation at request of patent proprietor"

Decisions cited:

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Catchword:

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Case Number: T 0789/05 - 3.2.05

D E C I S I O N
of the Technical Board of Appeal 3.2.05
of 21 April 2008

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

Representative: Dreiss, Fuhlendorf, Steimle & Becker
Patentanwälte
Postfach 10 37 62
D-70032 Stuttgart (DE)

Respondent: Degussa AG
(Opponent) Paul-Baumann-Straße 1
D-45764 Marl (DE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 27 April 2005
revoking European patent No. 0755493 pursuant
to Article 102(1) EPC 1973.

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