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**Datasheet for the decision  
of 6 July 2009**

**Case Number:** T 0551/06 - 3.3.06

**Application Number:** 99942147.2

**Publication Number:** 1069942

**IPC:** B01J 19/00

**Language of the proceedings:** EN

**Title of invention:**

Parallel reactor with internal sensing and method of using same

**Patentee:**

Symyx Technologies, Inc.

**Opponents:**

hte Aktiengesellschaft  
Degussa AG

**Headword:**

Parallel reactor/SYMYX

**Relevant legal provisions:**

-

**Relevant legal provisions (EPC 1973):**

-

**Keyword:**

"Appeal withdrawn"

**Decisions cited:**

-

**Catchword:**

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Case Number: T 0551/06 - 3.3.06

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.06  
of 6 July 2009

**Appellant:** Symyx Technologies, Inc.  
(Patent Proprietor) 3100 Central Expressway  
Santa Clara, CA 95051 (US)

**Representative:** Bizley, Richard Edward  
HLBBshaw  
Merlin House  
Falconry Court  
Baker's Lane  
Epping, Essex CM16 5DQ (GB)

**Respondent:** hte Aktiengesellschaft  
(Opponent) the high throughput experimentation company  
Kurpfalzring 104  
D-69123 Heidelberg (DE)

**Representative:** Ricker, Mathias  
Wallinger Ricker Schlotter Foerstl  
Patent- und Rechtsanwälte  
Zweibrückenstrasse 2  
D-80331 München (DE)

**Respondent:** Degussa AG  
(Opponent) Rodenbacher Chaussee 4  
D-63457 Hanau-Wolfgang (DE)

**Representative:** -

**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 31 January 2006  
revoking European patent No. 1069942 pursuant  
to Article 102(1) EPC 1973.

**Composition of the Board:**

**Chairman:** P.-P. Bracke  
**Members:** E. Bendl  
U. Tronser

## Summary of Facts and Submissions

- I. The appeal is against the decision of the Opposition Division posted 31<sup>st</sup> January 2006 to revoke the European Patent 1069942.
- II. The Patentee (Appellant) filed on 10<sup>th</sup> April 2006 an appeal against this decision and paid the appeal fee simultaneously; the grounds of appeal were filed on 12<sup>th</sup> June 2006.
- III. With his letter dated 22<sup>nd</sup> January 2009 answering to the summons to oral proceedings issued by the Board, the Appellant informed the Board as follows: "I write to advise you that the proprietor, Symyx Technologies, Inc will not be attending Oral Proceedings. In addition, I hereby withdraw all claim requests before the Board."
- IV. With the official communication dated 08<sup>th</sup> April 2009 the Board pointed out that this submission being unclear, the Appellant was invited to clarify.  
  
Furthermore it was stated that in case of absence of any reply within a period of two months, the appeal would be considered withdrawn.
- V. The Appellant did not submit any reply within the given time limit.

## **Reasons for the Decision**

Given the reasons mentioned above the Board interprets Appellant's statement of 22<sup>nd</sup> January 2009 as a withdrawal of the appeal.

## **Order**

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

The appeal is considered withdrawn.

The Registrar

The Chairman

G. Rauh

P.-P. Bracke