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**Datasheet for the decision
of 26 August 2008**

Case Number: T 0899/06 - 3.2.06

Application Number: 01103395.8

Publication Number: 1129805

IPC: B23B 27/16

Language of the proceedings: EN

Title of invention:
Cutting insert and tool

Patentee:
Sandvik Intellectual Property AB

Opponent:
Iscar Ltd.

Headword:
-

Relevant legal provisions:
-

Relevant legal provisions (EPC 1973):
EPC Art. 113(2)

Keyword:
"Request withdrawn - no approved text Art. 113(2) EPC 1973"

Decisions cited:
-

Catchword:
-



Case Number: T 0899/06 - 3.2.06

D E C I S I O N
of the Technical Board of Appeal 3.2.06
of 26 August 2008

Appellant:
(Opponent)

Iscar Ltd
P.O. Box 11
IL-Tefen 24959 (IL)

Representative:

Vossius & Partner
Siebertstraße 4
D-81675 München (DE)

Respondent:
(Patent Proprietor)

Sandvik Intellectual Property AB
SE-811 81 Sandviken (SE)

Representative:

Stein, Jan Anders Lennart
Groth & Co. KB
P.O. Box 6107
SE-102 32 Stockholm (SE)

Decision under appeal:

Interlocutory decision of the Opposition
Division of the European Patent Office posted
08 May 2006 concerning maintenance of European
patent No. 1129805 in amended form.

Composition of the Board:

Chairman: P. Alting Van Geusau
Members: M. Harrison
W. Sekretaruk

Summary of Facts and Submissions

- I. In its interlocutory decision posted on 8 May 2006, the opposition division decided that European patent number 1 129 805 in its amended form met the requirements of the European Patent Convention.
- II. The appellant (opponent) filed an appeal against the decision and requested revocation of the patent.
- III. The proprietor (respondent) requested dismissal of the appeal or alternatively maintenance of the patent in an amended form based on the claims of one of its auxiliary requests.
- IV. At the end of the oral proceedings of 26 August 2008, the respondent (proprietor) withdrew all its requests and did not approve any text for maintaining the patent.

The appellant confirmed its request for revocation of the patent.

Reasons for the Decision

No requests in the proceedings - Article 113(2) EPC 1973

Since the respondent withdrew all requests and did not approve any text for maintaining the patent, there is consequently no text in the proceedings which has been submitted to the European Patent Office (EPO), or agreed, by the proprietor, on which the EPO can take a decision regarding maintenance of the patent (Article 113(2) EPC 1973).

The patent must therefore 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:

D. Sauter

P. Alting van Geusau