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**Datasheet for the decision
of 7 May 2009**

Case Number: T 1690/06 - 3.2.05

Application Number: 99109338.6

Publication Number: 0949084

IPC: B41M 5/00

Language of the proceedings: EN

Title of invention:
Ink jet recording sheet

Patentee:
MITSUBISHI PAPER MILLS, LTD.

Opponent:
Felix Schoeller jr. Foto-und Spezialpapiere GmbH & Co. KG

Headword:
-

Relevant legal provisions:
EPC Art. 113(2)

Relevant legal provisions (EPC 1973):
-

Keyword:
"Revocation at request of patent proprietor"

Decisions cited:
-

Catchword:
-



Case Number: T 1690/06 - 3.2.05

D E C I S I O N
of the Technical Board of Appeal 3.2.05
of 7 May 2009

Appellant: Felix Schoeller jr. Foto-und Spezialpapiere
(Opponent) GmbH & Co. KG
D-49086 Osnabrück (DE)

Representative: Minderop, Ralph H.
COHAUSZ & FLORACK
Patent- und Rechtsanwälte
Bleichstrasse 14
D-40211 Düsseldorf (DE)

Respondent: MITSUBISHI PAPER MILLS. LTD.
(Patent Proprietor) 4-2, Marunouchi 3-chome
Chiyoda-ku
Tokyo 100 (JP)

Representative: Adam, Holger
Kraus & Weisert
Patent- und Rechtsanwälte
Thomas-Wimmer-Ring 15
D-80539 München (DE)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
12 September 2006 concerning maintenance of
European patent No. 0949084 in amended form.

Composition of the Board:

Chairman: W. Zellhuber
Members: S. Bridge
M. J. Vogel

Summary of Facts and Submissions

- I. The appeal is against the decision of the Opposition Division posted 12 September 2006 maintaining the European patent No. 0 949 084 in amended form.
- II. The appellant requested that the decision under appeal be set aside and that the patent in suit be revoked.
- III. In his letter dated 24 April 2009 the respondent (patent proprietor) requested that the patent be revoked.

Reasons for the Decision

The respondent/patent proprietor has made it clear that he wishes the patent to be revoked, see point III. Since it follows from the provision according to Article 113(2) EPC that a European patent cannot be maintained against the proprietor's will, the patent has to be revoked.

Order

For these reasons it is decided that:

The decision under appeal is set aside.

The patent is revoked.

The Registrar:

The Chairman:

D. Meyfarth

W. Zellhuber