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**Datasheet for the decision
of 8 January 2013**

Case Number: T 0758/10 - 3.3.03

Application Number: 02258937.8

Publication Number: 1323743

IPC: C08F 2/50, C08F 2/44, G02B 1/04

Language of the proceedings: EN

Title of invention:
Resin composition

Patentee:
Tokuyama Corporation

Opponent:
BASF SE

Headword:
"Revocation of European patent on request of proprietor"

Relevant legal provisions:
EPC Art. 101(2), 105a

Keyword:
-

Decisions cited:
-

Catchword:
-



Case Number: T 0758/10 - 3.3.03

D E C I S I O N
of the Technical Board of Appeal 3.3.03
of 8 January 2013

Appellant: BASF SE
(Opponent) Patentabteilung - C6
Carl-Bosch-Strasse 38
D-67056 Ludwigshafen (DE)

Respondent: Tokuyama Corporation
(Patent Proprietor) 1-1, Mikage-cho
Shunan-shi
Yamaguchi 745-0053 (JP)

Representative: Benson, John Everett
J A Kemp & Co.
14 South Square
Gray's Inn
London WC1R 5JJ (GB)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
4 February 2012 concerning maintenance of
European patent No. 1323743 in amended form.

Composition of the Board:

Chairman: B. ter Laan
Members: O. Dury
C.-P. Brandt

Summary of Facts and Submissions

- I. The appeal contests the decision of the opposition division posted 4 February 2010 concerning maintenance of the European Patent No. 1323743 in amended form.
- II. On 13 April 2010 the opponent filed an appeal against this decision and paid the appeal fee on the same day. The statement setting out the grounds of appeal was submitted by letter dated and received on 11 June 2010. In this letter the appellant requested that the decision of the opposition division be set aside and that the patent be revoked. Furthermore the appellant filed an auxiliary request for oral proceedings.
- III. With a letter dated 7 December 2010, the respondent requested that the appeal be dismissed.
- IV. In a communication pursuant to Rule 115(1) EPC, sent on 15 November 2012, the Board summoned the parties to oral proceedings to take place on 23 April 2013.
- V. With a letter dated 2 November 2012 the proprietor requested that the patent be revoked.

Order

For these reasons it is decided that:

The decision of the Opposition Division dated 4 February 2010 is set aside and European patent No. 1323743 is revoked.

The Registrar:

The Chairman:

E. Goergmaier

B. ter Laan