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**Datasheet for the decision
of 5 September 2018**

Case Number: T 2282/15 - 3.2.01

Application Number: 10154249.6

Publication Number: 2272751

IPC: B63H19/08

Language of the proceedings: EN

Title of invention:

Rudder for a ship

Patent Proprietor:

Daewoo Shipbuilding&Marine Engineering Co., Ltd.

Opponent:

Becker Marine Systems GmbH

Headword:

Relevant legal provisions:

EPC Art. 113(2)

Keyword:

Basis of decision - revocation of the patent at request of the patent proprietor

Decisions cited:

T 0483/10

Catchword:



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Case Number: T 2282/15 - 3.2.01

D E C I S I O N
of Technical Board of Appeal 3.2.01
of 5 September 2018

Appellant: Becker Marine Systems GmbH
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21079 Hamburg (DE)

Representative: RGTH
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Respondent: Daewoo Shipbuilding&Marine Engineering Co., Ltd.
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Representative: Intès, Didier Gérard André
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Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
9 October 2015 concerning maintenance of the
European Patent No. 2272751 in amended form.**

Composition of the Board:

Chairman G. Pricolo
Members: C. Narcisi
S. Fernández de Córdoba

Summary of Facts and Submissions

- I. The appeal of the opponent (appellant) lies against the interlocutory decision of the Opposition Division maintaining European patent No. 2 272 751 in amended form.
- II. Following summons to oral proceedings and a communication of the Board, the patent proprietor (respondent) stated with letter of 9 August 2018 that "the patentee is not interested in pursuing the opposition and requests revocation of the patent".
- III. With communication dated 16 August 2018 the Board informed the parties that it understood the patent proprietor's statement as implying that the patent proprietor no longer approved the text in which the patent was granted and the text in which the patent was maintained by the opposition division, that all current and previous requests regarding maintenance of the patent in any restricted form were withdrawn, as well as the request for oral proceedings. Thus, both the patent proprietor and the opponent aimed at obtaining the revocation of the patent and there existed no longer any version of a text submitted and/or approved by the patent proprietor (Article 113(2) EPC) in which the patent could be maintained. The patent could therefore only be revoked (see e.g. T 483/10). The Board then stated its intention to cancel the oral proceedings and issue a written decision to revoke the patent.
- IV. With letters dated 20 August 2018 and 3 September 2018 the opponent (appellant) and the patent proprietor (respondent), respectively, stated their agreement with

the Board's view. Consequently, the oral proceedings were cancelled.

Reasons for the Decision

1. As is apparent from points II to IV above, the patent proprietor no longer approves the text in which the patent was granted and the text in which the patent was maintained by the opposition division. The patent proprietor has withdrawn all current and previous requests regarding maintenance of the patent in any restricted form, has withdrawn the request for oral proceedings, and has requested the revocation of the patent.
2. Consequently, both the patent proprietor and the opponent (appellant) aim at obtaining the revocation of the patent and there exists no longer any version of a text submitted and/or approved by the patent proprietor (Article 113(2) EPC) in which the patent can be maintained.
3. The patent can therefore only 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:



A. Vottner

G. Pricolo

Decision electronically authenticated