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Aktenzeichen / Case Number / N° du recours : T 130/84

Anmeldenummer / Filing No / N° de la demande : 79301343.4

Veröffentlichungs-Nr. / Publication No / N° de la publication : 0007735

Bezeichnung der Erfindung: Prozess for making sulfurized olefins

Title of invention:

Titre de l'invention :

Klassifikation / Classification / Classement : C 07C

**ENTSCHEIDUNG / DECISION**

vom / of / du 22 August 1985

Anmelder / Applicant / Demandeur /

Patentinhaber / Proprietor of the patent /  
Titulaire du brevet :

MOBIL OIL CORPORATION

Einsprechender / Opponent / Opposant /

Stichwort / Headword / Référence : Sulfurized olefins / MOBIL OIL

EPÜ / EPC / CBE Articles 99(1), 112(1) Rule 56(1)

Leitsatz / Headnote / Sommaire

Europäisches  
Patentamt

Beschwerdekammern

European Patent  
Office

Boards of Appeal

Office européen  
des brevets

Chambres de recours



Case Number: T 130 / 84

**DECISION**  
**of the Technical Board of Appeal 3.3.1**  
**of 22 August 1985**

**Appellants:**  
(Opponents)

MOBIL OIL CORPORATION  
150 East 42nd Street  
New York, New York 10017 (US)

**Representative:**

Cooper, John Anthony  
Mobil Court  
3 Clements Inn  
London WC2A 2EB (GB)

**Respondents:**  
(Proprietors of  
the patent)

the said MOBIL OIL CORPORATION

**Representative:**

the said John Anthony Cooper

**Decision under appeal:**

Decision of the Opposition Division (Formalities  
Section) of the European Patent Office dated  
30 March 1984 finding a Notice of Opposition to  
European patent n°.0007735 to be inadmissible  
pursuant to Rule 56(1) EPC.

**Composition of the Board:**

**Chairman:** K. Jahn

**Member:** P. Ford

**Member:** F. Antony

## SUMMARY OF FACTS AND SUBMISSIONS

- I. By a Decision of this Board concerning this appeal dated 3 September 1984 a point of law concerning the right of a proprietor of a European patent to file a notice of opposition against that patent was referred to the Enlarged Board of Appeal. The relevant facts and the submissions of the appellant are summarised in that Decision.
  
- II. By its Decision dated 24 July 1985 the Enlarged Board of Appeal held that a notice of opposition against a European patent is not inadmissible merely because it has been filed by the proprietor of that patent.

## REASONS FOR THE DECISION

1. In its earlier Decision dated 3 September 1984 this Board has already decided that the present appeal is admissible.
  
2. The Decision of the Enlarged Board of Appeal dated 24 July 1985 is binding on this Board by virtue of the provisions of Article 112(3) EPC.
  
3. This Board considers that the said Decision of the Enlarged Board of Appeal is decisive for the purposes of the present appeal and that, accordingly, the Decision under appeal must be set aside and the case remitted to the Opposition Division for examination of the opposition in accordance with the provisions of Articles 101 and 102 EPC.

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O R D E R

For these reasons,

it is decided that:

1. The Decision of the Opposition Division (Formalities Section) of the European Patent Office dated 30 March 1984 finding the Notice of Opposition to European Patent N°. 0007735 to be inadmissible pursuant to Rule 56(1) EPC is set aside.
2. The opposition is remitted to the Opposition Division for examination.

The Registrar

The Chairman

B A Norman

K Jahn