

Veröffentlichung im Amtsblatt	Ja/Nein
Publication in the Official Journal	Yes/No
Publication au Journal Officiel	Oui/Non



Aktenzeichen / Case Number / N° du recours : T 426/86

Anmeldenummer / Filing No / N° de la demande : 79 104 214.6

Veröffentlichungs-Nr. / Publication No / N° de la publication : 0 012 203

Bezeichnung der Erfindung Polycarbonates with improved age-resisting
Title of invention: properties
Titre de l'invention :

Klassifikation / Classification / Classement : C08 G63/62

ENTSCHEIDUNG / DECISION

vom / of / du 8 July 1987

Anmelder / Applicant / Demandeur :

Patentinhaber / Proprietor of the patent / Allied Corporation
Titulaire du brevet :

Einsprechender / Opponent / Opposant : Bayer AG

Stichwort / Headword / Référence :

EPÜ / EPC / CBE Articles 102(3a), 113(2)

Kennwort / Keyword / Mot clé : "Revocation of European patent at request of the proprietor"

Leitsatz / Headnote / Sommaire

Europäisches
Patentamt
Beschwerdekammern

European Patent
Office
Boards of Appeal

Office européen
des brevets
Chambres de recours



Case Number : T 426/86

D E C I S I O N
of the Technical Board of Appeal 3.3.1
of 8 July 1987

Appellant :
(Opponent)

Bayer AG
Bayerwerk
D - 5090 Leverkusen

Representative :

Respondent :
(Proprietor of the patent)

Allied Corporation
Columbia Road and Park Avenue
P.O. Box 2245R
Moristown
New Jersey 07960
USA

Representative :

Collier, Jeremy Austin Grey
J.A. Kemp and Co.
14 South Square
Gray's Inn
London WC1R 5EU
GB

Decision under appeal :

Interlocutory decision of the
Opposition Division of the European
Patent Office dated 3 October 1986
concerning maintenance of European
Patent No. 12 203 in amended form.

Composition of the Board :

Chairman : K. Jahn

Members : G. Paterson
C. Gérardin

Summary of Facts and Submissions

- I. Notice of opposition to the European patent No. 0 012 203 was filed on 10 September 1983. In an interlocutory decision dated 3 October 1986, the Opposition Division decided to maintain the patent as amended by the patentee during the opposition proceedings.

- II. The Appellant filed a notice of appeal on 7 November 1986, and the fee for appeal was duly paid. A statement of grounds of appeal was filed on 12 January 1987. A copy of this statement was sent to the Respondent on 4 March 1987. In reply, the Respondent filed a letter on 13 March 1987, which acknowledged receipt of the statement of grounds of appeal, and which stated that no reply would be filed, and that "the patent proprietor no longer approves of the text of the European patent, either as granted or as proposed with the decision of the Opposition Division".

Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.

2. In Decision T 73/84 "Revocation at the instance of the patent proprietor/SMS" (OJ EPO 8/1985, page 241) the Board of Appeal held that in an appeal in opposition proceedings, if the patent proprietor states that he no longer approves of the text in which the patent was granted and that he

would not be submitting an amended text, the patent should be revoked (confirming the practice in the Opposition Division as set out in Legal Advice No. 11/82 (OJ EPO 2/1982, page 57)).


3. In the present case, the patent proprietor has made it clear in his letter filed on 13 March 1987 that he wishes the patent to be revoked. In the exercise of its power under Article 111(1) EPC, the Board has therefore decided to revoke the patent.

Order

For these reasons, it is decided that

the Interlocutory Decision of the Opposition Division dated 30 October 1986 is set aside, and European patent No. 0 012 203 is revoked.

The Registrar



The Chairman

