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Aktenzeichen / Case Number / N<sup>o</sup> du recours : T 415/87 - 3.3.1

Anmeldenummer / Filing No / N<sup>o</sup> de la demande : 81 200 327.5

Veröffentlichungs-Nr. / Publication No / N<sup>o</sup> de la publication : 0 038 094

Bezeichnung der Erfindung: Preparation of high molecular polytetramethylene  
Title of invention: adipamide  
Titre de l'invention :

Klassifikation / Classification / Classement : C08G 69/26

### ENTSCHEIDUNG / DECISION

vom / of / du 27 June 1988

Anmelder / Applicant / Demandeur :

Patentinhaber / Proprietor of the patent /  
Titulaire du brevet : Stamicarbon B.V.

Einsprechender / Opponent / Opposant : BASF AG

Stichwort / Headword / Référence :

EPO / EPC / CBE Articles 111(1), 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 415/87 - 3.3.1

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.1  
of 27 June 1988

**Appellant :** BASF Aktiengesellschaft  
(Opponent) -Patentabteilung - C6-  
Carl-Bosch-Strasse 38  
D-6700 Ludwigshafen

**Representative :**

**Respondent :** STAMICARBON B.V.  
(Proprietor of the patent) Mijnweg 1  
NL-6167 AC Geleen

**Representative :**

**Decision under appeal :** Interlocutory decision of the Opposition Division of  
the European Patent Office dated 6 October 1987  
concerning maintenance of European patent  
No. 0 038 094 in amended form.

**Composition of the Board :**

**Chairman :** K. Jahn

**Members :** C. Gérardin  
G.D. Paterson

## Summary of Facts and Submissions

- I. In an interlocutory decision dated 6 October 1987, the Opposition Division decided to maintain the patent 0 038 094 in amended form.
- II. The Appellant appealed against this decision by a letter filed on 27 November 1987, paid the fee for appeal on the same date and filed a statement of grounds of appeal on 23 January 1988, in which he requested that the patent be revoked.
- III. In a letter dated 10 June 1988 the Respondent stated: " ... that Stamicarbon B.V. has decided to withdraw the above application."

## Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.
2. Although the Patentee (Respondent) states in his letter dated 10 June 1988 that he withdraws his application, the Board interprets this statement as meaning that he no longer wishes his patent to be maintained, and thus as a request for revocation of the patent. Following the principles stated in Decision T 237/86 dated 11 June 1987 "Abandoned patent/SMS", in the exercise of its powers under Article 111(1) EPC the Board has decided to revoke the European patent.

**Order**

**For these reasons, it is decided that:**

The decision of the Opposition Division dated 6 October 1987 is set aside, and European patent No. 0 038 094 is revoked.

**The Registrar:**



**The Chairman:**



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MP

CG.