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Aktenzeichen / Case Number / N<sup>o</sup> du recours : T 430/88 - 3.5.1

Anmeldenummer / Filing No / N<sup>o</sup> de la demande : 83 100 177.1

Veröffentlichungs-Nr. / Publication No / N<sup>o</sup> de la publication : 0 083 945

Bezeichnung der Erfindung: Method and apparatus of controlling induction motors

Title of invention:

Titre de l'invention :

H02P 5/40

Klassifikation / Classification / Classement :

**ENTSCHEIDUNG / DECISION**  
14 August 1990  
vom / of / du

Anmelder / Applicant / Demandeur :

Patentinhaber / Proprietor of the patent /  
Titulaire du brevet : Hitachi Ltd.

Einsprechender / Opponent / Opposant :  
Siemens AG

Stichwort / Headword / Référence :

EPÜ / EPC / CBE Article 102, 111

Schlagwort / Keyword / Mot clé : "Patent revoked as consequence of Patentee  
stating "Patentee renounces the above patent"

Leitsatz / Headnote / Sommaire



Case Number : T 430/88 - 3.5.1

D E C I S I O N  
of the Technical Board of Appeal 3.5.1  
of 14 August 1990

Appellant : Hitachi Ltd.  
(Proprietor of the patent) 5-1, Marunouchi 1-chome  
Chiyoda-ku Tokyo 100 (JP)

Representative : Strehl, Peter, Dipl.-Ing. et.al.  
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Respondent : Siemens Aktiengesellschaft  
(Opponent) Berlin und München  
Postfach 22 16 34  
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Representative :

Decision under appeal : Decision of Opposition Division of the European Patent  
Office dated 23 June 1988 revoking European patent  
No. 0 083 945 pursuant to Article 102(1) EPC.

Composition of the Board :

Chairman : P.K.J. van den Berg  
Members : W. Riewald  
E. Persson

## Summary of Facts and Submissions

- I. In a decision dated 23 June 1988 the Opposition Division revoked the patent No. 0 083 945. The decision was based on amended independent Claims 1 and 2 filed with letter of 21 September 1987.
- II. On 1 September 1988 the Patentee lodged an appeal against the decision and paid the appeal fee on the same day.

A Statement of Grounds of Appeal was filed on 18 October 1988 with the request to set aside the decision of the Opposition Division and to maintain the patent with the claims filed on 21 September "1988" (which should obviously read 1987).

The Respondent (Opponent), with letter of 6 December 1988, requested the dismissal of the appeal.

In the appeal proceedings, the Rapporteur, in a communication dated 13 July 1989, voiced doubts in respect of inventive step. The Appellant, with letter of 22 January 1990, amended Claim 1 slightly. With letter of 2 May 1990 he requested oral proceedings "as a matter of precaution". Summons to oral proceedings, scheduled for 9 August 1990, were sent to the parties on 28 May 1990.

- III. Whereas the Respondent (Opponent) did not alter his request to dismiss the appeal (i.e. to confirm the revocation of the patent), the Appellant informed the Board by facsimile of 4 August 1990 that: "Patentee renounces the above patent". Subsequently, the oral proceedings were cancelled by order of 6 August 1990.

### Reasons for the Decision

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

The statement "Patentee renounces the above patent", given in the present appeal proceedings, must be understood in the light of the Opponent's request that the revocation, already pronounced by the Opposition Division, be confirmed by a dismissal of the Appellant's appeal. In accordance with the jurisprudence of the Boards of Appeal as appears from, *inter alia*, T 237/86 (OJ EPO 1988, 261), the appeal has to be dismissed.

### Order

For these reasons, it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:

M. Beer

P.K.J. van den Berg