

Publication in the Official Journal ~~Yes~~ / No

File Number: T 667/89 - 3.3.3

Application No.: 81 107 981.3

Publication No.: 0 052 217

Title of invention: Process for stabilizing by encapsulation red phosphorus
to be used as flame retardant of polymeric materials
and product so obtained

Classification: C08K 9/10

D E C I S I O N
of 16 August 1991

Proprietor of the patent: SAFFA S.p.A.

Opponent: HOECHST AKTIENGESELLSCHAFT, Frankfurt

Headword:

EPC Article 111(1)

Keyword: "Revocation of European patent as consequence of patentee
stating "he no longer approves the text in which the patent
was granted"

Headnote



Case Number : T 667/89 - 3.3.3

D E C I S I O N
of the Technical Board of Appeal - 3.3.3
of 16 August 1991

Appellant :
(Opponent)

HOECHST AKTIENGESELLSCHAFT, Frankfurt
Werk Knapsack
Patentabteilung
W - 5030 Hürth-Knapsack (DE)

Respondent :
(Proprietor of the patent)

SAFFA S.p.A.
Via Del Lauro, 9
I - 20121 Milano (IT)

Representative :

Ferri, Antonio
c/o BREVETTI EUROPA S.r.l.
Piazza Bernini 6
I - 20133 Milano (IT)

Decision under appeal :

Interlocutory decision of the Opposition Division
of the European Patent Office dated
30 August 1989 concerning maintenance of European
Patent No. 0 052 217 in amended form

Composition of the Board :

Chairman : F. Antony
Members : C.R.J.M. Gérardin
M.K.S. Aúz Castro

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Summary of Facts and Submissions

- I. In a decision dated 30 August 1989 the Opposition Division held that European patent No. 0 052 217 granted upon the subject-matter of European patent application No. 81 107 981.3 could be maintained in amended form.
- II. The Appellant (Opponent) appealed against the decision and filed a Statement of Grounds in which he requested that the patent be revoked.
- III. In a letter dated 16 July 1991 the representative of the proprietor stated "that he no longer approves the text in which the patent was granted".

Reasons for the Decision

1. The appeal complied with Articles 106 to 108 and Rule 64 EPC and is admissible.
2. The patentee has made it clear through his representative that he wishes his patent to be revoked. The Board can therefore in the exercise of its power under Article 111(1) EPC decide to revoke the European patent (see Decision T 237/86, OJ EPO 1988, 261).


Order

For these reasons, it is decided that:

The decision of the Opposition Division dated 30 August 1989 is set aside and the European patent No. 0 052 217 is revoked.

The Registrar:

The Chairman:


E. Gergmaier


F. Antony