

Publication in the Official Journal Yes / No

File Number: T 68/90 - 3.5.2
Application No.: 81 305 544.9
Publication No.: 0 053 036
Title of invention: Electrical system

Classification: H01B 11/14

D E C I S I O N
of 28 November 1991

Proprietor of the patent: RAYCHEM CORPORATION (a California corporation)

Opponent: Muse Technology, Corporation Trust Center

Headword:

EPC Articles 111(1), 113(2)

Keyword: "Revocation of European patent at request of the Proprietor"

Headnote



Case Number : T 68/90 - 3.5.2

D E C I S I O N
of the Technical Board of Appeal 3.5.2
of 28 November 1991

Appellant :
(Opponent) Muse Technology,
Corporation Trust Center
1209 Orange Street
Wilmington, Delaware 19801 (US)

Representative :
Patentanwälte
Dr. Solf & Zapf
Zeppelinstrasse 53
W - 8000 München 80 (DE)

Respondent :
(Proprietor of the patent) RAYCHEM CORPORATION (a California
corporation)
300 Constitution Drive
Menlo Park
California 94025 (US)

Representative :
Dlugosz, Anthony Charles
Raychem Limited
Intellectual Property Law Department
Faraday Road
Dorcan
Swindon, Wiltshire (GB)

Decision under appeal : Interlocutory decision of the Opposition Division
of the European Patent Office dated
27 December 1989 concerning maintenance of
European patent No. 0 053 036 in amended form.

Composition of the Board :

Chairman : R.E. Persson
Members : J.A. van Voorthuizen
A. Hagenbucher

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division to maintain the European patent No. 0 053 036 in amended form.

- II. In a letter dated 25 November 1991 and sent by telefax the Respondent informed the Board that he would not be attending the oral proceedings scheduled for the 27 November 1991 and requested "that the above application be withdrawn".

Reasons for the Decision

1. The appeal is admissible.

2. Although the Patentee (Respondent) states in his letter of 25 November 1991 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 established jurisprudence of the Boards of Appeal (cf. in particular decision T 237/86, OJ 1988, 261), 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 contested decision is set aside and the European patent
No. 0 053 036 is revoked.**

The Registrar:

The Chairman:

R.E. Persson