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Aktenzeichen / Case Number / N<sup>o</sup> du recours : T 249/90 - 3.4.2

Anmeldenummer / Filing No / N<sup>o</sup> de la demande : 84 302 889.5

Veröffentlichungs-Nr. / Publication No / N<sup>o</sup> de la publication : 0 125 083

Bezeichnung der Erfindung: Electrodes for electrolytic cells

Title of invention:

Titre de l'invention :

Klassifikation / Classification / Classement : C25B 11/00

### ENTSCHEIDUNG / DECISION

vom / of / du 7 August 1990

Anmelder / Applicant / Demandeur :

Patentinhaber / Proprietor of the patent /  
Titulaire du brevet :

OLIN Corporation

Einsprechender / Opponent / Opposant :

Solvay & Cie. (Société Anonyme)

Stichwort / Headword / Référence :

EPO / EPC / CBE Article 111(1)

Schlagwort / 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 249/90 - 3.4.2

**D E C I S I O N**  
of the Technical Board of Appeal 3.4.2  
of 7 August 1990

**Appellant :** Solvay & Cie. (Société Anonyme)  
(Opponent) Rue du Prince Albert, 33  
B-1050 Bruxelles

**Representative :** Anthoine, Paul  
Solvay & Cie.  
Département de la Propriété Industrielle  
310, rue de Ransbeek  
B-1120 Bruxelles

**Respondent :** OLIN Corporation  
(Proprietor of the patent) 350 Knotter Drive  
Cheshire, Connecticut 06410-0586  
(US)

**Representative :** Thomas, Roger Tamlyn  
D. Young & Co.  
10 Staple Inn  
London WC1V 7RD (GB)

**Decision under appeal :** Interlocutory decision of the Opposition Division of  
the European Patent Office dated 1 February 1990  
concerning maintenance of European Patent  
No. 0 125 083 in amended form.

**Composition of the Board :**

**Chairman :** J. Roscoe  
**Members :** W. Hofmann  
C. Payraudeau

### Summary of Facts and Submissions

- I. In an interlocutory decision dated 1 February 1990 the Opposition Division decided to maintain the patent No. 0 125 083 in amended form.
- II. The Opponent appealed against this decision by a letter filed on 27 March 1990; the appeal fee was paid on the same date and a statement of grounds filed on 15 May 1990.
- III. In a letter dated 19 July 1990 the Respondent (proprietor of the patent) stated: "...it is confirmed that the Patentees wish the patent to be revoked".

### Reasons for the Decision

1. The appeal is admissible.
2. The Respondent, proprietor of the patent, has made it clear in the letter dated 19 July 1990 that he wishes the 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 1 February 1990 is set aside and European patent No. 0 125 083 is revoked.

The Registrar:

The Chairman:

P. Martorana

J. Roscoe

