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Aktenzeichen / Case Number / N^o du recours : T 322/90 - 3.3.1

Anmeldenummer / Filing No / N^o de la demande : 84 200 560.5

Veröffentlichungs-Nr. / Publication No / N^o de la publication : 0 132 854

Bezeichnung der Erfindung: Process for the optical resolution of (+/-)
Title of invention: 2-(6'-methoxy-2'-naphthyl)-propionic acids
Titre de l'invention :

Klassifikation / Classification / Classement : C07C 51/487

ENTSCHEIDUNG / DECISION

vom / of / du 3 September 1990

Anmelder / Applicant / Demandeur :

Patentinhaber / Proprietor of the patent /
Titulaire du brevet :

Nobel Chemicals AB

Einsprechender / Opponent / Opposant :

Syntex Pharmaceuticals International
Limited

Stichwort / Headword / Référence :

EPÜ / EPC / CBE Articles 11(1), 113(2)

Schlagwort / Keyword / Mot clé :

"Revocation of European patent at request
of the proprietor"

Leitsatz / Headnote / Sommaire



Case Number : T 322/90 - 3.3.1

D E C I S I O N
of the Technical Board of Appeal 3.3.1
of 3 September 1990

Appellant : Syntex Pharmaceuticals International Limited
(Opponent) Global House
Church Street
Hamilton 5
Bermuda

Representative : Armitage, Jan Michael
Merburn Ellis & Co.
2/3 Cunsitor Street
London EC4A 1BR (GB)

Respondent : Nobel Chemicals AB
(Proprietor of the patent) S - 69185 Karlskoga

Representative : Schöld, Zaid
Nobel Industries Sweden AB
Patent Department
Box 11 554
S - 100 61 Stockholm

Decision under appeal : Decision of Opposition Division of the European
Patent Office dated 1 February 1990 rejecting
the opposition filed against European patent
No. 0 132 854 pursuant to Article 102(2) EPC.

Composition of the Board :

Chairman : K. Jahn
Members : R. Spangenberg
J. Stephens-Ofner

Summary of Facts and Submissions

- I. In a decision dated 1 February 1990 the Opposition Division decided to reject the opposition filed against European Patent 0 132 854 granted upon the subject-matter of European patent application No. 84 200 560.5.
- II. The Appellant appealed against this decision by a telex received on 10 April 1990, paid the fee for appeal on the same date and filed a Statement of Grounds of appeal on 8 June 1990, in which he requested that the patent be revoked.
- III. In a letter received on 28 August 1990, the Respondent requested the revocation of the European patent.

Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 84 EPC and is admissible.
2. The patentee has made it clear in his letter of 28 August 1990 that he wishes the patent to be revoked. Following the principles stated in Decision T 186/84 (OJ EPO 1986, 79), 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 1 February 1990 is set aside, and European patent No. 0 132 854 is revoked.

The Registrar:

The Chairman:

J. Rückerl

K. Jahn