

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

File Number: T 672/91 - 3.2.3
Application No.: 85 200 628.7
Publication No.: 0 162 509
Title of invention: Process and apparatus for extracting liquids from
aggregates and from gas/vapour mixtures
Classification: F26B 21/08, B01D 53/26

D E C I S I O N
of 10 April 1992

Proprietor of the patent: S.A. SEPARGAZ
Opponent: Linde Aktiengesellschaft

Headword:

EPC Articles 102(3)(a), 113(2)

Keyword: "Revocation at the request of the proprietor"

Headnote



Case Number : T 672/91 - 3.2.3

D E C I S I O N
of the Technical Board of Appeal 3.2.3
of 10 April 1992

Appellant : Linde Aktiengesellschaft, Wiesbaden
(Opponent) Zentrale Patentabteilung
W - 8023 Höllriegelskreuth (DE)

Respondent : S.A. SEPARGAZ
(Proprietor of the patent) Rue Aldringen, 11
L - 2960 Luxembourg (LU)

Representative : Van Malderen, Michel
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22 avenue J.S. Bach (bte 43)
B - 1080 Bruxelles (BE)

Decision under appeal : Interlocutory decision of the Opposition Division
of the European Patent Office dated 26 June 1991
concerning maintenance of European patent
No. 0 162 509 in amended form.

Composition of the Board :

Chairman : C.T. Wilson
Members : H. Andrae
L.C. Mancini

Summary of Facts and Submissions

- I. In its decision dated 26 June 1991 the Opposition Division maintained the European patent No. 0 162 509 in amended form.
- II. The Appellants (Opponents) appealed against the decision of the Opposition Division on 3 September 1991, requesting that the patent be revoked. The appeal fee was paid on 3 September 1991 and the Statement of Grounds filed on 4 November 1991.
- III. In a letter dated 2 April 1992 the Respondents (proprietors of the patent) likewise requested revocation of the patent.

Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.
2. The Respondents request the revocation of their European patent. This has to be construed as a statement meaning that they no longer approve of the text in which the patent was granted and that they also refrain from submitting an amended text (cf. decision T 186/84; OJ EPO 1986, 79).
3. Since it follows from the provision according to Article 113(2) EPC that a European patent cannot be maintained against the proprietor's will, the present European patent has, therefore, to be revoked (cf. T 73/84; OJ EPO 1985, 241).

Order

For these reasons, it is decided that:

1. The decision under appeal is set aside.
2. The European patent No. 0 162 509 is revoked.

The Registrar:



N. Maslin

The Chairman:



C.T. Wilson

