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**D E C I S I O N**  
**of 14 November 1994**

**Case Number:** T 0916/91 - 3.3.2

**Application Number:** 84850329.8

**Publication Number:** 0145685

**IPC:** C04B 24/26

**Language of the proceedings:** EN

**Title of invention:**

A cement mortar and concrete with a reduced water absorption  
and a method for manufacture thereof

**Patentee:**

Polyrand AB

**Opponent:**

HOECHST Aktiengesellschaft Werk Kalle-Albert

**Headword:**

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**Relevant legal provisions:**

EPC Art. 111(1), 113(2)

**Keyword:**

"Revocation of European patent at request of the Proprietor"

**Decisions cited:**

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**Catchword:**

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Case Number: T 0916/91- 3.3.2

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.2  
of 14 November 1994

**Appellant:**  
(Opponent) HOECHST Aktiengesellschaft  
Werk Kalle-Albert  
Zentrale Patentabteilung KA  
D-65174 Wiesbaden (DE)

**Representative:** -

**Respondent:**  
(Proprietor of the patent) Polyrand AB  
Ryetvägen 5  
S-430 80 Hovas (SE)

**Representative:** Roth, Ernst Adolf Michael  
GÖTEBORGS PATENTBYRA AB  
Box 5005  
S-402 21 Göteborg (SE)

**Decision under appeal:** Interlocutory decision of the Opposition Division  
of the European Patent Office dated 13 September  
1991 concerning maintenance of European patent  
No. 0 145 685 in amended form.

**Composition of the Board:**

**Chairman:** F. Antony  
**Members:** I. A. Holliday  
C. Holtz

### **Summary of Facts and Submissions**

- I. In an interlocutory decision dated 13 September 1991, the Opposition Division decided that patent No. 0 145 685 as amended met the requirements of the EPC.
- II. The Opponent appealed against this decision by a letter filed on 18 November 1991, paid the fee for appeal on the same date and filed a Statement of Grounds of Appeal on 22 January 1992. He requested that the patent be revoked.
- III. In a letter dated 2 November 1994 the Patentee (Respondent) stated: "In the matter of European patent No. 0 145 685 ..... we hereby apply for 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 Patentee (Respondent) has made clear in his letter dated 2 November 1994 that he wishes his patent to be revoked. The Board can therefore in 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:

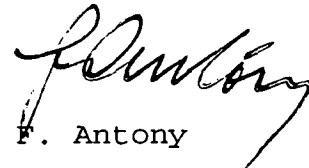
The decision of the opposition Division is set aside and European patent No. 0 145 685 is revoked.

The Registrar:



P. Martorana

The Chairman:



F. Antony