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Boards of Appeal

Chambres de recours

Appeal number - Board number: T0246/92-325

Date of Decision : 29 December 1992

Application number: 83101510.2

Publication number: 0087124

IPC : D02G1/02

Title of invention:

Process and apparatus for producing easily dyeable polyester false-twisted yarns

Applicant/ Patentee: Asahi Kasei Kogyo Kabushiki Kaisha

Opponent: HOECHST Aktiengesellschaft Zentrale Patentabteilung

Language of the proceedings: EN

Publication in the Official Journal

(A) [ ]

OJ: \_\_\_\_\_

No publication, but of general interest

(B) [ ]

Of no general interest

(C)

Headword : \_\_\_\_\_

Articles, Rules

o 113 (2) \_\_\_\_\_

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Keyword

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Decisions cited: T073/84 \_\_\_\_\_

Headnote / Catchword:



File Number: T0246/92-325

D E C I S I O N

of the Technical Board of Appeal  
of 29 December 1992

Appellant :

(Opponent)

HOECHST Aktiengesellschaft  
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ALLEMAGNE

(Representative)

Respondent:

(Proprietor of the patent) Asahi Kasei Kogyo Kabushiki Kaisha  
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(Representative)

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Decision under appeal:

Decision of the Opposition Division of the European  
Patent Office dated 15.01.92 rejecting the oppo-  
sition filed against European patent No. 0087124  
pursuant to Article 102(2) EPC

Composition of the Board:

Chairman: PAYRAUDEAU C.  
Members : LIS COURT M.  
BURKHART A.

### Summary of Facts and Submissions

- I. In its decision dated 15 January 1992 the Opposition Division rejected the opposition filed against the European patent No. 087 124.
  
- II. The Appellants (Opponents) appealed against the decision of the Opposition Division on 23 March 1992, requesting that the patent be revoked. The appeal fee was paid on 23 March 1992 and the statement of grounds filed on 20 May 1992.
  
- III. In a letter dated 29 December 1992 the Respondents (proprietors of the patent) declared that they no longer approved the text of the printed patent and would not file a new text.

### Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is admissible.
  
2. The Respondents have stated that they no longer approve of the text in which the patent was granted and that they also refrain from submitting an amended text.
  
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. 087 124 is revoked.

The Registrar:



A. Townend

The Chairman:



C. Payraudeau